

Office of the City Manager

ACTION CALENDAR November 10, 2020

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

- Submitted by: Andrew Greenwood, Chief of Police Savita Chaudhary, Director of Information Technology David White, Deputy City Manager
- Subject: Resolution Accepting the Surveillance Technology Report for Automatic License Plate Readers, GPS Trackers, Body Worn Cameras, and the Street Level Imagery Project Pursuant to Chapter 2.99 of the Berkeley Municipal Code

RECOMMENDATION

Adopt a Resolution accepting the Surveillance Technology Report for Automatic License Plate Readers, GPS Trackers, Body Worn Cameras, and the Street Level Imagery Project Pursuant to Chapter 2.99 of the Berkeley Municipal Code.

FISCAL IMPACTS OF RECOMMENDATION None.

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. Attached to this staff report are Surveillance Technology Reports for Automatic License Plater Readers, GPS Trackers, Body Worn Cameras, and the Street Level Imagery Project.

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 at the first regular City Council meeting in November.

For each of the four 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

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

RATIONALE FOR RECOMMENDATION

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

<u>ALTERNATIVE ACTIONS CONSIDERED</u> City Council could decide not to adopt the resolution.

<u>CONTACT PERSON</u> Savita Chaudhary, Director of Information Technology (510) 981-6541 Andrew Greenwood, Chief of Police, (510) 981-7017 David White, Deputy City Manager, (510) 981-7012

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ATTACHMENTS

- 1. Proposed Resolution
- 2. Body Worn Cameras Surveillance Technology Report: Body Worn Cameras
- 3. Global Positioning System Tracking Devices Surveillance Technology Report
- 4. Automated License Plate Readers Surveillance Technology Report: Automated License Plate Readers
- 5. Street Level Imagery Project Surveillance Technology Report: Street Level Imagery Project

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RESOLUTION NO. ##,###-N.S.

A RESOLUTION ACCEPTING THE SURVEILLANCE TECHNOLOGY REPORT FOR AUTOMATIC LICENSE PLATE READERS, GPS TRACKERS, BODY WORN CAMERAS, AND THE STREET LEVEL IMAGERY PROJECT

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:

Section 1. The City Council hereby accepts the Surveillance Technology Reports for Automatic License Plate Readers, GPS Trackers, Body Worn Cameras, and the Street Level Imagery Project.

Surveillance Technology Report: Body Worn Cameras

October 1, 2019 – Sept. 30, 2020

Description	A description of all non-privileged a including but not limited to the quar sharing has occurred, the report sh recipient entities, including the nam	tity of data gathered ar all include general, non	nd sharing of data, if -privileged and non-	any, with outside entities. If confidential information about
	Body Worn Cameras are use department personnel and t These recording are used in increase transparency and e police services to the comm	he public, to provi support of crimina nhance professior	ide an objective al prosecutions,	record of these events. to limit civil liability,
	Body Worn Camera (BWC) f office in support of prosecut enforcement agencies to su	tion for crime, and	may be shared	
	Summar	ry of Body Worn Ca Oct. 1, 2019 to S		ploaded
	Т	tal Number of Vide otal Hours of Vide otal GB of Videos	os 18,7	29
		Summary of All Ev Oct. 1, 2019 to S		
	<u>Type</u> Audio Document Image Other Videos* Grand Total	Count of files 821 318 64,563 1,711 73,570 s 140,983	Size (in Mb) 9,842 15 293,306 122,370 36,984,303 37,409,835	<u>GBs Storage</u> 98 0.14 293 1,224 369,843 374,098
	* Includes all uploaded BWC videos an include iPhone videos uploaded, secur			e ,
Geographic Deployment	Where applicable, non-privileged and deployed geographically. Body Worn Cameras are wo are not deployed based on g	rn by all BPD unifo	ormed officers ci	
Complaints	A summary of each complaint, if an			ce Technology.
	There have been no compla	ints about the dep	loyment and use	e of Body Worn Cameras.

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Audits and	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.
Violations	
	File meta-data are routinely reviewed by our BWC manager, to ensure required meta-
	data fields are completed. There have been no complaints with regards to violations of
	the 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 BWC data.
Effectiveness	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.
Costs	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 approx. \$204,000
	per year over a five-year, \$1,218,000 contract. The systems cost for the 19 month period
	of this initial report was \$385,700.
	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.

Surveillance Technology Report: Global Positioning System Tracking Devices

October 1, 2019 – Sept. 30, 2020

to a court order.GeographicWhere applicable, non deployed geographical	t of an active criminal investigation; and other third parties, pursuant
Deployment	-privileged and non-confidential information about where the surveillance technology was
where bikes are fr	bikes were deployed primarily in commercial districts across the city equently stolen.
	re deployed with judicial pre-approval, based on suspect location, aphical consideration.
Complaints A summary of each co	mplaint, 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 audits and 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.
	GPS Trackers continue to be very effective in apprehending bicycle thieves, many of whom are repeat offenders who've committed not only bike thefts, but other crimes as well, such as burglaries, auto burglaries, and vehicle thefts. SNT trackers are effective in that they provide invaluable information on suspect vehicle location during the investigation of complex cases where suspects may be moving around the Bay Area and beyond.
	GPS Trackers greatly reduce costs associated with surveillance operations. A bike may be left for days. Surveillance operations generally involve four 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. Using both types of GPS trackers eliminates the need for officers' immediate presence until officers are ready to apprehend the suspect(s).
	The program was suspended in mid-March due to the COVID-19 pandemic. This program will likely resume once the pre-COVID bail schedule is re-established.
Costs	Total annual costs for the Surveillance Technology, including personnel and other ongoing costs.
	The annual cost for the GPS Trackers' data service is \$1,920. Further information regarding costs is contained in Policy 1301a, the Surveillance Acquisition Report.
	There are staff time costs associated with preparing and placing SNT 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. These are on the order of two-four hours per operation. The total number of hours is extremely small, given the large number of operations, and resulting arrests.

Surveillance Technology Report: Automated License Plate Readers

October 1, 2019 – Sept. 30, 2020

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 Bureau
	vehicles for time zone parking and scofflaw enforcement. 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 is no longer allowed by the courts.
	Summary of ALPR Time Zone Enforcement Data
	Read Data
	There were an average of 12,059 "Reads" per working day
	(Based on one month's data: 9/1/20/-9/30/20)
	Hit Data
	There were 44,068 "Hits"
	14, 945 "Enforced Hits" resulted in citation issuance.
	2,569 "Not Enforced" valid, enforceable hits resulted in no citation issued,
	based on PEO discretion.
	26,554 Hits were not acted upon for a variety to reasons including but not limited to:
	 Customer comes out to move a vehicle. PEO's are directed not to issue that citation.
	 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 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.
	such as a traine post at a consion scene. These firts are not enforced.
	Genetec is the vendor for the ALPR Time Zone enforcement system. A "read" indicates
	the ALPR system successfully read a license plate. A "hit" indicates the ALPR system
	detected a possible violation, which prompts the Parking Enforcement Officer to further
	assess the vehicle. In many cases, hits are "rejected" or "not enforced" because the Parking Enforcement Officer determines the vehicle has an appropriate placard or
	permit, or there is other information which precludes citation.
	permit, or there is other information which precidues citation.

	Summary of ALPR Booting Scofflaw Enforcement Data
	0 vehicles booted from 10/1/19-9/23/20.
	The Berkeley Police Department no longer maintains the ALPR Booting Scofflaw Enforcement Program. The contract to provide this service became cost prohibitive and the city opted not to renew the contract with the vendor. The city returned to having each PEO working a beat again become responsible for recognizing when a license plate has accumulated five or more unpaid parking tickets.
	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 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.
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 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 and scofflaw enforcement.
Complaints	A summary of each complaint, if any, received by the City about the Surveillance Technology.
	There have been no complaints about to 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.
	There have been no complaints of violations of the ALPR 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 Automated License Plate Reader data.
Effectiveness	Information that helps the community assess whether the Surveillance Technology has been effective in achieving its identified outcomes.
	ALPRs have proven effective in parking enforcement for time zone enforcement; the prior utilization of manually chalking car tires for time zone enforcement has been disallowed by court decision.
	ALPRs have proven effective in supporting enforcement upon vehicles which have five or more unpaid citations. 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.
Costs	Total annual costs for the Surveillance Technology, including personnel and other ongoing costs.

The annual system maintenance cost for Genetec is \$47,000. This cost is borne by the Transportation Division, which also purchased the ALPR units used in Time Zone Enforcement.

Two new Genetec ALPR units were purchased during the period covered by this report. The two new units were purchased in order to equip the final two parking vehicles that did not have ALPR units attached to them.

Genetec ALPR units are installed on 23 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.

Surveillance Technology Report:

Street Level Imagery Project

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.
Description	Street level imagery will be 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.
	The project has not started, and the contract is still in progress.
	Where applicable, non-privileged and non-confidential information about where the surveillance technology was deployed geographically.
Geographic Deployment	Street level imagery will be collected by driving through the entire community over a defined period of time. It will be accessible to the City through a proprietary third- party application, Street SmartTM.
Complaints	A summary of each complaint, if any, received by the City about the Surveillance Technology.
Complainto	No complaints received. The project has not started, and the contract is still in progress.
	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
Audits and Violations	response.
	There have been no complaints with regards to violations of the 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 Cyclomedia Street Level Imagery data.

	Information that helps the communi Technology has been effective in act	-
	infrastructure asset GIS data. This me Cyclomedia's unique and patented p	rocessing techniques allow positionally- cost-effective way and over a shorter period
	The Imagery will be used to extract the create accurate and current Geograp inventories:	ne following Citywide Infrastructure assets to hic Information Systems (GIS) data
	• Bus pads / stops	 Pavement marking
	Maintenance Access Holes	Storm drains
	 Pavement Striping 	• Signs
	Curb paint color	Street trees
	Parking meters	 Traffic lights
	 Pedestrian Signal 	
	The street level imagery that is captu	red will also be used to:
Effectiveness	with the Manual on Uniform Traffic C	ndition assessment to support compliance Control Devices Code and provide an accurate ign inventory is contained in a spreadsheet data.
		on assessment to indicate where there are lors. This is critical to support Public Safety.
	Create pavement striping and paint s Planning and Vision Zero.	ymbol layers to support Transportation
	Benefits Projected: Street level imagery will be integrate management system for planning act maintenance.	d into the City's work order and asset ivities and to document repair and
	Planners can use the street level image measurements remotely, such as side proposed development locations.	gery provided to the City to take ewalk width and public right of way impacts at
	City staff can use the street level ima pedestrian crossings, bike lanes or ot	gery to plan the location of road markings for her striping.
	City staff can remotely take accurate adequately plan for repair and replac	measurements of infrastructure assets to rement.

	The st develo	reet level imagery can b	e used to i	to enhance community engagement. dentify and depict the impact of criping plan in order to article before and
	The pr	oject has not started, a	nd the cont	ract is still in progress.
	other	ongoing costs.		echnology, including personnel and
	Year No.	tal cost of the system is Description	\$232,401 a	and is itemized below. Notes
Costs	Year	-		
Costs	Year No.	Description	Cost	Notes
Costs	Year No.	Description Licenses Professional Services	Cost \$48,000	Notes Resolution No: 69,482-N.S. 30JUN20
Costs	Year No. 1	Description Licenses Professional Services for asset extraction Licenses and Support –	Cost \$48,000 \$139,401	NotesResolution No: 69,482-N.S. 30JUN20Resolution No: 69,482-N.S. 30JUN20Pending Council approval after imagery