

Sent: 9/1/2025 9:28:06 AM
From: Mark Menesini <Menesini
To: "Edward"
Cc:
Bcc:
Importance Normal
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Subject: FW: Benicia ALPR Policy Briefing for Police Chief and City Council

From: [REDACTED]
Sent: Sunday, August 31, 2025 7:58 AM
To: Mark Menesini <MMenesini@ci.benicia.ca.us>
Cc: Steve Young <SYoung@ci.benicia.ca.us>
Subject: Fwd: Benicia ALPR Policy Briefing for Police Chief and City Council

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Dear Chief Menesini,

Here is an initial draft of a proposal of changes I believe that are needed to the Flock System contracts and to our current gaps. I plan to present a more fleshed out version to Council on October 21st. Please let me know if you have any questions.

Thank you,

[REDACTED]

Executive Summary

Benicia's 52 Flock Safety cameras require immediate policy updates to address recent federal data sharing violations and system expansion beyond traditional license plate reading. Current policy gaps expose the city to privacy violations and potential legal liability.

Immediate Issues Requiring Action

1. Transparency System Failure

- Flock's audit portal is often down, eliminating public oversight, no public release of quarterly audit reports.
- No visibility into actual search usage or compliance verification
- Violates department's stated transparency commitments
- Logging seems to be inconsistent and shows a lack of compliance training

2. Federal Data Sharing Vulnerabilities

- CBP accessed 80,000+ Flock cameras nationwide through pilot programs
- Illinois found 47 agencies illegally sharing despite policy prohibitions
- Benicia's current restrictions may be ineffective without technical enforcement

3. Scope Expansion Beyond ALPR

- Flock now offers AI video surveillance, people tracking, and behavioral analysis
- Current policy only addresses license plates, not expanded capabilities
- No contractual restrictions on automatic system upgrades

Required Policy Enhancements

Strengthen Federal Restrictions

- Add technical restrictions preventing federal account creation
- Require City Manager approval for any federal data requests
- Mandate 48-hour City Council notification of federal contact
- Annual compliance certification

Limit Technology Scope

- Explicitly prohibit video recording beyond license plate capture
- Ban AI behavioral analysis and people tracking features
- Restrict integration with data broker services
- Require approval for any new system capabilities

Enhance Oversight

- Restore functioning audit system immediately
- Implement monthly public reporting
- Release publicly the quarterly audits and consider independent auditing
- Create community oversight board or make this a function of the Open Government Commission

Contract Modifications Needed

1. **Data Control:** Require local storage options and real-time notification of third-party requests
2. **Capability Restrictions:** Mandate written approval before enabling new features
3. **Termination Rights:** Allow contract cancellation for unauthorized system expansion
4. **Financial Penalties:** Include penalties for policy violations

Implementation Timeline

- **30 Days:** Restore audit system, assess current capabilities
- **60 Days:** Draft enhanced policy, implement monthly reporting
- **90 Days:** Present to City Council, negotiate contract modifications

Budget Considerations

- Current system funded by Measure C for public safety purposes
- Enhanced oversight may require modest staff time increase
- Contract modifications may involve legal review costs
- Potential cost savings from limiting system expansion

Legal and Risk Factors

- **Liability exposure** from federal data sharing violations
- **Compliance requirements** under California privacy laws
- **Public trust issues** if transparency failures continue
- **Constitutional concerns** with expanded surveillance capabilities

Recommendations

1. **Immediate:** Demand Flock restore audit functionality
2. **Short-term:** Update policy to restrict federal sharing and system expansion
3. **Long-term:** Establish robust community oversight and regular policy review

Next Steps

- Police Chief review current system capabilities and data sharing practices
- Legal counsel review proposed policy changes
- Schedule City Council agenda item for policy update presentation
- Community engagement on enhanced oversight mechanisms



Public Records Exemptions

Enclosed please find a copy of the response documents for your public records request. The following information is provided to explain the process employed to review and produce the response documents.

Reason	Description	Pages
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