



**POLICE ACCOUNTABILITY BOARD
SPECIAL MEETING MINUTES**

Wednesday, June 16, 2023

Board Members:

JOHN MOORE III. (CHAIR)
KITTY CALAVITA

JULIE LEFTWICH

REGINA HARRIS (VICE-CHAIR)
LEAH WILSON

MEETING LOCATION

Multipurpose Room
1947 Center Street,
Berkeley, CA 94704

Meeting Minutes

1. CALL TO ORDER & ROLL CALL BY CHAIR MOORE AT 10:15 PM.

The Board pauses for a 10-minute break in order to relocate to another room, as there is a conflicting booking.

Present: Board Member John Moore (Chair)
Board Member Kitty Calavita
Board Member Juliet Leftwich

Absent: Board Member Regina Harris (Vice-Chair)
Board Member Leah Wilson

ODPA Staff: Hansel Aguilar, Director of Police Accountability
Jose Murillo, Policy Analyst

BPD Staff: Sgt. LeDoux

CAO Staff: None.

2. APPROVAL OF AGENDA

Motion to approve the agenda.

Moved/Second (Calavita/Leftwich) Motion carried by unanimous consent.

3. PUBLIC COMMENT

2 Speakers Physically Present.

- Speaker 1 expresses surprise at the current count of Board members and expresses the hope that the Board's efforts on the proposed policies are acknowledged and that their position is treated seriously by the City Council.
- Speaker 2 argues that the evidence supporting ALPR (Automatic License Plate Recognition) presented by the BPD is based on speculation. They believe that the technology's effectiveness is unproven and insufficient to justify its implementation. Additionally, they highlight the absence of a clear plan for how the technology will be utilized and put into practice.

4 Speakers Virtually Present

- Speaker 3 asserts that the Board should assess whether the use of ALPR technology is appropriate in Berkeley. They argue that there is no evidence of the technology's effectiveness and that the vast amount of collected data is unjustifiable. They request that the PAB recommend that the Council reject the proposed policies.
- Speaker 4 expresses gratitude to the Board for their service but notes difficulties in hearing Chair Moore during the Zoom meeting. They agree with the previous speakers and find the review process for the ALPR policies to be rushed. They urge the Board to recommend to the Council that they slow down and gather more input from residents before implementing the policies.
- Speaker 5 extends appreciation to the Board members and voices agreement with the preceding speakers. They express concerns about the ALPR program, mentioning that they used to support the technology but have become less supportive as they gained more knowledge about it. They highlight that their home county is currently facing a lawsuit related to the misuse of the same technology.
- Speaker 6, the Director of Research for Oakland Privacy, emphasizes their ten-year-long research on the topic. They highlight the problematic nature of the proposed cameras and the vendor, particularly noting the unnecessary capture of images due to motion sensors. They argue that the cameras go beyond their intended purpose and constitute a form of mass surveillance. They claim that the data collected, which has a connection to crime, amounts to less than 2%. Asks the Board to recommend that the ALPR program does not go forward.

4. POLICY REVIEW OF THE BERKELEY POLICE DEPARTMENT'S PROPOSED POLICIES: POLICY 422 "FIXED AUTOMATED LICENSE PLATE READERS (ALPRs)" AND POLICY 1305 "SURVEILLANCE USE POLICY - FIXED ALPRs"

The Board deliberates on their apprehensions regarding the proposed policies, which encompass various aspects. These concerns include the absence of evidence supporting the efficacy of ALPR, the financial implications associated with implementing such a system, and the inadequate drafting of the policies, resulting in unclear guidelines.

Sgt. LeDoux addresses inquiries from Board members concerning the policies, providing clarifications and responses.

Motion to instruct the Director of Police Accountability to prepare a letter encompassing the Board's concerns about the proposed ALPR policies and to transmit it to the Public Safety Policy Committee, the Berkeley Police Department, and the City Council.

Moved/Second (Calavita/Leftwich) Motion carried by unanimous consent.

5. PUBLIC COMMENT

3 Speakers Physically Present.

- Speaker 1 expresses concern about the messaging surrounding ALPR cameras. They worry that the phrase "what's the hurry" could be interpreted as the Board not caring about the issue. They urge the Board to explore alternative approaches to address crime concerns and potentially propose alternative solutions.
- Speaker 2 seeks further information regarding the cost of ALPR systems, both in terms of acquisition and maintenance. They emphasize the importance of understanding how much this system will cost Berkeley residents and inquire about the projected lifespan and effectiveness of the cameras.
- Speaker 3 questions why it is challenging to obtain evidence, considering that neighboring jurisdictions have already implemented the system. They point out that one would expect a substantial amount of data to justify acquiring ALPR cameras. They stress the importance of the Board being able to thoroughly review these policies and advocate for more time for a detailed examination.

3 Speakers Virtually Present.

- Speaker 4 acknowledges a comment made during the first public comment session, which highlighted the lack of statistical data. They assert that the Berkeley Police Department (BPD) should make efforts to gather more data and utilize their data analysts and resources to make evidence-based decisions, rather than relying solely on anecdotes.
- Speaker 5 raises concerns about the cost of ALPR cameras. They present research indicating that the actual cost of implementing ALPR would be significantly higher than what has been presented. They provide an example of the potential use of geo-warrants that allow the police to access information on every vehicle near a particular location within a specific timeframe, even if they are not specifically of interest.
- Speaker 6 expresses skepticism towards the belief that technology always functions perfectly. They emphasize the need for caution in the city's implementation of such a system. They highlight the presence of other pressing infrastructure needs in the city that should take priority. They believe that the

purchase of ALPR cameras is not justified and should not be prioritized over other important items.

6. ADJOURNMENT

Motion to adjourn

Moved/Second (Calavita/Leftwich) Motion carried by unanimous consent.

The meeting was adjourned at 11:50 am.

Minutes Approved on: 07/12/2023

Hansel Aguilar, Commission Secretary:

