



TIME CRITICAL AGENDA MATERIAL

Meeting Date: July 25, 2023

Item Description: Police Accountability Board (PAB) response to # 38. Surveillance Ordinance items related to Fixed Automated License Plate Readers (ALPRs)

Berkeley Municipal Code 2.99 “Acquisition and Use of Surveillance Technology” requires that the City Manager present a Surveillance Use Policy for each Surveillance Technology to the Police Review Commission¹ before City Council adoption. The Police Accountability Board (PAB) must receive the corresponding Surveillance Acquisition Report presented to the Council for that Surveillance Technology. Within 30 days of receiving a Surveillance Use Policy for review, the Police Review Commission must vote to recommend approval, object to the proposal, recommend modifications, or take no action.

To this end, on May 11, 2023, Berkeley Police Department Chief Louis presented the PAB with the proposed acquisition report and Policy 422 and Policy 1305—the proposed ALPR policies. On June 15, 2023, the ODPa provides a report to the PAB titled “Automatic License Plate Readers (ALPR) in the City of Berkeley: A Preliminary Review of Proposed BPD Policies by the Office of the Director of Police Accountability (ODPA) Submitted to the Police Accountability Board (PAB)”. On June 16, 2023, the PAB held a special meeting to discuss the proposed ALPR policies. The PAB voted to object to the acquisition report and proposed policies as presented. Subsequently, on that day, the PAB sent an objection letter to the BPD and City Council.

On June 20, 2023, the Public Safety Policy Committee held a special meeting to discuss the ALPR policies. The committee voted to send a qualified positive to the City Council on the condition that the PAB and BPD work to address the concerns of the PAB. On June 27, 2023, PAB Chair Moore, Board Member Wilson, Sgt. Ledoux, and ODPa Staff met to discuss the concerns of the PAB as articulated in the objection letter. On July 6, 2023, the BPD provided the PAB with the updated policies: the ALPR documents (proposed redline versions of the policies); and a memo prepared at the request of the Public Safety Policy Committee, responding to the concerns raised by the DPA/PAB. There was no change to the previously submitted Acquisition Report.

¹ * - BMC 2.99 currently references the predecessor agency the Police Review Commission (PRC). The PAB has assumed all duties and responsibilities of the PRC.

On July 6, 2023, the Office of the Director of Police Accountability (ODPA) held a virtual community input session to solicit further community input to present to the Board. During the session, ODPA staff provided the community an informative overview of various topics, including BMC 2.99 - Acquisition and Use of Surveillance Technology, BPD's Acquisition, Report for ALPRs, BPD's proposed Surveillance Use Policy, BPD's proposed Training and Operational Policy, Council Legislative History on ALPR, and the initial position of the Police Accountability Board (PAB) regarding these policies.

The PAB is in the process of reviewing the updated policies and further discuss their stance on ALPRs at their regularly scheduled July 12, 2023, meeting. On July 25, 2023, the BPD will present its acquisition report and use policies to the full City Council.

The DPA, in capacity of Secretary to the Board, respectfully requests that the Policy Committee of the City Council allow for the July 25, 2023, to include an agenda item following the presentation of **# 38. Surveillance Ordinance items related to Fixed Automated License Plate Readers (ALPRs)**. A proposed title for the agenda item can be **Police Accountability Board (PAB) response to Surveillance Ordinance items related to Fixed Automated License Plate Readers (ALPRs)**. Additionally, the DPA requests that the ODPA community input session documents be entered into the agenda packet for July 25, 2023, and any subsequent PAB produced communications pursuant to their July 12, 2023, meeting.

Attachments:

- ODPA Memorandum titled Recap of Community Input Session_ Automated License Plate Readers (ALPR): A Discussion on ALPRs in the City of Berkeley
- Invitational email
- Invitational flyer
- Opening remarks
- Input Session PowerPoint Presentation
- Transcript with YouTube video link
- Questions/comments made through the Q&A tool

Time Critical Items. A Time Critical item is defined as a matter that is considered urgent by the sponsor and that has a deadline for action that is prior to the next meeting of the Council and for which a report prepared by the City Manager, Auditor, Mayor or Council Member is received by the City Clerk after established deadlines and is not included on the Agenda Committee's published agenda.

The author of the report shall bring any reports submitted as Time Critical to the meeting of the Agenda Committee. **Per BMC 2.06.060 (D), Time Critical items must be accompanied by complete reports and statements of financial implications.**

If the Agenda Committee finds the matter to meet the definition of Time Critical, the Agenda Committee may place the matter on the Agenda on either the Consent or Action Calendar

ODPA Memorandum Titled “Recap of
Community Input Session_Automated
License Plate Readers (ALPR): A Discussion
ALPRs in the City of Berkeley” and Related
Documents



MEMORANDUM

Date: July 7, 2023
To: Police Accountability Board
From: Hansel A. Aguilar, Director of Police Accountability
Jose D. Murillo, Policy Analyst
Re: Recap of Community Input Session_ Automated License Plate Readers
(ALPR): A Discussion on ALPRs in the City of Berkeley

The purpose of this memorandum is to provide a summary of the virtual community input session that took place on Thursday, July 6, 2023, regarding the Berkeley Police Department's (BPD) proposed fixed Automated License Plate Readers (ALPR) acquisition report and policies. The session was organized by the Office of the Director of Police Accountability (ODPA) with the goal of gathering community feedback and perspectives on these important matters on behalf of the Police Accountability Board (PAB).

Key Details:

- Date: Thursday, July 6th, 2023; Time: 6:00 PM - 7:30 PM
- Location: Zoom Webinar
- Approximately 70 unique viewers participated in the session.
- Discussion format:
 - ODPa Staff overview
 - Written Q&A available throughout the session and
 - Live comment section

During the session, ODPa staff provided an informative overview of various topics, including BMC 2.99 - Acquisition and Use of Surveillance Technology, BPD's Acquisition Report for ALPRs, BPD's proposed Surveillance Use Policy, BPD's proposed Training and Operational Policy, Council Legislative History on ALPR, and the official position of the Police Accountability Board (PAB) regarding these policies.

The community members actively engaged in the discussion through the written Q&A format and the live comment section. Approximately 50 questions or comments were submitted through the Q&A feature, and an additional 20 were shared via the live comment section. The session facilitated diverse perspectives and inclusive dialogue, allowing participants to seek clarification, voice concerns, and express support for the proposed ALPR technology and related policies.

For your reference, the following documents are attached:

- Invitational email
- Invitational flyer
- Opening remarks
- Input Session Powerpoint Presentation
- Transcript with YouTube video link
- Questions/comments made through the Q&A tool

Overall, the staff believes the community input session was a successful platform for gathering valuable feedback and fostering dialogue on the proposed ALPR acquisition report and policies. The high level of participation demonstrates the community's interest and engagement in matters concerning public safety and surveillance technology. This forum holds great promise for future policy discussions and community involvement.

We were unable to address all comments and questions, but we will carefully review the questions, comments, and feedback received during the session to ensure a comprehensive understanding of the community's concerns and perspectives.

Public

ODPA Invitation Email to Community Members

Dear Community Members:

The Office of the Director of Police Accountability (ODPA) cordially invites you to a virtual community input session regarding the proposed fixed Automated License Plate Readers (ALPR) acquisition report and policies of the Berkeley Police Department. We value your input and believe that diverse perspectives and inclusive dialogue are essential for shaping the future of public safety in Berkeley.

During this session, our dedicated ODPA staff will provide an informative overview of the following key topics:

- BMC 2.99 - Acquisition and Use of Surveillance Technology
- Berkeley Police Department (BPD) Acquisition Report for ALPRs
- BPD Proposed Surveillance Use Policy
- BPD Proposed Training and Operational Policy
- Council Legislative History on ALPR
- Official Position of the Police Accountability Board (PAB) regarding these policies

Date: Thursday, July 6th, 2023

Time: 6:00 PM - 7:30 PM

Location: Zoom

Webinar

Webinar ID: 831 7606 7569

Link: <https://us02web.zoom.us/j/83176067569>

This community input session is a valuable opportunity for you to enhance your understanding of ALPR policies, seek clarification through questioning, and voice your concerns or show support for this technology in our community. We strongly encourage everyone to attend and actively participate in this important discussion. Please share this invitation with your friends, neighbors, and fellow community members who may have an interest in this topic. We welcome all voices and perspectives to ensure a comprehensive and well-informed discussion.

Attached to this email, you will find a flyer providing further details about the session. If you have any questions or require further information, please do not hesitate to reach out to us via email.

We look forward to your active participation and meaningful contributions to this community input session. Together, we can create a safer and more transparent environment for all residents of Berkeley.

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Hansel Alejandro Aguilar
Director of Police Accountability
Office of the Director of Police Accountability
1947 Center St. – 5th floor
Berkeley, CA 94704

*The Police Accountability Board and the Director of Police Accountability replaced the Police Review Commission as of July 1, 2021.



COMMUNITY INPUT SESSION

A DISCUSSION ON AUTOMATED LICENSE PLATE READERS (ALPR) IN THE CITY OF BERKELEY

Join the Office of the Director of Police Accountability (ODPA) for a community input session about the Berkeley Police Department's proposed fixed Automated License Plate Readers (ALPR) acquisition report and policies.

During this session, ODPa staff will provide an overview of the:

- BMC 2.99- Acquisition and Use of Surveillance Technology
- BPD Acquisition Report for ALPRs
- BPD proposed Surveillance Use Policy
- BPD proposed Training and Operational Policy
- Council legislative history on ALPR
- Official position of the Police Accountability Board (PAB) concerning these policies.

This is an opportunity for community members to enhance their understanding of ALPR policies, seek clarification through questioning, and voice their concerns or show support for this technology in our community. We encourage everyone to attend and actively participate in shaping the future of public safety in Berkeley.



DATE & TIME

Thursday, July 6th, 2023
6:00 PM- 7:30 PM

ZOOM



Access the event by clicking the following link:

<https://us02web.zoom.us/j/83176067569>

Webinar ID:

831 7606 7569

OR

Join via phone by dialing


+1(669) 900-6833

and entering the Webinar ID:

831 7606 7569.

PROMOTING PUBLIC TRUST THROUGH INDEPENDENT, OBJECTIVE, CIVILIAN OVERSIGHT OF THE BERKELEY POLICE DEPARTMENT

 dpa@berkeleyca.gov

 510-981-4950

 <https://berkeleyca.gov/safety-health/police-accountability>



DPA AGUILAR OPENING REMARKS FOR July 6, 2023

- COMMUNITY INPUT SESSION -

AUTOMATED LICENSE PLATE READERS(ALPR): A DISCUSSION ON ALPRS IN THE CITY OF BERKELEY

Ladies and gentlemen, distinguished guests, and community members,

Good evening and welcome to this community input session. As the Director of Police Accountability for the City of Berkeley, it is an honor to stand before you today as we gather to discuss an important matter concerning public safety in our city. I would like to take a moment to acknowledge and recognize that discussions on matters of public safety can evoke strong opinions and sentiments. However, it is crucial that we approach this dialogue with open minds, respect for diverse perspectives, and a shared commitment to the well-being of our community.

Firstly, I would like to extend my gratitude to each and every one of you for taking the time to join us here today. Your presence here reflects your dedication to actively participating in the decision-making process that shapes our city's policies. It is through open and inclusive discussions like these that we can make informed decisions that truly serve the needs and aspirations of our community.

It is also worth noting that we are holding this community input session during a week that holds great significance to us as Americans—the week in which we celebrate our independence through the Fourth of July holiday. This occasion reminds us of the principles upon which our nation was founded, including the right to life, liberty, and the pursuit of happiness. It is in this spirit of freedom and community that we convene here today, striving to ensure that our city's policies uphold these cherished values.



The focus of today's discussion is the potential acquisition of automated license plate readers (ALPR) by our police department. These technological tools have the potential to impact the way law enforcement operates in our community, and it is crucial that we thoroughly evaluate their potential benefits and risks. As the Police Accountability Board considers the proposed policies regarding ALPRs, it is vital that we gather diverse input from community members like you. Your perspectives, concerns, and insights will greatly inform the decision-making process and help shape the policies that govern this technology's usage in our city.

Public

Let me emphasize that the purpose of this input session is to create an inclusive space for dialogue, where differing viewpoints can be shared and understood. We encourage everyone to engage respectfully and constructively, ensuring that all voices are heard and valued. By doing so, we can foster a sense of trust, collaboration, and accountability within our community.

Once again, thank you for your presence and your commitment to shaping the future of our city. Your input matters, and together, we can work towards a safer and more just community. I look forward to a productive and meaningful discussion tonight.

Thank you.



**COMMUNITY INPUT
SESSION**

Automated License Plate Readers (ALPR)

A Discussion on Automated License Plate Readers (ALPR)
in the City of Berkeley

July 6, 2023
Hosted by the ODPa

Image Source: Flock Safety

Overview

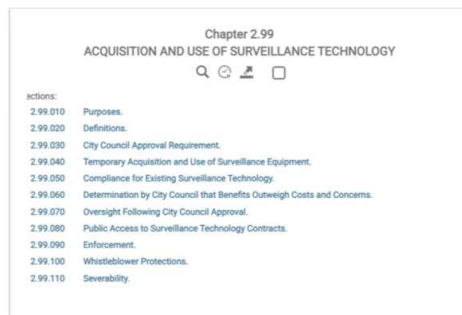
- I. Introductions and Presentation Overview
- II. Review of Community Agreements
- III. Overview of Berkeley Municipal Code 2.99 “Acquisition and Use of Surveillance Technology”
- IV. Overview of Automated License Plate Reader (ALPR) Technology
- V. Overview of the Berkeley City Council’s Legislative History on ALPR
- VI. Overview of the Berkeley Police Department’s Proposed ALPR Policies
- VII. Overview of Police Accountability Board’s (PAB) Position Concerning ALPR Policies.
- VIII. Open Discussion and Q&A Session

Community Agreements

- Be both teachers and learners:** We embrace the idea that everyone has something valuable to contribute and that we can all learn from each other.
- Challenge ideas, not people:** We encourage participants to focus their critiques and challenges on the ideas being presented rather than attacking or belittling individuals. We value diverse opinions and aim to engage in thoughtful discussion that promotes growth and understanding.
- Practice active listening:** We emphasize the importance of active listening in our discussions. This means giving our full attention to the speaker, seeking to understand their perspective before formulating a response, and refraining from interrupting.
- Show respect and empathy:** We value respect and empathy as foundational principles in our community discussions. We aim to create a safe and inclusive space where all individuals feel heard and valued.
- Take accountability:** We hold ourselves accountable for our words and actions within the community. We acknowledge that our contributions have an impact on others, and we take responsibility for fostering a positive and inclusive environment. If any conflicts or issues arise, we are committed to addressing them openly and collaboratively, seeking resolution in a respectful manner.

Berkeley Municipal Code 2.99 “Acquisition and Use of Surveillance Technology” (2018)

- City's goal: Establish a balanced process for procurement and use of Surveillance Technology, considering public safety and privacy/civil rights.
- Transparency is crucial in the consideration of Surveillance Technology.
- Surveillance Technology can benefit public order and safety but may jeopardize privacy and civil liberties.
- Decisions on Surveillance Technology should prioritize the impact on civil rights and civil liberties, as guaranteed by California and US Constitutions.



Chapter 2.99
ACQUISITION AND USE OF SURVEILLANCE TECHNOLOGY

ICONS: 🔍 🔄 📄 🗑️

2.99.010	Purposes.
2.99.020	Definitions.
2.99.030	City Council Approval Requirement.
2.99.040	Temporary Acquisition and Use of Surveillance Equipment.
2.99.050	Compliance for Existing Surveillance Technology.
2.99.060	Determination by City Council that Benefits Outweigh Costs and Concerns.
2.99.070	Oversight Following City Council Approval.
2.99.080	Public Access to Surveillance Technology Contracts.
2.99.090	Enforcement.
2.99.100	Whistleblower Protections.
2.99.110	Severability.

Berkeley Municipal Code 2.99 “Acquisition and Use of Surveillance Technology” (Cont.)

- Evaluation of financial costs associated with acquisition, installation, use, and maintenance of Surveillance Technology is necessary.
- City Council should govern decisions on funding, acquisition, and use of Surveillance Technologies.
- Safeguards, including transparency, oversight, and accountability measures, are crucial at local, state, and federal levels.
- Data reporting measures ensure compliance with civil rights and civil liberties safeguards.

Chapter 2.99
ACQUISITION AND USE OF SURVEILLANCE TECHNOLOGY

Sections:

- 2.99.010 Purposes.
- 2.99.020 Definitions.
- 2.99.030 City Council Approval Requirement.
- 2.99.040 Temporary Acquisition and Use of Surveillance Equipment.
- 2.99.050 Compliance for Existing Surveillance Technology.
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- 2.99.090 Enforcement.
- 2.99.100 Whistleblower Protections.
- 2.99.110 Severability.

The Police Accountability Board* & Surveillance Technology Under BMC 2.99

- City Manager must present** a Surveillance Use Policy for each Surveillance Technology to the Police Review Commission before City Council adoption
- The Police Accountability Board must receive** the corresponding Surveillance Acquisition Report presented to the council for that Surveillance Technology
- Within 30 days** of receiving a Surveillance Use Policy for review, the Police Review Commission must vote to recommend approval, object to the proposal, recommend modifications, or take no action
- Opposition or failure by the Police Accountability Board to act does not prevent the City Manager from proceeding with their own review and potential adoption.



Image Source: Getty Images

* - BMC 2.99 currently references the predecessor agency the Police Review Commission (PRC). The PAB has assumed all duties and responsibilities of the PRC.

What are Automated License Plate Readers?

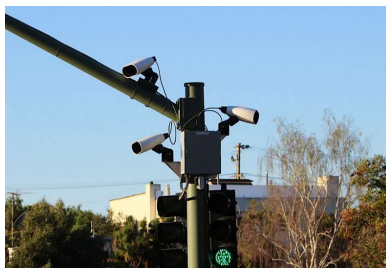


Image Source: Electronic Frontier Foundation

- ALPR systems capture images of license plates automatically.
- The images are converted into text using special software.
- The converted plate number is compared with databases of vehicles of interest.
- Law enforcement and other agencies use ALPR to identify vehicles they are looking for.
- When a vehicle of interest is detected, the system notifies the officer.

Source:
Gullo, Karen, et al. "Automated License Plate Readers (ALPRs)." *Electronic Frontier Foundation*, 15 May 2020. www.eff.org/pages/automated-license-plate-readers-alpr.

What are ALPRs used for?

Rapidly identifying and locating vehicles of interest to law enforcement.

- Comparing license plate encounters with law enforcement databases ("hot lists") for active investigations, such as missing persons, stolen vehicles, or stolen license plates.
- Assisting in the identification of suspects, victims, and witnesses by canvassing license plates near crime scenes.
- Acting as a search tool with limited information, including partial license plate details.



Image Source: PIPS Technology

Source: "Automated License Plate Recognition." *International Association of Chiefs of Police*, www.theiacp.org/projects/automated-license-plate-recognition. Accessed 6 July 2023.

Berkeley City Council's Legislative History on ALPR

- November 1, 2021 – Public Safety Policy Committee of the City Council makes a budget referral proposing the acquisition of fixed ALPRs.
- November 30, 2021 – The budget referral was presented to the City Council and approved by a majority of Council.
- The budget referral included the installation of ALPRs at strategic locations, allocation of funds in the FY 23-24 budget for ALPRs, and the development of a policy governing the use of ALPRs by the Berkeley Police Department in compliance with relevant city ordinances, specifically Berkeley Municipal Code (BMC) 2.99.
- May 11, 2023 – Police Chief Louis presented the Board with Policy 422 and Policy 1305—the proposed ALPR policies.

Berkeley City Council's Legislative History on ALPR (Cont.)

- June 15, 2023 – The ODPa provides a report to the PAB titled "Automatic License Plate Readers (ALPR) in the City of Berkeley: A Preliminary Review of Proposed BPD Policies by the Office of the Director of Police Accountability (ODPA) Submitted to the Police Accountability Board (PAB)"
- June 16, 2023 – The PAB holds a special meeting to discuss the proposed ALPR policies. The PAB votes to object to the acquisition report and proposed policies as presented. The PAB sends an objection letter to the BPD and City Council.
- June 20, 2023 – The Public Safety Policy Committee holds a special meeting to discuss the ALPR policies. The committee votes to send a qualified positive to the City Council on the condition that the PAB and BPD work to address the concerns of the PAB.
- June 27, 2023 – PAB Chair Moore, Board Member Wilson, Sgt. Ledoux, and ODPa Staff meet to discuss the concerns of the PAB as articulated in the objection letter.
- July 6, 2023 – The BPD provides the PAB with the updated policies. The ALPR documents (proposed redline versions of the policies) as well as a memo prepared at the request of the Public Safety Policy Committee which provides specific responses to concerns raised by the PAB/PAB. There was no change to the previously submitted Acquisition Report.

Berkeley City Council's Legislative History on ALPR (Cont.)

- July 12, 2023 – The PAB will review the updated policies and further discuss their stance on ALPRs.
- July 25, 2023 – The BPD will present its acquisition report and use policies to the full City Council.

BPD's Proposed Acquisition Report

Purpose:

- Berkeley Police Department will utilize a network of fixed automated license plate readers (ALPRs).
- ALPRs will be affixed to street poles, street lights, or other similar objects owned by the City of Berkeley or covered by a right-of-way agreement.
- ALPRs are commonly used to alert police of wanted vehicles or vehicles of interest entering their jurisdiction.
- ALPR technology is increasingly used on local freeways, bridges, and sometimes in private parking lots.

BPD's Proposed Acquisition Report

Justification:

- Berkeley Police Department investigators have identified instances where effective ALPR deployment could have helped focus on wanted vehicles and potentially prevented crimes in the city.
 - Theft of vehicles
 - Incidents of armed robbery
 - Property-related crimes
 - Homicide cases
 - Sex/Domestic Violence Crimes

BPD's Proposed Acquisition Report

Location:

- BPD proposes to install 52 fixed ALPRs in the City of Berkeley. While the cameras are permanent installations, if found ineffective in the installed location, the Department can elect to move the camera to another location at nominal cost.
- It's preferred to leave cameras installed in locations for periods of minimally a year. Locations will be determined using crime data, known locations of ingress or egress into the City of Berkeley, and commonly known direction of travel after criminal acts based on information provided from investigators.
- The Department will balance the need to deploy the camera systems equitably across the City of Berkeley with the need to deploy the cameras in an effective manner.
- BPD will solicit input from the vendor for an effective deployment.

BPD's Proposed Acquisition Report

Impact:

- The Berkeley Police Department is dedicated to the most efficient utilization of its resources and services in its public safety endeavors.
- The Berkeley Police Department recognizes the need to protect its ownership and control over shared information and to protect the privacy and civil liberties of the public, in accordance with federal and state law.
- The procedures utilized with ALPR Units will help to prevent unauthorized use of its data. The procedures will ensure the data is not used in a way that would violate or infringe upon anyone's civil rights and/or liberties, including but not limited to potentially disparate or adverse impacts on any communities or groups.

BPD's Proposed Policies

BPD Policy 422 "Fixed Automated License Plate Readers (ALPRs)"

Purpose and Scope: *"The purpose of this policy is to provide guidance for the capture, storage and use of digital data obtained through the use of Automated License Plate Reader (ALPR) technology. Department Personnel shall adhere to the requirements of Fixed ALPRs in this policy as well as the corresponding Surveillance Use-Fixed ALPRs policy-1305."*

BPD's Proposed Policies

BPD Policy 1305 "Surveillance Use Policy – Fixed ALPRs"

"The purpose of this policy is to provide guidance for the capture, storage and use of digital data obtained through the use of Automated License Plate Reader (ALPR) technology. Department Personnel shall adhere to the requirements of the Surveillance Use-Fixed ALPRs in this policy as well as the corresponding Use Policy - 422.

The policy of the Berkeley Police Department is to utilize ALPR technology to capture and store digital license plate data and images while recognizing the established privacy rights of the public.

All data and images gathered by the ALPR are for the official use of this department. Because such data may contain confidential information, it is not open to public review.

The Berkeley Police Department does not permit the sharing of ALPR data gathered by the City or its contractors/subcontractors for federal immigration enforcement, pursuant to the California Values Act (Government Code § 7282.5; Government Code § 7284.2 et seq) – these federal immigration agencies include Immigrations and Customs Enforcement (ICE) and Customs and Border Patrol (CBP)."

PAB Stance on the Proposed Policies

The PAB expressed 4 areas of concerns but they have not taken a stance on the technology itself. Their concerns are the following:

- 1) **Civil Liberties Protections:** The proposed acquisition report and policies need to provide stronger safeguards and assurances for protecting civil liberties and privacy rights. The PAB emphasizes the importance of ensuring that the acquisition and use of ALPRs do not infringe upon the rights of individuals in the community.
- 2) **Lack of Empirical Support or Data:** The PAB has noted a lack of empirical evidence or data demonstrating the effectiveness of the technology in achieving its intended goals within the City of Berkeley. While acknowledging the reported increase in crime in specific categories, the PAB highlights the need for an analysis of comparable jurisdictions with or without this technology to determine its potential effectiveness. Solid evidence is crucial before moving forward with the acquisition to ensure its significant contribution to solving criminal investigations and enhancing public safety.

PAB Stance on the Proposed Policies (Cont.)

3) **Concerns about True Costs:** The PAB has expressed concerns about the true costs associated with the technology, including potential hidden costs, maintenance expenses, and long-term financial commitments. It is imperative to have a comprehensive understanding of the financial implications and ensure that the benefits outweigh the costs.

4) **Lack of Completeness of the Acquisition Report and Proposed Policies:** The proposed policies require further clarity, elaboration, and editing. Specifically, the PAB calls for a clear outline of the intended uses of the data, retention periods, access controls, and measures to protect against potential misuse or unauthorized access. The inclusion of more information about minimum training requirements for the users of the technology is also requested.

Comments and/or Questions

We will proceed as follows...

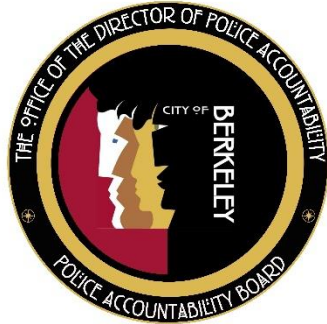
1. Comments in the Q&A list
2. Live questions
3. Closing Comments

Contact Us

Hansel Alejandro Aguilar
Director of Police Accountability

Jose De Jesus Murillo
Policy Analyst

Office of the Director of Police Accountability
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Berkeley, CA 94704
T: 510-981-4950
E: DPA@Berkeleyca.gov



Community Input Session Transcript

Session Topic: “Automated License Plate Readers (ALPR): A Discussion on ALPRs in the City of Berkeley”

DISCLAIMER

This document is an automatically generated transcript produced by Zoom's transcription feature. The transcription process is automated and may not capture the exact wording, tone, or context of the original spoken conversation. Therefore, it is advised to exercise caution and refer to the original recording or seek further clarification when relying on this transcript for official or critical purposes. The accuracy and reliability of the transcript may vary based on factors such as audio quality and background noise.

The video recording is available for viewing through the following link: <https://youtu.be/00L2wYj-DAQ>.

TRANSCRIPT

[Jose Murillo, ODP Policy Analyst] 18:00:37

Okay. Good afternoon everyone. My name is Jose Murillo. I'm a policy analyst with the Office of the Director of Police Accountability.

[Jose Murillo, ODP Policy Analyst] 18:00:46

Today we're going to be providing you with a presentation on automatic license plate readers. And with that, I'll hand it over to the director who will get us started this afternoon.

[Hansel Aguilar, Director of Police Accountability] 18:01:00

Good evening committee members. We do see we got a quite a few folks here so we'll get started with our discussion.

[Hansel Aguilar, Director of Police Accountability] 18:01:07

We are on the clock so to speak. Just I do see we have at least one hand.

[Hansel Aguilar, Director of Police Accountability] 18:01:14

That's raised in the attendee section and just wanna make sure that I acknowledge you and that we will be able to get to community comments.

[Hansel Aguilar, Director of Police Accountability] 18:01:24

We just have to provide a overview about the agenda for today and how we'll proceed today. Do you get proceed with the next slide, please?

[Hansel Aguilar, Director of Police Accountability] 18:01:34

So here's our agenda for today. I am the, director of police accountability here in the city of Berkeley and I do wanna thank you and welcome you to this input, committee input session.

[Hansel Aguilar, Director of Police Accountability] 18:01:48

We're really. Grateful that use community members are able to join us today. As we stand as we sit here today to gather and to discuss an important matter concerning public safety in our city.

[Hansel Aguilar, Director of Police Accountability] 18:02:01

I just wanna take a moment to acknowledge and recognize that discussions on matters of public safety. They can evoke strong opinions and sentiments.

[Hansel Aguilar, Director of Police Accountability] 18:02:09

However, it is crucial that we a process dialogue with open minds respect for diverse perspectives in a shared commitment to the well being of our community.

[Hansel Aguilar, Director of Police Accountability] 18:02:19

First, I'd like to again extend my gratitude to each and every one of you for taking the time to join us here today.

[Hansel Aguilar, Director of Police Accountability] 18:02:25

You press this here, reflects your dedication to actively participating in decision making processes that shape our city's policies.

[Hansel Aguilar, Director of Police Accountability] 18:02:34

It is through this open and inclusive dialogue. That we can make sure that we make informed decisions that truly serve the needs and aspirations of our community.

[Hansel Aguilar, Director of Police Accountability] 18:02:44

It's also worth noting that we're holding this committee input session during a week that holds great significance to us.

[Hansel Aguilar, Director of Police Accountability] 18:02:52

The week in which we celebrate our independence to the Fourth of July holiday. This location reminds us of the principles upon which our nation was founded on.

[Hansel Aguilar, Director of Police Accountability] 18:03:00

And including the right to life, liberty and pursuit of happiness. So we is in this period. That, the spirit of freedom and community that we can be here today striving to ensure that our city's policies uphold these cherished values.

[Hansel Aguilar, Director of Police Accountability] 18:03:15

The focus of today's discussion is to potential acquisition of automated license plate readers or ALPR.

[Hansel Aguilar, Director of Police Accountability] 18:03:25

As are commonly referred to by the acronym. By our police department. These technological tools have the potential impact the way launch enforcement operates in our community and is crucial that we thoroughly evaluate the event their potential benefits and risk.

[Hansel Aguilar, Director of Police Accountability] 18:03:40

As the Police Accountability Board considers the proposed policies regarding It is vital that we gather diverse input for community members like you.

[Hansel Aguilar, Director of Police Accountability] 18:03:50

Your perspectives, concerns and insights will greatly inform the decision making process of the city council and help shape the policies that govern this acknowledges usage in our city if adopted.

[Hansel Aguilar, Director of Police Accountability] 18:04:01

Let me emphasize that the purpose of the input session is to create an inclusive space for dialogue where different viewpoints can be shared and understood.

[Hansel Aguilar, Director of Police Accountability] 18:04:09

We encourage everyone to engage respectfully and constructively. Ensuring that all voices are heard and valued. By doing so, we can foster a sense of trust, collaboration, and accountability within our community.

[Hansel Aguilar, Director of Police Accountability] 18:04:22

Was again, thank you for your presence and commitment to shaping the future of our city. So as you can see in the slide before you, the overview, we're going to, do a thorough review of what we like to call community agreements that spell out a little bit more about the agreements that we expect out of

[Hansel Aguilar, Director of Police Accountability] 18:04:42

this dialogue today. We're going to have an overview via policy analysts of the Berkeley municipal code, 2.9 9 the acquisition and user surveillance technology.

[Hansel Aguilar, Director of Police Accountability] 18:04:54

We're going to do an overview of the proposed. License plate vendors. Technology, excuse me, of the technology itself, then an overview of the legislative history, an overview of the department's proposed policies and the initial position of the police accountability boards on these policies.

[Hansel Aguilar, Director of Police Accountability] 18:05:15

Then we'll go ahead and open discussion and do QA. I do believe though our policy analyst has a note about the QA session.

[Hansel Aguilar, Director of Police Accountability] 18:05:23

If you can. Surprise and guidance there.

[Jose Murillo, ODPa Policy Analyst] 18:05:27

Sorry, I was muted for a moment. But yes, some of you have already found we have enabled the QA section.

[Jose Murillo, ODPa Policy Analyst] 18:05:35

As you have questions through the presentation, feel free to drop them in that chat box. So what we'll do at the end of the presentation is that we'll review the questions or comments are submitted there.

[Jose Murillo, ODPa Policy Analyst] 18:05:45

Zoom does have the feature, to upload any questions. So if you see a question in that chat box and you think, wow, that's a great question.

[Jose Murillo, ODP Policy Analyst] 18:05:54

You could vote for it and I'll go up towards the top. We'll try to get to as many hands as we can during our, last portion as well.

[Jose Murillo, ODP Policy Analyst] 18:06:01

Again, I also see that again, recognizing the hands are already raised. We will have that opportunity.

[Jose Murillo, ODP Policy Analyst] 18:06:06

But again, the QA chat box is open in case there's any questions that come up through that process, feel free to drop them in there.

[Jose Murillo, ODP Policy Analyst] 18:06:14

We'll be monitoring them as we go along.

[Hansel Aguilar, Director of Police Accountability] 18:06:18

And I do see a note about close captioning. Can you just confirm if that's already enabled for the community members?

[Hansel Aguilar, Director of Police Accountability] 18:06:27

You're muted.

[Jose Murillo, ODP Policy Analyst] 18:06:32

Sorry, yes, it is enabled. Close captioning and then there's also a question about the QA.

[Jose Murillo, ODP Policy Analyst] 18:06:39

That box that I'm referring to is where the comments are being. Submitted

[Hansel Aguilar, Director of Police Accountability] 18:06:51

So we'll go ahead and you can advance to the next slide.

[Hansel Aguilar, Director of Police Accountability] 18:06:59

Discuss our community agreement. Okay. One of the things that the main points here is to be both teachers and learners.

[Hansel Aguilar, Director of Police Accountability] 18:07:08

Challenge ideas, not people. Practice active listening, show respect and empathy and take accountability.

[Hansel Aguilar, Director of Police Accountability] 18:07:16

Again, I wanna emphasize that public safety discussions can, evoke a lot of strong emotions and sentiments.

[Hansel Aguilar, Director of Police Accountability] 18:07:23

We understand there's a lot at stake when we're authorizing the, our government, whether local or, at the state level or the federal level to be able to utilize technologies to monitor our community members.

[Hansel Aguilar, Director of Police Accountability] 18:07:39

We know that these have real life impacts. We also do know that community members are concerned for personal safety and also do know that community members are concerned for personal safety and also safety of property.

[Hansel Aguilar, Director of Police Accountability] 18:07:56

Viewpoints and making sure that we're providing the space we are again going to be reporting back to the police accountability board.

[Hansel Aguilar, Director of Police Accountability] 18:08:04

The, feedback that we're receiving here at the board continues to. Consider the department's proposed policies.

[Hansel Aguilar, Director of Police Accountability] 18:08:15

They will be meeting for their next regularly scheduled meeting on July 12. So it is our are in our task to, memorialize the feedback we receive here and present it to the board at this next board meeting.

[Hansel Aguilar, Director of Police Accountability] 18:08:33

And we can go ahead and, we'll revisit the community agreements, before we start the discussion.

[Jose Murillo, ODPa Policy Analyst] 18:08:39

Oh! Okay. So again, my name's Las Mudi. I'm the policy analyst here with the office of director of police accountability.

[Jose Murillo, ODPa Policy Analyst] 18:08:49

And we just wanna start today with, the Berkeley, 2 99 for the acquisition and use of surveillance technology.

[Jose Murillo, ODPa Policy Analyst] 18:08:58

I know during a lot of the police accountability boards meetings during the council meetings. You often hear us referring to BMC 2 99 or the surveillance ordinance which is what we'll be covering today so we just want to give that overview before we get into technology itself.

[Jose Murillo, ODPa Policy Analyst] 18:09:15

So the goal of BMC 2 99 is to essentially establish a process, for the procurement and use of surveillance technology, in a way that considers both public safety and privacy and civil rights.

[Jose Murillo, ODPa Policy Analyst] 18:09:29

Transparency is the main theme behind this ordinance. It's crucial in the consideration of any surveillance technology that we are transparent.

[Jose Murillo, ODPa Policy Analyst] 18:09:38

And again, it emphasizes that surveillance technology can benefit public order and safety. But it could also jeopardize privacy and civil liberties if it's a abuse.

[Jose Murillo, ODPa Policy Analyst] 18:09:48

So the decision on surveillance technology, should always prioritize impact on civil rights and civil liberties, as guaranteed by the California and US constitutions.

[Jose Murillo, ODPa Policy Analyst] 18:10:00

And under that general principle is that the city passed this ordinance.

[Jose Murillo, ODPa Policy Analyst] 18:10:08

Again, part is part of the ordinance there requires an evaluation of the financial costs associated with the acquisition.

[Jose Murillo, ODPa Policy Analyst] 18:10:15

The installment, the use and the maintenance of any surveillance technology. It states that city council should govern decisions on funding acquisition on the use of the surveillance technology so this is where you hear a lot of the mandate for a policy like recovery today.

[Jose Murillo, ODPa Policy Analyst] 18:10:31

And it also includes, or it also requires that certain safeguards, including transparency, the idea of oversight is terms of the scope of our work.

[Jose Murillo, ODPa Policy Analyst] 18:10:41

And I accountability measures are set in place. Of course. And then there's data reporting.

[Jose Murillo, ODPa Policy Analyst] 18:10:49

Just to measure that there's compliance with the initial intent and that civil liberties civil rights and civil leaders are being safeguarded.

[Jose Murillo, ODPa Policy Analyst] 18:11:00

Right. So. Our role or rather the role of the police accountability board. With BMC 2 99 is that we are in essentially the review.

[Jose Murillo, ODPa Policy Analyst] 18:11:11

A body for some of these policies. The city manager whenever there will be a new surveillance technology on behalf of the police department.

[Jose Murillo, ODPa Policy Analyst] 18:11:20

Must present a surveillance use policy for each technology to the police review commission which is now of course the police accountability board before city council adopts it or essentially considers it for adoption.

[Jose Murillo, ODPa Policy Analyst] 18:11:36

The police accountability board must receive a corresponding surveillance acquisition report as well as the surveillance policy and then the use policy which will differentiate as we go later on so it's 3 documents that accompany these reviews.

[Jose Murillo, ODPa Policy Analyst] 18:11:52

These policies have to be given to the police accountability board within 30 days. Or rather the review has to be completed within a 30 days of receiving the policy.

[Jose Murillo, ODPa Policy Analyst] 18:12:03

And the board has to vote whether to accept whether to recommend approval eject to the proposal recommend modifications or take no action of course, the opposition or failure by the police accountability board to act on these policies.

[Jose Murillo, ODPa Policy Analyst] 18:12:18

Does not prevent the city manager from, proceeding with their own review and potential adoption.

[Jose Murillo, ODPa Policy Analyst] 18:12:24

Again, we're recommending body. In this regard.

[Jose Murillo, ODPa Policy Analyst] 18:12:31

So what are automatic license plate readers? Lpr systems, are essentially cameras that capture images of license plates automatically.

[Jose Murillo, ODPa Policy Analyst] 18:12:42

The images are converted into text using special software. They convert plate numbers and. They essentially capture plate numbers and compare with databases.

[Jose Murillo, ODPa Policy Analyst] 18:12:53

Of vehicles of interest. Law enforcement and other agencies use ALPRs to identify vehicles they're looking for.

[Jose Murillo, ODPa Policy Analyst] 18:13:00

When a vehicle of interest is detected the system notifies the officer through the procedures that various departments have.

[Jose Murillo, ODPa Policy Analyst] 18:13:09

So again, where do they use for? They're used for rapidly identifying and locating vehicles of interest law enforcement.

[Jose Murillo, ODPa Policy Analyst] 18:13:17

Again, they compare license plane counters with law enforcement databases, which is often referred to as sought list.

[Jose Murillo, ODPa Policy Analyst] 18:13:23

For active investigations such as missing persons stolen vehicles are stolen license place. They assess the identification of suspects, victims and witnesses by canvassing license plates near crime scenes.

[Jose Murillo, ODPa Policy Analyst] 18:13:36

And they're also used as acting as a search tool with limited information and comparing license plate. Details.

[Jose Murillo, ODPa Policy Analyst] 18:13:47

So just a bit of the legislative history. As we go into the final stages of this review. The ALPR discussion or at least some of the preliminary discussion started back in 2021 when the public safety policy committee made a budget made a recommendation for a budget referral proposing the acquisition of fixed

[Jose Murillo, ODPa Policy Analyst] 18:14:12

ALPRs on November thirtieth 2021 the budget referral was presented to the city council and it was approved by a majority of council.

[Jose Murillo, ODPa Policy Analyst] 18:14:21

The budget referral included the installation of ALPR as a strategic locations, the allocations of funds in the 2,024 fiscal year budget for and the development of a policy governing the use of ARPR policies which is what we're reviewing today.

[Jose Murillo, ODPa Policy Analyst] 18:14:36

So part of the condition was that a policy had to be developed and approved by the council before they could proceed.

[Jose Murillo, ODPa Policy Analyst] 18:14:44

On May eleventh, 2023, so about 2 years later, a little under 2 years.

[Jose Murillo, ODPa Policy Analyst] 18:14:50

Those policies were developed in their, transmitted to the police accountability board for review.

[Jose Murillo, ODPa Policy Analyst] 18:14:59

On June fifteenth after receiving those policies, the office of the director of police accountability provided a report to the police accountability board title and automatic license plate readers in the city of Berkeley, a preliminary review of proposed.

[Jose Murillo, ODPa Policy Analyst] 18:15:14

LPR policies by the office of director police accountability which was submitted to the police accountability board.

[Jose Murillo, ODPa Policy Analyst] 18:15:22

This report was primarily research of the different sources that are available. As well as some of the different policies that are currently implemented in place.

[Jose Murillo, ODPa Policy Analyst] 18:15:32

The next day the police accountability board held a special meeting to discuss the proposed LPR policies.

[Jose Murillo, ODPa Policy Analyst] 18:15:38

Public

ALPR Community Input Session Transcript
July 6, 2023

The board voted ultimately to object to the acquisition report and proposed and the proposed policies as presented. The police accountability board sets an objection lighter to the BPD and the city council.

[Jose Murillo, ODPa Policy Analyst] 18:15:52

Then on June twentieth, the public safety policy committee also held a special meeting. To discuss LPR.

[Jose Murillo, ODPa Policy Analyst] 18:15:59

The LPR policies and the considerations of, or rather the concerns of the police accountability board.

[Jose Murillo, ODPa Policy Analyst] 18:16:07

They voted to send the qualified positive to the city council, with condition that the board and the police department, work to address the concerns that were expressed in the board's letter.

[Jose Murillo, ODPa Policy Analyst] 18:16:19

On June 20 seventh chair more the chair of the police accountability board a board member willson sergeant widow and ODPa staff met to discuss and articulate some of the concerns of the objections of the letter.

[Jose Murillo, ODPa Policy Analyst] 18:16:33

This was not necessarily official position on the board, but it was really to set the framework for our upcoming meeting where, the board will make their, final decision, on the matter.

[Jose Murillo, ODPa Policy Analyst] 18:16:45

And then again, actually just today we received the updated policies for the board to include, in its next agenda packet.

[Jose Murillo, ODPa Policy Analyst] 18:16:59

And then of course as I stated on July 12, the board is going to convene for the regular meeting where the new ALPR policies will be discussed further and the board will further discuss further and the board will further discuss their stance on the technology.

[Jose Murillo, ODPa Policy Analyst] 18:17:13

And then of course on July 20 fifth the BPD will present its acquisition report and use policies to the full city council.

[Jose Murillo, ODPa Policy Analyst] 18:17:22

I do just want to make a note that tomorrow or it will be posting their agenda where we'll make these documents available.

[Jose Murillo, ODPa Policy Analyst] 18:17:31

Okay, director.

[Hansel Aguilar, Director of Police Accountability] 18:17:35

Thank you for that. So in In summary, what the acquisition report is as acknowledged or as representing the, ordinance.

[Hansel Aguilar, Director of Police Accountability] 18:17:44

To beMCO Ordin is the police department or the city manager has to make the case for why they want to acquire a news of surveillance technology or they want to utilize from, with the support of nearby departments.

[Hansel Aguilar, Director of Police Accountability] 18:18:01

In this case, the, Brooklyn Police Department's acquisition report, provided this, a purpose for acquiring this, surveillance technology.

[Hansel Aguilar, Director of Police Accountability] 18:18:12

They are just to also clarify, ALPRs can be, a fixed as, as our policy analysts mentioned on, vehicles at this time, it is not the department's, wish to do so.

[Hansel Aguilar, Director of Police Accountability] 18:18:27

They want to fix them at any location. So if it's a street pull street lights or other similar objects owned by the state of Berkeley or cover by right away agreement.

[Hansel Aguilar, Director of Police Accountability] 18:18:36

The AOPRs are commonly used to alert police of wanted vehicles. Or vehicles of interest entered into jurisdiction.

[Hansel Aguilar, Director of Police Accountability] 18:18:43

And the, technology is increasingly used on local freeways bridges and sometimes in private parking lot.

[Hansel Aguilar, Director of Police Accountability] 18:18:50

So this is language directly from the acquisition report which is publicly available. It has been included in our agenda packets and also in the.

[Hansel Aguilar, Director of Police Accountability] 18:18:58

City councils or public safety committee packet and feel free to contact us at any time if you want to have access to these documents.

[Hansel Aguilar, Director of Police Accountability] 18:19:08

The next slide, please.

[Hansel Aguilar, Director of Police Accountability] 18:19:12

Okay, the justification as articulated in the acquisition report, the police departments investigators, they have identified instances where the effective deployment of this technology could have helped focus on wanted vehicles and potentially prevented crimes in the city.

[Hansel Aguilar, Director of Police Accountability] 18:19:31

They noted these different categories of crime, a depth of vehicles, incidents of armed robbery. Property related crimes, homicide cases, sex, domestic violence crimes and in the acquisition

report they do provide several cases where they could have utilized this technology solve those crimes.

[Hansel Aguilar, Director of Police Accountability] 18:19:52

If you could proceed with the next slide, please.

[Hansel Aguilar, Director of Police Accountability] 18:19:56

Another element of this is the location and where will these how many and where will they be placed around the city.

[Hansel Aguilar, Director of Police Accountability] 18:20:05

The police department, proposes to install 52, ALPRs in the city of Berkeley.

[Hansel Aguilar, Director of Police Accountability] 18:20:13

Again, there's a permanent locations. They are going to be the specific locations haven't been identified yet but they will, want to solicit input from the vendor, who has not been chosen at this time, because they're in the, in the process of getting

[Hansel Aguilar, Director of Police Accountability] 18:20:34

council approval to acquire them. So if the council were to approve this technology in the city, the police department would then potentially, will, identify vendor and they want to work with that vendor to.

[Hansel Aguilar, Director of Police Accountability] 18:20:48

Look at the locations around the city where they will put these, fixed cameras in.

[Hansel Aguilar, Director of Police Accountability] 18:20:57

The impact as articulated by the police department in their acquisition report. They wanna utilize, their resources effectively as we know the city is, facing a hybrid crisis, hiring a retention crisis and not only in the police department or across many departments.

[Hansel Aguilar, Director of Police Accountability] 18:21:17

If you haven't looked at the city auditors, recent report, that gives you good context of the current state of the city right now in terms of hiring and retention.

[Hansel Aguilar, Director of Police Accountability] 18:21:27

But one of the One of the ways that police departments not just, the Brooklyn Police Department, but other departments around the country have been able to overcome some of these challenges in in personnel is through the adoption of these technologies which is what the department proposes here.

[Hansel Aguilar, Director of Police Accountability] 18:21:47

They do recognize the department the need to protect ownership and patrol over shared information and protect the privacy and civil liberties of the public in accordance with federal state law.

[Hansel Aguilar, Director of Police Accountability] 18:21:58

And also, noted, in the, acquisition report that the units will help to prevent unauthorized there will be procedures in place that help prevent unauthorized use of the data the procedures will ensure that data is not used in any way that would violate or a upon any more

[Hansel Aguilar, Director of Police Accountability] 18:22:19
civilized inner liberties, including but not limited to potentially desperate for adverse impacts on any community groups. And again, this is language from the acquisition report.

[Hansel Aguilar, Director of Police Accountability] 18:22:28
You can proceed with the next slide.

[Hansel Aguilar, Director of Police Accountability] 18:22:32
Okay, so there are 2 in addition to the proposed the acquisition report there are 2 policies that the department has drafted.

[Hansel Aguilar, Director of Police Accountability] 18:22:43
There it's what will fall on the directions for the officers at the street level in any of the.

[Hansel Aguilar, Director of Police Accountability] 18:22:52
Operators of this technology and then there is the other policy that provides more of the, articulation that is legally required, for this use of technology.

[Hansel Aguilar, Director of Police Accountability] 18:23:05
But policy, BPD, POSI, 4 22, in the purpose of this policy is to provide guidance for the capture storage and usage of the digital data obtained through use of ALPR technology department personnel shall adhere to the requirements of fix ALPRs in this policy as well as corresponding surveillance use

[Hansel Aguilar, Director of Police Accountability] 18:23:24
fix AOPR policy 1305 and could advance to the next slide please. Okay, so the The other policy that is.

[Hansel Aguilar, Director of Police Accountability] 18:23:38
Attached to the this surveillance technology policy is 1305 and the purpose of that policy is to provide guidance.

[Hansel Aguilar, Director of Police Accountability] 18:23:47
Again, very similar language, but this one is to ensure that it is meeting. The legal requirements both.

[Hansel Aguilar, Director of Police Accountability] 18:23:54
At the state level, federal level, but also in compliance with any, Berkeley, or Berkeley, local laws in the.

[Hansel Aguilar, Director of Police Accountability] 18:24:07
We get it.

[Hansel Aguilar, Director of Police Accountability] 18:24:10
Okay.

[Jose Murillo, ODPa Policy Analyst] 18:24:12
Okay, so as we noted earlier, at their June sixteenth meeting, The police accountability board voted to write.

[Jose Murillo, ODPa Policy Analyst] 18:24:23
To the public safety policy committee as well as the city council and the Berkeley Police Department to express their concerns about the policies that were proposed to the board.

[Jose Murillo, ODPa Policy Analyst] 18:24:32
There's 4 primary areas that the board was concerned about, and that they had an opportunity to address to the public safety committee.

[Jose Murillo, ODPa Policy Analyst] 18:24:39
The first one was of course, the concerns over civil liberty protections. The proposed acquisition report and the, or as the board stated, the proposed acquisition report and policies need to be need to provide stronger safeguards and assurances for protecting civil liberties and privacy rights.

[Jose Murillo, ODPa Policy Analyst] 18:24:58
The PAB emphasizes the importance of ensuring that the acquisition and use of ALPRs do not infringe upon the rights of individuals in the community.

[Jose Murillo, ODPa Policy Analyst] 18:25:07
The second concern was that there's lack of empirical support or data. The police accountability board as they stated has noted a lack of empirical evidence or data demonstrating the effectiveness of that technology and achieving its intended goals within the City of Berkeley while acknowledging the reported increase in crimes in specific categories, the

[Jose Murillo, ODPa Policy Analyst] 18:25:28
PAB highlights the need for an analysis of comparable jurisdictions with their without this technology to the terminus potential effectiveness.

[Jose Murillo, ODPa Policy Analyst] 18:25:37
Solid evidence is crucial before moving forward with the acquisition to ensure it's significant contribution to solving crime investigations and enhancing public safety.

[Jose Murillo, ODPa Policy Analyst] 18:25:46
So again, those were just 2 of the 4 and I'll proceed to the next 2.

[Jose Murillo, ODPa Policy Analyst] 18:25:52
There is also concerns about the true cost. In their letter the board noted that rather the police accountability board state that it has expressed concerns about the true cost of associated with the technology included potential hidden costs, maintenance expenses, and long-term financial commitments.

[Jose Murillo, ODP Policy Analyst] 18:26:13

It is imperative to have a comprehensive understanding of the financial implications and ensure that the benefits outweigh the cost.

[Jose Murillo, ODP Policy Analyst] 18:26:21

And then lastly the last concern that was noted was the lack of completeness of acquisition report and the proposed policies.

[Jose Murillo, ODP Policy Analyst] 18:26:29

And again in their letter they stated the proposed policies require further clarity, collaboration, and editing, specifically the PAB cause for a clear outline of the intended use of the data retention periods access controls and measures to protect against potential misuse or unauthorized access.

[Jose Murillo, ODP Policy Analyst] 18:26:47

The inclusion of more information about minimum training requirements for the users of the technology is also requested. So again, these were the analysis that was, Initially provide these this was in response to the initial policies that were provided to the board and have been workshop with the department to an extent.

[Jose Murillo, ODP Policy Analyst] 18:27:07

The board has not taken, official position just yet in terms of the ALPR policies, but these were just their initial analysis.

[Jose Murillo, ODP Policy Analyst] 18:27:17

And that they'll continue at the next meeting on. July twelfth.

[Jose Murillo, ODP Policy Analyst] 18:27:25

Okay. Okay, so we've reached the end of our presentation. We're very conscious to allow time.

[Jose Murillo, ODP Policy Analyst] 18:27:34

For folks to provide their input. As I noted at the start of the presentation the way that we will be.

[Jose Murillo, ODP Policy Analyst] 18:27:44

With this is that we'll be looking at the QA list first to see if there are any questions there that haven't been answered.

[Jose Murillo, ODP Policy Analyst] 18:27:48

We have been monitoring and we see that there's a few comments there. That wants to be for the record and we assure you that they will Well, we'll then open it up to live questions.

[Jose Murillo, ODP Policy Analyst] 18:27:58

Again, we do have a good amount of participants here joining us today. And we do have a few hands raised so we'll make sure to, give enough time for folks to express their comments.

[Jose Murillo, ODP Policy Analyst] 18:28:08

And then we'll end up with any closing comments, as we move forward to the next steps.

[Jose Murillo, ODP Policy Analyst] 18:28:14

So with that said, we'll just take a few minutes to look over the QA.

[Jose Murillo, ODP Policy Analyst] 18:28:17

Again if you don't necessarily wish to speak but you still wanna answer your question that's a great or ask a question.

[Jose Murillo, ODP Policy Analyst] 18:28:23

It's a great tool.

[Hansel Aguilar, Director of Police Accountability] 18:28:27

And, could you please put the, community agreements? Just as a reminder to guide us as we engage in this conversation.

[Jose Murillo, ODP Policy Analyst] 18:28:28

Okay.

[Jose Murillo, ODP Policy Analyst] 18:28:37

Yes.

[Hansel Aguilar, Director of Police Accountability] 18:28:37

And I do want to, if I may, and just make sure that we're communicating effectively the board position at this moment.

[Hansel Aguilar, Director of Police Accountability] 18:28:48

It was to object the the acquisition report and the policies as presented they have sought, they have provided guidance to the police department and we did receive, a response to some of the the concerns that were raised by the board, those responses were provided today by the police department.

[Hansel Aguilar, Director of Police Accountability] 18:29:11

They will be in the agenda packet and the board will further discuss their stance based on this new information and the address and the concerns that have already, been brought forth by the police accountability board.

[Jose Murillo, ODP Policy Analyst] 18:29:27

Okay. And then we just, I'll start with the QA questions. The first question that I have and it's more of a procedural aspect on our end.

[Jose Murillo, ODP Policy Analyst] 18:29:39

Our closing comments going to be from attendees or from the PAB. So we will go ahead director.

[Hansel Aguilar, Director of Police Accountability] 18:29:49

So I do wanna just say that we are our assistant the board in this process this is not a board meeting per se so the comments that we would the office will make as we facilitate this in procession will not necessarily be representations of the board.

[Hansel Aguilar, Director of Police Accountability] 18:30:09

We do have individual board members and we have a lot of community members logged in. And they're more than welcome to make any comments, throughout this discussion, but I do want to make sure that we're communicating that effectively that this is not necessarily a event that's host being hosted by the Police Accountability

[Hansel Aguilar, Director of Police Accountability] 18:30:27

Board, but rather by the office in our capacity as the administrative support of the board.

[Jose Murillo, ODPa Policy Analyst] 18:30:37

Okay, so quite a few questions.

[Jose Murillo, ODPa Policy Analyst] 18:30:42

Oh, and there's a clarifying question as to that. Do attendees have a chance to make comments. I only ask specific questions. Yes, you will have the opportunity to make comments.

[Jose Murillo, ODPa Policy Analyst] 18:30:55

When we get to the live questions aspects of it. My apologies if we weren't clear with that.

[Jose Murillo, ODPa Policy Analyst] 18:30:58

But yes, you will be allowed to either ask a question or make a comment. Okay, so the next question is, so what is the estimated cost of performing the case control studies that the PAB and the case is needed to inform this proposal.

[Jose Murillo, ODPa Policy Analyst] 18:31:14

How do these costs compare to the program cost?

[Hansel Aguilar, Director of Police Accountability] 18:31:19

So that's great question. Another disclaimer in this conversation. There's some questions that may be beyond the scope of what we, intend to do tonight.

[Hansel Aguilar, Director of Police Accountability] 18:31:28

We will register any questions and we'll try to follow up with any community member. That has a more targeted question that's gonna require more research.

[Hansel Aguilar, Director of Police Accountability] 18:31:37

But feel free again to register your questions and comments. The goal here is to receive input so the board can make informed decisions in their recommendations.

[Jose Murillo, ODPa Policy Analyst] 18:31:52

The next question is will BPD have a contractor actually operating the cameras collecting the data, etc.?

[Hansel Aguilar, Director of Police Accountability] 18:32:03

So it is the, in the acquisition report and the policies they do describe the logistics and the mechanics by which.

[Hansel Aguilar, Director of Police Accountability] 18:32:12

The operators will be able to utilize this. So, there are, there will be officers if the department, is approved to have this technology.

[Hansel Aguilar, Director of Police Accountability] 18:32:25

The vendor will then provide training. There will also be some training to ensure legal compliance and the operators, that are trained to utilize the technology would be able to access the databases.

[Hansel Aguilar, Director of Police Accountability] 18:32:38

In that. Yeah, where the license plates, are being, kept and be able to access that information.

[Hansel Aguilar, Director of Police Accountability] 18:32:46

So there is a training component that's being provided by the vendor, but also by different, different, components like the legal requirements that will be necessary to ensure compliance with this technology.

[Jose Murillo, ODP Policy Analyst] 18:33:01

Then the next question you've briefly touched on, Director, will I be Pd department officials have access to the surveillance data.

[Hansel Aguilar, Director of Police Accountability] 18:33:10

As the policy and acquisition report currently reads, it will be individuals that are trained on this. Department.

[Hansel Aguilar, Director of Police Accountability] 18:33:19

It is not. My understanding that all of department members will necessarily be trained on this, but anybody that Does utilize the technology will be trained on it.

[Jose Murillo, ODP Policy Analyst] 18:33:35

Then this is a set of 3 questions. But they all relate. So in regards to the data, will it be shared with other law enforcement agencies and our private organizations?

[Jose Murillo, ODP Policy Analyst] 18:33:47

How many wrong arrests have been made using ALPR technology. Is there data to support the claim that ALPR does in fact solve crime.

[Hansel Aguilar, Director of Police Accountability] 18:33:57

So then those are great questions in terms of sharing. Those are the sort of, nuances that I think the board was.

[Hansel Aguilar, Director of Police Accountability] 18:34:06

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ALPR Community Input Session Transcript
July 6, 2023

I'm very concerned about it making sure that the language is clear on that if there is a legal requirement for the department, to share any, information like a subpoena is provided to the department, then that would need to be considered.

[Hansel Aguilar, Director of Police Accountability] 18:34:22

But there was also a conversation at the Public Safety Committee. What role, will the department and or our city attorney office play in potentially quashing any subpoenas that would potentially contradict our current policies and or audiences within the city.

[Hansel Aguilar, Director of Police Accountability] 18:34:42

So there is some element where there may be sharing, with other law enforcement agencies. There is, No, to my knowledge and, please correct me, Mr. Mario.

[Hansel Aguilar, Director of Police Accountability] 18:34:55

Is there any intention of sharing this information with private organizations. If we don't have that information, we certainly get back to community member.

[Jose Murillo, ODP Policy Analyst] 18:35:03

We can certainly get back, but our other standing with the conversations that the board had at the special meeting.

[Jose Murillo, ODP Policy Analyst] 18:35:10

And at the policy, committee by on behalf of council. Private organizations are not being contemplated.

[Jose Murillo, ODP Policy Analyst] 18:35:18

There's a big emphasis that the policy, there's a big emphasis within the policy that the data wouldn't be shared without outside agencies.

[Jose Murillo, ODP Policy Analyst] 18:35:27

They specifically drop and this isn't necessarily private agency, but more of a federal agency with ICE or other federal agencies for those enforcement matters.

[Jose Murillo, ODP Policy Analyst] 18:35:37

Again, you noted, previously in terms of whether, they're legally obligated to, is a different question that has to be considered on a case by case basis.

[Jose Murillo, ODP Policy Analyst] 18:35:48

But again, the BPD at least has written through the policy in the recent conversations, expresses that the information won't be shared with other agencies again, unless there's legal obligation to do so.

[Jose Murillo, ODP Policy Analyst] 18:36:02

Okay, so we do have a few more questions that trickled in.

[Jose Murillo, ODP Policy Analyst] 18:36:09

And I will. Okay.

[Jose Murillo, ODP Policy Analyst] 18:36:17

So this question says, will ALPR be provided to the police to help identify automobiles nearby the locations at times of crimes reported to the BPD.

[Hansel Aguilar, Director of Police Accountability] 18:36:33

I'm sorry, I'm trying to look for. We have questioning.

[Jose Murillo, ODP Policy Analyst] 18:36:37

It's towards the

[Hansel Aguilar, Director of Police Accountability] 18:36:41

What's the time stamp on it?

[Jose Murillo, ODP Policy Analyst] 18:36:43

6 34.

[Hansel Aguilar, Director of Police Accountability] 18:36:49

We provide to to the police. To help identify automobiles nearby the locations at times when crimes reported to the BPD.

[Hansel Aguilar, Director of Police Accountability] 18:36:58

So the way the technology works, they if there is. A license plate or a vehicle of interest they could potentially answer that into the database and that would then, potentially, if that vehicles identified in one of the other fixed cameras, a woman around the city, it can give a hit for the officer to be able to flag

[Hansel Aguilar, Director of Police Accountability] 18:37:20

it as a vehicle of interest. There are other legal thresholds that the department must the officers must be able to satisfy before any enforcement action is taking place.

[Hansel Aguilar, Director of Police Accountability] 18:37:34

So they would need to have reasonable suspicion and probable cause to pursue. Any further action, even if they have a hit of a vehicle license plate.

[Jose Murillo, ODP Policy Analyst] 18:37:50

Okay, the other question that came in around that time is will the operators who have access to data be bonded and have to take an oath to confidentiality?

[Hansel Aguilar, Director of Police Accountability] 18:38:01

So the operators of the of the technology they are there's language within the policies. Regarding the privacy implications of this data and also they are there's language regarding any repercussions for the unlawful or impermissible use of this technology.

[Hansel Aguilar, Director of Police Accountability] 18:38:22

So they do have to ensure that they're complying with current, oaths of office that they have as officers or operators.

[Jose Murillo, ODPa Policy Analyst] 18:38:31

And then you briefly touched on this next question. But the question is, 10 officers asked for the trained officers to retrieve data from the ALPR database and provide it to them.

[Hansel Aguilar, Director of Police Accountability] 18:38:44

Then those are their, great logistical questions. So if that is part of an investigative procedure, the individual that is seeking or is access in the database would have to be trained.

[Hansel Aguilar, Director of Police Accountability] 18:38:58

The operator would need to consider whether a fellow officer or a person within the department seeking information is doing it for lawful purposes.

[Hansel Aguilar, Director of Police Accountability] 18:39:11

So there would need to be a discussion there. Why are you accessing the data? And have that conversation.

[Hansel Aguilar, Director of Police Accountability] 18:39:16

But that, is, I think, one of the the logistical questions of how this looks in real life when you have so the department officers or department employees are trained and others that aren't.

[Hansel Aguilar, Director of Police Accountability] 18:39:34

So that is something that needs to be contemplated further.

[Jose Murillo, ODPa Policy Analyst] 18:39:39

Okay.

[Jose Murillo, ODPa Policy Analyst] 18:39:42

Next question is what example of civil liberties that will be impacted by implementing these cameras and are there reports that this happens in other cities?

[Jose Murillo, ODPa Policy Analyst] 18:39:53

Where this has been implemented.

[Hansel Aguilar, Director of Police Accountability] 18:39:57

And if you can go back to. The slide we got in the boards. There is an articulation there about the board's concerns.

[Hansel Aguilar, Director of Police Accountability] 18:40:09

With civil liberties And when we're talking about amassing the data like this, there's always implications on privacy and how will this data be used and how will it be protected.

[Hansel Aguilar, Director of Police Accountability] 18:40:23

Where it's not just a license plate itself which is in public view and this not necessarily.

[Hansel Aguilar, Director of Police Accountability] 18:40:28

Expectation of privacy would your license pay per se, but you had, what an important, considerations here is that the, the technology allows for the tracking of movement.

[Hansel Aguilar, Director of Police Accountability] 18:40:40

So the, ALPR data could potentially indicate if you have 52 cameras around the city the movements of a particular license way throughout.

[Hansel Aguilar, Director of Police Accountability] 18:40:50

The city and that is the civil liberty component of this And we have to ensure that we're utilizing this technology in a judicious manner.

[Jose Murillo, ODPa Policy Analyst] 18:41:02

And thank you. Okay, and I'll get to some of the questions now from folks that haven't.

[Jose Murillo, ODPa Policy Analyst] 18:41:10

Have their question and, answer just yet. This question states where will the information reside on locally controlled servers or on the server of the provider.

[Jose Murillo, ODPa Policy Analyst] 18:41:21

And I'll just tie this in with another question that was asked in. Which kind of ties in since we don't have a vendor, how can you guarantee they'll comply with the COB surveillance policy and data sharing.

[Jose Murillo, ODPa Policy Analyst] 18:41:36

I think. Sorry, I connected those 2 questions because in a way they sort of, answer each other in one way or the other.

[Jose Murillo, ODPa Policy Analyst] 18:41:48

At this time we don't necessarily again because there isn't a vendor. We don't know the specific way that the data will be stored.

[Jose Murillo, ODPa Policy Analyst] 18:41:58

There's talks with them the department from what we've been informed. That they're looking more at a cloud based.

[Jose Murillo, ODPa Policy Analyst] 18:42:06

Platform as many of the vendors offer that service it's supposed to be more cost effective than storing large amount of data locally.

[Jose Murillo, ODPa Policy Analyst] 18:42:15

And that's in terms of answer that question. And then again, to the previous question about how could we guarantee they follow Bp's policy.

[Jose Murillo, ODPa Policy Analyst] 18:42:23

It is also our understanding that vendors tailor the product to the specific city and their policy.

[Jose Murillo, ODPa Policy Analyst] 18:42:35

Okay. So again, we won't be able to get through all of our questions today in terms of the QA, but we will get back to them as many as we can.

[Jose Murillo, ODPa Policy Analyst] 18:42:45

We're gonna move on to the live comment just because we do have a good amount of folks waiting to provide their comment there.

[Jose Murillo, ODPa Policy Analyst] 18:42:52

So again, we see in here your questions. They are part of our record.

[Jose Murillo, ODPa Policy Analyst] 18:42:58

Just for the interest of time, we're gonna move on to live comment. You're more than free to participate there as well.

[Jose Murillo, ODPa Policy Analyst] 18:43:07

Okay.

[Jose Murillo, ODPa Policy Analyst] 18:43:13

Okay, one moment.

[Jose Murillo, ODPa Policy Analyst] 18:43:21

Okay. So John Cannon, you're being granted permission to speak. We're asking you folks to try to limit their comment for 2 to 3 min at most just because we do have.

[Jose Murillo, ODPa Policy Analyst] 18:43:34

A good amount of folks. So we'll go ahead and give you that permission.

[Jose Murillo, ODPa Policy Analyst] 18:43:40

Again, John.

[John Caner] 18:43:43

Yes, thank you. I'm John Kayner. In my day job, I'm CEO of the downtown Berkeley Association.

[John Caner] 18:43:50

But I'm not speaking on our but on that behalf because our board hasn't had a chance to win on this.

[John Caner] 18:43:57

I'm speaking. As a neighbor and on a on a personal level my husband and i live 3 blocks from the police department.

[John Caner] 18:44:06

And since the beginning of the year, we've had 2 carjackings within a block of our house.

[John Caner] 18:44:11

We've had a student. Badly beaten and robbed. 3 blocks where we've had a 70 year old woman who was, who was attacked and robbed and we're not feeling safe in our neighborhood.

[John Caner] 18:44:28

We fully support automated license plates readers. We need to discourage criminals from committing crimes in Berkeley and we need to provide BPD the pool the tools that they need to apprehend.

[John Caner] 18:44:42

Folks who engage in criminal criminal activity. So, please, please, please, fully support this.

[John Caner] 18:44:50

And, thank you very much. Bye.

[Jose Murillo, ODPa Policy Analyst] 18:44:53

Thank you.

[Jose Murillo, ODPa Policy Analyst] 18:44:59

Okay. So we will now go on to Sagar Jitani and I apologize if I'm pronounced any names in advance.

[Jose Murillo, ODPa Policy Analyst] 18:45:09

But, you should have permission to speak now.

[Sagar Jethani] 18:45:13

Thank you. You know, 3 years ago the city council voted to reimagine policing. Part of that overhaul was this idea that police shouldn't be conducting routine traffic stops because of racially disparate outcomes.

[Sagar Jethani] 18:45:25

So the preferred solution, creating a Department of Transportation was blocked on other grounds, legal grounds.

[Sagar Jethani] 18:45:30

You fast forward to today. As John was just saying, we're in the midst of a significant increase in crime in Berkeley, especially violent crime like what he described.

[Sagar Jethani] 18:45:39

We're seeing residents held up a gun point by criminals riding into town from other communities, dramatic number of carjackings and other violent crimes involving vehicles.

[Sagar Jethani] 18:45:48

You know, the goal was to reimagine policing, not abolish it. Licensed by readers are an easy, cost effective solution.

[Sagar Jethani] 18:45:57

One that's used by thousands of other communities around the country. I'm sure you guys know the stat but nearby Vacaville saw a 33% decrease in auto theft.

[Sagar Jethani] 18:46:05

And a 35% increase in arrests. After installing LPRs. Meanwhile, here in the city of Berkeley.

[Sagar Jethani] 18:46:13

We've seen a 43% increase in auto thefts over just the past 6 months.

[Sagar Jethani] 18:46:18

You know, it's time to get behind this. Reasonable measure. There's perception that sometimes the PAB will block whatever it is the police department wants.

[Sagar Jethani] 18:46:26

This is a great chance to prove those critics wrong. The concerns that are raised are perfectly reasonable. But I think that those concerns have been addressed.

[Sagar Jethani] 18:46:34

By the Berkeley Police Department and I'm hoping that people can get behind this and we can start getting a lid on reducing violent crime in Berkeley.

[Sagar Jethani] 18:46:43

Thanks so much.

[Jose Murillo, ODP Policy Analyst] 18:46:44

Thank you.

[Jose Murillo, ODP Policy Analyst] 18:46:51

Ted Sagenar, you haven't. A lot permission to speak.

[Kitt Saginor] 18:46:55

Hi, my name is Kit Sagar. I'm really concerned about effectiveness. And whether or not, and it appears not that ALPRs will actually help in the prevention of crime.

[Kitt Saginor] 18:47:07

And then there's several different aspects to this. I'll try to be brief. One, issue actually is the an error rate and some of that error rate.

[Kitt Saginor] 18:47:17

I don't know what the cause of it is, but it means that people who are not committing a crime can in fact get in trouble and put put on the hot list and so forth.

[Kitt Saginor] 18:47:26

One issue I know that it just that it contributes the error, the error rate is people actually altering their license plates.

[Kitt Saginor] 18:47:32

You really need to find out what's happening in New York City at this point. In New York City, there's this huge rash of plates being altered or false plates being particularly false paper plates

being being put on cars even by people who are otherwise law-abiding in order to defeat parking tickets and highway

[Kitt Saginor] 18:47:53

tolls. So APR, ALPR technology becomes rather ineffective if all the people you're trying to catch are obscuring or changing their plates.

[Kitt Saginor] 18:48:04

The the strategies for defeating LPRs are already known to criminals and who already use it.

[Kitt Saginor] 18:48:11

It's you're foolish if you think that criminals will not adapt to a increase in ALPR technology in terms of car theft.

[Kitt Saginor] 18:48:21

Criminals can switch license plates with a parked car. They can use counterfeit plates.

[Kitt Saginor] 18:48:26

They can steal a car. If you know 10 pm complete their crimes during the night and dump the car before the owner has realized in the morning that the car is missing and reported is stolen.

[Kitt Saginor] 18:48:39

Particularly swapping plates is is something that it can go for without detection for some time.

[Kitt Saginor] 18:48:46

Most people, if they go out in the morning, will not notice that the license played on their car is not the same license plate that was on it yesterday.

[Kitt Saginor] 18:48:52

So it can be quite some time before a stolen license place gets reported. Meanwhile, the person who the legitimate owner of a car is driving around with a stolen plate on their car that was put on their car by the thief.

[Kitt Saginor] 18:49:06

And so that causes even more problems. What we really need is prevention of crime and particularly in the case of vehicle theft.

[Kitt Saginor] 18:49:14

There are ways to look at where the thieves are, what's happening with the thefts and to look into that.

[Kitt Saginor] 18:49:21

It was just mentioned that there was a 43% in auto thefts in Berkeley just recently.

[Kitt Saginor] 18:49:27

The largest part of that increase in fact I think the entire increase was caused by increased theft of Kias and Hyundai.

[Kitt Saginor] 18:49:35

I'm not sure how to pronounce that, which apparently we're sold with the defective technology making them so easy to steal that you can look at a YouTube video and go steal a car in 15 min or less.

[Kitt Saginor] 18:49:46

The other type of car that's easy to steal our Honda Civics and Honda Accords that are 20 years old or older.

[Kitt Saginor] 18:49:55

Once you know which cars are the ones that, and this is not just, Berkeley throughout the state of California, the statistics from the California Highway Patrol show that 31% of the automobiles stolen in California in 2022 were the Kia's Hayonda, Hyundai's.

[Kitt Saginor] 18:50:14

or old Hondas. So for prevention, right, fix the software, pressure the companies to fix the software on the newer cars and on the older cars those the owners of those cars can be provided with information and resources about protecting their vehicles, perhaps even including a program to help them obtain low-cost trackers to hide

[Kitt Saginor] 18:50:35

in their cars and that way it will be easier to find those particular cars if they're stolen. And if you can cut down considerably on the theft of those cars you will have actually prevented prevented in advance from its happening a lot of vehicle theft.

[Kitt Saginor] 18:50:51

And I think some of the other things that involve tracking a vehicles need to be looked at the same way.

[Kitt Saginor] 18:50:57

So that you can do, we can, the city should be doing prevention rather than trying to chase after them with ALPRs at which point the criminals just adjust their their methods so as to make your ALPR readers rather not very helpful for finding particularly those cars that are involved with commission of a crime.

[Kitt Saginor] 18:51:19

Thank you very much and and please also look as I said at the error rate for ALPR readers.

[Kitt Saginor] 18:51:25

Thank you.

[Jose Murillo, ODPa Policy Analyst] 18:51:27

Thank you.

[Jose Murillo, ODPa Policy Analyst] 18:51:33

Okay, just one moment.

[Jose Murillo, ODPa Policy Analyst] 18:51:38
Okay.

[Jose Murillo, ODPa Policy Analyst] 18:51:43
Mari Mendesa you should be allowed to speak now.

[Mari Mendonca] 18:51:48
Okay, hello. Hi. Okay, great. Thank you.

[Jose Murillo, ODPa Policy Analyst] 18:51:50
Yes, we could hear you.

[Mari Mendonca] 18:51:53
Good evening and I appreciate all the work. I wanna thank you both for presenting this evening and allowing an opportunity for.

[Mari Mendonca] 18:51:59
Community to chime in and thank you for all your work and trying to be thorough and how you're looking at all of the aspects.

[Mari Mendonca] 18:52:06
That the considerations will, or have the potential to affect the entire diverse community. One of the Most interesting things that I think we all have to Continue to remind ourselves.

[Mari Mendonca] 18:52:22
And I think Kit's point about criminals adopting 2 roles and even the fact that we have all kinds of laws and rules.

[Mari Mendonca] 18:52:29
And people committing crime even still that we have those laws. In rules and even cameras and whatnot.

[Mari Mendonca] 18:52:36
Crime, is typically and acted and especially in a society where there's much, much foundational and systemic injustice.

[Mari Mendonca] 18:52:47
You know, and we always look at crime as pointing the finger at people being criminal. But the initial crime in our society is in equity, right?

[Mari Mendonca] 18:52:56
It's predatory capitalism. It's the way that that we marginalize people with the least and keep them pinned down in a place of no return, right?

[Mari Mendonca] 18:53:07

Currently our economy has gotten to the place where people cannot afford to live. We can't afford the apartments.

[Mari Mendonca] 18:53:13

The percentages in terms of how we define even affordable housing is not accurate because we take in the highest earners in our community to the lowest.

[Mari Mendonca] 18:53:24

And so when we find a median, it doesn't even, it doesn't even, support or help.

[Mari Mendonca] 18:53:29

Low income income extremely low income because we're looking at at this vast difference of folks in our community.

[Mari Mendonca] 18:53:37

So, it's really important also to look historically at how police Surveve, has been used in racial profiling and discrimination.

[Mari Mendonca] 18:53:50

And like I said, when colonizers came to the community and came to this continent.

[Mari Mendonca] 18:53:56

It's the similar kind of propaganda that we're hearing now. Right. It's It's making criminals out of the folks who are not.

[Mari Mendonca] 18:54:05

Conforming or the folks who are not determining and defining what is, the. Society that is creating all the rules, right?

[Mari Mendonca] 18:54:19

Roles and regulations and systems for which that society is going to operate. And we are in a dangerous moment now because you can see that this is paralleling exactly that same kind of tactic we have folks who are coming in, they're grabbing land, they're, you know, people who can afford the high price.

[Mari Mendonca] 18:54:37

And inflation of the cost of housing, which should be a human right constitutionally when we go back to what we said at the beginning in terms of life liberty and the pursuit of happiness, housing is a human right.

[Mari Mendonca] 18:54:48

Housing is something that should not be commodified and we just excuse the market in the commodification of it to be fine with creating homelessness.

[Mari Mendonca] 18:54:57

Seniors are going to be the next big wave of homeless people and are we just gonna just turn our cheek and just say oh it's the economy and it's their fault. We have to take responsibility.

[Mari Mendonca] 18:55:06

We are in a day and age where we have so much information. We have information, we have history.

[Mari Mendonca] 18:55:13

My son is studying in high school my youngest son all this history and they talk about the bourgeoisie they talk about all these times in history where we've seen this exact same tactic.

[Mari Mendonca] 18:55:22

Being used to criminalize communities and you know use and extract and take whatever the powers that be want to come and extract.

[Mari Mendonca] 18:55:34

Whether it's land, whether it's resources, whether it's slave labor, whatever it is.

[Mari Mendonca] 18:55:39

So we have a responsibility as human beings, supposedly the most intelligent creature on the planet Earth. To have some integrity to set practice humanity.

[Mari Mendonca] 18:55:52

To understand that it is the structure and the foundation of white supremacy and the society and the culture that we live in.

[Mari Mendonca] 18:56:02

That is not, we're not fighting crime people. You know, we are looking at things that are harming.

[Mari Mendonca] 18:56:10

The community, we're harming people. We're harming the planet. We're harming everything.

[Mari Mendonca] 18:56:14

We need to have a holistic. And truthful approach to how we are going to address equity and injustice and terrorism really, that, is just rampant.

[Mari Mendonca] 18:56:30

It's not just here, it's global. So. I appreciate the work that's going into this, you know, the other thing I will just add on, you know, you at the beginning you said.

[Mari Mendonca] 18:56:39

That to have an open mind right include diverse perspectives and that this conversation and art and theoretically all of our conversations with counsel and elected are to inform and shape their decisions.

[Mari Mendonca] 18:56:53

But what I've witnessed is that there are particular agendas that support other agendas and the folks who usually control those are the people with the most wealth and power because they have the most voice and influence.

[Mari Mendonca] 18:57:04

And so, we actually aren't having robust conversations. We actually aren't including diverse perspectives.

[Mari Mendonca] 18:57:12

We actually aren't including the truth of all the different people in our community. We are protecting the civil liberties of all people.

[Mari Mendonca] 18:57:19

So we need to step that up. We need to be accountable. We need to be honest, we need to be truthful and and really do engage in the way that that you had presented at the beginning, right?

[Mari Mendonca] 18:57:29

True open mind, true inclusivity. Inclusivity, true diverse perspective, true harmony humanity and love.

[Mari Mendonca] 18:57:39

And I think, The folks who are talking about reimagining public safety, there nothing has been implemented.

[Mari Mendonca] 18:57:44

The community has had a beautiful vision and some community members actually have taken their personal time to do training to do with people who are going through mental health crisis so that as a community member they are having training to step in and do something that's more peaceful that's more mindful that's more based in humanity to deal with those

[Mari Mendonca] 18:58:02

things. We haven't seen any of that implemented by the promises and the people who have campaigned for that.

[Mari Mendonca] 18:58:08

We haven't seen that implemented. So we should not, you know, be careful about attacking that because no one's even really tried that yet.

[Mari Mendonca] 18:58:15

And again, thank you for the opportunity to speak and to share and for, you know, including us in the conversation this evening.

[Hansel Aguilar, Director of Police Accountability] 18:58:22

Thank you. Mr. Mario, could we, put a timer or at least, not a visual one, then have a one.

[Hansel Aguilar, Director of Police Accountability] 18:58:33

Chime up. We do have a few more members in committee. I wanna engage and we are. At this time.

[Hansel Aguilar, Director of Police Accountability] 18:58:39

Going to be going to 7 30 so we wanna make sure that will budget in time accordingly.

[Hansel Aguilar, Director of Police Accountability] 18:58:45

Yeah, and the screen to, then at least just have, the timer go off at the 2 min mark.

[Jose Murillo, ODPa Policy Analyst] 18:58:46

Yes, one moment.

[Jose Murillo, ODPa Policy Analyst] 18:58:54

Yes, one moment.

[Hansel Aguilar, Director of Police Accountability] 18:58:56

Okay, and while you're doing that, I'll go ahead and allow the next speaker.

[Hansel Aguilar, Director of Police Accountability] 18:59:04

Miss.

[Ms. Omowale Fowles] 18:59:07

Yes, thank you very much. I appreciate the time that the Accountability group has giving us, I wanted to be sure that you are.

[Ms. Omowale Fowles] 18:59:17

Focused on not only our rights as civilians. And our human rights but also a question that was asked earlier.

[Ms. Omowale Fowles] 18:59:27

Was whether or not the cars of interest. Would be. If they were if they were parked somewhere in somebody's neighborhood and this was a neighborhood that didn't have.

[Ms. Omowale Fowles] 18:59:41

Off street parking where you have residents. Parked in front of their homes. Would the license plates?

[Ms. Omowale Fowles] 18:59:48

Of the neighbors who are parked in front of their homes also be put through the data ringer with the car of interest.

[Ms. Omowale Fowles] 18:59:58

And that question was not answered directly. There was something about training and something about something else, but we didn't we didn't hear whether or not the rights of the people.

[Ms. Omowale Fowles] 19:00:07

Who own the house or the house is or the neighborhood. Who have to park on the street. We're going to be violated by the license plate readers.

[Ms. Omowale Fowles] 19:00:17

I would like to have that question answered by your by your staff. Thank you.

[Hansel Aguilar, Director of Police Accountability] 19:00:22

Jose, were you able to get the, Okay. Okay, and I do wanna, just address that and it wasn't my intention to avoid that question.

[Jose Murillo, ODPa Policy Analyst] 19:00:25

Yes.

[Hansel Aguilar, Director of Police Accountability] 19:00:34

I, there are some logistical questions and how this technology is going to be used. Some investigative logistics that it's not clear to our office or to the board at this moment.

[Hansel Aguilar, Director of Police Accountability] 19:00:46

In general though if there's a vehicle of interest the police department can answer that into the database.

[Hansel Aguilar, Director of Police Accountability] 19:00:52

Again, they will still need to meet legal established legal thresholds to take community, to take, any enforcement action, but, I, and I apologize if I attempted to answer that question earlier and didn't do it.

[Hansel Aguilar, Director of Police Accountability] 19:01:05

We're satisfaction, but I can definitely register that question and then follow up with the police department if so they can provide work guidance or clarity on that particular matter.

[Hansel Aguilar, Director of Police Accountability] 19:01:21

Would be good. Go on to the next speaker.

[Jose Murillo, ODPa Policy Analyst] 19:01:24

Okay.

[Jose Murillo, ODPa Policy Analyst] 19:01:29

Jp, you have been granted permission to speak.

[JP] 19:01:34

Can you hear me? Okay. First I'd like to comment that the first caller, the crime is that the first caller were was concerned about.

[Jose Murillo, ODPa Policy Analyst] 19:01:36

Yes.

[JP] 19:01:48

That the. The setup of the APLRs as they're presented.

[JP] 19:01:56

None of the crimes that Caller mentioned would be affected in any way whatsoever. By the ALPR. They would not be caught.

[JP] 19:02:07

They would not be detected. The APLRs are proposed to ring the city, not be downtown around the police station.

[JP] 19:02:16

But more than that. I would like to address the question of the effectiveness. And has questioned the effectiveness and said that there are there is not a lot of data on the effectiveness of the But I would like to suggest that there is a vast amount of data on the effectiveness of ALPRs.

[JP] 19:02:44

And that the Pab and the City Council and the police need to look at it. And that data is.

[JP] 19:02:52

The crime statistics for the United States over the last couple of decades. Right. ALPRs are said to reduce.

[JP] 19:03:03

The rate of crimes of certain crimes of all crime depending on who you listen to. Okay, but If you look at the data and this is readily available online, just look at the data.

[JP] 19:03:19

You will see that crime What most crimes. We're reduced over The time from about the year 2,000 to the year 2010 or 2012.

[JP] 19:03:31

We 4 ALPRs were ever deployed on a massive scale in the United States. And then if you look at the crime data from 2,012 for the next 10 years.

[JP] 19:03:45

What you will see. Is that crime? Crimes remained the same or increased. Right?

[JP] 19:04:00

So, but that was exactly the time when ALPRs were deployed and mass throughout the United States.

[JP] 19:04:05

So the rate of auto theft instead of going down in the last decade actually went up a little bit.

[JP] 19:04:13

So there is no evidence whatsoever. Through this massive database across the entire US. That ALPRs.

[JP] 19:04:22

We do reduce the theft of auto rate. If you look at murders, you'll see the same thing.

[JP] 19:04:30

If you look at the general crime rate, you'll see the same thing. So there is no effectiveness to this to this technology.

[JP] 19:04:40

It doesn't do what it's advertised to do, even though anecdotally, of course, you can find a couple of circumstances where it catches something or whatever, but at my statistically it simply is not effective and therefore the cost is essentially infinite because you're spending money that could be better used that could be

[JP] 19:05:03

infinitely better used elsewhere because it just doesn't work.

[Jose Murillo, ODP Policy Analyst] 19:05:09

Thank you.

[Jose Murillo, ODP Policy Analyst] 19:05:16

Okay. Steve, I should be allowed to speak. I'll start the timer once you unmute.

[Jose Murillo, ODP Policy Analyst] 19:05:27

And I apologize if I mispronounced your last name.

[Steve Ravellette] 19:05:29

Oh, you got it correctly. Thank you very much. Let's just start on Wednesday, June 20 first of this year.

[Steve Ravellette] 19:05:37

A man attacked a summer exchange female student. Near College Avenue and Hay Street. In an effort to sexually assault her.

[Steve Ravellette] 19:05:46

He had followed her from a bar. Near campus, you know, telegraph and Durant.

[Steve Ravellette] 19:05:49

BPD, sex crime detectives investigated. And they were able to identify the suspect and his car in S.

[Steve Ravellette] 19:05:58

Saturday, June 20 fourth, the suspect was arrested around midnight. VPd patrol officer notice the vehicle license plate and the mail occupant that match the wanted person.

[Steve Ravellette] 19:06:10

The district attorney is charged as suspect with kidnapping to commit a sex crime and assault with intent to commit a sex crime.

[Steve Ravellette] 19:06:18

What do I mention this? The suspect felt completely comfortable to go back to the city of Berkeley to hunt more victims.

[Steve Ravellette] 19:06:25

Just 3 days earlier he had dragged a 21 year old female into the bushes, sexually assaulted her and got away.

[Steve Ravellette] 19:06:33

Well, BP did excellent police work, investigating and ultimately arresting the suspect. The suspect was so confident to roam the city of Berkeley and commit more criminal acts just 3 days later.

[Steve Ravellette] 19:06:44

It BPD would have had a readily available assistive technology. In the case.

[Steve Ravellette] 19:06:52

Place in strategic locations throughout the city. The suspect most likely would not have had the opportunity to hunt victims again 3 additional days.

[Steve Ravellette] 19:07:01

It's also should be noted that the suspect was emboldened. That he was arrested just a half block where he originally stalked his first victim.

[Steve Ravellette] 19:07:11

Berkeley residents, students, visitors, deserve and implore. The police accountability board in partnership with the community to approve and utilize license plate rears as proposed by the Berkeley Police Department.

[Steve Ravellette] 19:07:23

Thank you for your time.

[Hansel Aguilar, Director of Police Accountability] 19:07:27

Thank you. We're going ahead and We're gonna adjust the time. To.

[Hansel Aguilar, Director of Police Accountability] 19:07:34

30 for the interest of time, make sure that we can get our community members that are waiting to see.

[Hansel Aguilar, Director of Police Accountability] 19:07:43

We'll go ahead and, you're muted. We'll say.

[Jose Murillo, ODP Policy Analyst] 19:07:52

Sorry, just one moment.

[Hansel Aguilar, Director of Police Accountability] 19:08:04

Now go ahead and allow the next speaker. While you're doing it, LM, you are on right now.

[LM] 19:08:14

Hello, can you hear me?

[Jose Murillo, ODPa Policy Analyst] 19:08:16
Yes.

[LM] 19:08:18
Hi, good evening and I appreciate the initial presentation where you guys really shared. Objectively both sides of the issue and I really appreciate you asking.

[LM] 19:08:30
To listen intently and be open minded and first speaker talking really start the court with me and definitely can relate to all the crime that it's happening and made me make makes me think what can we all do to prevent it.

[LM] 19:08:48
And toll catch criminals as soon as possible. So therefore I'm really here to show the support for ALPR and some on a call already mentioned by transparency hub that was established here in Berkeley.

[LM] 19:09:03
Actually, there is a sixth increase. percent increase in card and 50% increase in overall crime.

[LM] 19:09:12
All this is happening why police is under staff by 2030%. In neighboring cities, mansion, or in San Mateo and others, data actually shows that Taft has increased by 30% since installation of this.

[LM] 19:09:28
Readers. It's also throws that getting this information into efficiency to what Steve was talking about and lower times needed for police to investigate the crimes.

[LM] 19:09:39
It actually also minimized police presence. Needed to monitor interact with individuals causing crimes. Also, this technology is already used for collecting parking tickets and it's even also done without actual police being present.

[LM] 19:09:56
Ticket just arrives to the address for the person to pay. So if this technology makes me think if this technology is used.

[LM] 19:10:03
Enforce parking and for city profits. I sure hope it can be used to protect this really crime-er communities where criminals are really brazen and come back day after day to commit the crimes.

[LM] 19:10:22
I feel concerned about privacy as well. And, What we know is that technology captures the license plate, make of the car, color of the car, which actually none of them are person, personal indenti for us and therefore risk is very law of privacy issues.

[LM] 19:10:44

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I agree that measures needs to be put around this technology and access and security but it's done many times in many technologies where privacy is the problem.

[LM] 19:10:54

So I believe really that pros for this technology outweigh the. And it's really high time for Berkeley to increase its focus on proactively preventing to increase its focus on proactively preventing crimes and capturing ones who commit crime as soon as possible.

[Hansel Aguilar, Director of Police Accountability] 19:11:08

Thank you, Alan, for your comment. Jose, are we able to get the, The timer up.

[Jose Murillo, ODPa Policy Analyst] 19:11:15

Yes.

[Hansel Aguilar, Director of Police Accountability] 19:11:15

That was under. Okay. And I do also want to.

[Hansel Aguilar, Director of Police Accountability] 19:11:19

Just highlight 1 point that the last speaker made of she indicated she went on the transparency hub and that is something that we we hope that more community members are engaging with that data.

[Hansel Aguilar, Director of Police Accountability] 19:11:34

It is an important tool that community members have at their disposal to be able to look at these trends and these patterns.

[Hansel Aguilar, Director of Police Accountability] 19:11:39

So thank you for plugging that in here.

[Hansel Aguilar, Director of Police Accountability] 19:11:42

Next video, please.

[Jose Murillo, ODPa Policy Analyst] 19:11:49

At, you have permission to speak. As soon as you're unmuted, I'll get the timer going.

[AT] 19:11:55

Hi, thank you for giving me a chance to give your comments. Okay, I'm the parents for UC Berkeley.

[AT] 19:12:06

The UC Berkeley, so you earned a number 3 spa on the list of most dangerous college ranking.

[AT] 19:12:12

By the business insider with us recent burglary amounting of 23,000. The safety issue in Berkeley is already rotten.

[AT] 19:12:21

Everybody knows. This is not a safe city to stay to live and to hang out. You think the criminal didn't know that?

[AT] 19:12:31

They know this is this is a see that it's so easy to commit crime and they have so many of easy target which are what I mean is the Cal students.

[AT] 19:12:41

So now any tools that will help to reduce the crime is a Moscow item. We do not have enough police personnel in Berkeley.

[AT] 19:12:51

By at least to establish an image to make Berkeley. A city that's hard to commit crime.

[Jose Murillo, ODP Policy Analyst] 19:12:56

Okay.

[AT] 19:12:59

Many Bay Area cities already. Have license plate readers. CPU again, let me remind you of reported a 33% decrease in vehicle thefts.

[AT] 19:13:13

And the 35% increase in related arrests. In connection with the ALPR program.

[AT] 19:13:21

If we don't catch up. All the criminals will start flowing our directions. And the citizen in Berkeley which will including the Cal students the easy target.

[AT] 19:13:33

Will become the victims of this proposal rejection. Bye them, I think. Who is responsible for that?

[AT] 19:13:40

You know, think about it. Thank you.

[Jose Murillo, ODP Policy Analyst] 19:13:45

Thank you.

[Jose Murillo, ODP Policy Analyst] 19:13:48

Okay.

[Jose Murillo, ODP Policy Analyst] 19:13:54

Okay, Robert, you have been granted permission to speak. I have restarted the timer and as soon as you're muted we'll get that going.

[Roberto] 19:14:01

Yes, good evening and thank you for providing us with such useful information in regards to the AI PRs.

[Roberto] 19:14:09

Really appreciate it. I'd like to start off with Give me now a shot off to All of the victims are hardworking victims that have been, victims of Theft and violent crime.

[Roberto] 19:14:26

People that have worked hard to but purchase a automobile that has been stolen. People that have bought multiple catalytic converters.

[Roberto] 19:14:38

That have to put their hard earned money into such purchases because we are not willing to spend money to, protect these people.

[Roberto] 19:14:48

And I cannot even speak of the people that have been victims. A violent crime, some of which were mentioned earlier tonight.

[Roberto] 19:14:59

I think it's time. To do some common sense. Police work and the ALPRs will provide us with the opportunity to do so.

[Roberto] 19:15:09

We are in danger of falling behind some of our a neighboring communities in regards to this type of technology.

[Roberto] 19:15:16

So common sense police, you know, police, you know, I'm sorry, is, long overdue.

[Roberto] 19:15:23

The problem is that we are lacking common sense decision making and I think it's about time. We put an end to that.

[Roberto] 19:15:32

Be able to track the stolen car or. Person, a child. That has just been abducted.

[Roberto] 19:15:40

I mean People talk about the cost of this and the reliability. And so forth. We need to start talking about what can.

[Roberto] 19:15:50

Be done with these with this technology such as being able to save an adaptive abductic child and we know that.

[Roberto] 19:15:59

In in Berkeley. Things like this have been attempted. Abductions of adults and children alike.

[Roberto] 19:16:08

So I just wanna say that, you know, please. Let's have a little bit more common sense.

[Roberto] 19:16:13

Let's put our politics aside. Let's look at technology we consider our city to be progressive.

[Roberto] 19:16:19

Well, now is the time to take a step forward by catching up to everybody else. Thank you.

[Roberto] 19:16:25

Good night.

[Jose Murillo, ODPa Policy Analyst] 19:16:28

Thank you.

[Jose Murillo, ODPa Policy Analyst] 19:16:31

Okay, now we have former council member Cheryl Dabblers.

[Jose Murillo, ODPa Policy Analyst] 19:16:37

You have been. A lot permission to speak.

[Cheryl Davila Former Councilmember, Founder CEMTF] 19:16:42

Hi. So we already heard from many people, I agree with Maori, Kit.

[Cheryl Davila Former Councilmember, Founder CEMTF] 19:16:50

And the people that have. Are in opposition of these ALPRs. They don't provide crimes.

[Cheryl Davila Former Councilmember, Founder CEMTF] 19:17:03

They might. A and solving them, but it's gonna all be after the fact. But if you invested in community and humanity and people.

[Cheryl Davila Former Councilmember, Founder CEMTF] 19:17:17

And created jobs and opportunities that will also reduce crime. And. What you don't realize.

[Cheryl Davila Former Councilmember, Founder CEMTF] 19:17:30

Is that these ALPRs will track? Each and every one of us and we were already know that the you know, Berkeley's police department.

[Cheryl Davila Former Councilmember, Founder CEMTF] 19:17:45

Has documented history. And probably present. Because during COVID it increased it, which is the racial disparity in stocks.

[Cheryl Davila Former Councilmember, Founder CEMTF] 19:17:59

This is well documented and the CPE report. In the draft report. Since COVID, racial profiling has gone up.

[Cheryl Davila Former Councilmember, Founder CEMTF] 19:18:10

So to give this a tool to a police department that doesn't.

[Cheryl Davila Former Councilmember, Founder CEMTF] 19:18:19
Treat people equally or fairly. And equitably is going to be, you know, exasperate.

[Cheryl Davila Former Councilmember, Founder CEMTF] 19:18:28
This increase the problem that already exists. And.

[Cheryl Davila Former Councilmember, Founder CEMTF] 19:18:37
For instance, I know someone like that went out to Dublin. With someone that had been arrested.

[Cheryl Davila Former Councilmember, Founder CEMTF] 19:18:45
And so when they entered the town, they knew that they entered because of their license plate readers. It was either Dublin or a little bit more.

[Cheryl Davila Former Councilmember, Founder CEMTF] 19:18:54
They got pulled over on their way home out of that town. And that they knew where they went.

[Cheryl Davila Former Councilmember, Founder CEMTF] 19:19:01
They knew that they didn't purchase anything when they went shopping in the mall. They knew what stores they went in in the mall.

[Cheryl Davila Former Councilmember, Founder CEMTF] 19:19:06
This is the tracking that can happen and it can also impact transgender folks that are coming here for whatever reasons from another state, immigrants, you know, all kinds of things.

[Cheryl Davila Former Councilmember, Founder CEMTF] 19:19:19
People that come to this area to receive, abortions or that type of situation so it can be used against us and.

[Cheryl Davila Former Councilmember, Founder CEMTF] 19:19:35
And it's gonna mostly impact black and brown. Indigenous people. So that's what I would say.

[Cheryl Davila Former Councilmember, Founder CEMTF] 19:19:42
Invest in humanity and opportunities to prevent crime, not these license plate readers that are gonna make the problem worse for.

[Jose Murillo, ODPa Policy Analyst] 19:19:55
Thank you.

[Jose Murillo, ODPa Policy Analyst] 19:20:02
George Lippman, the mic is yours.

[George Lippman] 19:20:04
Thank you. Yes, I have a question for you. Staff. So, but first I wanna assume for the moment that Everybody here, everybody in this conversation supports both security and civil rights.

[George Lippman] 19:20:20

My question therefore is Will there be appropriate oversight? To make sure that any misuse of the data. possibly by improper sharing of data on the cloud.

[George Lippman] 19:20:36

Can be determined. I know that you've had difficulty as the PAB and the Office of the DPA getting across, access to departmental data, even though the city's charter gives you that power.

[George Lippman] 19:20:50

So, I don't know if this is come up. I think people were asking before, what's the format gonna be?

[George Lippman] 19:20:57

Where is this gonna be stored? Is it gonna be stored in the cloud. Will there be a mechanism?

[George Lippman] 19:21:03

That's guaranteed that that can guarantee that not be shared or taken by other agencies such as those that maybe up to nefarious purposes like, oh, who's going to California to get abortions, whatever the case may be.

[George Lippman] 19:21:22

So that's, my question. Will there be a chance for the board or the office to take a look at the data and see that that it's being taken care of appropriately.

[George Lippman] 19:21:37

And you know, we, we think, we, wanna think the best. Of authority.

[George Lippman] 19:21:46

We also need checks and balances just like they have in Washington DC and we need to not demean the oversight bodies as some in Washington are doing at this moment.

[George Lippman] 19:21:57

Thank you. So that's my question.

[Hansel Aguilar, Director of Police Accountability] 19:22:02

Say are you able to adjust the time to 2 min? I just want to make sure we get as many members of the public and members of the public, just if we are happy and adjusting the time as you see to make sure we get as many voices here tonight.

[Hansel Aguilar, Director of Police Accountability] 19:22:15

I do wanna just acknowledge that again that the police department did respond back to some of the board's concerns in the discussions over the last few weeks that have been concerns expressed by this office and the board, about the accountability portion.

[Hansel Aguilar, Director of Police Accountability] 19:22:32

And I do know that there's language, in the revised policies about access to information for the board in the office.

[Hansel Aguilar, Director of Police Accountability] 19:22:41

In pursuant to investigations. There also is an internal audit function that the, that is embedded within this proposed policies.

[Hansel Aguilar, Director of Police Accountability] 19:22:49

So the department, the administrator will be doing internal audits and those audits will be made available to the board in the office.

[Jose Murillo, ODPa Policy Analyst] 19:22:59

Okay. Crystal, you're a Coler. You have been granted permission to speak.

[Jose Murillo, ODPa Policy Analyst] 19:23:06

Okay.

[Christoverre Kohler] 19:23:06

Greetings everybody. I'm going to address a couple of things here. Some of which touches upon with previous speakers have already raised.

[Christoverre Kohler] 19:23:15

And one of the things that I think is important is that we're looking at data and that kind of information.

[Christoverre Kohler] 19:23:22

It's easy to make mistaken assumptions out of it. And I hear some of that I think tonight.

[Christoverre Kohler] 19:23:27

I had an experience with the ALPR views. That bit me hard, violated my civil rights badly.

[Christoverre Kohler] 19:23:35

And it happened in a way that I don't know that anybody could have anticipated. So here's a couple of things.

[Christoverre Kohler] 19:23:43

We have had aLPRs here in Berkeley, a couple of them for years. People don't always know that.

[Christoverre Kohler] 19:23:47

They've been used by the parking enforcement division. They drive around with them. They read the places they go and they give an alert if there's some liability.

[Christoverre Kohler] 19:23:57

And I have a, a vehicle that got booted. Here in Berkeley and.

[Christoverre Kohler] 19:24:02

I called in and I had one conversation with the sergeant or that division. And we noticed that my outstanding tickets were all the most trivial kind.

[Christoverre Kohler] 19:24:12

And proper display of, disability placard. Some time in the morning when the whole day was reserved for street sleep and I didn't prevent any.

[Christoverre Kohler] 19:24:22

So, I was using my truck at the time for emergency lodging. I was in between places.

[Christoverre Kohler] 19:24:28

And so they granted me that they would return the vehicle to me. I could have more time to spend the tickets and I'd have more time to do some free markets with some money to. The next day my truck was booted again.

[Christoverre Kohler] 19:24:43

This is on on a Friday night. And I called the boot company. Now here's where it is complex.

[Christoverre Kohler] 19:24:50

We have the officer who booted it called in the boot the company that handles the boots and they're the people I called.

[Christoverre Kohler] 19:24:56

And we decided with the customer service rep that it was mistaken. That the opposite driven by those tickets were still on the record.

[Christoverre Kohler] 19:25:06

They alerted the officer who did not read the notes attached to the file. And in those notes were documented my conversation with the sergeant and the ration we had made.

[Christoverre Kohler] 19:25:17

She didn't see those so she had booted again. So I thought they were gonna send somebody out and take it off. They didn't.

[Christoverre Kohler] 19:25:23

Later that evening, I discovered that the, but, So I take it off and I called in to the sergeant.

[Christoverre Kohler] 19:25:31

I left voicemail messages about what should I do now. She never returned my calls. I called again the following week.

[Christoverre Kohler] 19:25:39

And, the, the book company who told me I was liable for a fee because I hadn't come in and paid everything off.

[Christoverre Kohler] 19:25:46

Like what you're supposed to do when you booted. And. I said it was a mistake and they hadn't confirmed that they had known anything.

[Christoverre Kohler] 19:25:53

So later that week, my truck in fact was hard. They have actually been going out to find the truck to take the boat off so that the truck was moved figured that I broke the boot and just on that assumption it took the truck.

[Christoverre Kohler] 19:26:08

I finally got it out again and I found out that the police department uses a couple of different databases.

[Christoverre Kohler] 19:26:15

They use a state one for criminal. They use an internal one for their purposes. I don't know if this is gonna be a third one.

[Christoverre Kohler] 19:26:20

But what we're gonna have is similar things where where the operator using ALPR for a particular purpose may or may not be fully informed.

[Christoverre Kohler] 19:26:31

Of everything they need to know before an act is made. That kind of complexity, I'm not clear on.

[Christoverre Kohler] 19:26:40

I've not seen any presentations satisfy me on that. The other thing I wanna point out is that the same data that was used a couple of years ago to show racial, disparity.

[Christoverre Kohler] 19:26:50

Actually, what was actually shown by that was almost all of those stops in the racially disparate were overnight.

[Christoverre Kohler] 19:26:56

And it's a national standard. Among all the experts that it's when you see that disparity in the daylight that you say are bias because at night it's much harder you're gonna see the race of an individual.

[Christoverre Kohler] 19:27:08

So really with that data showed was that our our police department is less dramatically less racially biased than others.

[Christoverre Kohler] 19:27:17

And it shows one other thing that I'm not seeing addressed as well, which is It may be at night we have a higher racial mix of one kind or another in Berkeley driving on the streets, in which case that could be part of the disparity as well.

[Christoverre Kohler] 19:27:34

I'm seeing that these ALPRs are intended to ring the city to look for incoming and outgoing traffic which says to my mind that they're looking for people not from Berkeley.

[Christoverre Kohler] 19:27:42

Or they wanna tracking for that reason and that would only be certain crimes I think. So I'm I'm not comfortable with the LPR.

[Christoverre Kohler] 19:27:53

So once that complexity is addressed in an innocent person shouldn't have to go through a lot of stuff.

[Christoverre Kohler] 19:27:55

I ended up losing my truck because of it. That people are be protected from things like that.

[Christoverre Kohler] 19:28:01

Secondly, if we have vendors and we have several databases and we have complexity. That has to get really well addressed before we rely on it.

[Christoverre Kohler] 19:28:09

Thank you.

[Hansel Aguilar, Director of Police Accountability] 19:28:09

Thank you. And I do wanna just give a another gentle reminder about the time we're gonna adjust it to.

[Hansel Aguilar, Director of Police Accountability] 19:28:17

1 min per speaker we're gonna knowledge the next 6 speakers that have their hands raised. We are trying to provide as much opportunity.

[Hansel Aguilar, Director of Police Accountability] 19:28:29

Do, remember that we're going to have the board is gonna have a meeting on July, the twelfth, which is next week.

[Hansel Aguilar, Director of Police Accountability] 19:28:34

They do have public comment sections. This item will be on the agenda if you want to. Share additional thoughts and commentary you're also more than welcome to email us we'll make sure that the email address is, provided and available for your, before your review before you leave the session tonight.

[Hansel Aguilar, Director of Police Accountability] 19:28:54

So the next few speakers are gonna have 1 min please.

[Geoff Lomax] 19:29:01

Good evening. Thanks very much. Just a couple of comments. First, the, The point on, you know, crime statistics, the only real stable variable that remains stable over time because of how things get reported as homicide rates.

[Geoff Lomax] 19:29:18

And they've dipped to some extent, which is true, but we still have horrendous homicide rates.

[Geoff Lomax] 19:29:24

We have the highest rates of any pretty much any country other than those experiencing active conflicts. So. The other the other types of crimes are simply going unreported or reported at much lower rates and they've changed a lot over time.

[Geoff Lomax] 19:29:40

Second, I really just caution about a recommendation. Of the level of study you're suggesting is necessary is effectively a case control study which would cost much more than the implementation of the policy.

[Geoff Lomax] 19:29:55

So simply implement the policy and do what everyone does. Evaluate it and see what its impact is over time under real world conditions.

[Geoff Lomax] 19:30:04

Thank you.

[Hansel Aguilar, Director of Police Accountability] 19:30:16

You're muted.

[maria sol] 19:30:19

Hello, can you hear me?

[Jose Murillo, ODP Policy Analyst] 19:30:21

Yes.

[maria sol] 19:30:22

Okay, thank you very much for this and by the way on many meetings that put up a clock. You can politely.

[maria sol] 19:30:30

But the mic so that he can actually be adhered to. First of all, I've been the victim of a assault, stolen vehicles, hitting runs.

[maria sol] 19:30:39

Rape, etc. So I really empathize with anyone that is hurt. It's horrible to be violated.

[maria sol] 19:30:47

However, This is a complex issue. We have multiple crime sources. Or just because it's so darn profitable.

[maria sol] 19:30:58

It is extremely profitable. To be in organized crime. So who's that? But then more generally.

[maria sol] 19:31:05

We have desperate people. Desperate, overwhelmed, terrified people. Struggling to survive. So putting money.

[maria sol] 19:31:13

To support people in my view. Is preventing the harm. And that's, you know, an ounce of prevention is definitely worth a pound of cure.

[maria sol] 19:31:24

Thank you very much, all of you. Thank you.

[Jose Murillo, ODPa Policy Analyst] 19:31:28

Thank you.

[Jose Murillo, ODPa Policy Analyst] 19:31:36

Okay, and the caller ending with 7 8 7.

[] 19:31:43

Hello?

[Jose Murillo, ODPa Policy Analyst] 19:31:43

Okay, yes, we could hear you.

[] 19:31:47

Yes. I believe prevention. Is the Just starts with our youth.

[] 19:31:57

Programs. We eliminated free recreation programs. A prevention outlet to grow our children into productive human beings.

[] 19:32:09

I disagree with your proposal. I have been victimized by police. And also have been victim of kidnap and rape.

[] 19:32:23

However, implicit bias is a well-documented It does exist. I'm convinced if My license is seen.

[] 19:32:34

I will automatically be seen as guilty or involved. In bad behavior.

[] 19:32:43

Paul will this procedure eliminate implicit bias the practice of bigotry? And hatred.

[Jose Murillo, ODPa Policy Analyst] 19:33:01

And we just wanna confirm that that's the end of your comment in terms of the question. Director

[Hansel Aguilar, Director of Police Accountability] 19:33:08

Yes, if we can move to the next speaker at this time. We're just trying to make sure.

[Hansel Aguilar, Director of Police Accountability] 19:33:12

The last few speakers have an opportunity

[Jose Murillo, ODP Policy Analyst] 19:33:15
Okay.

[Jose Murillo, ODP Policy Analyst] 19:33:18
Okay, the speaker with citizen 5.

[Citizen Five] 19:33:24
Yes, hello, can you hear me?

[Jose Murillo, ODP Policy Analyst] 19:33:26
Yes.

[Citizen Five] 19:33:28
Greetings, thank you. My name is Star Child and I am strongly against any additional surveillance.

[Citizen Five] 19:33:36
I want the surveillance that is already being, being constitutionally imposed on us to be eliminated. I understand some people are concerned about crime, but as I posted in the questions I don't know if everyone can read those.

[Citizen Five] 19:33:51
I would ask them to be unblocked so people can read them because I put in a link with some background information.

[Citizen Five] 19:33:56
Given that the government has actually stolen more money from people in the US in recent years than petty criminals.

[Citizen Five] 19:34:01
That's all petty criminals combine. That's not even counting non-consensual taxation, but simply money.

[Citizen Five] 19:34:07
And property seized in forfeitures. Where they put the burden on you, the victim. To show that your resources were not involved in criminal activity.

[Citizen Five] 19:34:16
In order to get your money or property back. Isn't it the height of stupidity if your goal is to reduce crime?

[Citizen Five] 19:34:23
To put more power in the hands of government. The number one criminal organization in the United States. By giving them more power to monitor and track people.

[Citizen Five] 19:34:32
And potentially seize their resources.

[Citizen Five] 19:34:36

And there is that's my question. And in, there's a link to the story confirming this allegation.

[Jose Murillo, ODPa Policy Analyst] 19:34:38

Hi.

[Citizen Five] 19:34:44

How in the past 20 years they've stolen 68 billion dollars. In forfeitures for American citizens.

[Citizen Five] 19:34:50

And Pro Publica says that for some law enforcement agencies for FIFTHED funds have been as much as 20% of their budgets.

[Citizen Five] 19:34:57

And quote, most of this money and property is coming from poorer people. Unquote and they say that's particularly frustrating when you consider the petty penalty pittance paid by most white collar criminals.

[Citizen Five] 19:35:09

So government using it's information to go after people. And primarily poor people are more likely to be brown black, etc.

[Citizen Five] 19:35:20

To seize their money and then people don't have the resources to fight them to get their property back.

[Citizen Five] 19:35:24

And if you allow more surveillance. You're enabling more of this kind of theft. From the number one criminal organization in the United States and that is the government.

[Citizen Five] 19:35:33

And I would like to hear responses. Thank you.

[Hansel Aguilar, Director of Police Accountability] 19:35:39

Thank you for your commentary. As we mentioned at this time, we're not going to be responding back.

[Hansel Aguilar, Director of Police Accountability] 19:35:45

We will be moving, the discussion to the to the police accountability board meeting if you're interested in engaging further.

[Hansel Aguilar, Director of Police Accountability] 19:35:53

If you can, allow the next speaker, please.

[Jose Murillo, ODPa Policy Analyst] 19:35:57

Rivka Blocknick.

[M. Rivka Polatnick] 19:35:57

Hi, this is RIFKa. I urge you to keep in mind the bigger picture of what public safety means certainly.

[M. Rivka Polatnick] 19:36:07

We all are unhappy with crime, but public safety includes having the means to survive live. You know, liver.

[M. Rivka Polatnick] 19:36:18

Thriving life and people deprived of that may. Turn to crime, but Also look at the budget because The issues of cost are important and effectiveness because there are so many competing claims for the limited money that we have and when something like this gets funded and it turns out to be much more expensive than at first look.

[M. Rivka Polatnick] 19:36:43

That means that other things are not getting funded or being cut. Programs that do prevention and intervene with youth and higher community members who themselves got in gangs or crime who regret it and are really eager to mentor youth and lead them away from crime.

[M. Rivka Polatnick] 19:37:07

There's all kinds of alternative ways. To reduce crime that don't. Cost an enormous fortune and I am afraid that this is gonna end up costing enormous price at the expense of other really important That would help our public safety.

[M. Rivka Polatnick] 19:37:26

So please, you know, keep that in mind.

[Jose Murillo, ODPa Policy Analyst] 19:37:30

Thank you. Okay. Wendy Gibson.

[Wendy Gibson] 19:37:39

Hello, thank you for having me. Wanted to read this real quick. This is the Berkeley Police Association tweet.

[Wendy Gibson] 19:37:46

Monday morning the entire understaffed graveyard team was on a home invasion robbery with foreign custody.

[Wendy Gibson] 19:37:52

Then a group of criminals committed a commercial bird really on Fourth Street. We had no officers to send.

[Wendy Gibson] 19:37:58

Next time it could be you that needs help and we have no officers available. These type that using technology.

[Wendy Gibson] 19:38:05

To aid the police department. Helps our community. It's not a 0 sum game. We can invest in humanity and we can also invest in technology that makes our community safer.

[Wendy Gibson] 19:38:17

Well, technically not preventing a crime in process. These readers can prevent future crimes because once they start helping capture criminals.

[Wendy Gibson] 19:38:27

The criminals, other criminals will decide they will have a higher chance of getting caught if they want to do bad things in Berkeley.

[Wendy Gibson] 19:38:35

In addition, catching criminals repeat criminals like a gentleman spoke earlier who was raping people they're gonna stop those crimes because you get those criminals off the streets.

[Wendy Gibson] 19:38:48

These readers do not know what you purchase at a mall or what stores you go into or the color of your skin.

[Wendy Gibson] 19:38:57

That's one of the things that makes them great. Thank you so much. I appreciate your time.

[Jose Murillo, ODP Policy Analyst] 19:39:03

Thank you.

[Jose Murillo, ODP Policy Analyst] 19:39:07

Okay, and we are at our last speaker for tonight.

[Jose Murillo, ODP Policy Analyst] 19:39:13

Ingrid, you have been granted permission to speak.

[Ingrid] 19:39:17

Bye. Can you hear me? Okay, thank you so much for giving me the time and the opportunity to speak here.

[Jose Murillo, ODP Policy Analyst] 19:39:19

Yes.

[Ingrid] 19:39:26

I wanted to mention that like some other speakers have said criminals usually flock to cities where they know there are holes and staffing.

[Ingrid] 19:39:34

We know Berkeley right now is under staffed. Most of this criminals come from outside of the city to terrorize.

[Ingrid] 19:39:42

The residence of the city. And, I think a misconception is that this license plate readers will catch or keep tabs on everybody and The way they work is they're not gonna track a license plate unless the license plate has been entered into the system based on a crime that has been reported, a stolen car or something like that.

[Ingrid] 19:40:06

So. I think for all those residents who are afraid that they're gonna be targeted, I think this will solve their problem.

[Ingrid] 19:40:15

It's just they're only gonna catch people that have already committed crimes and have been known to so I would appreciate if you can support this.

[Ingrid] 19:40:21

For the safety of all the Berkeley residents and the Cal Berkeley students. Thank you for your time.

[Jose Murillo, ODPa Policy Analyst] 19:40:28

Thank you.

[Hansel Aguilar, Director of Police Accountability] 19:40:33

Thank you. This morning if we could put the Our contact information slide. That is going to conclude our opportunity for public comments if you want to continue to discussion we really appreciate that the feedback we received today we want to strive to have more of these conversations.

[Jose Murillo, ODPa Policy Analyst] 19:40:40

Yes.

[Hansel Aguilar, Director of Police Accountability] 19:40:59

The the city charter that establishes the office and the board does. It's very clear about his intent of ensuring that there's community engagement when there's ever a policy review.

[Hansel Aguilar, Director of Police Accountability] 19:41:11

So please do continue to participate in this discussions, participate in the police accountability board meetings. There are always public comments.

[Hansel Aguilar, Director of Police Accountability] 19:41:21

The information is listed on our website. Our email address is listed here. If you have any questions regarding this or any of the policies we discussed today.

[Hansel Aguilar, Director of Police Accountability] 19:41:32

We want to make sure that any policy that is being considered by the police department by the city council is, receiving a rigorous review to ensure that we're upholding the values of this community and ensuring that they will be, appropriate accountability for compliance.

[Hansel Aguilar, Director of Police Accountability] 19:41:52

So again, we appreciate the feedback that we receive tonight. We want to make sure we continue this discussion.

[Hansel Aguilar, Director of Police Accountability] 19:41:58

We will memorialize. The commentary today that we received today and give it to the board at his next, meeting we're going to provide.

[Hansel Aguilar, Director of Police Accountability] 19:42:08

Our agenda packet is going to include a lot of the comments and questions that have been provided tonight.

[Hansel Aguilar, Director of Police Accountability] 19:42:17

So again, we thank you for your participation. If you want to have any final thoughts for the community.

[Jose Murillo, ODPa Policy Analyst] 19:42:23

I just wanna echo, what the director has mentioned. We greatly appreciate your participation. We'd also appreciate any feedback in terms of this community input forum.

[Jose Murillo, ODPa Policy Analyst] 19:42:34

One of the things we've already noted was the timing issue. And we apologize for the speakers that got less time towards the end.

[Jose Murillo, ODPa Policy Analyst] 19:42:41

But it does make us happy that we were in a position where, there's enough community members here to where the timing.

[Jose Murillo, ODPa Policy Analyst] 19:42:47

How to be shrunk down. So we'll work on that. But we also welcome any future feedback that you could have for us, to help these make to help us make these sessions are more useful for you the community member because at the end of the day and that's who we're here for.

[Jose Murillo, ODPa Policy Analyst] 19:43:03

So thank you very much for thank you everyone for coming today.

[Hansel Aguilar, Director of Police Accountability] 19:43:06

Have a good night.

ODPA Community Input Session: Automated License Plate Readers (ALPR): A Discussion on ALPRs in the City of Berkeley

July 6, 2023

Questions and Comments made Through the Q&A Tool

Question	Answer
<p>thank you for this presentation, activating closed captioning and allowing attendees to save the transcript.</p>	<p>live answered</p>
<p>We cannot see the q and a.</p>	<p>live answered</p>
<p>It was said to keep an open mind and be inclusive of diverse perspectives... I have noticed that our electeds do not practice this value. In fact Dist 2 Council member frequently denies to participate in any conversation or dialogue for understanding of perspective as well as denying to consider statistics that are presented to affirm the harm that heavy surveillance has been proven to have in our society and the harmful ways that it it used against black and brown, low income, unhoused and other marginalized community members.</p>	<p>live answered</p>
<p>Insofar as the acquisition of ALPRs seems to be a fait accompli (as evidenced by the vote to acquire by the Public Safety Cmte unanimously) why is this being held now and not months ago?</p>	
<p>I'd just like to register my support for the license plate readers and look forward to them coming online soon and assisting in both deterring and helping to solve crime in Berkeley. Thank you.</p>	
<p>As we are supposedly in a Democracy and theoretically our 'input' is supposed to inform and shape our City Council's decisions -we have been witness to the fact that when they have a particular "agenda" they do not listen to nor consider nor inform or shape their decisions based on the diverse community input and proof of harm reported in audits and studies on discrimination and racial profiling.</p>	

Public

<p>Will it be shared will other law enforcement agencies and/or private organizations?</p> <p>How many wrong arrests have been made using ALPR technology?</p> <p>Is there data to support the claim that ALPR does in fact solve crime?</p>	<p>422.9 RELEASING ALPR DATA</p> <p>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.</p> <p>(a) A supervisor at the requesting agency will sign an acknowledgement letter stating that the shared data will only be used for the purposes that are aligned with the Berkeley Police Department's policy. 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). See attached letter.</p> <p>(b) The signed letter is retained on file. Requests for ALPR data by non-law enforcement or non-prosecutorial agencies will be processed as provided in the Records Maintenance and Release Policy (Civil Code § 1798.90.55).</p> <p>(c) All signed letters shall be routed to the Audit and Inspection Sergeant for co</p>
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Public

<p>Will all BPD department officials have access to this surveillance data?</p>	<p>422.4.1 ALPR ADMINISTRATOR The Investigations Division Captain, or his/her designee, shall be responsible for compliance with the requirements of Civil Code § 1798.90.5 et seq. This includes, but is not limited to (Civil Code § 1798.90.51; Civil Code § 1798.90.53): (a) Only properly trained sworn officers, crime analysts, communication operators, records clerks, parking enforcement officers, and police assistants are allowed access to the ALPR system or to collect ALPR information.</p>
<p>The procedures that are supposedly in use now that “ensure” that they do not infringe upon the civil liberties of members of our community currently are not ensured in actuality, it is just a theory... many community members are harmed -this concept of assurance is not valid and they can certainly not uphold that assurance in regards to the ALPR equipment and the police conduct in use of this technology</p>	<p></p>
<p>Will BPD have a contractor actually operating the cameras, collecting the data, etc.?</p>	<p></p>
<p>Are “Closing Comments” going to be from the attendees? Or from the PAB?</p>	<p>live answered</p>
<p>So what is the estimated cost of performing the case control studies that the PAB indicates is needed to inform this proposal? How do those costs compare to the program costs?</p>	<p></p>
<p>I mean, do attendees have a chance to make comments tonight, or only ask specific questions?</p>	<p>live answered</p>

Public

<p>BPD already has documented racial profiling, quotas & problematic discriminatory behavior, ALPRs has the opportunity to increase this disparity, what are you doing to prevent that?</p>	
<p>Since you don't have a vendor, how can you guarantee they will comply with COB surveillance policy and data sharing?</p>	
<p>What is example of civil liberties that will be impacted by implementing these cameras and are there reports that this happened in other cities this has been implemented?</p>	<p>live answered</p>
<p>But can officers ask for the trained officers to retrieve data from the ALPR database and provide it to them?</p>	
<p>Will ALPR be provided to the police to help identify automobiles nearby the locations at times of crimes reported to the BPD ?</p>	
<p>Will the operators who have access to data be bonded and have to take an oath to confidentiality?</p>	
<p>where will the information reside on locally controlled servers or on the server of the provider</p>	
<p>How many members of the public are listening?</p>	<p>At one point during this session we had near 60 participants</p>

Public

<p>If your license is scanned how long is your license in the system?</p>	<p>The license plate is scanned, not the driver's license. "All ALPR data downloaded to the ALPR server should be stored for no longer than 30 days, and in accordance with the established records retention schedule. Thereafter, ALPR data should be purged unless it has become, or it is reasonable to believe it will become, evidence in a criminal or civil action or is subject to a discovery request or other lawful action to produce records. In those circumstances the applicable data should be downloaded from the server and uploaded into BPD's digital evidence repository." (422.6 DATA COLLECTION AND RETENTION)</p>
<p>Who has the power to get BPD and the City to seriously consider what alternatives to ALPR could be used to reduce and PREVENT crime? In terms of vehicle theft, Berkeley could get more effective PREVENTION by identifying which kinds of vehicles are more vulnerable to theft and take steps to make those vehicles more difficult to steal and easier to recover. From the California Highway Patrol website, I learned that out of 72,665 automobiles stolen in California in 2022, 31% were Kias, Hyundais, or old Hondas. This Spring, BPD themselves reported a huge recent upsurge in theft of Kias and Hyundais due to software deficiencies. That's what needs to be fixed. For the old Hondas, the owners of those vehicles should be provided with information and resources about protecting their vehicles - perhaps including a program to help them obtain low cost trackers to hide in their cars. I'd like to comment on this, but am typing in for your records.</p>	<p style="background-color: #cccccc;"></p>
<p>Berkeley meter maids have had license plate readers for years, does anyone here think it's reasonable for meter maids to have better technology to write parking tickets than the police to stop and solve crime?</p>	<p></p>
<p>What is the definition of, "Operator"?</p>	<p>live answered</p>

Public

<p>What is the definition of, “Operator”?</p>	<p>ALPR Operator: Trained Department members who may utilize ALPR system/equipment. ALPR operators may be assigned to any position within the Department, and the ALPR Administrator may order the deployment of the ALPR systems for use in various efforts.</p>
<p>Could this be used to e-ticket a car that ran a red light.</p>	
<p>Is it true that Flock is the presumed vendor? Also that Flock stores the data in the “cloud?” Also, will the PAB have an oversight function to make sure that data not be shared inappropriately?</p>	
<p>Why are the ALPRs so dramatically more affordable than the vidcams?</p>	
<p>Another area that I want in your record - Will the effectiveness or lack of effectiveness of ALPR be taken into account by PAB or by City Council? Vehicle thieves. Criminals have several strategies to defeat ALPRs. They can switch license plates with a parked car, they can use counterfeit plates, they can steal a car, complete their crime and dump the car before the owner realizes and reports that it has been stolen. Counterfeit plates, stolen plates, and also alteration of plates can also be used by persons wanted for crimes other than vehicle theft. If Berkeley installs an extensive ALPR network, criminals will adapt and the use of these techniques will also expand proportionately. In New York, ALPR evasion through counterfeit plates and altering plates has become very widespread, even among otherwise law-abiding people, (who want to evade highway tolls and parking tickets). Please look at the ALPR situation in NY or other areas before Berkeley spends money to install it here.</p>	
<p>This is rude; and off topic; moderate this meeting</p>	
<p>Can this speaker be limited to 3 minutes?</p>	
<p>Can you enforce the 2-3 min time limits please</p>	
<p>Hansel’s audio is cutting out intermittently</p>	
<p>Isn’t the plan to mount the cameras on Berkeley thoroughfares, not in residential neighborhoods?</p>	

Public

<p>I have heard that Piedmont has used ALPRs for many years and their crime rate is extremely low. I think, given the loss of so many active police officers, it would be a positive addition to Berkeley's policing tools. Can you comment?</p>	
<p>Is there a way to get the entire transcript, I got to the meeting late.</p>	<p>Yes, the transcript may be saved. If anyone is having difficulties downloading it, you may contact our office for a copy dpa@berkeleyca.gov</p>
<p>Thank you Director Aguilar and analyst Murillo for conducting this community meeting. You have done a wonderful job hosting, facilitating and informing us this evening. We are grateful for your service and committed work in and with the community.</p>	
<p>Can I speak as a member of the public?</p>	
<p>Given that the government has actually stolen MORE money from people in the U.S. in recent years than petty criminals – not even including non-consensual taxation, but simply money and property seized in forfeitures, where they put the burden on you the victim to show that your resources were NOT involved in criminal activity in order to get your money or property back – isn't it the height of STUPIDITY, if your goal is to REDUCE CRIME, to put MORE power in the hands of government, the #1 criminal organization in the United States, by giving them more power to monitor and track people (and potentially seize their resources)?</p>	
<p>We have a city manager who just appointed a chief without completing a proper investigation of multiple allegations of misconduct in our Police Dept. We do not have trust of the City Manager and the Police Dept to do oversight or "ensure" equity and safety of all residents... don't forget that the accountability prior to now has been poor to say the least.</p>	
<p>It seems that some speakers are using scare tactics. These cameras have NO way of knowing what stores in a mall you entered or what and/or if you purchased anything. BIPOC folks are actually protected with this technology as it cannot see the people in the car.</p>	

Public

Here is a link to a story confirming the allegation contained in my question (that the U.S. government is stealing more from Americans than ordinary criminals are):

<https://boingboing.net/2020/12/21/us-police-have-stolen-68-billion-in-the-past-20-years-from-american-citizens-without-due-process.html>

What is the purpose of the timer? It has been showing 6 zeros for 3 min

Some further background from the link that shows how this is a racial and social justice issue:

“ProPublica adds:

For some law enforcement agencies, forfeiture funds have accounted for as much as 20% of their budgets, and are sometimes used for seemingly nonessential purchases. A police department in Georgia, for example, once spent \$227,000 on an armored personnel carrier, and a sheriff in New Mexico splashed out \$4,600 for an awards banquet. In one recent case, a suburban Atlanta sheriff spent \$70,000 in forfeiture funds on a muscle car, a Dodge Charger Hellcat, that he uses solely to drive to and from work. The U.S. Justice Department called that purchase ‘extravagant.’

The fact that most of this money and property is coming from poorer people is particularly frustrating, when you consider the penalty pittance paid by most white collar criminals.”

<https://www.sacbee.com/news/politics-government/capitol-alert/article276848586.html>

Can the questions/comments I’ve posted here please be made visible to the public, so anyone interested can see them in writing and read more at the link to the story I posted?

Public

CLEARLY, that last speaker doesn't understand RACISM! SADly....which is the PROBLEM!

Caller says that ALPR will only track those who have committed crimes, but that is, as you well know, false. All cars are tracked for 30 days; only cars that are in the database are flagged immediately. You should correct this misconception.