



Office of the City Manager

CONSENT CALENDAR  
October 10, 2023

To: Honorable Mayor and Members of the City Council  
From: Dee Williams-Ridley, City Manager  
Submitted by: Jennifer Louis, Chief of Police  
Subject: Contract: Flock Safety to Provide ALPR Cameras Services Pursuant to Resolution No. 71,013-N.S.

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute a contract with Flock Safety to provide ALPR cameras services for the Berkeley Police Department (BPD), in an amount of \$344,500 for a total contract amount not to exceed \$425,000, and extending the term for a period of time of two years from the date of implementation.

FISCAL IMPACTS OF RECOMMENDATION

The Berkeley Police Department is requesting authority to enter into a contract in the amount of \$344,500, not to exceed the Council authority of \$425,000 pursuant to resolution 71,013-N.S. This will allow the Department to enter into a contract with Flock Safety to provide automated license plate readers. Funds for this contract will be allocated in BPD General Fund Budget Code: 011-71-704-816-0000-000-421-612990.

CURRENT SITUATION AND ITS EFFECTS

This request will allow BPD to enter into a contract with Flock Safety pursuant to City Council direction as guided in Resolution 71,013-N.S. on 07/25/23. BPD is seeking authority to enter into a contract with Flock Safety at a cost of \$179,500 for year one, and \$165,000 in year two. The ALPR program was presented as a two-year trial period, and thereby the anticipated costs are expected to be \$344,500 with costs not to exceed \$425,000.

BACKGROUND

The Department brought this item forward in response to the Council's approved budget referral on ALPRs for community safety improvement on November 30, 2021. The Department was tasked with the creation of policies and identifying costs associated with such a program.

The Department has identified and provided several examples in the Acquisition Report wherein this technology could have potentially benefited the Department in its efforts of

precision-based policing, and potentially aided the community in the mutual efforts to keep the City of Berkeley safe.

The City of Berkeley currently has ALPR technology with the Department's Parking Enforcement. However, this technology is intentionally focused on the mission as it relates to parking enforcement operations. The proposed fixed ALPR policies are intended to aid investigations, improve community safety, and aid the Department in its efforts of precision-based policing.

Pursuant to the Surveillance Ordinance, BMC Section 2.99.030.2, upon receipt of acquisition and use policies from the Police Department, the Police Accountability Board (PAB) has a 30-day deadline "to recommend approval of the policy, object to the proposal, recommend modifications, or take no action." BPD shared the policies with Director of Police Accountability on May 11, 2023.

The Police Accountability Board held a Special Meeting on June 16, 2023 wherein they objected to the proposed policies and outlined concerns.

The Public Safety Policy Committee held a Special Meeting on June 20, 2023. Both the Police Department and Police Accountability Board/ODPA presented the proposed policies. In conclusion, the Public Safety Policy Committee made a qualified positive recommendation to the City Council with the understanding that the Berkeley Police Department (BPD) and the Police Accountability Board (PAB) will be submitting supplemental materials for consideration; requesting that BPD provide a line-by-line response to the amendments and revisions proposed by the PAB clarifying why they are being accepted or rejected. It was also requested that the Department provide an Informational Item to the Council upon the final recommendation of placement of the ALPR cameras after consulting with the vendor.

The Department brought before the Council a revised red-line version of the policies that addressed concerns identified by PAB.

On July 25, 2023, the Berkeley City Council approved the Acquisition and Use Policies for the Fixed Automated License Plate Readers (ALPR).

The Department wishes to proceed by awarding the contract to Flock Safety using a cooperative contract agreement. The Department would like to fund this contract via the attached resolution.

The Department has selected Flock Safety based on the following:

- The provider has encrypted evidence transfer that is compatible with the Department's pre-existing evidence repository, Evidence.com.
- The provider has a 30-day retention policy that aligns with the Department's Policy.

- The provider has a unique Transparency Portal that fulfills the need of the Department in its goal to be transparent.
- The provider has policies that align with the Department's prohibition on sharing with US Customs and Border Patrol, and comply with the TRUST Act.
- The provider ensures the agency owns the rights to any and all images collected through the use of their equipment and can work to ensure strict compliance with BPD's policy prior to allowing access.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are positive environmental impacts as the majority of sought cameras will be powered by solar. Only two of the 52 cameras will require dedicated power to operate.

#### RATIONALE FOR RECOMMENDATION

This recommendation allows for the Department to follow through with the Council's direction as provided in resolution 71,013-N.S.

#### ALTERNATIVE ACTIONS CONSIDERED

None. Council authority is necessary for the Department to proceed with Council direction.

#### CONTACT PERSON

Captain Mike Durbin, Police, Professional Standards Division (510) 981-5760

#### Attachments:

1: Resolution

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

CONTRACT: FLOCK SAFETY FOR AUTOMATED LICENSE PLATE READER (ALPR) CAMERAS SERVICES FOR THE BERKELEY POLICE DEPARTMENT FOR A PERIOD OF TWO YEARS PURSUANT TO RESOLUTION 71,013-N.S.

WHEREAS, Flock Safety has been selected as the preferred Automated License Plate Reader (ALPR) vendor for the Berkeley Police Department; and

WHEREAS, the Berkeley Police Department has outlined the rationale for selecting Flock Safety using a cooperative contract agreement.

WHEREAS, in July 25, 2023, the City Council under Resolution 71,013-N.S. authorized the Berkeley Police Department to proceed with the installation of 52 ALPRs, at a cost not to exceed \$250,000 in year one, and \$175,000 in year two for a trial period of two years; and

WHEREAS, Berkeley Police Department has exclusively identified and engaged Flock Safety due to proprietary technology and integration that would seamlessly integrate with current BPD technology; and

WHEREAS, The Berkeley Police Department is requesting authority to contract with Flock Safety at a cost of \$179,500 for year one, and \$165,000 in year two. The ALPR program was presented as a two-year trial period, and thereby the anticipated costs are expected to be \$344,500 with costs not to exceed \$425,000. Funds for this contract will be allocated in BPD General Fund Budget Code: 011-71-704-816-0000-000-421-612990; and

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is hereby authorized to execute an agreement, and any follow-up amendments to the Contract with Flock Safety in an amount of \$344,500 for a total contract amount not to exceed \$425,000 for continued services not to initially exceed two years from the date of installation.