



Kriss Worthington

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Amendment to 1a

ACTION CALENDAR

June 20, 2017

To: Honorable Mayor and Members of the City Council
From: Councilmember Kriss Worthington, District 7
Subject: MOU Compendium Items: Item #3.6: Agreement with City & County of San Francisco for Distribution of UASI Grant Funds; Item #3.12: Berkeley Police Department Relationship with NCRIC as Codified in BPD General Order N-17

RECOMMENDATION

Send letter proposing reforms to Bay Area Urban Areas Security Initiative.
Adopt policies on Berkeley participation in Urban Shield.
Form an Urban Shield subcommittee.

FISCAL IMPACTS OF RECOMMENDATION

Minimal

BACKGROUND

Strong advocates have lobbied the City Council to stop participating in Urban Shield. Other strong advocates have lobbied the City Council to continue to participating in Urban Shield. This item proposes a compromise to use the influence of the City of Berkeley to improve Urban Shield by raising concerns about previous actions and proposing constructive solutions.

ENVIRONMENTAL SUSTAINABILITY

Consistent with Berkeley's Environmental Sustainability Goals and no negative impact.

CONTACT PERSON

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RECOMMENDATION (1)

1. Send letter proposing reforms to Bay Area Urban Areas Security Initiative.

The purpose of this letter is to convey our concerns about the current format and content of the Urban Shield event to the event's primary funding body. Through this letter, we will express the specifics of our dissatisfaction with Urban Shield and suggest modifications to the program's planning and content that will modernize the program and allow it to remain relevant for Bay Area cities such as Berkeley.

The attached letter respectfully requests eight (8) reforms for the Bay Area Urban Shield program that will allow the City of Berkeley to continue considering Urban Shield as a training option for our law enforcement and emergency services providers. Below is the framework for this letter as of June 20, 2017. Please note that the background for the letter and justification for each proposal are currently being researched and crafted but were not yet available in draft form by the original submission deadline for the 6/20/17 City Council meeting.

The Bay Area Urban Areas Security Initiative
711 Van Ness Avenue, Suite 420
San Francisco, CA 94102

Dear Bay Area Urban Areas Security Initiative Management Team,

The City of Berkeley respectfully requests that you consider the following as supplemental to the efforts you have already made to reform the Urban Shield program in an effort to improve the integration of the program in our communities. Based on constructive feedback from citizens as well as community partners, taking the following steps will help to ensure that the efforts of Urban Shield are not only well-received, but also reflect the public safety needs, goals, and values of the greater Berkeley community:

The City of Berkeley respectfully requests that you consider the following as supplemental to the efforts you have already made to reform the Urban Shield program in an effort to improve the integration of the program in our communities:

1. One-third of the time spent on Urban Shield trainings must focus on de-escalation tactics.
 - a. Many community members have expressed concern that local police departments have the potential to become too militarized and lose focus of community policing. This has been critiqued as contrary to Berkeley's ethos and not cost-effective. Recent Berkeley protests have garnered national attention for having gotten out of hand and becoming violent. In attempt to combat this, one-third of the time spent on Urban Shield trainings should focus on de-escalation tactics.

2. Trainings must involve a diverse array of people so that the terrorists or criminals in training exercises are not depicted as people from a single ethnic or cultural background. □
3. Since recent presenters have not reflected the diversity of our community, we need serious attention to outreach efforts to improve cultural competence and representation.
 - a. In 2016, every Urban Shield presenter was reported to be White. Outreach efforts must be made to include speakers that reflect the cultural diversity of our community.
4. Prioritize training exercises for specific natural disasters and health concerns most likely to affect Berkeley and the Bay Area (i.e. earthquakes). □
 - a. According to a sample training report provided by Bay Area UASI, the “Essential Emergency Management Concepts: Earthquake” course costs \$41,213, while the Multiple Simultaneous Attack Response and Advanced Special Tactics courses cost over \$42,000 each, reflecting a fiscal emphasis on police tactics over disaster preparedness.
5. Allocate more Bay Area UASI (Urban Areas Security Initiative) funding to prepare communities and the city as a whole to respond to emergencies in ways that give precedence to community readiness, disaster prevention and recovery, and infrastructure development.
 - a. According to UASI and Homeland Security grant details, UASI grant funding supports capabilities for counterterrorism that “simultaneously support preparedness for other hazards”. Thus, UASI funding should not only reflect counterterrorism efforts, but also enhance Berkeley’s preparedness for a similar magnitude public safety crisis of a different type.
6. Urban Shield must exclude vendors who display derogatory, xenophobic, or racist messages from the annual trade show/expo. □
 - a. At the 2015 Urban Shield trade show expo in Oakland, the top-selling item was a t-shirt that said “Black Rifles Matter”, blatantly making light of the Black Lives Matter movement. In a diverse community such as ours, these derogatory and xenophobic messages are unwelcome and detract from the greater goal of Urban Shield to instill community policing tactics
7. Require full transparency on what events staff take part in and require community observers at all events and trainings. □
 - a. Berkeley’s social and political climate is dependent upon a community policing model, as this organizational strategy emphasizes community partnerships and thus requires transparency between Urban Shield and community groups.
8. Expand the participation in Urban Shield to include greater representation from the fire department, health services, and police force in order to focus more training exercises on preparedness for specific natural disasters.

a. As noted in the city manager report in the agenda packet for the Berkeley City Council on Tuesday, June 20th 2017, 87 of the Berkeley Fire employees have attended the UASI-funded training since 2011. Berkeley Fire has 127 sworn employees.

9. Seek funding for other Bay Area UASI priority areas including Planning and Risk Management, Medical and Public Health, Emergency Planning and Community Preparedness, and Recovery.

We support the constructive suggestions by Alameda County Board of Supervisors and by the Urban Shield Task Force, convened in January 2017 by Supervisor Carson. We are submitting the above 8 as additional requests to supplement the reforms. We appreciate your consideration of our suggestions and possible inclusion of these eight (8) suggestions into the Urban Shield program for 2017.

Sincerely,

Berkeley City Council

RECOMMENDATION (2)

2. Proposed Policies Governing Berkeley's Participation in Urban Shield.

Background

According to the *New York Times*, the number of people who died in terror attacks in Western Europe and North America rose strikingly in 2015. Yet, hate crimes and other forms of domestic violence still claim far more lives per year in the United States. It is clear that ensuring the safety and well-being of citizens is paramount, but the line between excessive fear mongering and justified wariness is a fine one indeed. In order to support and properly prepare emergency responders and the general public while also protecting any and all marginalized groups within Berkeley, it is crucial to thoroughly exam the training policies that Berkeley staff use to prepare for disasters to boost productivity and eliminate harmful biases. Currently, a primary program that the city relies on to train first responders is Urban Shield, which has faced opposition for being discriminatory and ineffective. Thus, there are several changes to the Urban Shield program that the City of Berkeley should adopt to ameliorate issues like unreasonable or excessive militarization, the need for further de-escalation tactics, and a dearth of diversity, while still being able to enjoy the numerous positive aspects of the program.

Proposed Policy Framework

In order to continue participation in the Urban Shield training exercises and expo, we have provided eight (8) suggestions that, if adopted as practice in Urban Shield, would reform the event in such a way that it would better meet our needs as a City.

In addition, we propose that Council adopt the following twelve (12) policies governing Berkeley's participation in Urban Shield

Proposed Policies for the City of Berkeley:

- 1) Berkeley personnel will not attend the Urban Shield expo during paid hours.
- 2) BPD will wear an alternative uniform during the Urban Shield trainings instead of police uniforms to show solidarity, as opposed to wearing camo or black like the military or a SWAT team. □
- 3) Extend Urban Shield participation to the Berkeley Fire Department, health services, and other rescue organizations to emphasize the importance of effective and efficient collaboration during crises, as well as decreasing the likelihood of Urban Shield militarizing police. □
- 4) For every hour of Urban Shield exercises, BPD must participate in one hour of de-escalation training. □
- 5) The City's emergency response agencies will support community-led programs such as the Community Emergency Response Program, CORE program, Collaborating Agencies Responding to Disasters, People's Community Medics, and Learn, Lift Lead. □
- 6) Trainings must involve a diverse array of people to ensure terrorists or criminals in training exercises are not depicted as people of a single racial, ethnic, or religious identity. □
- 7) Urban Shield will exclude all vendors who display derogatory or racist messages in any form. □
- 8) Multi-departmental participation in disaster preparedness aspects of Urban Shield. These aspects include the mass sheltering exercise and the Community Emergency Response Team exercise. □
- 9) Increase participation in UASI funded trainings to prepare communities and the city as a whole to respond to emergencies in ways that prioritize community readiness, infrastructure development, and disaster response training. □

Proposed Action

MOU Compendium Items: Item #3.6: Agreement with City & County of San Francisco for Distribution of Urban Area Security Initiative (UASI) Grant Funds; Item #3.12: Berkeley Police Department Relationship with Northern California Regional Intelligence Center (NCRIC) as Codified in BPD General Order N-17.

1. Create an Urban Shield/NCRIC Subcommittee

Create a subcommittee of the Berkeley City Council to review the City’s involvement in Urban Shield and NCRIC, and to ultimately determine whether the City should continue to participate in either, both, or neither of the programs, and to present alternative programs that better reflect the values of Berkeley’s citizens. The subcommittee will be made up of three Councilmembers, and potentially two members of the Police Review Commission and be staffed by a representative of the Berkeley Police, Fire, and Health Departments. The proposed scope of the subcommittee is detailed in Section 3: Formation of an Urban Shield Subcommittee.

2. Approve the agreement and distribution of UASI Grant Funds, with the following conditions:

Regarding UASI: approve the agreement and distribution of UASI Grant Funds

Regarding Urban Shield: Continue BPD involvement for one year and study carefully, with the intent to revisit the contract next year with more information. Refer the issue to the Council Subcommittee.

Regarding NCRIC: Continue for one year, and during that time undertake a comprehensive review of criteria for putting information into the system and for retrieving information.

RECOMMENDATION (3)

3. Formation of an Urban Shield/NCRIC Subcommittee

Scope and Priorities for Proposed Subcommittee

We propose the creation of a subcommittee of the Berkeley City Council to review the City’s involvement in Urban Shield and NCRIC to determine whether the City should continue to participate in these programs. This body will be tasked with determining whether or not the City should continue to participation in said programs and presenting alternative programs that better reflect the values of Berkeley’s citizens.

Subcommittee Composition

The subcommittee will be made up of three (3) Councilmembers and, potentially, two (2) members of the Police Review Commission. The subcommittee will also be staffed by one (1) representative of each of the following City of Berkeley departments: Berkeley Police Department, Berkeley Fire Department, and Berkeley Public Health Department.

Proposed Subcommittee Actions and Activities

- 1) Council members or their interns will attend and witness Urban Shield trainings, along with observe the Urban Shield tradeshow. (Captain Tucker (925-551-6970) is willing to put Councilmembers on the VIP list to witness training.)
- 2) Councilmembers or interns should report their findings back on the Urban Shield trainings. The report should answer questions including, but not limited to:
 - a) How does Urban Shield contribute to or detract from public safety and safety of medical and law enforcement personnel?
 - b) What are the benefits and costs of participation in Urban Shield? Are there any specific elements that are commendable or objectionable, given Berkeley's values and needs?
 - c) Does Berkeley's participation in the program positively influence or enhance Urban Shield, and how might the City's participation be continued into the future, if this is the case?
 - d) Does Berkeley's participation run contrary to Berkeley's values or interests, and how might the city's involvement be limited or ended if this is the case?
 - e) What other training opportunities are available for the BPD?
- 3) The City Council will require full transparency regarding what events Berkeley staff are to take part in, and will require community observers to be present at all Urban Shield events and trainings.
- 4) Berkeley staff will not take part in surveillance or crowd control oriented events.
- 6) Berkeley City Council will issue a statement that all of Berkeley's rules including Use of Force regulations as well as Sanctuary City status extends to all participation in UASI-funded activities.
- 7) Review Urban Shield scenarios that have taken place within the past five years, along with current and upcoming scenarios, and scoring procedures.
- 8) Attend and review keynote speakers, workshop topics, and materials of past, current, and planned exercises and expos.
- 9) Review Superintendent Carson's report on Urban Shield, and consider involvement in Supervisor Carson's newly formed community task force on Urban Shield.
- 10) Research training opportunities that the BPD might participate in, either domestic or international, and consider whether BPD could work with police from other progressive cities to create specialized training, more closely reflecting Berkeley's policing values.
- 11) Undertake any other research and investigation necessary to help inform the subcommittee about the nature of Urban Shield exercises. Any possible elements that might go contrary to the City of Berkeley's values of community policing, nondiscrimination, etc. should be noted.
- 12) Conduct an in-depth review of NCRIC database and all related protocols, including:
 - a) How and on what bases is data entered into the database by BPD, other law enforcement agencies at city, county, state, and federal levels, and by the public?

b) How and on what basis does BPD have access to the data? Details within this report should include who can access the data, under what circumstances, how often or how frequently, and in what ways the data can be accessed?

c) Does the database include data gathered by means that citizens of Berkeley might find objectionable?

d) Is it possible for BPD to segment what information it receives?

13) Review other databases Berkeley has access to that can provide similar or the same types of information, and potential pros and cons of using those databases.

14) Consider whether Berkeley should continue with NCRIC, end its participation, or create protocols to limit Berkeley's contribution and access to the database.

15) What is the comparative priority of allocating to enhance information analysis infrastructure and protection capabilities, strengthening communication and decontamination capabilities?