Page numbers for this agenda packet are marked in **BLUE** to distinguish them from the numbering within individual documents.

PUBLIC MEETING MATERIAL

POLICE ACCOUNTABILITY BOARD
REGULAR MEETING AGENDA PACKET

SUPPLEMENTAL NO. 1

November 4, 2026
6:30 PM

Board Members

Joshua Cayetano (Chair)
Leah Wilson (Vice-Chair)
Joshua Buswell-Charkow
Stephanie Allan
Patrick DeTemple
Jasmina Viteskic
Anay Sharma
Dwayne Phillips (Alternate)

MEETING LOCATION

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

Agenda Item Materials

Item	Description	Page
9.a.	Berkeley Police Department's 2026 Annual Surveillance Technology Report for Body Worn Cameras, GPS Trackers, Fixed Surveillance Video Cameras, Parking Enforcement Officer Automated License Plate Readers, the Street Level Imagery Project, Unmanned Aerial Systems, and Fixed Automated License Plate Readers and Respective Audits	**1**

Off Agenda Reports

Description	Page
Communications from Members of the Public	48

Item 9.a.

Berkeley Police Department's 2026 Annual Surveillance Technology Report for Body Worn Cameras, GPS Trackers, Fixed Surveillance Video Cameras, Parking Enforcement Officer Automated License Plate Readers, the Street Level Imagery Project, Unmanned Aerial Systems, and Fixed Automated License Plate Readers and Respective Audits

Office of the City Manager

ACTION CALENDAR
November 17, 2026

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Jennifer Louis, Chief of Police

Subject: Pursuant to Chapter 2.99 of the Berkeley Municipal Code - Annual Surveillance Technology Report for Body Worn Cameras, GPS Trackers, Fixed Surveillance Video Cameras, Parking Enforcement Officer Automated License Plate Readers, the Street Level Imagery Project, Unmanned Aerial Systems, and Fixed Automated License Plate Readers

RECOMMENDATION
Pursuant to Chapter 2.99 of the Berkeley Municipal Code, adopt a resolution accepting the Surveillance Technology Report for Body Worn Cameras, GPS Trackers, Fixed Surveillance Video Cameras, Automated License Plate Readers, the Street Level Imagery Project, Unmanned Aerial Systems, and Fixed Automated License Plate Readers.

FISCAL IMPACTS OF RECOMMENDATION
These technologies have existing budget approval and there are no new fiscal impacts associated with adopting the attached resolution.

CURRENT SITUATION AND ITS EFFECTS
On March 27, 2018, the City Council adopted Ordinance 7,592-N.S., adding Chapter 2.99 to the Berkeley Municipal Code, which is also known as the Surveillance Technology Use and Community Safety Ordinance (referred to here as the Ordinance). Section 2.99.070 of the Ordinance requires that the City Manager must submit to the City Council a Surveillance Technology Report as defined by Section 2.99.020(2) of the Ordinance annually, at the first regular City Council meeting in November. On September 29, 2026, Council adopted an amended ordinance wherein the next reporting period after this report shall be March of 2028, covering the 15 month period from October 1, 2026 to December 31, 2027. Subsequent reporting periods will cover the preceding calendar year.

The purpose of the Ordinance is to provide transparency surrounding the use of surveillance technology, as defined by Section 2.99.020 in the Ordinance, and to ensure that decisions surrounding the acquisition and use of surveillance technology consider the impacts that such technology may have on civil rights and civil liberties. Further, the

Ordinance requires that the City evaluate all costs associated with the acquisition of surveillance technology and regularly report on their use.

The staff report and attached resolution satisfy the annual reporting requirement as outlined in Section 2.99.070. For each of the seven approved technologies, Annual Surveillance Technology Report and accompanying audits (where required by Council-approved BPD policy) are attached to this report. These reports fulfill all section-by-section reporting requirements of the Ordinance.

Complaints

One reporting category is whether the Department has received community complaints about these technologies. Community members may submit complaints in writing, by email, in person, or by telephone, either directly to the Internal Affairs Bureau (IAB) or to any member of the Department, who forwards them through the chain of command. If a community member initiates a complaint and the investigation finds that the subject employee misused a technology in violation of policy, the Chief of Police initiates an additional complaint. Community members may also file complaints directly with the Office of the Director of Police Accountability (ODPA). The Director of Police Accountability notifies the Chief of Police when the ODPA opens an investigation, which prompts a parallel IAB investigation.

During this reporting period, as part disciplinary reviews, the ODPA raised procedural concerns about body worn camera activation. The Department reviewed these concerns and found while there were cases where officers failed to activate or explain muting of their BWC there were no instances of intentional non-activation during the reporting period. These incidents have highlighted the need for the department to update policy and clarify training and expectations around BWC.

The Department received no complaints regarding its ALPR system during this reporting period. The Department acknowledges, however, the news coverage and concerns raised by advocacy groups about ALPR technology generally, as well as reported misuse in specific cases in other jurisdictions. When such reports surface, the Department reviews its own policies, system configuration, and practices to identify and address any similar vulnerabilities.

No other complaints related to the remaining technologies were received during this reporting period.

Audits

All audits required by policy, including of parking enforcement ALPRs, fixed cameras, and fixed ALPRs, were completed during this reporting period and are included with the individual technology reports attached to this report. BPD recognizes the public safety value of its surveillance technologies and the responsibility that comes with them to use

each system carefully and audit it rigorously. The audits follow consistent methodologies from year to year, testing compliance with the applicable Department policies, so that the PAB and Council can compare results across reporting periods.

Separately, during this reporting period the Department became aware of federal access by Western States Information Network (WSIN) analysts of San Francisco PD ALPR data through the Northern California Regional Intelligence Center (NCRIC). These searches did not occur in Berkeley due to the department's sharing settings. The Department turned off Flock's statewide lookup setting in July 2025 and limited sharing to Bay Area agencies. The reported NCRIC and WSIN incident occurred after that change. The reports of this access were published after BPD's audit of the corresponding time period (July-Dec 2025) but upon hearing of the issue the Department retroactively confirmed that no WSIN searches appeared on Berkeley's network and advised Council and PAB of the findings.

The Department has offered to work with the PAB on continuing to strengthen its audit protocols across all surveillance technologies.

Technology Updates

The fixed ALPR network of 52 Council-approved cameras completed its first full year of operation following the end of its introductory phase in January 2025. During this reporting period, the Department documented at least 101 cases supported by the system, including 59 arrests that likely would not have occurred without it. The system also generated 71 felony vehicle alerts, 610 stolen vehicle alerts, and 759 alerts from the Department's own hotlists.

The Department is also pursuing a more comprehensive update to the City's public safety technology. In July 2026, the City issued a Request for Proposals (Specification No. 26-11794-C) covering six areas: automated license plate recognition, fixed video cameras, drone as first responder, field-deployed drones, voluntary community video stream integration, and investigative software. The RFP made data security, privacy, and compliance the most heavily weighted scoring criterion, and required proposers to address restrictive-by-default data sharing, City ownership of all data, alignment with the City's sanctuary ordinances and SB 34, granular auditing, a prohibition on facial recognition, and financial penalties for unauthorized disclosure. The RFP process has concluded, and the Department looks forward to bringing the results to Council in the near future. Any new or expanded technology will continue to be subject to the review and approval requirements of BMC 2.99 and BMC 2.100.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental effects or opportunities associated with the content of this report.

RATIONALE FOR RECOMMENDATION

City Council is being requested to adopt the attached resolution for the City to be in compliance with the Ordinance.

CONTACT PERSON
Jen Louis, Chief of Police, (510) 981-5700

ATTACHMENTS
1. Resolution
2. Surveillance Technology Report: Body Worn Cameras
3. Surveillance Technology Report: Global Positioning System (GPS) Tracking Devices
4. Surveillance Technology Report: Fixed Surveillance Video Cameras
5. Surveillance Technology Report: Parking Enforcement Automated License Plate Readers
6. Surveillance Technology Report: Street Level Imagery Project
7. Surveillance Technology Report: Unmanned Aerial Systems (UAS)
8. Surveillance Technology Report: Fixed Automated License Plate

RESOLUTION NO. XX,XXX-N.S.

A RESOLUTION ACCEPTING THE SURVEILLANCE TECHNOLOGY REPORT FOR BODY WORN CAMERAS, GPS TRACKERS, FIXED SURVEILLANCE VIDEO CAMERAS, AUTOMATED LICENSE PLATE READERS, THE STREET LEVEL IMAGERY PROJECT, UNMANNED AERIAL SYSTEMS, AND FIXED AUTOMATED LICENSE PLATE READERS

WHEREAS, on March 27, 2018, the City Council adopted Ordinance 7,592-N.S., which is known as the Surveillance Technology Use and Community Safety Ordinance ("Ordinance"); and

WHEREAS, Section 2.99.070 of the Ordinance requires that the City Manager must submit to the City Council a Surveillance Technology Report as defined by Section 2.99.020(2) of the Ordinance at the first regular City Council meeting in November; and

WHEREAS, the Surveillance Technology Reports satisfy the requirements of the Ordinance.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Council hereby accepts the Surveillance Technology Reports for Body Worn Cameras, GPS Trackers, Fixed Surveillance Video Cameras, Automated License Plate Readers, the Street Level Imagery Project, and Unmanned Aerial Systems, and Fixed Automated License Plate Readers.

Surveillance Technology Report: Body Worn Cameras

October 1, 2025 – Sept. 30, 2026

Description	A description of all non-privileged and non-confidential information about use of the Surveillance Technology, including but not limited to the quantity of data gathered and sharing of data, if any, with outside entities. If sharing has occurred, the report shall include general, non-privileged and non-confidential information about recipient entities, including the names of the entities and purposes for such sharing. Body Worn Cameras are used to capture video recordings of contacts between department personnel and the public, to provide an objective record of these events. These recording are used in support of criminal prosecutions, to limit civil liability, increase transparency and enhance professionalism and accountability in the delivery of police services to the community. Body Worn Camera (BWC) files are shared with the Alameda County District Attorney's office in support of prosecution for crime and may be shared with other law enforcement agencies to support criminal investigations. **Policy regarding activation of the Body Worn Camera BPD Policy 425.7** Members shall activate the BWC as required by this policy in (a)-(f) below and may activate the BWC at any time the member believes it would be appropriate or valuable to record an incident within the limits of privacy described herein. The BWC shall be activated in any of the following situations: (a) All in-person enforcement and investigative contacts including pedestrian stops and field interview (FI) situations. (b) Traffic stops including, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops. (c) Self-initiated field contacts in which a member would normally notify the Communications Center. (d) Any search activity, including the service of search or arrest warrants; probation, parole, or consent searches where the member is seeking evidence of an offense, or conducting a safety sweep or community caretaking sweep of the premises. Once a location has been secured and the member is not interacting with detainees or arrestees, the member may mute their BWC when conducting a search for evidence. (e) Any other contact that the member determines has become adversarial after the initial contact in a situation where the member would not otherwise activate BWC recording. (f) Transporting any detained or arrested person and where a member facilitates entry into or out of a vehicle, or any time the member expects to have physical contact with that person. **What data is captured by this technology:** BWC use is limited to enforcement and investigative activities involving members of the public. The BWC recordings will capture video and audio evidence for use in criminal investigations, administrative reviews, training, civil litigation, and other proceedings protected by confidentiality laws and department policy. Improper use or release of BWC recordings may compromise ongoing criminal and administrative investigations or violate the privacy rights of those recorded and is prohibited.

How the data is stored:

BWC videos are stored on a secure server. All BWC data will be uploaded and stored on Axon Cloud Services, Evidence.com. Axon complies with the EU-U.S. Privacy Shield Framework and the Swiss-U.S. Privacy Shield Framework as set forth by the U.S. Department of Commerce regarding the collection, use, and retention of personal information transferred from the European Union and Switzerland to the United States (collectively, "Privacy Shield"). Axon has certified to the U.S. Department of Commerce that it adheres to the Privacy Shield Principles.

Retention duration of digital data:

All BWC videos and digital evidence are assigned a category. The categories are used to organize data. Each category also defines the retention duration. The category definitions and retention durations are as follows:

Category	Retention Duration
Uncategorized	Until manually deleted
187 / Felony Sex Assault	Until manually deleted
Civil / City / Non-Evidence	1 year
Collision	2 years
Consent / Aid	108 weeks
Detention / Warrant Only	108 weeks
Felony Evidence	5 years
Litigation	Until manually deleted
Misdemeanor Evidence	2 years
Officer Injury	Until manually deleted
OIS / Critical Incident	Until manually deleted
Pending Review	Until manually deleted
Personnel / VSA	3 years
Personnel Complaint	Until manually deleted
Traffic Stop	108 weeks
Training	60 days
Use of Force	108 weeks

Summary of Body Worn Camera Videos Uploaded Oct. 1, 2025 to Sept. 30, 2026:

Metric	Value
Number of BWC Videos	50,044
Hours of Videos	11,982
GB of Videos	20,876

Summary of all other active digital evidence uploaded, Oct. 1, 2025 to Sept. 30, 2026:

Type	File Count
Audio	1,434
Document	4,365

<table>
<tr><td></td><td>
<table>
<tr><td>Image</td><td>67,862</td></tr>
<tr><td>Other</td><td>988</td></tr>
<tr><td>Other Video*</td><td>10,540</td></tr>
<tr><td>Total</td><td>85,189</td></tr>
</table>
* Includes all uploaded non-BWC videos and other videos booked into the evidence management system. Other videos include iPhone videos, security camera video, and copies of BWC videos (for redaction, etc.).
</td></tr>
<tr><td>Geographic Deployment</td><td>Where applicable, non-privileged and non-confidential information about where the surveillance technology was deployed geographically.

Body Worn Cameras are worn by all BPD uniformed officers city-wide at all times; BWC's are not deployed based on geographic considerations.</td></tr>
<tr><td>Complaints</td><td>A summary of each complaint, if any, received by the City about the Surveillance Technology.

During this reporting period, as part disciplinary reviews, the ODPA raised procedural concerns about body worn camera activation. The Department reviewed these concerns and found while there were cases where officers failed to activate or explain muting of their BWC there were no instances of intentional non-activation during the reporting period. These incidents have highlighted the need for the department to update policy and clarify training and expectations around BWC.</td></tr>
<tr><td>Audits and Violations</td><td>The results of any non-privileged internal audits, any information about violations or potential violations of the Surveillance Use Policy, and any actions taken in response.

File meta-data are routinely reviewed by our BWC manager, to ensure required metadata fields are completed. There have been no complaints with regards to violations of the Surveillance Use Policy.</td></tr>
<tr><td>Data Breaches</td><td>Non-privileged and non-confidential information about any data breaches or other unauthorized access to the data collected by the surveillance technology, including information about the scope of the breach and the actions taken in response.

There have been no known data breaches or other unauthorized access to BWC data.</td></tr>
<tr><td>Effectiveness</td><td>Information that helps the community assess whether the Surveillance Technology has been effective in achieving its identified outcomes.

Body Worn Cameras have proven effective in supporting criminal prosecutions, as video footage is available for all criminal prosecutions. Body Worn Cameras have been effective for training purposes, as footage can be reviewed in incident de-briefs. Body Worn Cameras have been extremely effective in support of Internal Affairs investigations and Use of Force Review.</td></tr>
<tr><td>Costs</td><td>Total annual costs for the Surveillance Technology, including personnel and other ongoing costs.

The annual cost for the Body Worn Cameras, including cameras, replacement cameras, software, and Axon's secure digital evidence management system is $222,442 per year over a five-year, $1,112,213 contract. The contracted started in 2022 and will expire in August, 2027. There is one full-time employee assigned to the BWC program, an Applications Programmer Analyst II, at a cost of $168,940 per year, including benefits.</td></tr>
</table>

ATTACHMENT 2
Page 1

Surveillance Technology Report: Global Positioning System Tracking Devices

October 1, 2025 – Sept. 30, 2026

Description	A description of all non-privileged and non-confidential information about use of the Surveillance Technology, including but not limited to the quantity of data gathered and sharing of data, if any, with outside entities. If sharing has occurred, the report shall include general, non-privileged and non-confidential information about recipient entities, including the names of the entities and purposes for such sharing. Global Positioning System Trackers are used to track the movements of vehicles, bicycles, other items, and/or individuals. **What data is captured by this technology:** A GPS Tracker data record consists of date, time, latitude, longitude, map address, and tracker identification label. The data does not contain any images, names of subjects, vehicle information or other identifying information on individuals. **How the data is stored:** The data from the GPS tracker is encrypted by the vendor. The data is only accessible through a secure website to BPD personnel who have been granted security access. **Retention period of data:** Tracker data received from the vendor shall be kept in accordance with applicable laws, BPD policies that do not conflict with applicable law or court order, and/or as specified in a search warrant. The Global Positioning System "Electronic Stake Out" (ESO) devices were not deployed during this reporting period. COVERTTRACK Stealth V GPS devices were used in two separate investigations during this reporting period: • An investigation of a shooting. The suspect was arrested for PC 187 among numerous other violations. • An investigation of a robbery. The suspect was arrested for PC 211, PC 459 and PC 10851. Data may be shared with the District Attorney's Office for use as evidence to aid in prosecution, in accordance with laws governing evidence; other law enforcement personnel as a part of an active criminal investigation; and other third parties, pursuant to a court order.
Geographic Deployment	Where applicable, non-privileged and non-confidential information about where the surveillance technology was deployed geographically. COVERTTRACK Stealth V GPS devices are deployed with judicial pre-approval, based on suspect location, rather than geographical consideration.
Complaints	A summary of each complaint, if any, received by the City about the Surveillance Technology. There were no complaints made regarding GPS Trackers.
Audits and Violations	The results of any non-privileged internal audits, any information about violations or potential violations of the Surveillance Use Policy, and any actions taken in response. There were no known violations relating to GPS Trackers.

Data Breaches	Non-privileged and non-confidential information about any data breaches or other unauthorized access to the data collected by the surveillance technology, including information about the scope of the breach and the actions taken in response. There were no known data breaches relating to GPS Trackers.
Effectiveness	Information that helps the community assess whether the Surveillance Technology has been effective in achieving its identified outcomes. The GPS ESO trackers were not used during this time period. The program was suspended in mid-March 2020 due to the COVID-19 pandemic and has not been reimplemented. Our subscription was renewed and we upgraded our equipment, however, we have not used the trackers during this reporting period. COVERTTRACK Stealth V GPS trackers are effective in that they provide invaluable information on suspect vehicle locations. During complex investigations, many suspects are moving throughout the Bay area and beyond. These devices assist investigators with developing information regarding suspect locations that may never have been discovered without GPS assistance. GPS trackers greatly reduce costs associated with surveillance operations. Surveillance operations generally involve three or more officers for the entire duration of an operation. A moving surveillance is extremely resource-intensive, requiring multiple officers in multiple vehicles for extended periods of time. Evidence can be fleeting, and GPS trackers allow officers to investigate in a timely manner. GPS trackers have assisted officers with recovering evidence that may have been removed or discarded if officers were unable to quickly develop a location for a suspect.
Costs	Total annual costs for the Surveillance Technology, including personnel and other ongoing costs. The annual cost for the COVERTTRACK Stealth V GPS data service is $1,834.53. There was no cost for the GPS “Electronic Stake Out” (ESO) this year. In April of 2022, the police department paid $2,364.88 to upgrade the devices and for three years of tracking service. There are staff time costs associated with preparing and placing COVERTTRACK GPS trackers. The investigator must prepare a search warrant and obtain a judge’s approval, and a small number of officers must place the tracker on the suspect’s car. The total number of hours is a fraction of the time it would take to do a full surveillance operation involving numerous officers. There are staff time costs associated with preparing ESO trackers and placing ESO tracker-equipped bikes for bait bike operations. The time associated to prepare an ESO GPS equipped surveillance is approximately two-four hours. The total number of hours is extremely small, given the large number of operations, and resulting arrests from prior cases.

Surveillance Technology Report: External Fixed Surveillance Video Cameras

October 1, 2025 – Sept. 30, 2026

Description	A description of all non-privileged and non-confidential information about use of the Surveillance Technology, including but not limited to the quantity of data gathered and sharing of data, if any, with outside entities. If sharing has occurred, the report shall include general, non-privileged and non-confidential information about recipient entities, including the names of the entities and purposes for such sharing. External fixed surveillance cameras record video (without audio) to support investigations. Officers can view live feeds and access recordings stored for up to 180 days. These cameras provide situational awareness during active incidents and supply evidence that strengthens investigations and helps the District Attorney make charging decisions. **What data is captured by this technology:** The external fixed surveillance cameras record and capture non-audio activity (data) for the following purposes: i. To address identified areas of criminal activity. ii. To respond to critical incidents. iii. To assist in identifying, apprehending and prosecuting offenders. iv. To document officer and offender conduct during interactions to safeguard the rights of the public and officers. v. To monitor pedestrian and vehicle traffic activity in order to assist with traffic related investigations. vi. To document employee, employer, and/or customer conduct during interactions to safeguard the employee, employer, and customer from misconduct. **How the data is stored:** The data on the external fixed video surveillance cameras is stored in secure servers that are managed by the City of Berkeley Radio Shop. Each camera system (San Pablo Park, Berkeley Marina, University Avenue and Sixth Street) has its own respective server for data storage. **Retention period of data:** Video surveillance recordings are not government records pursuant to California Government Code 34090 in and of themselves. Except as otherwise permitted in this section, video surveillance recordings shall be purged within one hundred and eighty (180) days of recording. The external fixed video surveillance cameras at University Avenue and Sixth Street were accessed 9 times during this reporting period for investigations of robbery, traffic, and assault with a deadly weapon cases. The external fixed video surveillance cameras at San Pablo Park were accessed 2 times during this reporting period for investigations of shooting and robbery cases.

	The external fixed video surveillance cameras at the Berkeley Marina were accessed 21 times during this reporting period for investigations of auto burglary, traffic, theft, and robbery cases. Data may be shared with the District Attorney's Office for use as evidence to aid in prosecution, in accordance with laws governing evidence; other law enforcement personnel as a part of an active criminal investigation; and other third parties, pursuant to a court order.
Geographic Deployment	Where applicable, non-privileged and non-confidential information about where the surveillance technology was deployed geographically. The external fixed video surveillance cameras are geographically deployed at San Pablo Park, the Berkeley Marina, and at the intersection of University Avenue and Sixth Street.
Complaints	A summary of each complaint, if any, received by the City about the Surveillance Technology. There were no known complaints associated with the external fixed video surveillance cameras.
Audits and Violations	The results of any non-privileged internal audits, any information about violations or potential violations of the Surveillance Use Policy, and any actions taken in response. The required audits were completed and are attached below.
Data Breaches	Non-privileged and non-confidential information about any data breaches or other unauthorized access to the data collected by the surveillance technology, including information about the scope of the breach and the actions taken in response. There were no known data breaches related to the external fixed video surveillance cameras.
Effectiveness	Information that helps the community assess whether the Surveillance Technology has been effective in achieving its identified outcomes. External fixed video surveillance cameras monitor pedestrian and vehicle activity and can assist investigators with criminal and traffic related investigations. The cameras are also meant to prevent and deter criminal activity and augment police resources in a cost-effective manner. A 2019 meta-analysis by Piza et al., covering 40 years of research, found that cameras are associated with a significant but modest decrease in crime. Vehicle crime and property crime fell significantly, but there was no significant effect on violent crime or disorder. The authors recommend targeting cameras at vehicle and property crime and not using them as a stand-alone measure.
Costs	Total annual costs for the Surveillance Technology, including personnel and other ongoing costs. The initial cost of the San Pablo Park Cameras was $64,829.46 The initial cost of the Marina cameras was $106,620.14 The annual cost for maintenance and other ongoing costs, including compliance and other reporting and oversight requirements is $13,443.20.

ATTACHMENT 4
Page 1

Surveillance Technology Report: PEO Automated License Plate Readers

October 1, 2025 – Sept. 30, 2026

Description	A description of all non-privileged and non-confidential information about use of the Surveillance Technology, including but not limited to the quantity of data gathered and sharing of data, if any, with outside entities. If sharing has occurred, the report shall include general, non-privileged and non-confidential information about recipient entities, including the names of the entities and purposes for such sharing. Automated License Plate Readers (ALPRs) are used by Parking Enforcement Officers (PEOs) for time zone parking. The City's Transportation Division uses anonymized information for purposes of supporting the City's Go Berkeley parking management program. PEO ALPR use replaced the practice of physically "chalking" tires, which a more effective means of identifying violators. **What data is captured by this technology:** ALPR technology functions by automatically capturing an image of a vehicle's license plate, transforming that image into alphanumeric characters using optical character recognition software, and storing that information, along with relevant metadata (e.g. geo-location and temporal information, as well as data about the PEO ALPR). **How the data is stored:** The data is stored on a secure server by the vendor. **Retention period of data:** During this reporting period collected images and metadata of hits werestored no more than 365 days. Reads and metadata of reads were not stored more than 14 days in accordance with policy 1302. Current use policy adopted September 13, 2022 sets retention periods that are now in effect. **Summary of PEO ALPR Time Zone Enforcement Data** Genetec is the vendor for the PEO ALPR Time Zone enforcement system. A "read" indicates the PEO ALPR system successfully read a license plate. The information that is generated when a plate is viewed by the PEO ALPR camera is the license plate number, state and geographical (GPS) location it was viewed. A "hit" indicates the PEO ALPR system detected a possible violation, which prompts the Parking Enforcement Officer to further assess the vehicle. At hit is when the read information is recognized as a license plate that matches, or does not match an entry in a list such as permit list or the stolen vehicle "hot list". In many cases, hits are "rejected" or "not enforced", meaning no enforcement action is taken, because the Parking Enforcement Officer determines the vehicle has an appropriate placard or permit, or there is other information or assignment which precludes citation. The following are key statistics for this reporting period: • 2,791,090 reads • 115,395 hits • 39,525 enforced hits resulted in citation issuance. • 2,221 not-enforced hits due to either, 1) PEO ALPR experiencing technical issues and PEO unable to validate the hit in the system, which only gives option to not enforce, or 2) PEO error in accepting the hit initially.

	• 73,649 hits were not acted upon for a variety of reasons including but not limited to:
	  ○ Customer comes out to move a vehicle. PEO's are directed not to issue that citation.
	  ○ PEO gets to the dashboard and sees a permit not visible from a previous location.
	  ○ PEO does a vehicle evaluation and confirms that the vehicle moved from the hit location (e.g. across the street within GPS range).
	  ○ Stolen car.
	  ○ Similar plates.
	  ○ GIG cars or Revel scooters.
	  ○ PEOs mistakenly leave their PEO ALPR on collecting data, but leave the area being enforced to drive to another location on another assignment, such as a traffic post at a collision scene.
	
	All BPD PEO ALPR data may only be shared with other law enforcement or prosecutorial agencies for official law enforcement purposes, or as otherwise permitted by department policy and law. All PEO ALPR data is subject to the provisions of BPD Policy 415 - Immigration Law, and therefore may not be shared with federal immigration enforcement officials.
	
	During this reporting period there were no law enforcement investigative vehicle inquiries.

Geographic Deployment	Where applicable, non-privileged and non-confidential information about where the surveillance technology was deployed geographically. Only Parking Enforcement Vehicles are equipped with PEO ALPRs. PEO ALPRs are deployed based on areas where there are parking time restrictions. PEO ALPRs are not deployed based on geographic considerations not related to parking enforcement.
Complaints	A summary of each complaint, if any, received by the City about the Surveillance Technology. There have been no complaints about the deployment and use of Automated License Plate Readers.
Audits and Violations	The results of any non-privileged internal audits, any information about violations or potential violations of the Surveillance Use Policy, and any actions taken in response. The required audits were completed and are attached below.
Data Breaches	Non-privileged and non-confidential information about any data breaches or other unauthorized access to the data collected by the surveillance technology, including information about the scope of the breach and the actions taken in response. There have been no known data breaches or other unauthorized access to Automated License Plate Reader data.
Effectiveness	Information that helps the community assess whether the Surveillance Technology has been effective in achieving its identified outcomes. PEO ALPRs have proven effective in parking enforcement for time zone enforcement. The PEO ALPRs' ability to read and check license plates while being driven greatly increases efficiency, allowing an operator to cover larger areas more quickly without having to stop except to confirm a hit.

	An additional benefit of the Parking Enforcement PEO ALPR system is that sometimes hits indicate a possible stolen vehicle. These hits allow for the timelier recovery of stolen vehicles in the City of Berkeley.
Costs	Total annual costs for the Surveillance Technology, including personnel and other ongoing costs. The annual system maintenance cost for Genetec is $51,720. This cost is borne by the Transportation Division, which covers warranties, support, and cellular connection costs. Genetec PEO ALPR units are installed on 22 Parking Enforcement vehicles. Parking Enforcement personnel perform a variety of parking enforcement activities and are not limited solely to time zone enforcement. Therefore, personnel costs specifically attributable to time zone enforcement are not tracked.

ATTACHMENT 5
Page 1

Surveillance Technology Report: Street Level Imagery Project

October 1, 2025 – Sept. 30, 2026

Description	A description of all non-privileged and non-confidential information about the use of the Surveillance Technology, including but not limited to the quantity of data gathered and sharing of data, if any, with outside entities. If sharing has occurred, the report will include general, non-privileged and non-confidential information about recipient entities, including the names of the entities and purposes for such sharing. Street level imagery is utilized exclusively by authorized City staff for infrastructure asset management and planning activities. The street level imagery of City infrastructure assets in the Public Right of Way that is provided to the City will not consist of information that is capable of being associated with any individual or group.
Geographic Deployment	Where applicable, non-privileged and non-confidential information about where the surveillance technology was deployed geographically. Street level imagery was collected by driving through the entire community over a three week period in December of 2020. It is accessible to the City through a proprietary third-party application, Street Smart TM.
Complaints	A summary of each complaint, if any, received by the City about the Surveillance Technology. There have been no complaints about the use of Street Smart TM.
Audits and Violations	The results of any non-privileged internal audits, any information about violations or potential violations of the Surveillance Use Policy, and any actions taken in response. There have been no complaints with regards to the Street Level Imagery Project.
Data Breaches	Non-privileged and non-confidential information about any data breaches or other unauthorized access to the data collected by the surveillance technology, including information about the scope of the breach and the actions taken in response. There have been no known data breaches or other unauthorized access to Cyclomedia Street Level Imagery data.
Effectiveness	Information that helps the community assess whether the Surveillance Technology has been effective in achieving its identified outcomes. Staff considered hiring contractors to use GPS in the field to create and update the infrastructure asset GIS data. This method is costly and time consuming. Cyclomedia's unique and patented processing techniques allow positionally-accurate GIS data to be collected in a cost-effective way and over a shorter period of time than a "boots on the ground" GPS field survey. The Imagery extracted the following Citywide Infrastructure assets to create accurate and current Geographic Information Systems (GIS) data inventories: • Bus pads / stops • Maintenance Access Holes • Pavement Striping • Curb paint color • Parking meters • Pedestrian Signal • Pavement marking • Storm drains • Signs • Street trees • Traffic lights The street level imagery captured was used to: Create a street sign GIS layer with condition assessment to support compliance with the Manual on Uniform Traffic Control Devices Code and provide an accurate inventory of

<table>
<tr><td></td><td>City signs. The prior sign inventory is contained in a spreadsheet that does not have accurate location data.

Created a curb color layer with condition assessment to indicate where there are red, yellow, blue, white and green colors. This is critical to support Public Safety.

Created pavement striping and paint symbol layers to support Transportation Planning and Vision Zero.

Benefits:

The data from the street level imagery was integrated into the City’s work order and asset management system for planning activities and to document repair and maintenance.

Planners can use the street level imagery provided to the City to take measurements remotely, such as sidewalk width and public right of way impacts at proposed development locations.

The data provides a comprehensive snapshot of the City that would be helpful for cost recovery in the event of a major disaster.

City staff can use the street level imagery to plan the location of road markings for pedestrian crossings, bike lanes or other striping.

City staff can remotely take accurate measurements of infrastructure assets to adequately plan for repair and replacement.

City staff can use street level imagery to enhance community engagement. The street level imagery can be used to identify and depict the impact of development such as an intersection restriping plan in order to article before and after conditions.</td></tr>
<tr><td>Costs</td><td>Total annual costs for the Surveillance Technology, including personnel and other ongoing costs.

The total cost of the system is $230,277 and is itemized below.

<table>
<tr><th>Year No.</th><th>Description</th><th>Cost</th><th>Notes</th></tr>
<tr><td>1</td><td>Licenses</td><td>$48,000</td><td>Resolution No: 69,482-N.S. 30JUN20</td></tr>
<tr><td>1</td><td>Professional Services for asset extraction</td><td>$122,337</td><td>Resolution No: 69,482-N.S. 30JUN20</td></tr>
<tr><td>2</td><td>Licenses and Support – One-Time</td><td>$43,500</td><td>Resolution No: 70,487-N.S. 26JUL22</td></tr>
<tr><td>3</td><td>License and Support – Ongoing Annual Costs</td><td>$4,110</td><td>Resolution No: 70,487-N.S. 26JUL22</td></tr>
<tr><td>4</td><td>License and Support – Ongoing Annual Costs</td><td>$4,110</td><td>Resolution No: 70,487-N.S. 26JUL22</td></tr>
<tr><td>5</td><td>License and Support – Ongoing Annual Costs</td><td>$4,110</td><td>Resolution No: 70,487-N.S. 26JUL22</td></tr>
<tr><td>6</td><td>License and Support –</td><td>$4,110</td><td>Resolution No: 70,487-N.S.</td></tr>
</table>
</td></tr>
</table>

		Ongoing Annual Costs		26JUL22

ATTACHMENT 6
Page 1

Surveillance Technology Report: Unmanned Aerial Systems

October 1, 2025 – Sept. 30, 2026

Description	A description of all non-privileged and non-confidential information about use of the Surveillance Technology, including but not limited to the quantity of data gathered and sharing of data, if any, with outside entities. If sharing has occurred, the report shall include general, non-privileged and non-confidential information about recipient entities, including the names of the entities and purposes for such sharing. Unmanned Aerial Systems (UAS) also commonly referred to as a drone are requested pursuant to our Mutual Assistance protocols. If a situation arises wherein the safety to the community, officers, or the offender can be increased through the means of de-escalation (adding time and distance to the situation) a supervisor can make the request. During this reporting period, the Police Department sought mutual assistance for drones on 5 occasions. **What data is captured by this technology:** Unmanned Aerial Systems are owned and operated by the respective agency. While each piece of equipment is unique, generally UAS can both record video and audio, while transmitting the data to the operator, thereby qualifying as a piece of Surveillance Technology pursuant to BMC 2.99.020. **How the data is stored:** During this reporting period Alameda County Sherriff's Office (ACSO) assisted the Berkeley Police Department by providing drones. Per their policy, ACSO retains images captured during a UAS mission if there is reasonable suspicion of criminal activity. BPD personnel would request that evidence from those agencies if it was needed in support of criminal activity. During this reporting period no data was stored by BPD. **Retention period of data:** Policy 1303.7: If available, any data collected by the use of a UAS should be purged by BPD within 60 days if it doesn't contain any data of evidentiary value. If the data has evidentiary value, it should be uploaded into BPD's evidence database and kept pursuant to the established retention guidelines set forth in policy 804-Records Maintenance and Release. **Summary of Uses of UAS** • Training (11/7/25): BPD hosted a demonstration of Drone as First Responder technology. • Training (1/7/26): BPD hosted a demonstration of Drone as First Responder technology. • Case 25-00011468 (3/12/26): ACSO drone deployed in Berkeley during a warrant service for homicide suspects. Use aligned with policy provisions for service of high-risk warrants and arrest of armed and/or dangerous persons. • Case 26-00032972 (07/29/2026): ACSO drone deployed as SRT served a high-risk warrant for an attempted murder suspect in San Leandro. Use aligned with policy provisions for service of high-risk warrants and arrest of armed and/or dangerous persons. • Training (9/22/26): BPD hosted a demonstration of Drone as First Responder technology.

Geographic Deployment	Where applicable, non-privileged and non-confidential information about where the surveillance technology was deployed geographically. A UAS was used 5 times during this reporting period; 4 times in Berkeley, once in San Leandro.
Complaints	A summary of each complaint, if any, received by the City about the Surveillance Technology. During this reporting period the City received no complaints about the deployment of UAS.
Audits and Violations	The results of any non-privileged internal audits, any information about violations or potential violations of the Surveillance Use Policy, and any actions taken in response. There were no known violations relating to the UAS Surveillance Use Policy.
Data Breaches	Non-privileged and non-confidential information about any data breaches or other unauthorized access to the data collected by the surveillance technology, including information about the scope of the breach and the actions taken in response. There have been no known data breaches or other unauthorized access to any of the data from UAS.
Effectiveness	Information that helps the community assess whether the Surveillance Technology has been effective in achieving its identified outcomes. UAS are often used to search properties before officers. This allows officers to see video from the UAS and confirm a suspect is not waiting inside with a weapon. By sending the UAS in before officers, the risk of a confrontation that could result in death or serious injury to the suspect, others inside the house and officers, is significantly reduced. This was a lower-use year, though longer-term trends show regular use. The drop partly reflects the time it takes to get a drone from an outside agency, which makes requesting one less practical. In one instance, personnel on scene waited over an hour and a half for a UAS to arrive. Having equipment in the city can reduce that delay and increase safety. Adding enough officers to match aerial coverage is not feasible given hiring and training challenges, and ground-based units lack the elevated perspective needed for efficient searches and for maintaining the additional time and distance for de-escalation that UAS provide.
Costs	Total annual costs for the Surveillance Technology, including personnel and other ongoing costs. The annual cost for UAS is zero as the uses were covered by the responding agencies under the Mutual Assistance agreement. The only costs associated is staff time at each respective incident, however no costs for the use of the technology were incurred. It should be noted that some agencies have indicated an intent to charge for personnel costs associated with providing a drone.

ATTACHMENT 4
Page 1

Surveillance Technology Report: Fixed Automated License Plate Readers

October 1, 2025 – September 30, 2026

Description	A description of all non-privileged and non-confidential information about use of the Surveillance Technology, including but not limited to the quantity of data gathered and sharing of data, if any, with outside entities. If sharing has occurred, the report shall include general, non-privileged and non-confidential information about recipient entities, including the names of the entities and purposes for such sharing. Fixed Automated License Plate Readers (ALPRs) capture images of license plates and convert them to alphanumeric characters. Each detection includes time, GPS location, plate state, and camera ID. The system flags plates against hotlists or BOLOs set by BPD for law-enforcement purposes. No facial recognition is used. **What data is captured by this technology:** • Plate image and cropped plate image • Parsed plate number and state • Date/time and GPS location • Camera identifier and system metadata **How the data is stored:** Flock hosts the data in its secure cloud environment. **Retention period of data:** Retention follows BPD's ALPR policy for fixed systems. Plate detections ("reads") are retained 30 days. Images and metadata associated with investigative "hits" are retained 30 days unless preserved by case hold. **Summary of Fixed ALPR Data** The alert figures below represent the number of times the system flagged license plates during the reporting period. The first three categories—felony vehicle, stolen vehicle, and stolen license plate alerts—were generated through the California SVS (Stolen Vehicle System). The "hotlist alerts" reflect license plates tied to ongoing BPD investigations into specific crimes. ○ 71 felony vehicle alerts ○ 610 stolen vehicle alerts ○ 64,675 stolen license plate alerts ○ 759 hotlist alerts BPD shares ALPR data only with California law-enforcement agencies for official law-enforcement purposes, not for federal immigration enforcement. During this period, access was limited to California agencies that signed a letter agreeing to follow state law with respect to ALPR usage.
Geographic Deployment	Where applicable, non-privileged and non-confidential information about where the surveillance technology was deployed geographically. The 52 cameras are fixed at locations across Berkeley. Positioning focuses on city ingress/egress points and high-traffic corridors that support crime-prevention and investigative leads.
Complaints	A summary of each complaint, if any, received by the City about the Surveillance Technology.

	There have been no submitted complaints about the deployment and use of Automated License Plate Readers. During this reporting period the Department became aware of federal access by Western States Information Network (WSIN) analysts of San Francisco PD ALPR data through the Northern California Regional Intelligence Center (NCRIC). These searches did not occur in Berkeley due to the department's sharing settings. The Department turned off Flock's statewide lookup setting in July 2025 and limited sharing to Bay Area agencies. The reported NCRIC and WSIN incident occurred after that change. The reports of this access were published after BPD's audit of the corresponding time period (July-Dec 2025) but upon hearing of the issue the Department retroactively confirmed that no WSIN searches appeared on Berkeley's network and advised Council and PAB of the findings.
Audits and Violations	The results of any non-privileged internal audits, any information about violations or potential violations of the Surveillance Use Policy, and any actions taken in response. The required audit was completed and is attached below. During this reporting period, the PAB expressed interest in the department's audit practices and in response the Department has offered to work with the PAB on continuing to strengthen its audit protocols across all surveillance technologies.
Data Breaches	Non-privileged and non-confidential information about any data breaches or other unauthorized access to the data collected by the surveillance technology, including information about the scope of the breach and the actions taken in response. There have been no known data breaches or other unauthorized access to Fixed Automated License Plate Reader data.
Effectiveness	Information that helps the community assess whether the Surveillance Technology has been effective in achieving its identified outcomes. Effectiveness in public safety is a multifaceted concept that cannot be captured by a single metric. While statistical data is a critical component, the Department evaluates the utility of these tools through a variety of lenses to ensure a holistic assessment of their value to the community. The identified outcomes for fixed ALPRs are to aid criminal investigations and recover stolen property. During the reporting period, the technology was effective in meeting these outcomes: the system was instrumental in at least 59 arrests, assisted in at least 101 investigations, including those for homicides, robberies and commercial burglaries, and led to the recovery of at least 18 stolen vehicles. Additionally, robbery closure rates jumped 10 percentage points in the nine months after ALPR implementation compared to the previous nine month period. The strongest evidence on effectiveness comes from a 2026 study by University of South Carolina criminologists Scott Mourtgos and Ian Adams. It is the first large-scale causal evaluation of fixed ALPR networks. The study tracked 216 agencies as they deployed fixed ALPRs at different times, using official FBI crime data. It found that motor vehicle theft fell 11 percent after deployment, and arrest clearance rates for motor vehicle theft rose by 16 percent. Motor vehicle theft is historically one of the hardest crimes to clear by arrest, and Mourtgos said the results suggest a real public safety benefit for jurisdictions that adopt the technology. Local experience is consistent with this. When Richmond turned its cameras off, its police chief reported that auto thefts rose 33 percent and there was a slowdown in arrests and vehicle recoveries.

Costs	Total annual costs for the Surveillance Technology, including personnel and other ongoing costs. $179,500 for year one, and $165,000 in year two and any subsequent years.

BERKELEY POLICE DEPARTMENT MEMORANDUM

To: Chief Louis

From: Arlo Malmberg, Strategic Planning and Accountability Manager

RE: Avigilon Surveillance Camera Audit

OVERVIEW

The Berkeley Police Department's Strategic Planning and Accountability Manager conducted an audit of the Avigilon camera system to assess compliance with Policy 1304, Surveillance Use Policy – External Fixed Video Surveillance Cameras. The audit scope included access records for the Avigilon camera system between July 1, 2025 and December 31, 2025 at the following locations: Marina, San Pablo Park, and the intersection of 6th Street and University Avenue. The audit methodology involved analyzing these access records for unauthorized access, data breaches, and prohibited uses.

The audit found full compliance with Policy 1304, with no instances of unauthorized access, data breaches, data errors, or prohibited uses detected. All system access was made by authorized personnel as stipulated in the policy.

BACKGROUND

Policy 1304 requires that surveillance camera data may only be accessed by trained and authorized BPD members for legitimate law enforcement purposes. Prohibited uses include discriminatory targeting, unauthorized dissemination of video footage, or surveillance inconsistent with civil liberties protections

SCOPE AND METHODOLOGY

The scope of this audit included all access records for the Avigilon camera system between July 1, 2025 and December 31, 2025.

The audit methodology involved:

1. Retrieving Avigilon camera system access records for the specified timeframe from the Avigilon platform.
2. Analyzing the records for any instances of unauthorized access, data breaches, or prohibited uses.
3. Verifying that all system access was made by authorized personnel as stipulated in Policy 1304.

FINDINGS

Objective 1: Authorized access

Criteria:

BERKELEY POLICE DEPARTMENT MEMORANDUM

1304.4 DATA ACCESS: “Access to video surveillance cameras data shall be limited to BPD personnel utilizing the camera database for uses described above and pursuant to Use Policy 351”

Inspection Procedure:

- Review all access records for the Avigilon camera system during the audit period.
- Verify that all access was made by authorized personnel.

Findings:

- All access by BPD staff to the Avigilon camera system was made by authorized personnel.
- System maintenance access by other City of Berkeley staff was also noted.

Recommendations:

- None. The 100% compliance rate meets department standards.

Objective 2: No prohibited uses

Criteria:

1304.11 AUDITING AND OVERSIGHT: " BPD will enforce against prohibited uses of this policy pursuant to Policy 1010, Personnel Complaints or other applicable law or policy. The City Manager shall enforce against any prohibited use of the cameras and/or access to data by other City of Berkeley personnel.”

Inspection Procedure:

- Review access records for any indication of prohibited uses of the camera system or data.

Findings:

- No prohibited uses of the camera system or associated data were detected during the audit period.
    - Marina- 16 accesses for property crimes and robbery investigations, and for administrative purposes.
    - San Pablo Park- 9 accesses for shooting, domestic violence and traffic investigations, and for administrative purposes.
    - 6th Street & University- 11 accesses for brandishing, disturbance, robbery, stolen vehicle and traffic investigations, and for administrative purposes.

Recommendations:

- None. The 100% compliance rate meets department standards.

BERKELEY POLICE DEPARTMENT MEMORANDUM

To: Chief Louis
From: Arlo Malmberg, Strategic Planning and Accountability Manager
RE: Flock Automated License Plate Reader Audit

OVERVIEW

The Berkeley Police Department's Strategic Planning and Accountability Manager conducted an audit of the Flock ALPR system to assess compliance with Policy 1305, Surveillance Use Policy- Fixed Automated License Plate Reader (ALPR). The audit scope included access records for the Flock ALPR system between July 1, 2025 and December 31, 2025. The audit methodology involved analyzing these access records for unauthorized access, data breaches, and prohibited uses.

BACKGROUND

Policy 1305 outlines the requirements for use and access to the Flock ALPR systems by BPD staff. The policy mandates biannual audits of the ALPR system to ensure compliance and detect any unauthorized access or data breaches.

SCOPE AND METHODOLOGY

The scope of this audit included all access records for the Flock ALPR system between July 1, 2025 and December 31, 2025.

The audit methodology involved:

1. Reviewing system access records for the specified timeframe from the Flock platform.
2. Analyzing the records for any instances of unauthorized access, data breaches, or prohibited uses as stipulated in Policy 1305.

FINDINGS

Objective 1: BPD - Authorized Access

Criteria:

1305.3 AUTHORIZED AND PROHIBITED USES (j): " Login/Log-Out Procedure. To ensure proper operation and facilitate oversight of the ALPR system, all users will be required to have individual credentials for access and use of the systems and/or data, which has the ability to be fully audited."

Inspection Procedure:

- Review all access records for the Flock ALPR system during the audit period.
- Verify user roles.

Findings:

- All access to the Flock ALPR system was made by authorized personnel.

BERKELEY POLICE DEPARTMENT MEMORANDUM

Objective 2: BPD - Permitted Uses

Criteria:

1305.3 AUTHORIZED AND PROHIBITED USES (k): "Permitted/Impermissible Uses. The ALPR system, and all data collected, is the property of the Berkeley Police Department. Department personnel may only access and use the ALPR system for official and legitimate California law enforcement purposes consistent with this Policy. The following uses of the ALPR system are specifically prohibited:

1. Invasion of Privacy: Except when done pursuant to a court order such as a search warrant, is a violation of this Policy to utilize the ALPR to record license plates except those of vehicles that are exposed to public view (e.g., vehicles on a public road or street, or that are on private property but whose license plate(s) are visible from a public road, street, or a place to which members of the public have access, such as the parking lot of a shop or other business establishment).
2. Harassment or Intimidation: It is a violation of this Policy to use the ALPR system to harass and/or intimidate any individual or group.
3. Use Based on a Protected Characteristic. It is a violation of this policy to use the LPR system or associated scan files or hot lists solely because of a person's, or group's race, gender, religion, political affiliation, nationality, ethnicity, sexual orientation, disability, or other classification protected by law.
4. Personal Use: It is a violation of this Policy to use the ALPR system or associated scan files or hot lists for any personal purpose.
5. First Amendment Rights. It is a violation of this policy to use the LPR system or associated scan files or hot lists for the purpose or known effect of infringing upon First Amendment rights."

Inspection Procedure:

- Query access records for terms associated with impermissible use.
- Confirm that each search recorded a case/incident number and/or reason.
- Randomly select 100 searches and verify alignment between investigation and search.

Findings:

- No impermissible uses detected across officer activity. Reasons documented in line with Policy 1305's requirement to capture case/incident number and/or reason.
- All randomly selected searches were verified to align with the documented case/incident.

BERKELEY POLICE DEPARTMENT MEMORANDUM

Objective 3: External - Authorized Access

Criteria:

1305.10 THIRD PARTY DATA-SHARING: "The ALPR data may be shared only with other law enforcement or prosecutorial agencies for official law enforcement purposes or as otherwise permitted by law....The Berkeley Police Department does not permit the sharing of ALPR data gathered by the City or its contractors/subcontractors for purpose of federal immigration enforcement, these federal immigration agencies include Immigrations and Customs Enforcement (ICE) and Customs and Border Patrol (CBP)."

Inspection Procedure:

- Query access records for Federal and out-of-state agencies.

Findings:

- No Federal or out-of-state agencies searched across BPD's ALPR network.

Objective 4: External – Permitted Uses

Criteria:

1305.10 THIRD PARTY DATA-SHARING: "The ALPR data may be shared only with other law enforcement or prosecutorial agencies for official law enforcement purposes or as otherwise permitted by law....The Berkeley Police Department does not permit the sharing of ALPR data gathered by the City or its contractors/subcontractors for purpose of federal immigration enforcement, these federal immigration agencies include Immigrations and Customs Enforcement (ICE) and Customs and Border Patrol (CBP)."

Inspection Procedure:

- Query access records for terms associated with impermissible use.

Findings:

- 0 searches referenced "ICE" or "CBP"
- In the period following the departmental actions taken after the previous audit, one agency made a series of searches with the search reason "HSI." During a routine review of search records, BPD discovered the searches, promptly revoked the agency's sharing access and notified the City Council via the City Manager as well as the Director of Police Accountability and the Police Accountability Board. BPD leadership contacted the agency directly and upon further investigation, the searches were found to be for a local violence suppression investigation and not connected to federal immigration agencies or investigations. After confirming that the search reason was within 1305.10 permissible sharing, the agency's access was restored.

BERKELEY POLICE DEPARTMENT MEMORANDUM

To: Chief Louis

From: Arlo Malmberg, Strategic Planning and Accountability Manager

RE: Genetec Automated License Plate Reader Audit

OVERVIEW

The Berkeley Police Department's Strategic Planning and Accountability Manager conducted an audit of the Genetec ALPR system to assess compliance with Policy 1302, Surveillance Use Policy- Automated License Plate Reader (ALPR). The audit scope included access records for the Genetec ALPR system between July 1, 2025 and December 31, 2025. The audit methodology involved analyzing these access records for unauthorized access, data breaches, and prohibited uses.

The audit found full compliance with Policy 1302, with no instances of unauthorized access, data breaches, data errors, or prohibited uses detected. All system access was made by authorized personnel as stipulated in the policy.

BACKGROUND

Policy 1302 outlines the requirements for use and access to the Genetec ALPR systems by Parking Enforcement Officers. The policy mandates biannual audits of the ALPR system to ensure compliance and detect any unauthorized access or data breaches.

PRIOR AUDITS

The last audit was conducted in July 2025. No findings were recorded. The next audit will be conducted in July 2026.

SCOPE AND METHODOLOGY

The scope of this audit included all access records for the Genetec ALPR system between July 1, 2025 and December 31, 2025.

The audit methodology involved:

1. Retrieving Genetec ALPR system access records for the specified timeframe from the Parking Enforcement Manager.
2. Analyzing the records for any instances of unauthorized access, data breaches, or prohibited uses.
3. Verifying that all system access was made by authorized personnel as stipulated in Policy 1302.

FINDINGS

Objective 1: Authorized access to ALPR system

BERKELEY POLICE DEPARTMENT MEMORANDUM

Criteria:

1302.5 DATA ACCESS (a): "Only properly trained Parking Enforcement Officers, Sworn Officers as selected by the Investigation's Division Captain, and Information Technology personnel are allowed access to the Genetec ALPR system or to collect ALPR information."

Inspection Procedure:

- Review all access records for the Genetec ALPR system during the audit period.
- Verify that all access was made by authorized personnel.

Findings:

- All access to the Genetec ALPR system was made by authorized personnel
- System maintenance access by Genetec personnel and City of Berkeley IT was also noted and deemed appropriate.

Recommendations:

- None. The 100% compliance rate meets department standards.

Objective 2: No data breaches

Criteria:

1302.11 AUDITING AND OVERSIGHT (1): "Any unauthorized access or data breach shall be reported immediately to the City Manager..."

Inspection Procedure:

- Analyze access records for any signs of data breaches.
- Confirm with the Parking Enforcement Manager that no data breaches were reported during the audit period.

Findings:

- No data breaches were detected or reported during the audit period.

Recommendations:

- None. The 100% compliance rate meets department standards.

Objective 3: No prohibited uses

Criteria:

1302.11 AUDITING AND OVERSIGHT (1): "...BPD will enforce against prohibited uses of the Genetec ALPR system, associated ALPR Read and Hit metadata, and lists and databases pursuant to Policy P-26, or other applicable law or policy."

BERKELEY POLICE DEPARTMENT MEMORANDUM

Inspection Procedure:

- Review access records for any indication of prohibited uses of the ALPR system or data.

Findings:

- No prohibited uses of the ALPR system or associated data were detected during the audit period.
- The majority of system accesses were by Genetec personnel for IT support and user management. The remaining accesses were primarily by the Parking Enforcement Manager and Parking Enforcement Officer Supervisors for reviewing system configurations and usage.

Recommendations:

- None. The 100% compliance rate meets department standards.

BERKELEY POLICE DEPARTMENT MEMORANDUM

To: Chief Louis

From: Arlo Malmberg, Strategic Planning and Accountability Manager

RE: Unmanned Aerial Systems Audit

OVERVIEW

The Berkeley Police Department's Strategic Planning and Accountability Manager conducted an audit of Unmanned Aerial System (UAS) use to assess compliance with Policy 1303, Surveillance Use Policy – Unmanned Aerial System, and Policy 611, Unmanned Aerial System Operations. The audit scope covered all UAS requests and deployments between July 1, 2025 and December 31, 2025.

The audit reviewed two UAS deployments. The uses complied with the mutual assistance requirements outlined in the policies. No unauthorized deployments, prohibited uses, or data handling violations were identified.

BACKGROUND

Policies 1303 and 611 limit UAS use to specific circumstances, including hazardous incidents, rescues, high-risk warrant services, and other situations where remote aerial support enhances safety. BPD personnel may not operate drones directly; instead, UAS are deployed through mutual aid agreements with outside agencies.

The policies also require that data collection, storage, and sharing be restricted to legitimate law enforcement purposes. UAS data must be purged within 60 days unless it holds evidentiary value, in which case it is retained under Policy 804 (Records Maintenance and Release).

SCOPE AND METHODOLOGY

The scope of this audit included all UAS deployments between January 1, 2025 and June 30, 2025.

The audit methodology involved:

1. Reviewing case reports and deployment records for all UAS uses during the audit period.
2. Confirming that each deployment met the authorized use criteria in Policies 1303 and 611.

BERKELEY POLICE DEPARTMENT MEMORANDUM

SUMMARY OF FINDINGS

Objective #	Audit Objectives	% Meeting Standards
1	Authorized deployments	100%
2	No prohibited uses	100%

DETAILED FINDINGS

Objective 1: Authorized deployments

Criteria:

611.5 AUTHORIZED USE: "The use of the UAS shall only occur as the result of a mutual assistance request, and no BPD personnel will be allowed to operate a UAS. UAS may only be requested for the purposes of remote surveillance and monitoring in the following specified situations: … arrest of armed and/or dangerous persons; service of high risk search and arrest warrants involving armed and/or dangerous persons; other unforeseen exigent circumstances"

Inspection Procedure:

- Reviewed each deployment for compliance with authorized categories.

Findings:

Case 25-00027771 (9/3/25, San Francisco):

San Francisco PD drone deployed during a high-risk homicide warrant service. Two suspects were taken into custody, and firearms were recovered. Use aligned with policy provisions for high-risk warrant service.

Training (11/7/25)

BPD hosted a demonstration of Drone as First Responder technology.

Recommendations:

- None. The 100% compliance rate meets department standards.

Objective 2: No prohibited uses

Criteria:

611.4 PROHIBITED USE: "The UAS video surveillance equipment shall not be used:

- To conduct random surveillance activities.

- To target a person based solely on actual or perceived characteristics, such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.
- To harass, intimidate, or discriminate against any individual or group.
- To conduct personal business of any type.

The UAS shall not be weaponized”

Inspection Procedure:

- Reviewed deployment records and summaries for any evidence of prohibited activity.

Findings:

- Reviewed deployment records and summaries for any evidence of prohibited activity.

Recommendations:

- None. The 100% compliance rate meets department standards.

BERKELEY POLICE DEPARTMENT MEMORANDUM

To: Chief Louis

From: Arlo Malmberg, Strategic Planning and Accountability Manager

RE: Avigilon Surveillance Camera Audit

OVERVIEW

The Berkeley Police Department's Strategic Planning and Accountability Manager conducted an audit of the Avigilon camera system to assess compliance with Policy 1304, Surveillance Use Policy – External Fixed Video Surveillance Cameras. The audit scope included access records for the Avigilon camera system between January 1, 2026 and June 30, 2026 at the following locations: Marina, San Pablo Park, and the intersection of 6th Street and University Avenue. The audit methodology involved analyzing these access records for unauthorized access, data breaches, and prohibited uses.

The audit found full compliance with Policy 1304, with no instances of unauthorized access, data breaches, data errors, or prohibited uses detected. All system access was made by authorized personnel as stipulated in the policy.

BACKGROUND

Policy 1304 requires that surveillance camera data may only be accessed by trained and authorized BPD members for legitimate law enforcement purposes. Prohibited uses include discriminatory targeting, unauthorized dissemination of video footage, or surveillance inconsistent with civil liberties protections

SCOPE AND METHODOLOGY

The scope of this audit included all access records for the Avigilon camera system between January 1, 2026 and June 30, 2026.

The audit methodology involved:

1. Retrieving Avigilon camera system access records for the specified timeframe from the Avigilon platform.
2. Analyzing the records for any instances of unauthorized access, data breaches, or prohibited uses.
3. Verifying that all system access was made by authorized personnel as stipulated in Policy 1304.

FINDINGS

Objective 1: Authorized access

Criteria:

BERKELEY POLICE DEPARTMENT MEMORANDUM

1304.4 DATA ACCESS: “Access to video surveillance cameras data shall be limited to BPD personnel utilizing the camera database for uses described above and pursuant to Use Policy 351”

Inspection Procedure:

- Review all access records for the Avigilon camera system during the audit period.
- Verify that all access was made by authorized personnel.

Findings:

- All access by BPD staff to the Avigilon camera system was made by authorized personnel.
- System maintenance access by other City of Berkeley staff was also noted.

Recommendations:

- None. The 100% compliance rate meets department standards.

Objective 2: No prohibited uses

Criteria:

1304.11 AUDITING AND OVERSIGHT: " BPD will enforce against prohibited uses of this policy pursuant to Policy 1010, Personnel Complaints or other applicable law or policy. The City Manager shall enforce against any prohibited use of the cameras and/or access to data by other City of Berkeley personnel.”

Inspection Procedure:

- Review access records for any indication of prohibited uses of the camera system or data.

Findings:

- No prohibited uses of the camera system or associated data were detected during the audit period.
    - Marina- 15 accesses for property crimes and robbery investigations.
    - San Pablo Park- 1 access for a robbery investigation.
    - 6th Street & University- 3 accesses for collision investigations and for the investigation of a sexual assault of a minor.

Recommendations:

- None. The 100% compliance rate meets department standards.

BERKELEY POLICE DEPARTMENT MEMORANDUM

To: Chief Louis
From: Arlo Malmberg, Strategic Planning and Accountability Manager
RE: Flock Automated License Plate Reader Audit

OVERVIEW

The Berkeley Police Department's Strategic Planning and Accountability Manager conducted an audit of the Flock ALPR system to assess compliance with Policy 1305, Surveillance Use Policy- Fixed Automated License Plate Reader (ALPR). The audit scope included access records for the Flock ALPR system between January 1, 2026 and June 30, 2026.

BACKGROUND

Policy 1305 outlines the requirements for use and access to the Flock ALPR systems by BPD staff. The policy mandates biannual audits of the ALPR system to ensure compliance and detect any unauthorized access or data breaches.

SCOPE AND METHODOLOGY

The scope of this audit included all access records for the Flock ALPR system between January 1, 2026 and June 30, 2026.

The audit methodology involved:

1. Reviewing system access records for the specified timeframe from the Flock platform.
2. Analyzing the records for any instances of unauthorized access, data breaches, or prohibited uses as stipulated in Policy 1305.
3. For each search pattern flagged by Flock's audit assistance tools, reviewing the associated incident documentation to verify that the queried license plate was connected to the underlying incident.

FINDINGS

Objective 1: BPD - Authorized Access

Criteria:

1305.3 AUTHORIZED AND PROHIBITED USES (j): " Login/Log-Out Procedure. To ensure proper operation and facilitate oversight of the ALPR system, all users will be required to have individual credentials for access and use of the systems and/or data, which has the ability to be fully audited."

Inspection Procedure:

- Review all access records for the Flock ALPR system during the audit period.
- Verify user roles.

Findings:

- All access to the Flock ALPR system was made by authorized personnel.

Objective 2: BPD - Permitted Uses

Criteria:

1305.3 AUTHORIZED AND PROHIBITED USES (k): “Permitted/Impermissible Uses. The ALPR system, and all data collected, is the property of the Berkeley Police Department. Department personnel may only access and use the ALPR system for official and legitimate California law enforcement purposes consistent with this Policy. The following uses of the ALPR system are specifically prohibited:

1. Invasion of Privacy: Except when done pursuant to a court order such as a search warrant, is a violation of this Policy to utilize the ALPR to record license plates except those of vehicles that are exposed to public view (e.g., vehicles on a public road or street, or that are on private property but whose license plate(s) are visible from a public road, street, or a place to which members of the public have access, such as the parking lot of a shop or other business establishment).
2. Harassment or Intimidation: It is a violation of this Policy to use the ALPR system to harass and/or intimidate any individual or group.
3. Use Based on a Protected Characteristic. It is a violation of this policy to use the LPR system or associated scan files or hot lists solely because of a person's, or group's race, gender, religion, political affiliation, nationality, ethnicity, sexual orientation, disability, or other classification protected by law.
4. Personal Use: It is a violation of this Policy to use the ALPR system or associated scan files or hot lists for any personal purpose.
5. First Amendment Rights. It is a violation of this policy to use the LPR system or associated scan files or hot lists for the purpose or known effect of infringing upon First Amendment rights.”

Inspection Procedure:

- Query access records for terms associated with impermissible use.
- Confirm that each search recorded a case/incident number and/or reason.
- Randomly select 100 searches and verify alignment between investigation and search.
- Review all search patterns flagged by Flock's audit assistance tools during the audit period.

Findings:

- No impermissible uses detected across officer activity. Reasons documented in line with Policy 1305’s requirement to capture case/incident number and/or reason.
- All randomly selected searches were verified to align with the documented case/incident.

- Flock's audit assistance tools flagged 35 search patterns during the audit period. For each, the associated incident documentation was reviewed and the queried plate was verified as connected to the incident. No pattern lacked a corresponding incident connection.

Objective 3: External - Authorized Access

Criteria:

1305.10 THIRD PARTY DATA-SHARING: "The ALPR data may be shared only with other law enforcement or prosecutorial agencies for official law enforcement purposes or as otherwise permitted by law....The Berkeley Police Department does not permit the sharing of ALPR data gathered by the City or its contractors/subcontractors for purpose of federal immigration enforcement, these federal immigration agencies include Immigrations and Customs Enforcement (ICE) and Customs and Border Patrol (CBP)."

Inspection Procedure:

- Query access records for Federal and out-of-state agencies.

Findings:

- No Federal or out-of-state agencies searched across BPD's ALPR network.

Objective 4: External – Permitted Uses

Criteria:

1305.10 THIRD PARTY DATA-SHARING: "The ALPR data may be shared only with other law enforcement or prosecutorial agencies for official law enforcement purposes or as otherwise permitted by law....The Berkeley Police Department does not permit the sharing of ALPR data gathered by the City or its contractors/subcontractors for purpose of federal immigration enforcement, these federal immigration agencies include Immigrations and Customs Enforcement (ICE) and Customs and Border Patrol (CBP)."

Inspection Procedure:

- Query access records for terms associated with impermissible use.

Findings:

- 0 searches referenced "ICE" or "CBP"

BERKELEY POLICE DEPARTMENT MEMORANDUM

To: Chief Louis

From: Arlo Malmberg, Strategic Planning and Accountability Manager

RE: Genetec Automated License Plate Reader Audit

OVERVIEW

The Berkeley Police Department's Strategic Planning and Accountability Manager conducted an audit of the Genetec ALPR system to assess compliance with Policy 1302, Surveillance Use Policy- Automated License Plate Reader (ALPR). The audit scope included access records for the Genetec ALPR system between January 1, 2026 and June 30, 2026. The audit methodology involved analyzing these access records for unauthorized access, data breaches, and prohibited uses.

The audit found full compliance with Policy 1302, with no instances of unauthorized access, data breaches, data errors, or prohibited uses detected. All system access was made by authorized personnel as stipulated in the policy.

BACKGROUND

Policy 1302 outlines the requirements for use and access to the Genetec ALPR systems by Parking Enforcement Officers. The policy mandates biannual audits of the ALPR system to ensure compliance and detect any unauthorized access or data breaches.

SCOPE AND METHODOLOGY

The scope of this audit included all access records for the Genetec ALPR system between January 1, 2026 and June 30, 2026.

The audit methodology involved:

1. Retrieving Genetec ALPR system access records for the specified timeframe from the Parking Enforcement Manager.
2. Analyzing the records for any instances of unauthorized access, data breaches, or prohibited uses.
3. Verifying that all system access was made by authorized personnel as stipulated in Policy 1302.

FINDINGS

Objective 1: Authorized access to ALPR system

Criteria:

BERKELEY POLICE DEPARTMENT MEMORANDUM

1302.5 DATA ACCESS (a): "Only properly trained Parking Enforcement Officers, Sworn Officers as selected by the Investigation's Division Captain, and Information Technology personnel are allowed access to the Genetec ALPR system or to collect ALPR information."

Inspection Procedure:

- Review all access records for the Genetec ALPR system during the audit period.
- Verify that all access was made by authorized personnel.

Findings:

- All access to the Genetec ALPR system was made by authorized personnel
- System maintenance access by Genetec personnel and City of Berkeley IT was also noted and deemed appropriate.

Recommendations:

- None. The 100% compliance rate meets department standards.

Objective 2: No data breaches

Criteria:

1302.11 AUDITING AND OVERSIGHT (1): "Any unauthorized access or data breach shall be reported immediately to the City Manager..."

Inspection Procedure:

- Analyze access records for any signs of data breaches.
- Confirm with the Parking Enforcement Manager that no data breaches were reported during the audit period.

Findings:

- No data breaches were detected or reported during the audit period.

Recommendations:

- None. The 100% compliance rate meets department standards.

Objective 3: No prohibited uses

Criteria:

1302.11 AUDITING AND OVERSIGHT (1): "...BPD will enforce against prohibited uses of the Genetec ALPR system, associated ALPR Read and Hit metadata, and lists and databases pursuant to Policy P-26, or other applicable law or policy."

Inspection Procedure:

- Review access records for any indication of prohibited uses of the ALPR system or data.

Findings:

- No prohibited uses of the ALPR system or associated data were detected during the audit period.
- The majority of system accesses were by Genetec personnel for IT support and user management. The remaining accesses were primarily by the Parking Enforcement Manager and Parking Enforcement Officer Supervisors for reviewing system configurations and usage.

Recommendations:

- None. The 100% compliance rate meets department standards.

BERKELEY POLICE DEPARTMENT MEMORANDUM

To: Chief Louis

From: Arlo Malmberg, Strategic Planning and Accountability Manager

RE: Unmanned Aerial Systems Audit

OVERVIEW

The Berkeley Police Department's Strategic Planning and Accountability Manager conducted an audit of Unmanned Aerial System (UAS) use to assess compliance with Policy 1303, Surveillance Use Policy – Unmanned Aerial System, and Policy 611, Unmanned Aerial System Operations. The audit scope covered all UAS requests and deployments between January 1, 2026 and June 30, 2026.

The audit reviewed three UAS deployments. Each use complied with the mutual assistance requirements outlined in the policies. No unauthorized deployments, prohibited uses, or data handling violations were identified.

BACKGROUND

Policies 1303 and 611 limit UAS use to specific circumstances, including hazardous incidents, rescues, high-risk warrant services, and other situations where remote aerial support enhances safety. BPD personnel may not operate drones directly; instead, UAS are deployed through mutual aid agreements with outside agencies.

The policies also require that data collection, storage, and sharing be restricted to legitimate law enforcement purposes. UAS data must be purged within 60 days unless it holds evidentiary value, in which case it is retained under Policy 804 (Records Maintenance and Release).

SCOPE AND METHODOLOGY

The scope of this audit included all UAS deployments between January 1, 2025 and June 30, 2025.

The audit methodology involved:

1. Reviewing case reports and deployment records for all UAS uses during the audit period.
2. Confirming that each deployment met the authorized use criteria in Policies 1303 and 611.

BERKELEY POLICE DEPARTMENT MEMORANDUM

SUMMARY OF FINDINGS

Objective #	Audit Objectives	% Meeting Standards
1	Authorized deployments	100%
2	No prohibited uses	100%

DETAILED FINDINGS

Objective 1: Authorized deployments

Criteria:

611.5 AUTHORIZED USE: "The use of the UAS shall only occur as the result of a mutual assistance request, and no BPD personnel will be allowed to operate a UAS. UAS may only be requested for the purposes of remote surveillance and monitoring in the following specified situations: … arrest of armed and/or dangerous persons; service of high risk search and arrest warrants involving armed and/or dangerous persons; other unforeseen exigent circumstances"

Inspection Procedure:

- Reviewed each deployment for compliance with authorized categories.

Findings:

Training (1/7/26):

BPD hosted a demonstration of Drone as First Responder technology.

Case 25-00011468 (3/12/26):

Alameda County SO drone deployed during a warrant service for homicide suspects. Suspects were taken into custody. Use aligned with policy provisions for service of high-risk warrants and arrest of armed and/or dangerous persons.

Recommendations:

- None. The 100% compliance rate meets department standards.

Objective 2: No prohibited uses

Criteria:

611.4 PROHIBITED USE: "The UAS video surveillance equipment shall not be used:

- To conduct random surveillance activities.

- To target a person based solely on actual or perceived characteristics, such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.
- To harass, intimidate, or discriminate against any individual or group.
- To conduct personal business of any type.

The UAS shall not be weaponized”

Inspection Procedure:

- Reviewed deployment records and summaries for any evidence of prohibited activity.

Findings:

- Reviewed deployment records and summaries for any evidence of prohibited activity.

Recommendations:

- None. The 100% compliance rate meets department standards.

Communications from Members of the Public

From: Kitt Saginor <ksaginor@gmail.com>
Sent: Sunday, November 1, 2026 3:21 PM
To: Murillo, Jose
Cc: Joshua Cayetano; Stephanie Allan; Office of the Director of Police Accountability
Subject: Items 9.A & B on November 4: BPD's 2026 Annual Surveillance Technology Report and Flock ALPR audit

Follow Up Flag: Follow up
Flag Status: Flagged

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Jose,
Can you forward this to all the Board members?
Thank you,
ks

Dear Police Accountability Board,

On Friday, October 30, you received a memo from the Berkeley Police Department concerning the Flock ALPR audit in pages 17-19 of the packet for your November 4th meeting. As I am sure you have also noticed, it does not provide acceptable answers to criticisms you received of that audit nor to the questions you raised in your discussion of it on September 23rd.

It continues to puzzle me that the Berkeley Police Department considers a lack of impermissible search terms sufficient evidence to conclude that there have been no violations of policy – as if bad actors can be depended upon to report accurately on their misuse of the system. And it is very distressing that Berkeley is continuing to use Flock ALPRs without knowing whether those cameras are providing information for ICE abductions or other abuses of public trust.

My specific concerns with BPD's October 30th memo include the following:

Near the bottom of the its first page, the memo says:

> The Department's most recent audit followed the same methodology as the audits of the past several years. Each of those audits was submitted to the PAB, and ultimately Council, and tested compliance with Policy 1305.

This is true, but it's not a reason to do the same thing this year. Past audits were also inadequate. The best course of action would be to include data from past years in an comprehensive and effective independent audit now.

Near the top of its second page, the memo says that BPD used a new audit assistance tool to review

> every search conducted by BPD users during the audit period.

This is good, but as the September 19th letter from Secure Justice points out, only a fraction of the searches on BPD data were conducted by BPD users. The vast majority of searches came from outside our jurisdiction.

That letter from Secure Justice also reported "actual federal access to Berkeley ALPR data through NCRIC." The second page of the BPD memo responds to this by saying:

> That activity appears to predate the July 2025 change, when NCRIC could reach Berkeley data through the statewide lookup setting. NCRIC did not search Berkeley's network during the January to June 2026 audit period, and under our current settings it no longer has access to Berkeley's data.

However, this access through NCRIC (now acknowledged by BPD) was NOT uncovered by the procedures used for the 2024-25 audit, submitted to Council on November 10, 2025 (Item 11) which reported this finding on pages 43

> No Federal or out-of-state agencies searched across BPD's ALPR network

Since the audit methods used last year failed to find searches by federal agencies, using those same audit methods this year may also have failed to identify searches by federal agencies.

In regards to outside agency searches, the BPD"s Transparency Hub links to a page on Flock's website listing 45 agencies external to Berkeley with whom our data is shared. According to evidence presented by Secure Justice, searches by outside agencies on Berkeley's data greatly outnumber the searches by Berkeley's own officers, but the audit gives searches from outside only a very cursory look. In regards to external users and uses, the second page of BPD's memo states that

> each agency must sign an acknowledgment letter agreeing to use Berkeley's data only for legitimate California law enforcement purposes and not for immigration enforcement.

Agency agreement to a policy does not guarantee that every employee will follow the policy! Yet the only actual inspection procedures for external users and uses as recorded on p. 31 of your agenda packet for September 23rd:

> Query access records for Federal and out-of-state agencies.
> and
> Query access records for terms associated with impermissible use.

These procedures are useless for detecting whether searches were conducted by an authorized user for a colleague working for an unauthorized agency, and useless for detecting whether an authorized user disguised the reason for the search. In fact the third page of BPD's current memo acknowledges

> search reason alone does not show whether results were shared

but applies that understanding only when following up on any case in which a search reason mentions a federal agency, it which case BPD follows up with the agency

> to confirm that it understands SB 34's restrictions, confirm that its officers are trained on them, and request information about the specific search.

Again, if an officer at an external agency gave a false reason for their search and didn't mention a federal agency, BPD's inspection procedure would not have flagged it, so no follow up was conducted on those.

It is encouraging that BPD's memo closes with an interest in the PAB's

> willingness to partner with us on stronger audit parameters.

Please make this an immediate priority, not just for future audits, but for auditing the records for 2025-26. Use of Flock ALPRs should be suspended until a robust audit has been completed on past use.

Thank you for your work,

Kitt Saginor
ksaginor@gmail.com

References

Berkeley Police Department Memorandum Re: Flock ALPR Audit. Pages 17-19 of the PAB packet for November 4, 2026 https://berkeleyca.gov/sites/default/files/legislative-body-meeting-attachments/2026-11-04%20PAB%20AGENDA%20MEETING%20PACKET.pdf

Secure Justice Letter Re: BPD Flock Audit – January through June 2026. September 19, 2026
https://drive.google.com/file/d/1pCCg3Ti9zzJh5v0J_h_nA-Qvk3K_b8fk/view?usp=sharing

2025 Annual Surveillance Technology Report, November 10, 2025
https://berkeleyca.gov/sites/default/files/documents/2025-11-10%20Item%2011%20Annual%20Surveillance%20Technology%20Report%20for%20Body%20Worn%20Cameras.pdf
Flock ALPR audit on pp. 41-45

Flock Safety. Berkeley CA PD Transparency Portal https://transparency.flocksafety.com/berkeley-ca-pd, available under a tab: **More** on Berkeley Police Transparency Hub https://bpd-transparency-initiative-berkeleypd.hub.arcgis.com/

BPD's Flock Automated License Plate Reader Audit for January 2026 - June 2026 and other related material. pp 27-75 of of the PAB packet for September 23, 2026
https://berkeleyca.gov/sites/default/files/legislative-body-meeting-attachments/2026-09-23%20PAB%20REG%20AGENDA%20PACKET.pdf