



Office of the City Manager

ACTION CALENDAR
November 7, 2023

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Jennifer Louis, Chief of Police
Liam Garland, Director of Public Works

Subject: Pursuant to Chapter 2.99 of the Berkeley Municipal Code Surveillance Technology Report for Automatic License Plate Readers, GPS Trackers, Body Worn Cameras, Unmanned Aerial Vehicles (UAV's), the Street Level Imagery Project, and External Fixed Surveillance Video Cameras

RECOMMENDATION

Pursuant to Chapter 2.99 of the Berkeley Municipal Code Adopt a Resolution Accepting the Surveillance Technology Report for Automatic License Plate Readers, GPS Trackers, Body Worn Cameras, Unmanned Aerial Vehicles (UAV's), the Street Level Imagery Project, and External Fixed Surveillance Video Cameras.

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 ("Ordinance"). 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 Ordinance imposes various reporting requirements on the City Manager and staff. The purpose of this staff report and attached resolution is to satisfy the annual reporting requirement as outlined in Section 2.99.070.

One of the reporting categories of the surveillance technology use is whether complaints have been received by the community about the various technologies. To

date Berkeley Police Department Internal Affairs Bureau (IAB) has not received any external personnel complaints surrounding these technologies. External complaints from community members can be made in writing, via email, in person or via telephone. Complaints can be received with direct communication to Internal Affairs from the complainant and/or be received by any member of the Department and then forwarded through the chain of command. If a community member initiates a complaint against a subject employee and during the investigation it is determined the subject employee violated policy regarding the misuse of technology, an additional complaint is initiated by the Chief of Police.

Community members also have the right to initiate complaints against employees of BPD by reporting directly to the Police Accountability Board (PAB). The Director of Police Accountability notifies the Chief of Police when an investigation into a complaint is initiated by the PAB, which would prompt a parallel IAB investigation.

Attached to this staff report are Surveillance Technology Reports for Automatic License Plate Readers, GPS Trackers, Body Worn Cameras, Unmanned Aerial Vehicles (UAV's), the Street Level Imagery Project, and External Fixed Surveillance Video Cameras.

During this reporting period the Berkeley Police Department collaborated with the Police Accountability Board, Public Safety Policy Committee, and City Attorney's Office to author a Surveillance Use Policy, Use Policy and an Acquisition Report related to Unmanned Aerial Vehicles (UAV or drones). The policies were approved by the Berkeley City Council on July 25, 2023 and therefore, this will be the last reporting period in which drones will be reported as temporary use surveillance technology per BMC 2.99.030 and 2.99.040. This year the Berkeley Police Department had two instances pursuant to BMC 2.99.040 in which the City Manager authorized the Police Department to temporarily use an Unmanned Aerial Vehicle, commonly referred to as a drone, for critical incidents. These incidents were reported by the City Manager to Council pursuant to 2.99.040(2) and are included in this annual report pursuant to BMC 2.99.949(3). At this time, the Berkeley Police Department is not actively working to acquire drones.

During this reporting period the Berkeley Police Department collaborated with the Police Accountability Board, Public Safety Policy Committee, and City Attorney's Office to author a Surveillance Use Policy, Use Policy, and an Acquisition Report related to External Fixed Video Surveillance Cameras. At the time of submission of this report, an additional fixed camera has been installed at the intersection of University Avenue and Sixth Street to assist in criminal investigations. That camera is managed by the Public Works Department but the Police Department has access for criminal investigations. During this reporting period, the newly installed camera at University Avenue and Sixth Street, as well as the existing cameras in San Pablo Park and the Berkeley Marina, were accessed four times by the Berkeley Police Department.

During this reporting period the Berkeley Police Department collaborated with the Police Accountability Board, Public Safety Policy Committee, and City Attorney's Office to author a Surveillance Use Policy, Use Policy, and an Acquisition Report related to Automated License Plate Readers for criminal investigations. Previously, the Berkeley Police Department only utilized ALPR operated out of the Traffic Bureau primarily for Parking Enforcement Operations. At the time of submission of this report, the Berkeley Police Department is in the process of requesting Council approval for the funds to purchase law enforcement focused ALPR for a two year pilot period not to exceed \$425,000. Therefore, it is likely that next year there will be two reports in the Surveillance Technology Report related to ALPR; one for ALPR associated with the Traffic Bureau and Parking Enforcement Operations, and a new report related to ALPR focused on law enforcement criminal investigations.

Policy 1302, Automated License Plate Reader for Parking Enforcement Operations, requires an audit of the system twice a year. According to policy, the audit shall be documented in the form of an internal department memorandum to the Chief of Police. The memorandum shall include any data errors found so that such errors can be corrected. After review by the Chief of Police, the memorandum and any associated documentation shall be placed into the annual report filed with the City Council pursuant to BMC Section 2.99.020, published on the City of Berkeley website in an appropriate location, and retained within Professional Standards Bureau.

During this reporting period the Department completed the first audit since the policy went live late last year. This audit analyzed ALPR data from January 2023 to June 2023 and is attached to this report. The next audit will be conducted in January 2024.

BACKGROUND

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. 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.

For each of the six technologies, the Surveillance Technology Reports were prepared to satisfy the specific, section-by-section requirements of the Ordinance, and are attached to this report.

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.

ALTERNATIVE ACTIONS CONSIDERED

City Council could decide not to adopt the resolution.

CONTACT PERSON

Jennifer Louis, Chief of Police, (510) 981-5700

Michael Durbin, Professional Standards Captain, (510) 981-5760

ATTACHMENTS

1. Resolution
2. Surveillance Technology Report: Body Worn Cameras
3. Surveillance Technology Report: Global Positioning System (GPS) Tracking Devices
4. Surveillance Technology Report: Automated License Plate Readers
5. Surveillance Technology Report: Street Level Imagery Project
6. Surveillance Technology Report: Unmanned Aerial Vehicle (UAV's)
7. Surveillance Technology Report: External Fixed Surveillance Video Cameras

RESOLUTION NO. XX,XXX-N.S.

A RESOLUTION ACCEPTING THE SURVEILLANCE TECHNOLOGY REPORT FOR AUTOMATIC LICENSE PLATE READERS, GPS TRACKERS, BODY WORN CAMERAS, UNMANNED AERIAL VEHICLES (UAV'S), THE STREET LEVEL IMAGERY PROJECT AND EXTERNAL FIXED SURVEILLANCE VIDEO CAMERAS

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 Automatic License Plate Readers, GPS Trackers, Body Worn Cameras, Unmanned Aerial Vehicles (UAV's), the Street Level Imagery Project, and External Fixed Surveillance Video Cameras.

Surveillance Technology Report: Body Worn Cameras

October 1, 2022 – Sept. 30, 2023

<p>Description</p>	<p>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.</p> <p>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.</p> <p>Policy regarding activation of the Body Worn Camera BPD Policy 425.7</p> <p>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.</p> <p>The BWC shall be activated in any of the following situations:</p> <ul style="list-style-type: none"> (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. <p>What data is captured by this technology:</p> <p>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</p>
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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:

<u>NAME</u>	<u>RETENTION DURATION</u>
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

	<p>Summary of Body Worn Camera Videos Uploaded Oct. 1, 2022 to Sept. 30, 2023:</p> <table data-bbox="695 310 1123 422"> <tr> <td>Number of BWC Videos</td> <td>68,750</td> </tr> <tr> <td>Hours of Videos</td> <td>18,609.65</td> </tr> <tr> <td>GB of Videos</td> <td>32,323.13</td> </tr> </table> <p>Summary of Digital Evidence Uploaded, Oct. 1, 2022 to Sept. 30, 2023:</p> <table data-bbox="695 533 1123 894"> <thead> <tr> <th><u>Type</u></th> <th><u>File Count</u></th> </tr> </thead> <tbody> <tr> <td>Audio</td> <td>2,141</td> </tr> <tr> <td>Document</td> <td>1,470</td> </tr> <tr> <td>Image</td> <td>76,044</td> </tr> <tr> <td>Other</td> <td>625</td> </tr> <tr> <td>BWC Video</td> <td>68,750</td> </tr> <tr> <td>Other Video*</td> <td>6,161</td> </tr> <tr> <td>Total</td> <td>155,191</td> </tr> </tbody> </table> <p>* 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.).</p>	Number of BWC Videos	68,750	Hours of Videos	18,609.65	GB of Videos	32,323.13	<u>Type</u>	<u>File Count</u>	Audio	2,141	Document	1,470	Image	76,044	Other	625	BWC Video	68,750	Other Video*	6,161	Total	155,191
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<p>Geographic Deployment</p>	<p>Where applicable, non-privileged and non-confidential information about where the surveillance technology was deployed geographically.</p> <p>Body Worn Cameras are worn by all BPD uniformed officers city-wide at all times; BWC's are not deployed based on geographic considerations.</p>																						
<p>Complaints</p>	<p>A summary of each complaint, if any, received by the City about the Surveillance Technology.</p> <p>There have been no complaints about the deployment and use of Body Worn Cameras.</p>																						
<p>Audits and Violations</p>	<p>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.</p> <p>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.</p>																						
<p>Data Breaches</p>	<p>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.</p> <p>There have been no known data breaches or other unauthorized access to BWC data.</p>																						
<p>Effectiveness</p>	<p>Information that helps the community assess whether the Surveillance Technology has been effective in achieving its identified outcomes.</p>																						

	<p>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.</p>
Costs	<p>Total annual costs for the Surveillance Technology, including personnel and other ongoing costs.</p> <p>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, 2026. 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.</p>

Surveillance Technology Report: Global Positioning System Tracking Devices

October 1, 2022 – Sept. 30, 2023

Description	<p>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.</p> <p>Global Positioning System Trackers are used to track the movements of vehicles, bicycles, other items, and/or individuals.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>The Global Positioning System “Electronic Stake Out” (ESO) devices were not deployed during this reporting period. This program was suspended in mid-March 2020 due to the COVID-19 pandemic. In June of 2022, we renewed our service with the company and paid for new updated equipment with the intent of restarting the program. The program was not reimplemented during the dates specific to this report.</p> <p>COVERTTRACK Stealth V GPS devices were used in three separate investigations during this reporting period:</p> <ol style="list-style-type: none"> (1) An investigation into individuals for their involvement in several robberies and shootings in Berkeley. The case investigation resulted in the arrest of three individuals and the recovery of 5 firearms. (2) An investigation into individuals for their involvement in a commercial burglary. This case is still active and no arrests have been made. (3) An investigation into a robbery and carjacking in Berkeley. The case investigation resulted in the identification of two suspects. One suspect has been arrested and the other has an outstanding warrant. <p>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</p>
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	<p>personnel as a part of an active criminal investigation; and other third parties, pursuant to a court order.</p>
Geographic Deployment	<p>Where applicable, non-privileged and non-confidential information about where the surveillance technology was deployed geographically.</p> <p>COVERTTRACK Stealth V GPS devices are deployed with judicial pre-approval, based on suspect location, rather than geographical consideration.</p>
Complaints	<p>A summary of each complaint, if any, received by the City about the Surveillance Technology.</p> <p>There were no complaints made regarding GPS Trackers.</p>
Audits and Violations	<p>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.</p> <p>There were no audits and no known violations relating to GPS Trackers.</p>
Data Breaches	<p>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.</p> <p>There were no known data breaches relating to GPS Trackers.</p>
Effectiveness	<p>Information that helps the community assess whether the Surveillance Technology has been effective in achieving its identified outcomes.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p>
Costs	<p>Total annual costs for the Surveillance Technology, including personnel and other ongoing costs.</p> <p>The annual cost for the COVERTTRACK Stealth V GPS data service is \$1,834.53.</p>

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: Automated License Plate Readers

October 1, 2022 – Sept. 30, 2023

Description	<p>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.</p> <p>Automated License Plate Readers (ALPRs) are used by Parking Enforcement Bureau vehicles for time zone parking. The City's Transportation Division uses anonymized information for purposes of supporting the City's Go Berkeley parking management program. ALPR use replaced the practice of physically "chalking" tires, which a more effective means of identifying violators.</p> <p>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 ALPR).</p> <p>How the data is stored: The data is stored on a secure server by the vendor.</p> <p>Retention period of data: During this reporting period collected images and metadata of hits were stored no more than 365 days. Metadata of reads were not stored more than 14 days in accordance with policy 1302. Current use policy adopted September 13, 2022 sets new retention periods that are now in effect.</p> <p style="text-align: center;">Summary of ALPR Time Zone Enforcement Data</p> <p style="text-align: center;">Read Data (only retained for 14 days) There was a total of 3,134,195 reads</p> <p style="text-align: center;">From 10/1/2022 to 9/30/2023</p> <p style="text-align: center;">Hit Data There were 98,224 "Hits" 36,953 "Enforced Hits" resulted in citation issuance. 1,966 "Not Enforced" hits due to either, 1) ALPR experiencing technical issues and officer unable to validate the hit the system, which only gives option to not enforce, or 2) Officer error in accepting the hit initially.</p> <p>59,305 Hits were not acted upon for a variety of reasons including but not limited to:</p> <ol style="list-style-type: none"> 1) Customer comes out to move a vehicle. PEO's are directed not to issue that citation.
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	<ol style="list-style-type: none"> 2) Officer gets to the dashboard and sees a permit not visible from a previous location. 3) Officer does a vehicle evaluation and confirms that the vehicle moved from the hit location (e.g. across the street within GPS range). 4) Stolen car. 5) Similar Plates. 6) 600-700 GIG cars- 100 revel scooters. 7) Officers mistakenly leave their LPR “on” collecting time zone enforcement data, but leave the area being enforced to drive to another location on another assignment, such as a traffic post at a collision scene. These hits are not enforced. <p>Genetec is the vendor for the ALPR Time Zone enforcement system. A “read” indicates the ALPR system successfully read a license plate. The information that is generated when a plate is viewed by the ALPR camera is the license plate number, state and geographical (GPS) location it was viewed. A “hit” indicates the 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.</p> <p style="text-align: center;">Summary of ALPR Law Enforcement Investigative Inquiry Data</p> <p style="text-align: center;">1 vehicle inquiry from 10/1/22-9/30/23</p> <p>The sole inquiry was made in conjunction with a BPD criminal investigation in a stabbing case. The query was made with Chief of Police approval in accordance with Policy 1302.3(b). The inquiry did not reveal any hit or read information.</p> <p>All BPD 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 ALPR data is subject to the provisions of BPD Policy 415 - Immigration Law, and therefore may not be shared with federal immigration enforcement officials.</p>
<p>Geographic Deployment</p>	<p>Where applicable, non-privileged and non-confidential information about where the surveillance technology was deployed geographically.</p> <p>Only Parking Enforcement Vehicles are equipped with ALPRs. ALPRs are deployed based on areas where there are parking time restrictions. ALPRs are not deployed based on geographic considerations not related to parking enforcement.</p>
<p>Complaints</p>	<p>A summary of each complaint, if any, received by the City about the Surveillance Technology.</p> <p>There have been no complaints about the deployment and use of Automated License Plate Readers.</p>

<p>Audits and Violations</p>	<p>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.</p> <p>There have been no complaints of violations of the ALPR Surveillance Use Policy.</p>
<p>Data Breaches</p>	<p>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.</p> <p>There have been no known data breaches or other unauthorized access to Automated License Plate Reader data.</p>
<p>Effectiveness</p>	<p>Information that helps the community assess whether the Surveillance Technology has been effective in achieving its identified outcomes.</p> <p>ALPRs have proven effective in parking enforcement for time zone enforcement.</p> <p>The ALPR’s 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.</p> <p>An additional benefit of the Parking Enforcement ALPR system is that 221 “hits” indicated a possible stolen vehicle. These hits allow for the timelier recovery of stolen vehicles in the City of Berkeley.</p>
<p>Costs</p>	<p>Total annual costs for the Surveillance Technology, including personnel and other ongoing costs.</p> <p>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.</p> <p>Genetec 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.</p>

Surveillance Technology Report: Street Level Imagery Project

October 1, 2022 – Sept. 30, 2023

<p>Description</p>	<p>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.</p> <p>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.</p>
<p>Geographic Deployment</p>	<p>Where applicable, non-privileged and non-confidential information about where the surveillance technology was deployed geographically.</p> <p>Street level imagery was collected by driving through the entire community over a three week period. It is accessible to the City through a proprietary third-party application, Street SmartTM.</p>
<p>Complaints</p>	<p>A summary of each complaint, if any, received by the City about the Surveillance Technology.</p> <p>There have been no complaints about the use of Street Smart TM.</p>
<p>Audits and Violations</p>	<p>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.</p> <p>There have been no complaints with regards to violations of the Surveillance Use Policy.</p>
<p>Data Breaches</p>	<p>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.</p> <p>There have been no known data breaches or other unauthorized access to Cyclomedia Street Level Imagery data.</p>

<p>Effectiveness</p>	<p>Information that helps the community assess whether the Surveillance Technology has been effective in achieving its identified outcomes.</p> <p>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.</p> <p>The Imagery extracted the following Citywide Infrastructure assets to create accurate and current Geographic Information Systems (GIS) data inventories:</p> <ul style="list-style-type: none"> • Bus pads / stops • Maintenance Access Holes • Pavement Striping • Curb paint color • Parking meters • Pedestrian Signal • Pavement marking • Storm drains • Signs • Street trees • Traffic lights <p>The street level imagery captured was also being used to:</p> <p>Created 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 City signs. The existing sign inventory is contained in a spreadsheet that does not have accurate location data.</p> <p>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.</p> <p>Created pavement striping and paint symbol layers to support Transportation Planning and Vision Zero.</p> <p><u>Benefits Projected:</u></p> <p>The data from the street level imagery is being integrated into the City’s work order and asset management system for planning activities and to document repair and maintenance.</p> <p>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.</p> <p>The data provides a comprehensive snapshot of the City that would be helpful for cost recovery in the event of a major disaster.</p>
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	<p>City staff can use the street level imagery to plan the location of road markings for pedestrian crossings, bike lanes or other striping.</p> <p>City staff can remotely take accurate measurements of infrastructure assets to adequately plan for repair and replacement.</p> <p>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.</p>																						
Costs	<p>Total annual costs for the Surveillance Technology, including personnel and other ongoing costs.</p> <p>The total cost of the system is \$232,611 and is itemized below.</p> <table border="1" data-bbox="381 852 1456 1182"> <thead> <tr> <th data-bbox="381 852 467 926">Year No.</th> <th data-bbox="467 852 776 926">Description</th> <th data-bbox="776 852 915 926">Cost</th> <th data-bbox="915 852 1456 926">Notes</th> </tr> </thead> <tbody> <tr> <td data-bbox="381 926 467 968">1</td> <td data-bbox="467 926 776 968">Licenses</td> <td data-bbox="776 926 915 968">\$48,000</td> <td data-bbox="915 926 1456 968">Resolution No: 69,482-N.S. 30JUN20</td> </tr> <tr> <td data-bbox="381 968 467 1041">1</td> <td data-bbox="467 968 776 1041">Professional Services for asset extraction</td> <td data-bbox="776 968 915 1041">\$139,401</td> <td data-bbox="915 968 1456 1041">Resolution No: 69,482-N.S. 30JUN20</td> </tr> <tr> <td data-bbox="381 1041 467 1115">2</td> <td data-bbox="467 1041 776 1115">Licenses and Support – One-Time</td> <td data-bbox="776 1041 915 1115">\$41,100</td> <td data-bbox="915 1041 1456 1115">Resolution No: 70,487-N.S. 26JUL22</td> </tr> <tr> <td data-bbox="381 1115 467 1182">3</td> <td data-bbox="467 1115 776 1182">License and Support – Ongoing Annual Costs</td> <td data-bbox="776 1115 915 1182">\$4,110</td> <td data-bbox="915 1115 1456 1182">Resolution No: 70,487-N.S. 26JUL22</td> </tr> </tbody> </table>			Year No.	Description	Cost	Notes	1	Licenses	\$48,000	Resolution No: 69,482-N.S. 30JUN20	1	Professional Services for asset extraction	\$139,401	Resolution No: 69,482-N.S. 30JUN20	2	Licenses and Support – One-Time	\$41,100	Resolution No: 70,487-N.S. 26JUL22	3	License and Support – Ongoing Annual Costs	\$4,110	Resolution No: 70,487-N.S. 26JUL22
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Surveillance Technology Report: Unmanned Aerial Equipment, Drone

October 1, 2022 – Sept. 30, 2023

<p>Description</p>	<p>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.</p> <p>Unmanned Aerial Vehicle (UAV) 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. All requests go to the Chief of Police and then escalate to the City Manager for final approval. During this period, on two occasions the Police Department sought mutual assistance for drones.</p> <p>What data is captured by this technology: Unmanned Aerial Vehicles are owned and operated by the respective agency. While each piece of equipment is unique, generally UAV’s 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.</p> <p>How the data is stored: During this reporting period Alameda County Sheriff’s Office (ACSO) and Contra Costa County Sheriff’s Office (CCCSO) each assisted the Berkeley Police Department by providing drones on one occasion. Per their policy, ACSO and CCCSO retain images captured during a UAV mission if there is reasonable suspicion of criminal activity. BPD personnel would request that evidence from ACSO or CCCSO if it was needed in support of criminal activity. During this rating period no data was stored by BPD. During this rating period, the Department authored and released Policies 611 and 1303, setting data storage and retention periods for drones.</p> <p>Retention period of data: During this reporting period no data was stored by BPD. During this rating period, the Department authored and released Policies 611 and 1303, setting data storage and retention periods for drones.</p> <p style="text-align: center;">Summary of Uses of UAV’s</p> <p style="text-align: center;">BPD Case 23-02707 (USE OF UAV) On 01/19/23, the Berkeley Police Department Special Response Team responded to Oakland to serve a search and arrest warrant at a property related to an armed robbery that occurred in Berkeley on 11/23/22. Four suspects were able to elude capture the day of the robbery and investigating detectives learned the suspects were in possession of an Ak-47 and another rifle in addition to the handguns used in the robbery. The UAV was requested to search the property in Oakland from</p>
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	<p>overhead and search the property and residence for a suspect believed to be inside the residence with a gun. By sending the UAV in before officers, the risk of a lethal confrontation is significantly reduced. <i>Subsequently the City Council was notified of the temporary use of surveillance technology in exigent circumstances.</i></p> <p>BPD Case 23-11104 (USE OF UAV) On 03/07/23, two separate armed robberies via gun occurred within 30 minutes of each other in Berkeley. The suspect vehicle was spotted by BPD Officers, pursued and lost in the Richmond area. The investigation led to an address in the City of San Pablo where the suspect vehicle was found in the driveway with the license plates now removed. A search warrant was obtained for the address and a K-9 Unit was requested and approved to locate the suspect. The responding CCCSD K-9 Unit advised BPD that before they send the K-9 into a residence they first clear the house with a UAV. Realizing that CCCSD was going to utilize a UAV to assist in our investigation, BPD officers made a request to utilize the technology per the Surveillance Ordinance. <i>Subsequently the City Council was notified of the temporary use of surveillance technology in exigent circumstances.</i></p>
<p>Geographic Deployment</p>	<p>Where applicable, non-privileged and non-confidential information about where the surveillance technology was deployed geographically.</p> <p>A UAV was used twice during this reporting period; once at an address in Oakland and once at an address in San Pablo. Search warrants were obtained for both addresses prior to use of the UAV.</p>
<p>Complaints</p>	<p>A summary of each complaint, if any, received by the City about the Surveillance Technology.</p> <p>During this reporting period the City received no complaints about the deployment of Unmanned Aerial Vehicles (UAV).</p>
<p>Audits and Violations</p>	<p>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.</p> <p>An audit of the two uses of UAV during the reporting period found that both uses were within policy.</p>
<p>Data Breaches</p>	<p>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.</p> <p>There have been no known data breaches or other unauthorized access to any of the data from the Unmanned Aerial Vehicles (UAV).</p>
<p>Effectiveness</p>	<p>Information that helps the community assess whether the Surveillance Technology has been effective in achieving its identified outcomes.</p>

	<p>In two instances, Unmanned Aerial Vehicles (UAV) were used to search properties before officers. This allowed officers to see video from the UAV and confirm a suspect was not waiting inside with a gun. By sending the UAV 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.</p>
Costs	<p>Total annual costs for the Surveillance Technology, including personnel and other ongoing costs.</p> <p>The annual cost for the Unmanned Aerial Vehicles (UAV) 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 was incurred. ACSO has indicated an intent to begin charging agencies for use of UAV technology.</p>

Surveillance Technology Report: Fixed Surveillance Video Cameras

October 1, 2022 – Sept. 30, 2023

Description	<p>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.</p> <p>During this reporting period the Berkeley Police Department collaborated with the Police Accountability Board, Public Safety Policy Committee, and City Attorney’s Office to author a Surveillance Use Policy, Use Policy, and an Acquisition Report related to the Avigilon External Fixed Video Surveillance Cameras. At the time of submission of this report, an additional fixed camera has been installed at the intersection of University Avenue and Sixth Street to assist in criminal investigations. That camera is managed by the Public Works Department but the Police Department has access for criminal investigations.</p> <p>As of this report, there are Avigilon external fixed surveillance cameras located at San Pablo Park, the Berkeley Marina, and at the intersection of University Avenue and Sixth Street.</p> <p>What data is captured by this technology: The Avigilon external fixed surveillance cameras record and capture non-audio activity (data) for the following purposes:</p> <ul style="list-style-type: none"> • To address identified areas of criminal activity. • To respond to critical incidents. • To assist in identifying, apprehending and prosecuting offenders. • To document officer and offender conduct during interactions to safeguard the rights of the public and officers. • To monitor pedestrian and vehicle traffic activity in order to assist with traffic related investigations. • To document employee, employer, and/or customer conduct during interactions to safeguard the employee, employer, and customer from misconduct. <p>How the data is stored: The data on the Avigilon 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.</p> <p>Retention period of data: Video surveillance recordings are not government records pursuant to California Government Code 34090 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.</p>
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	<p>The Avigilon external fixed video surveillance cameras at University Avenue and Sixth Street were recently installed and were not accessed during this reporting period.</p> <p>The Avigilon external fixed video surveillance cameras at San Pablo Park were accessed three times during this reporting period.</p> <ul style="list-style-type: none"> • Youth Services Detectives accessed the cameras while investigating an indecent exposure case that involved a 7-year-old victim. The cameras confirmed the timeframe of the crime and allowed detectives to rule-out a potential suspect. • Homicide Detectives accessed the cameras while investigating a shooting that occurred near the park. • A newly appointed Property Crimes Detective accessed the cameras to ensure he could log in and understand the area of coverage for future investigations. <p>The Avigilon external fixed video surveillance cameras at the Berkeley Marina was accessed once during this reporting period.</p> <ul style="list-style-type: none"> • Property Crimes Detectives accessed the cameras while investigating an auto burglary in the area. The cameras captured the suspect vehicle and license plate which has helped further the investigation. <p>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.</p>
<p>Geographic Deployment</p>	<p>Where applicable, non-privileged and non-confidential information about where the surveillance technology was deployed geographically.</p> <p>The Avigilon 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.</p>
<p>Complaints</p>	<p>A summary of each complaint, if any, received by the City about the Surveillance Technology.</p> <p>There were no known complaints associated with the Avigilon external fixed video surveillance cameras.</p>
<p>Audits and Violations</p>	<p>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.</p> <p>There were no audits and no known violations relating to the Avigilon external fixed video surveillance cameras.</p>
<p>Data Breaches</p>	<p>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.</p> <p>There were no known data breaches related to the Avigilon fixed use cameras.</p>

Effectiveness	<p>Information that helps the community assess whether the Surveillance Technology has been effective in achieving its identified outcomes.</p> <p>Avigilon 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.</p>
Costs	<p>Total annual costs for the Surveillance Technology, including personnel and other ongoing costs.</p> <p>The initial cost of the San Pablo Park Cameras was \$64,829.46</p> <p>The initial cost of the Marina cameras was \$106,620.14</p> <p>The annual cost for maintenance and other ongoing costs, including compliance and other reporting and oversight requirements is \$13, 443.20.</p> <p>The cost for the camera at University Avenue and Sixth Street was \$36,346.30, not including staff time related to the project.</p>