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PUBLIC MEETING MATERIAL



**POLICE ACCOUNTABILITY BOARD
REGULAR MEETING
SUPPLEMENTAL PACKET NO.1
April 22, 2026
6:30 PM**

Board Members

Joshua Cayetano (Chair)

Leah Wilson (Vice-Chair)

Randy Wells

Joshua Buswell-Charkow

MEETING LOCATION

Office of the Director of Police Accountability
1900 Addison Street, Floor 3
Berkeley, CA 94704

Agenda Item Materials

Item	Description	Page
9.c.	Proposed Memorandum to City Council re “Surveillance Technology Procurement – Process Deficiencies, Vendor Dependence, and Availability of Competitive Alternatives”	1



MEMORANDUM

Date: April 20, 2026
To: Honorable Members of the Police Accountability Board (PAB)
From: Leah Wilson, Vice-Chair of the PAB
Subject: Proposed Memorandum to City Council re “Surveillance Technology Procurement – Process Deficiencies, Vendor Dependence, and Availability of Competitive Alternatives”

The purpose of this memorandum is to present a draft for the PAB’s consideration for transmittal to the City Council in advance of its May 7, 2026 Special Meeting.

Background:

On March 24, 2026, the Berkeley City Council considered an item titled “Public Safety Technology: Surveillance Technology Ordinance and Police Equipment Ordinance Approvals, Policy Updates, and Contract Authority,” which proposed contracting with Flock and acquiring new surveillance technology.¹ No action was taken, with plans to revisit the item at a June 2 Special meeting. However, because the City’s contract with Flock Safety expires in July, an additional meeting has been scheduled for May 7, at which Council will vote on the proposals and, if needed, finalize the contract on June 2.

Requested PAB Action:

Attachment 1 to this memorandum is a proposed draft letter from the PAB to Council for the May 7, 2026 Special meeting, at which the surveillance items will be considered. The letter identifies newly raised issues related to the procurement process used to select a technology vendor.

At the April 22, 2026 PAB meeting, the PAB is being asked to consider this draft alongside the separate ODPa staff report on drone vendor options, with the goal of consolidating these materials into a single, aligned communication with a clear and cohesive set of recommendations.

Attachment(s):

1. Proposed Memorandum to City Council re “Surveillance Technology Procurement – Process Deficiencies, Vendor Dependence, and Availability of Competitive Alternatives”

¹ See Item 26. March 24, 2026 Annotated Agenda: <https://berkeleyca.gov/sites/default/files/city-council-meetings/2026-03-24%20Annotated%20Agenda%20-%20Council.pdf>



MEMORANDUM

Date: Date TBD
To: Honorable Mayor Ishii and Members of the Berkeley City Council
From: Police Accountability Board
Subject: Surveillance Technology Procurement – Process Deficiencies, Vendor Dependence, and Availability of Competitive Alternatives

Background

The Police Accountability Board (PAB) submitted three memoranda to the City Council on March 18, 2026, in support of the council's planned March 24, 2026, consideration of a slate of surveillance-related items proposed by the Berkeley Police Department (BPD): (1) Flock Safety — Vendor Concerns, Cumulative Surveillance Architecture, and Recommendations for Council Action; (2) BPD's Proposed Acquisition and Use of Unmanned Aerial Surveillance Systems; and (3) BMC 2.99 Compliance Review of Community Video Streams and External Fixed Video Surveillance Cameras. The PAB's letters addressed BPD's proposed engagement with Flock Safety for additional surveillance services, including a Real-Time Information Center (RTIC) integration. An RTIC — or a real-time intelligence platform — is a software system that integrates live and historical data from multiple surveillance sources into a unified operational dashboard used by law enforcement for active incident monitoring and investigation. Flock Safety's platform, FlockOS, functions as a proprietary RTIC that would consolidate Berkeley's automatic license plate readers (ALPRs), fixed cameras, drone feeds, and community video streams under a single vendor-controlled interface.

The Council did not take substantive action on the surveillance package at its March 24, 2026, meeting and instead moved consideration of the items to June 2, 2026.

Subsequently, without any consultation or formal notice to the PAB, a majority of the Council voted to advance that date by approximately four weeks, to May 7, 2026. The PAB has accordingly accelerated its planned additional analysis of the procurement process and competitive vendor landscape which is presented herein.

PAB Unaware of Status of Issues Raised in March 18, 2026, Communications to Council; New Analysis of Procurement Process Identifies Additional Concerns

In materials submitted for the March 24 Council meeting, the PAB outlined concerns regarding proposed drone, community video stream, and fixed camera policies, the drone acquisition report, and the draft Master Services Agreement (MSA) with Flock Safety. As of the date of this draft, the PAB does not know if and how any of the issues it raised in March have been addressed.

The present memorandum raises new issues for Council’s consideration, specifically related to the procurement process undergirding BPD’s proposals, which encompass the original acquisition of the Flock ALPR system, the subsequent transition of the fixed camera program from Edgeworth Integration, LLC to Flock Safety, and the now-pending proposal to add drone-as-first-responder (DFR) and community video stream (CVS) capabilities — as well as RTIC integration services — under a new Flock Master Service Agreement.

This memorandum draws on the PAB’s review of relevant city procurement policies, the City Auditor’s February 2026 report on competitive contracting, public records relating to Councilactions, the Omnia Partners cooperative contract with Flock upon which the decision that a competitive solicitation is not needed rests, and statements made by BPD sworn and civilian staff at a meeting with the ODPa Director, the PAB Vice Chair, and a representative from the Mayor’s Office on April 17, 2026.

Procurement History

The City’s current relationship with Flock Safety appears to have grown incrementally over several years without a documented competitive procurement at any stage. The following sequence emerges from a review of Council records:

- On November 30, 2021, Council adopted a budget referral directing staff to study the feasibility of deploying fixed ALPRs in Berkeley. The staff report accompanying that item cited Flock Safety by name — identifying it as the ALPR vendor used by Vallejo and Piedmont — before any competitive evaluation had occurred. The ALPR Surveillance Acquisition Report subsequently submitted to Council in July 2023 explicitly states it was prepared “in response to the Council’s approved budget referral on ALPRs for community safety improvement on November 30th, 2021.” Flock Safety was thus the de facto reference vendor from the earliest stage of the program’s development, nearly two years before the technology was formally approved and a contract executed.
- In July 2023, BPD presented the ALPR acquisition report to Council. Council adopted a resolution accepting the proposed policies and report. The report does not name Flock Safety or any other vendor, though it refers throughout to ‘the vendor’ as though vendor selection had already occurred.

- The ALPR acquisition report's alternatives analysis considers only one alternative to ALPRs: "the deployment of additional police resources." No competing ALPR vendor is mentioned or evaluated anywhere in the document. The alternatives section notes that every Alameda County city has ALPRs, framing the question as whether to adopt the technology at all — not which vendor to use or what competitive process to follow.
- Following Council's July 2023 approval of the technology acquisition, BPD appears to have executed a contract with Flock Safety administratively, without any separate council action authorizing that vendor selection. BPD has confirmed that a cooperative purchasing agreement was used but has not provided documentation identifying which cooperative contract governed the ALPR procurement. Note that the Omnia Partners contract BPD currently cites as the basis for a non-competitive contract with Flock Safety was not executed until November 2024, and license plate recognition cameras were not added to its scope until Contract Update 3 in August 2025 — meaning this contract could not have been the vehicle for the ALPR procurement that occurred in 2023.
- In March 2025, Council passed a resolution authorizing the City Manager to transition the fixed surveillance camera program from Edgeworth Integration to Flock Safety, and to execute all necessary actions to implement the transition. That item stated that the Flock cameras "qualify for a consortium purchasing agreement — the same method we used to purchase Flock ALPRs" — confirming that the ALPR contract was also executed via cooperative purchasing and that BPD viewed this as an established and replicable pattern.
- In July 2025, BPD returned to Council with a Surveillance Technology Ordinance (STO) compliance submission for the Flock Condor fixed cameras. The item notes Flock was identified through "subsequent analysis" but provides no detail on what that analysis entailed, whether alternatives were evaluated, or what procurement vehicle was used.

The Berkeley Purchasing Manual (revised November 2025) establishes the following requirements:

- Purchasing Manual Section II.6 requires a formal Request for Proposals (RFP) for any service contract exceeding \$50,000. No RFP was issued for either the ALPR contract or the fixed camera transition to Flock.
 - Purchasing Manual Section I.3 permits cooperative purchasing — sometimes called "piggybacking" — as an exception to the general competitive bidding requirement. Under this approach, a public agency can use an existing contract that was competitively bid by another agency rather than conducting its own solicitation, provided the original contract permits it and the new contract covers an "identical scope of work." The principle is

that the competitive process has already occurred; the piggybacking agency simply extends those same terms to its own use.

The PAB believes it has reviewed the Omnia Partners cooperative contract BPD has cited (Region 4 ESC solicitation R250203, titled “Weapons and Threat Detection Equipment, Services, and Other Solutions”). That review raises two significant concerns. First, regarding scope: Flock submitted its full product suite in response to the Region 4 solicitation, including license plate readers (Falcon® series), fixed cameras (Condor), drone platform (Aerodrome), and RTIC software (FlockOS). ALPR cameras were formally added to the Flock price list under this contract only in August 2025 (Contract Update 3), nine months after the contract was originally awarded — meaning the ALPR pricing Berkeley relies on was not part of any competitive evaluation. A post-award price list update is not a competitively bid scope addition. Second, regarding contract terms: the standard Region 4 Master Agreement terms were part of what was competitively evaluated in the solicitation. In its Appendix B (Terms & Conditions Acceptance Form), Flock took a sweeping exception to those standard terms. Under Section 6 (Entire Agreement), Flock proposed that “The Contract, Flock’s Master Services Agreement and the Order Form...represents the final written expression of agreement” and that “no other agreements or representations that materially alter it are acceptable.” This provision makes Flock’s own MSA the exclusive governing document, displacing any Region 4 standard terms that would conflict with it. The operative contract terms Berkeley would be using — Flock’s MSA — were thus never competitively evaluated; the competitive process vetted one set of terms, and Berkeley would sign an entirely different set.

- Purchasing Manual Section I.3 provides that “[r]egardless of whether or not a contract qualifies for a waiver of solicitation, most contracts should be re-bid every 5-7 years.” Berkeley has no record of having competitively bid its Flock relationship at any point.

Taken together, the documentary record and BPD’s own statements reveal a procurement pattern with three consistent features: the STO process is used to authorize technology acquisition without naming a vendor; vendor selection occurs informally, through conversations with other cities and vendor presentations, without written criteria or competitive solicitation; and the resulting contract is executed under cooperative purchasing without separate Council authorization of the vendor choice — though the March 2025 camera transition from Edgeworth to Flock did receive explicit Council authorization by resolution. BPD has described this pattern explicitly as intentional — because cooperative contracting does not require a competitive process. The PAB’s

concern is not with whether a technical shortcut exists, but whether it is appropriate for a multi-year, expanding surveillance platform contract with direct civil liberties implications and a total cost of ownership that remains undocumented and unverified.

City Auditor's February 2026 Report Suggests Additional Scrutiny Needed

The City Auditor's February 19, 2026, report, *City Contracts — Outdated Process Led to Non-Competitive Contracts*, is directly relevant here. Among its key findings:

- 38 percent of competition waivers reviewed in FY2024 did not meet the criteria that would justify bypassing competitive procurement. The Auditor found that City staff were approving waivers that did not satisfy the applicable exception categories.
- The audit identified a pattern of contract expansion without re-competition — the average expansion was approximately \$218,026 per contract amendment, and 70 percent of amended contracts had been in place for five or more years.
- The audit noted an enforcement gap: Berkeley Municipal Code does not legally require competition for service contracts, meaning the procurement rules are contained only in the Purchasing Manual, which is a policy document rather than a binding legal mandate.
- Auditor Recommendation 1.2 specifically calls for updating Berkeley Municipal Code Section 7.18 to establish a legal requirement for competitive procurement for service contracts above a specified threshold — directly closing the enforcement gap that currently allows the Flock procurement pattern to continue.

The proposed Flock surveillance platform expansion follows the precise pattern the Auditor identified: an existing vendor relationship, initiated without competitive bidding, being expanded in scope and cost without re-competition. The Auditor's finding that 38 percent of waivers reviewed were unjustified is particularly concerning when applied to a procurement that BPD has itself characterized as not requiring formal process.

What We Might Learn from a Competitive Solicitation

A. Transparent Analysis of the Benefits and Risks of a Unified vs. Distributed Surveillance Architecture

BPD has presented each surveillance technology component to Council as STO compliance items: fixed ALPRs in July 2023, fixed Condor cameras in July 2025, and drone-as-first-responder and community video streams in currently pending proposals. Each item has been evaluated individually. No combined assessment has been presented to Council or the PAB showing the aggregate surveillance coverage, combined data retention and data-sharing implications, total contract value, or cumulative civil liberties impact of deploying the complete system simultaneously. Each component, evaluated in isolation, may appear manageable. The cumulative architecture presents a

substantially different picture — one that Council has not yet been asked to consider as a whole.

BPD has argued that because the city is leasing rather than purchasing surveillance equipment, vendor lock-in is not a concern — the city can simply decline to renew and transition to another vendor. This argument conflates legal ownership of hardware with operational dependence on a vendor ecosystem. When a lease ends, the cameras return to Flock — but the years of accumulated scan records, hotlists, alert configurations, and cross-jurisdictional network relationships built within FlockOS do not. Data migration is controlled by Flock. Institutional workflows built around the platform do not transfer automatically. Furthermore, each additional component added to FlockOS deepens technical and operational dependency and raises the cost of any future transition. By the time that transition becomes necessary, the accumulated switching cost may itself become a justification for staying. That is precisely the outcome that competitive procurement requirements are designed to prevent.

The experience of comparable jurisdictions illustrates the point. Los Angeles — the largest Flock ALPR deployment in the country — runs its Flock data through Palantir's data fusion platform rather than FlockOS. Chula Vista operates Flock cameras and DJI/Skydio drones as entirely separate procurements with no unified platform. Richmond simultaneously uses Flock hardware and Axon Evidence for drone footage management. These deployments disprove the premise that a single-vendor ecosystem is technically required.

If the city commits ALPRs, fixed cameras, drones, and community video streams to a single FlockOS platform, any disruption to Flock Safety — a price increase, a security breach, an acquisition, a regulatory action, or a policy change that conflicts with Berkeley's sanctuary city commitments — affects all surveillance capabilities simultaneously. A multi-vendor architecture, by contrast, allows the city to respond to a problem with one vendor while maintaining continuity across other components. Open-architecture integration platforms like Genetec Security Center and Axon Fusus are explicitly designed to be manufacturer-agnostic, with pre-built connectors for cameras, ALPR systems, and third-party data sources from multiple vendors — no custom development required. A well-structured RFP could require the winning vendor to provide integration services as part of the contract scope, entirely removing the technical burden of doing so from city staff.

B. Documented Requirements for Each Component of the Proposed Surveillance System

At the April 17, 2026, meeting, BPD confirmed that no written functional requirements document existed prior to DFR vendor selection — that vendor evaluation instead consisted of informal conversations with other cities and vendor presentations. It is unclear if any process was undertaken to compare RTIC capabilities — informal or otherwise. A competitive solicitation would require BPD to specify, in writing, what it actually needs: mandatory versus preferred capabilities for each technology component, integration requirements, data governance standards, and performance metrics. That documentation does not currently exist.

BPD also cited, as a justification for engaging Flock Safety, the “network effect of being on the same platform that every other city (in the county) is on”. If cross-jurisdictional real-time query capability is an operational requirement for BPD, it should be documented as a written requirement and evaluated competitively. Whether Flock is the only vendor with meaningful network coverage in Alameda County and the Bay Area — or whether competing platforms offer comparable interoperability — has not been analyzed. Treating network effect as a sole-source justification rather than as a documented requirement is the kind of informal reasoning that a formal RFP is designed to replace.

C. Clear, Transparent, and Comprehensive Vendor Articulation of Ability to Meet Requirements with Corresponding Costs

A competitive solicitation would require each responding vendor to demonstrate, in writing, its ability to meet Berkeley’s documented requirements for each technology component, along with itemized pricing for hardware, software licensing, implementation, training, data migration, and ongoing support. That documentation would allow an apples-to-apples comparison across vendors — including a direct comparison of the total cost of a unified FlockOS deployment against a modular, open-architecture approach using best-of-class components. The Council and the public currently do not have the benefit of any such comparative data.

D. Overview of the Provider Landscape for All Component Parts

The choice between a unified, proprietary RTIC platform such as FlockOS and an open-architecture integration approach such as Genetec Security Center or Axon Fusus (along with other possible providers) is itself a consequential architectural decision with significant implications for vendor dependence, data governance, and long-term flexibility. An integrated proprietary RTIC concentrates control of data, platform upgrades, access permissions, and vendor relationships in a single entity. An open-architecture platform distributes that control across separately contracted, interoperable components that can be individually replaced, audited, or terminated without disrupting the whole. A

competitive solicitation would flesh out both provider and architectural design options, to the benefit of the BPD, the Council, and the public.

With respect to ALPRs, the U.S. Department of Homeland Security published a market survey in June 2025 evaluating 16 commercially available ALPR systems, confirming that the market is competitive and technically diverse. Competitive alternatives include Axon, Rekor, Genetec AutoVu¹, and Motorola Vigilant Solutions, each with distinct advantages. Rekor's open API architecture allows integration with existing video management and CAD systems.

Similarly to ALPRs, there are many fixed camera vendor options. Multiple manufacturers produce solar-powered fixed surveillance cameras meeting standard municipal installation specifications, including Axon, Hanwha Vision, Axis Communications, and Verkada.

Lastly, and as documented in separate correspondence, there are numerous drone programs in place in jurisdictions throughout the country. In the April 17, 2026, meeting with ODP, PAB, and Council staff, BPD indicated that it (informally) evaluated three drone systems as part of the present selection process, including Flock's Alpha drone, Skydio, and BRINC. However, [insert relevant language from the separate memorandum to the PAB, to be determined following PAB deliberation].

E. NDAA Compliance and Federal Funding Risk

A competitive solicitation would enable not just apples-to-apples comparison of functionality requirements, but also transparent assessment of vendor products in relation to National Defense Authorization Act (NDAA) compliance concerns. The NDAA for FY 2025 prohibits federal-fund procurement of unmanned aerial systems (UAS) from covered foreign adversary companies. The Federal Communications Commission's (FCC) December 2025 ruling expanded its Covered List to include DJI and other Chinese-manufactured UAS. The three DJI drone models BPD has proposed are subject to these restrictions. NDAA-compliant alternatives include Skydio, Parrot, and the ANAFI USA. These regulatory developments are unaddressed in BPD's impact statement and create material cost and operational uncertainty — including potential loss of federal grant eligibility — for any procurement that includes DJI hardware.

¹ The PAB Vice Chair sent some of these vendors a questionnaire to facilitate preparation of this memorandum. Genetec's California integrator confirmed that its AutoVu ALPR system is manufacturer-agnostic — it can integrate license plate recognition from multiple camera types. Genetec also confirmed that its platform natively integrates with third-party drone systems through open APIs, meaning a DFR component would not require a separate siloed system. The city already contracts with Genetec for parking enforcement-related services.

Recommendations

The PAB respectfully urges the City Council to take the following actions:

1. Direct that no new master service agreement, contract extension, or letter of intent with Flock Safety be executed for surveillance platform expansion — including DFR, community video streams, RTIC integration, or expanded fixed camera deployment — until a competitive RFP process is completed.
2. Direct the General Services Manager to review the existing Flock ALPR and fixed camera contracts for compliance with Purchasing Manual requirements, including the cooperative contract identical-scope requirement, and to identify and disclose the procurement vehicle used for the original ALPR contract.
3. Require BPD to produce a written functional requirements document — specifying mandatory versus preferred capabilities for each technology component, including the proposed RTIC — before any competitive solicitation is issued.
4. Direct that the competitive solicitation include explicit requirements for integration services, data portability, and migration support — so that the vendor selected does not simply recreate the lock-in risk the RFP is designed to avoid.
5. Prior to any new procurement, direct BPD to submit a consolidated assessment of the cumulative surveillance architecture — the combined geographic coverage, data practices, civil liberties impact, and total cost of ownership of all proposed systems together — so that Council evaluates the complete system rather than each component in isolation.

