

**BERKELEY CITY COUNCIL PUBLIC SAFETY COMMITTEE
SPECIAL MEETING**

**Monday, September 16, 2019
10:00 AM**

2180 Milvia Street, 6th Floor - Redwood Room

Committee Members:

Councilmembers Ben Bartlett, Susan Wengraf, and Rigel Robinson

MINUTES

Roll Call: 10:01 a.m.

Present: Robinson, Bartlett

Absent: Wengraf

Councilmember Wengraf present at 10:36 a.m.

Announcement: Brown Act Participation Rules

Public Comment on Non-Agenda Matters: 3 speakers.

Discussion and Possible Revision of Regular Meeting Schedule

Minutes for Approval

Draft minutes for the Committee's consideration and approval.

1. Minutes - July 17, 2019

Action: M/S/C (Robinson/Bartlett) to approve the minutes as presented.

Vote: Ayes – Robinson, Bartlett; Noes – None; Abstain – None; Absent – Wengraf

Committee Action Items

The public may comment on each item listed on the agenda for action as the item is taken up. The Chair will determine the number of persons interested in speaking on each item. Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Chair may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes.

Following review and discussion of the items listed below, the Committee may continue an item to a future committee meeting, or refer the item to the City Council.

Committee Action Items

2. Adopt an Ordinance Amending Berkeley Municipal Code Chapter 2.99 to Prohibit City Use of Face Recognition Technology *(Item Contains Revised Material)*
From: Councilmember Harrison

Referred: May 28, 2019

Due: October 29, 2019

Recommendation: Adopt an ordinance amending Berkeley Municipal Code Chapter 2.99 to prohibit the City from acquiring, retaining, requesting, accessing, or using: (1) any face recognition technology, or (2) any information obtained from face recognition technology.

Financial Implications: The Ordinance will prevent investment in expensive face recognition technology.

Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140

Action: 8 speakers. M/S/C (Robinson/Bartlett) to send the item, as revised and amended, with a Positive Recommendation to the City Council. The amended language is as follows:

Amend 2.99.030 City Council Approval Requirement:

4. Evidence received to the investigation of a specific crime that may have been generated from Face Recognition Technology but was not intentionally solicited shall not be a violation of this Ordinance.

5. Notwithstanding any other provision of this Chapter, it shall be a violation of this Ordinance for the City Manager or any person acting on the City Manager's behalf to obtain, retain, request, access, or use: i) any Face Recognition Technology; or ii) any information obtained from Face Recognition Technology, except for personal communication devices as defined by Section 2.99.020 or section 2.99.030(4). The inadvertent or unintentional receipt, access to, or use of any information obtained from Face Recognition Technology shall not be a violation of this subsection provided that the City Manager or any person acting on the City Manager's behalf does not request or solicit the receipt, access to, or use of such information, and all copies of the information are promptly destroyed upon discovery of the information, and the information is not used for any purpose.

Vote: All Ayes.

Unscheduled Items

These items are not scheduled for discussion or action at this meeting. The Committee may schedule these items to the Action Calendar of a future Committee meeting.

Items for Future Agendas

- None

Adjournment

Action: M/S/C (Bartlett/Wengraf) to adjourn the meeting.

Vote: All Ayes.

Adjourned at 11:53 a.m.

I hereby certify that this is a true and correct record of Public Safety Policy Committee meeting held on September 16, 2019.

Michael MacDonald, Assistant City Clerk