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REVISED AGENDA MATERIAL for Supplemental Packet 2

Meeting Date: January 30, 2024

Item Number: 29

Item Description: Budget Referral: Additional Security Cameras at Intersections Experiencing Increased Violent Crime

Submitted by: Councilmember Humbert, Councilmember Bartlett

Changes to Item:

- Revised list of priority camera locations and updated cost estimate
- Added list of pre-approved camera locations for potential future budget referrals
- Expanded discussion demonstrating how referral complies with the Surveillance Technology ordinance, existing Berkeley Police Department Law Enforcement Manual, and pertinent previously approved surveillance technology reports
- For extra transparency/review beyond that which is required by ordinance/policy:
 - Refers surveillance technology report/policy updates to City Manager
 - Refers item to Police Accountability Board for 30-day review



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CONSENT CALENDAR
 January 30, 2024

To: Honorable Mayor and Members of the City Council
 From: Councilmember Humbert (Author), Councilmember Bartlett (Co-Author)
 Subject: Budget Referral: Additional Security Cameras at Intersections Experiencing Increased Violent Crime

RECOMMENDATION

In order to deter violent crime and obtain evidence to solve criminal investigations, adopt the following recommendations:

1. Authorize the City Manager to install additional security cameras, prominent signage, and increased lighting in the public right-of-way at intersections or in public areas that have experienced a rise in violent crime and/or which include arterial streets offering entry/exit points for Berkeley.
2. Refer costs for security cameras and lighting to the next budget process.
- 2-3. Direct the City Manager to prepare targeted amendments to various pertinent surveillance technology reports and policies in order to provide extra transparency beyond what is explicitly required by the Berkeley Municipal Code and Berkeley Police Department Law Enforcement Manual.

Security camera footage would be used ~~solely for the purpose of solving criminal investigations~~ in a manner consistent/compliant with existing ordinances and the Berkeley Police Department's existing use policies, as enumerated in the Berkeley Municipal Code the Berkeley Police Department Law Enforcement Manual. The cameras are not intended and would not be used for continuous surveillance purposes. Cameras should ideally be compatible with those already in use at San Pablo Park under Contract Nos. 31900080 and 31900205 and those deployed at other intersections throughout the city.

Priority intersections for security camera installation ~~would~~ include:

- Alcatraz and College
- Woolsey and Telegraph
- Woolsey and Shattuck
- Alcatraz and Adeline
- Alcatraz and Sacramento
- Cedar St. & Eastshore Hwy
- San Pablo Ave & Gilman
- Telegraph and Dwight

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Additional camera locations that would be explicitly pre-authorized for potential future installation include:

- Shattuck & Allston
- 5th Street & Gilman
- Shattuck & Bancroft
- Shattuck & University
- 4th Street & Hearst
- 4th Street & Virginia
- Shattuck & Vine
- 8th Street & Harrison
- 2nd Street & Page
- University & Sacramento

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FINANCIAL IMPLICATIONS

Estimated one-time costs to install cameras, signage and lighting at priority intersections are likely to range from \$83,000 to \$167,000 per intersection, plus \$44,000 annually for data, software and maintenance. Total costs would vary based on the number of intersections selected. Specifically, total one-time costs for prioritizing the ~~five~~ six intersections recommended by the authors would be ~~\$415,498,000~~ to ~~\$835,1,002,000~~ plus ongoing data, software and maintenance costs of ~~\$220,264,000~~.

The costs for installation and maintenance of cameras at additional authorized locations would be determined and approved separately during future budget processes.

CURRENT SITUATION AND ITS EFFECTS

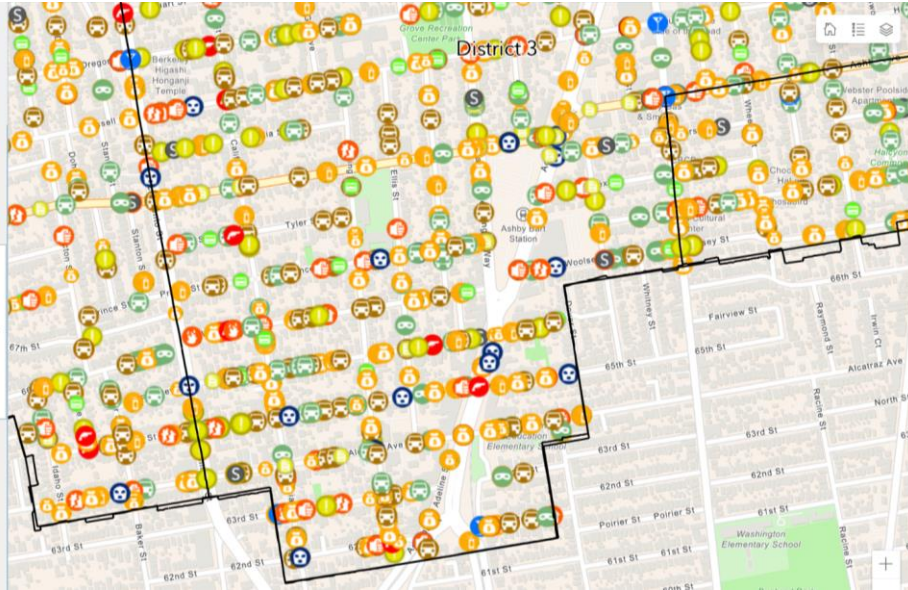
According to data from the Berkeley Police Department (BPD), 2023 saw 357 robberies in Berkeley, a 31 percent increase from 2022.¹ A considerable number of these robberies targeted elderly victims with violent attacks, such as the one that took place in December 2023 near College and Alcatraz.² In this particular case, a private security camera recorded the suspect subsequently stealing a car, and the footage proved instrumental in their later apprehension.³ Violent muggings of elders and women have also recently taken place in the vicinity of the Ashby BART station.

High-quality images of suspects and their vehicles would provide valuable investigative leads to assist efforts to bring accountability for violent gun crimes. Shootings often involve suspects who flee the area of the crime in their vehicles. Police investigating the crime often rely on private security cameras owned by residents and/or businesses to obtain video evidence. For these reasons, the City Council already approved funding for and installation of multiple security cameras across the city. Installing additional high-quality cameras at major arterials would expand access to video and allow investigators to check the footage for suspects fleeing the crime area in their vehicle.

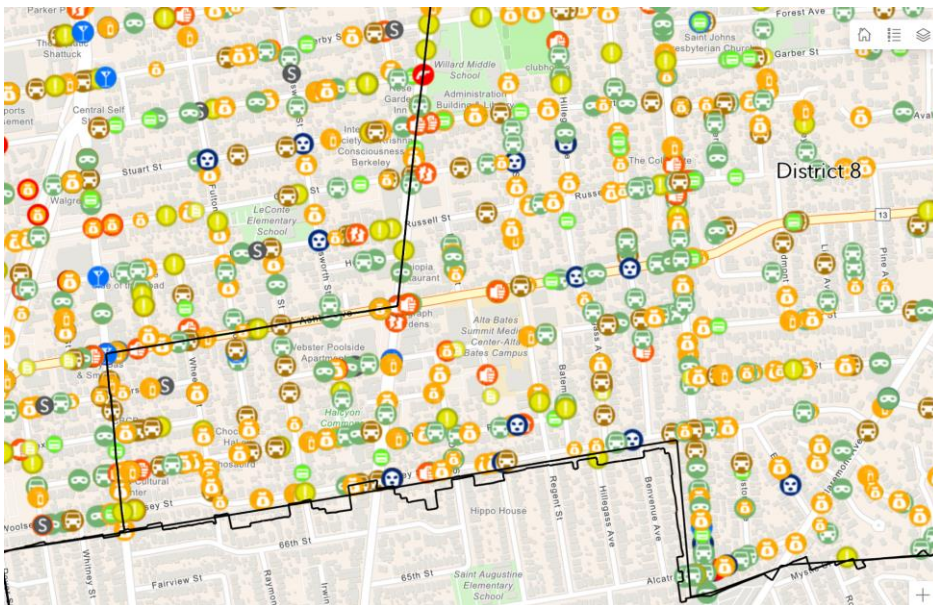
¹ Gecan, Alex N. (2023), *Catalytic converter thefts went down in Berkeley this year, but robberies went up*, Berkeleyside, <https://www.berkeleyside.org/2023/12/29/berkeley-crime-data-2023>

² NBC Bay Area (2023), *Berkeley woman speaks out after being mugged, car stolen by thieves*, <https://www.youtube.com/watch?v=skMisXDQTJK>

³ Raguso, Emilie (2023), *Berkeley robbery suspect facing new charges after car theft*, <https://www.berkeleyscanner.com/2023/12/27/arrests/berkeley-robbery-suspect-new-charges/>



Map showing 1-year of crime data in vicinity of southern District 3. (From BPD Transparency Hub)



Map showing 1-year of crime data in vicinity of southern District 8. (From BPD Transparency Hub)

The City already urges private property owners with security cameras to register their cameras with BPD to assist in criminal investigations, and property owners readily avail themselves of this resource. According to the Department, as of 2021 a total of 283 security cameras owned by private citizens and businesses are currently registered with BPD. Valuable public safety resources should not be delegated entirely to the voluntary cooperation of private entities, particularly when violent gunfire has occurred in many public spaces including parks and major intersections.

Strategically placed cameras should be of sufficient quality to capture high resolution video. Cameras would *not* be equipped with Automated License Plate Readers (ALPR) and would not be continuously monitored. The recordings would be an investigative resource which officers could access while investigating specific crimes and could assist in a reduction of crime. This would be an additional element of our Police Department's crime prevention strategies.

~~“Stationary security cameras affixed to City property or facilities” are not regulated under the Surveillance Technology Ordinance (BMC Section 2.99.020.1.i). As a result, stationary camera installation at major thoroughfares would be exempt from the requirements of BMC Chapter 2.99.~~

Providing security cameras in the public right-of-way is a Strategic Plan Priority Project, advancing our goal to create a resilient, safe, connected, and prepared city.

Under the Surveillance Technology Ordinance and the Berkeley Police Department's Law Enforcement Manual, the City Council is the deciding body empowered to make decisions about surveillance technology.

BMC Chapter 2.99 Acquisition and Use of Surveillance Technology, Section 2.99.010 Purposes, Subsection F reads:

F. Decisions regarding whether and how Surveillance Technologies should be funded, acquired, or used should be governed by the City Council as the elected representatives of the City.

The Berkeley Police Department Law Enforcement Manual, Section 351 External Fixed Video Surveillance Cameras, Subsection 351.3.1 Placement Review and Monitoring reads, in part:

*Camera placement includes existing cameras such as those located at San Pablo Park, the Berkeley Marina, and cameras placed in Council identified and approved intersections throughout the City, **and potential future camera locations as approved by City Council.** [emphasis added]*

Together, these ordinance and policy sections mean that the City Council has ultimate authority to make decisions regarding the acquisition, funding, placement, and use of surveillance technology.

The explicit inclusion of “and potential future camera locations as approved by City Council” in the BPD policy manual means that the City Council is already empowered under existing policy to approve additional security camera locations without amendment to the BPD policy manual.

BMC Chapter 2.99 Acquisition and Use of Surveillance Technology, Section 2.99.020 Definitions, Subsection 3 reads:

*3. "Surveillance Acquisition Report" means a publicly-released written report produced prior to acquisition or to proposed permanent use after use in Exigent Circumstances pursuant to Section 2.99.040 (2), of a **type** of Surveillance Technology that includes the following...[emphasis added]*

This subsection explicitly states that Surveillance Acquisition Reports must be produced prior to acquisition of a **type** of surveillance technology. This reporting requirement therefore applies specifically when new **types** of surveillance technology would be acquired, but not when Council directs the acquisition of additional individual devices covered by a previously considered and reported-on surveillance technology type.

BMC Chapter 2.99 Acquisition and Use of Surveillance Technology, Section 2.99.030 City Council Approval Requirement, Subsection 2 reads, in part:

The City Manager must present a Surveillance Use Policy for each Surveillance Technology to the Police Review Commission, prior to adoption by the City Council. The Police Review Commission shall also be provided with the corresponding Surveillance Acquisition Report that had been presented to council for that Surveillance Technology.

BMC Chapter 2.99 Acquisition and Use of Surveillance Technology, Section 2.99.020 Definitions, Subsection 4 defines “Surveillance Use Policy” in part thusly:

*"Surveillance Use Policy" means a publicly-released and legally-enforceable policy for use of each **type** of the Surveillance Technology that shall reflect the Surveillance Acquisition Report produced for that Surveillance Technology... [emphasis added]*

The BMC thus makes clear that the reporting requirements relating to both a Surveillance Use Policy and a Surveillance Acquisition Report apply to new **types** of surveillance technology.

BMC Chapter 2.99 Acquisition and Use of Surveillance Technology, Section 2.99.030 City Council Approval Requirement, Subsection 1.c reads, in part:

Using new Surveillance Technology, or using Surveillance Technology previously approved by the City Council for a purpose, or in a manner not previously approved by the City Council;

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This item does not propose to use security cameras for a purpose or in a manner that was not previously approved by the City Council. The additional locations included in this item would not involve a different purpose or manner of use than those previously approved. The fact that the BPD Law Enforcement manual explicitly includes the possibility for additional locations to be approved by Council reinforces the notion that the addition of cameras does not represent a change to purpose or manner of use.

Because the security cameras recommended in this item are a technology type that has already been reported on and approved by the City Council, these reporting requirements would therefore not apply and there is no explicit requirement for the Police Accountability Board to revisit the previously reviewed and approved reports. To reiterate, the BMC and the BPD Law Enforcement manual already recognize City Council as the deciding body and the City Council's ability to approve additional locations for security cameras.

The Berkeley Police Department Law Enforcement Manual, Section 1304 Surveillance Use Policy-External Fixed Video Surveillance Cameras governs the overall use of surveillance cameras and regulates, among other things, who has access to the camera recordings, under what circumstances the recordings can be accessed/used, and potential data sharing. The cameras proposed in this item would be subject to these requirements. However, since the proposed cameras would be the same as those previously considered and approved, no amendments to this section should be necessary.

Additionally, previous reporting has already examined the issues surrounding the efficacy and cost-efficiency of security cameras as a general approach to crime solving and deterrence and found them justified.

Nevertheless, for the sake of extra transparency, this item directs the City Manager and BPD to engage with the Police Accountability Board on this proposal. Should the Police Accountability Board provide feedback on this proposal within the 30-day window prescribed by the Municipal Code, the Council will take its response into consideration during subsequent steps for the final approval of purchase and acquisition.

BACKGROUND

A 2011 report⁴ from The Urban Institute's Justice Policy Center noted that cameras can be an effective tool for preventing crimes and supporting investigations. These tools appear fiscally prudent both as tools for investigations, and with the installation and maintenance of security cameras being less costly than the costs associated with

⁴ La Vigne, N. G., et al. (2011). Evaluating the use of public surveillance cameras for crime control and prevention. *Washington, DC: US Department of Justice, Office of Community Oriented Policing Services. Urban Institute, Justice Policy Center, 1-152.*

crimes that may take place without them. Moreover, an experiment conducted at the University of Twente in the Netherlands finds evidence that the presence of security cameras can encourage “prosocial” and “helping behavior” among bystanders.⁵

Berkeley’s Police Department has been conducting Crime Prevention Through Environmental Design (CPTED) assessments for neighborhoods throughout the City over the past several years. These assessments include recommendations such as: increased lighting, maintenance of properties, landscaping and signage that can be used to deter criminal behavior.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

None.

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⁵Van Rompay, T. J., et al. (2009). The eye of the camera: Effects of security cameras on prosocial behavior. *Environment and Behavior*, 41(1), 60-74. Retrieved from <http://citeserx.ist.psu.edu/viewdoc/download?doi=10.1.1.844.4026&rep=rep1&type=pdf>