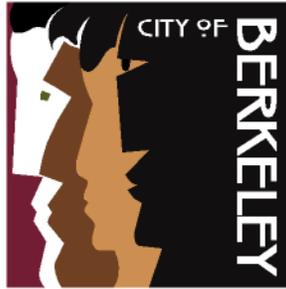


**Berkeley City Council
Ad-Hoc Subcommittee on NCRIC and Urban Shield**



**Wednesday, March 28, 2018
12:00-2:00pm
Redwood Room, 6th Floor
2180 Milvia St.**

Committee Members

- Mayor: Jesse Arreguin
- District 2: Cheryl Davila
- District 4: Kate Harrison
- District 6: Susan Wengraf

AGENDA

- 1. Call to Order**
- 2. Public Comment**
- 3. Approval of Minutes (Attachment A)**
- 4. Review Letter Proposed by Councilmember Worthington to Urban Areas Security Initiative (Attachment B)**
- 5. Discussion of Berkeley's Participation in NCRIC**
- 6. Next Steps**
- 7. Adjournment**

Attachments:

- A: Minutes from March 14th Subcommittee Meeting**
- B: Councilmember Worthington's Letter to Urban Areas Security Initiative**
- C: NCRIC Non-Disclosure Agreement and Definition of Terrorism**
- D: NCRIC External Partner Requests**



Berkeley City Council
Minutes: Ad-Hoc Subcommittee on NCRIC and Urban Shield
By Tano Trachtenberg

Wednesday, March 14, 2018
3-5:00pm
Cypress Room, First Floor
2180 Milvia St.

Committee Members:

- Mayor: Jesse Arreguin
- District 2: Cheryl Davila
- District 4: Kate Harrison
- District 6: Susan Wengraf

- Mathai Chakko,
- George Lippman
- Tano Trachtenberg
- Chris Naso
- Laurie McWhorter
- Bob Flasher
- Christine Schwartz
- Kelly Hammergren
- Micky Duxbury
- Ellen Brotsky
- Tracy Rosenberg

Others in Attendance:

- Andrew Greenwood, Berkeley Chief of Police
- Michael Sena, Director of NCRIC
- Sgt. Darrin Rafferty
- Dee Williams-Ridley, City Manager

1. Call to Order

Meeting was called to order at 3:12pm

2. Public Comment

Bob Flasher, a member of the Disaster and Fire Safety Commission, expressed his support for Urban Shield. He believes that Urban Shield represents the best training option available.

Ellen Brotsky shared that ending participation in Berkeley Funds does not prevent Berkeley from accepting UASI money for other training or emergency preparation. She believes training should emphasize community resilience.

Tracy Rosenberg shared the results of a Public Records Request to NCRIC on their Automated License Plate Reader (APLR) database. In a three-month period last year, there were 165 requests from the Department of Homeland Security (DHS), 27 requests from the FBI, 28 from ICE and 18 from the IRS. Rosenberg also shared that the database can be queried for missing persons and witnesses, and therefore does not require someone be of criminal interest and wants to know the protocols for protecting these citizens from inappropriate searches. Finally, she asked about NCRIC's private sector partners.

Kelly Hammergren urged the committee to consider their work within the broader conversation of what is going on nationally.

Micky Duxbury expressed that Urban Shield focuses too much on militarism and crowds out resources for other types of training and community preparation. She cited that 20 years ago there were 4,000 SWAT interventions nationwide. Now there are 80,000.

Christine Schwartz, who recruits and volunteers for Urban Shield, feels that the event cannot be reproduced and has value for citizens and first responders.

3. Approval of Minutes

Minutes were approved unanimously.

4. Presentation and Discussion with NCRIC Director Michael Sena

Background on NCRIC

Mr. Sena began the dialogue by sharing background on what NCRIC is and what their work focuses on: information sharing, working with public safety, critical infrastructure, training on what is suspicious behavior, and education. The education portion of their work focuses on privacy, civil rights, and civil liberties protections. He added that policies are in place to try to protect information from inappropriate action, or misuse or manipulation.

The NCRIC operation is a part of a network of 78 other centers across the country. Most were established after 9/11, when the desire for greater information sharing arose. NCRIC is built upon the foundation of the high-intensity drug trafficking area's work. Mr. Sena serves as the executive director for that program as well. NCRIC focuses on collecting and sharing data on criminal activity and suspicious behaviors that are predictive of criminal acts. The primary areas of concern are counter-terrorism, human trafficking, and high-level narcotics.

NCRIC's area of responsibility spans from Monterey up to the Oregon border, and includes 15 counties. Their 80 staff members coordinate data and info sharing as well as training on threats that are seen in the region like active shooters and people using vehicles as weapons.

Discussion of Suspicious Activity Reports (SARs)

Sena said the other big piece of NCRIC's work is triaging SAR. There are usually 600-800 SARs that they evaluate. Information is evaluated based on subjects' actions, not their beliefs, religion, or ethnicity. NCRIC's role is not to do investigation, but to gather info and pass it to the appropriate law enforcement agency, which is most often local. He added that they sometimes engage with federal agencies. For example, if a SAR has a nexus to terrorism NCRIC engages the Joint Terrorism Task Force (JTTF). If it is narcotics related, they generally coordinate with local narcotics units and or the DEA.

SARs stay in their data repository for up to a year maximum. Sometimes analysts find "poison pens", a SAR that was submitted because someone does not like the person they are reporting. After follow-up, they will get rid of that data. After 12 months from date of receipt,

if a SAR is not followed up on in a criminal investigation and submitted to the ISE-SAR E-guardian system (maintained by FBI), the SAR is purged from system and the electronic file no longer exists. If someone asks about a SAR that is 13 months old that is not passed to the other system, the only info that can be shared is what somebody might remember about the SAR and could re-run through the system.

In response to Councilmember Harrison's questions about SAR retention, Mr. Sena explained that most local agencies do not have an internal SARs system. Sena said they only hold onto criminal investigation information. As of recently, SARs are sent via a link that will expire; local agencies lose access to that information when it is purged from the primary database. NCRIC only follows the federal five-year retention policy if there is a SAR of a criminal nature that meets the standards for a follow-up investigation.

Councilmember Harrison followed-up with a series of questions about NCRIC's advisories. She expressed concern about a bulletin released that focused entirely on Antifa's actions in Berkeley, but did not mention the right-wing groups as well. Sena explained that it was a situational awareness bulletin. These bulletins share the types of things that NCRIC has been observing, and are not necessarily SARs. In this case, it was about people that are trying to harm law enforcement, and getting in the way of folks that are trying to exercise their freedom of speech. He also confirmed there is a partner bulletins for other groups and they try to balance that. He acknowledged it is a hot topic, but emphasized that the focus is not on extreme viewpoints but on folks that use criminal violence.

Mr. Sena responded to Councilmember Davila's questions about the flow of SARs to the FBI's E-Guardian System and their retention within it. He explained that for data not to be purged, an analyst has to extend the timeframe within the system by providing new information and stating the reason for extension. Without this, the system will delete the information. NCRIC does extensions in 12-month cycles, rather than pushing anything over a year to the five-year frame automatically. In the NCRIC system everything is reviewed on a 12-month basis. In other centers, it could be up to five years. If inaccuracy is identified, the information has to be updated or corrected. This is a big part of what analysts do.

Mr. Sena responded to George Lippman's questions about the variation in quality control across the network of fusion centers, specifically, whether NCRIC reporting to the E-Guardian is better than other fusion centers' reporting. Sena explained that it depends on the fusion center. Some are only five people. Some have 200 people. It also depends on ability to create a liaison network of officers, firefighters, because all public safety folks can report. Providing accurate training on what you are looking for and what you are not is key.

He elaborated, describing an incident where a power plant was attacked. Information about the attack was shared with local officials. NCRIC saw an increase in reporting threats to power plants because more people were now looking for this, which does not mean that there is an increased risk. NCRIC sent out a message emphasizing this to the network.

NCRIC's Relationship with Other Agencies and Organizations

Mr. Sena explained the relationship NCRIC has with the 78 other fusion centers. Each fusion center is responsible for the SARs in their region. Right now, it is shared nationally through the E-Guardian system that the FBI maintains, and the system only covers counter-terrorism SARs. The job of each fusion center is to vet the SARs they believe meet those criteria. Last year, NCRIC had 288 SARs that met the counter-terrorism threshold to be placed in the E-Guardian system. Sena feels that this creates a problematic sharing issue, because things like school threats, which may or may not be counter-terrorism related cannot be shared effectively in that system.

Sena responded to Lippman's concerns about the ACLU report on fusion centers, which had examples of targeting Muslim-Americans. When the ACLU report on fusion centers came out, Sena said he pushed to ensure that all centers are on the same page in defining what suspicious activity is. He said as a result, the focus is now on a criteria of behaviors. Sena also added that he believes the FBI has gotten better at making case-specific complaints.

Mr. Sena responded to the Mayor's question about the MOUs NCRIC has with other agencies. He explained that they have over 50 agreements with agencies that contribute electronic data and records. These agreements are so that the agency understands that the data they contribute belongs to them, the originator, and that NCRIC can help redact or restrict information they do not want shared. Sena confirmed that ICE has no access to their database because a number of local agencies were not comfortable sharing information for immigration purposes. ICE can request information, but it has to be related to a criminal action. NCRIC sends a copy of SB 54, and requires ICE to provide a case number and explicit legal terms that they are requesting the info under. If it is local agency data, NCRIC goes back to that agency to make sure they are comfortable supporting a criminal investigation. **Sena said that NCRIC would be open to any agreements with the City, acknowledging Councilmember Harrison's concern that the City is required to have a formal MOU.**

George Lippman asked about the amount of data that comes from federal agencies. His concern is the federal definition of terrorism being laid on top of the regional fusion center because California is at odds with the Federal government in numerous ways. Sena said everyone could contribute. The FBI started sharing more of their tip line information with NCRIC after the Florida shooting. The majority of work they do is state and local. NCRIC's executive board is balanced between, federal, state and local executives. NCRIC is in support of public safety. They follow both the state guidance and the federal guidance, and when they are in conflict NCRIC has sided with the local agencies that make the biggest difference in NCRIC's work.

He explained this tension further:

"As far as direction coming from D.C. on things, we know that there is a lot of hostility right now. I see that everyday. And we are in the middle, which means that you're getting hit by everybody. And every group I go see, every city council, every board of supervisors, I tell them that we are here to serve your community, and we are here to uphold your values, and we are here to uphold the law. There are going to be conflicts, and there are times when I am probably going to be on the wrong side of many of those conflicts, but ultimately our job is to protect the public and also to protect privacy,

civil rights and civil liberties. I am unpopular on both sides of the issue because I don't bend for either of them. We're going to keep a middle ground here in our region because without that we do not have information sharing, we do not have collaboration."

In response to a Councilmember Davila's question about NCRIC's competitors, Sena explained that there is no such thing. The federal government could not do this because they don't have the level of trust that state and local agencies have with each other.

Sena talked about the information shared with the critical infrastructure officials and that if it were destroyed, could cause local or large catastrophes. It could be telecommunications, banking, food supply chain, electrical grid, water, etc. For those entities NCRIC does not share law enforcement data, but they do share potential threats and offer training. NCRIC also keeps a categorical list of the almost 16,000 critical infrastructure sites. Some have cascading effects; if you don't have power, you don't have water or sewage. If you don't maintain the banking links, you can't get money out of ATMs.

NCRIC's Sources of Funding

The Office of National Drug Control Policy, which supports counter drug efforts, is about \$3.2-3.5 Million dollars per year. DHS has a requirement that 25% of grant funds that are provided to states and regions have to go to law enforcement terrorism prevention activity. NCRIC gets \$1.8 from the State's DHS grant program that goes through Cal OES. They also get \$4.5-5 Million dollars per year from UASI.

Harrison asked why one-third of the money comes from the National Drug Control Policy, and would like information on why NCRIC is involved with that. Sena shared that drug threats represent a part of NCRIC's work that extends beyond just terrorism. He also shared what NCRIC is doing to combat fentanyl and heroin overdoses, including overdose mapping. They are looking at drug-trafficking organizations, the large targets that are laundering money and shipping in fentanyl from overseas, not users.

NCRIC's Automated License Plate Recognition [ALPR] Policy

The Mayor suggested that the purposes for the uses of data in NCRIC's policy are reasonable, but asked Sena to elaborate on what "protect participants at special events" means. Sena explained that NCRIC has a database of known and suspected terrorists in the Bay Area and beyond, and the vehicles associated with them. During the Superbowl, and events like that, NCRIC can search the system and notify if that vehicle has passed by an ALPR. Those alerts can pop up immediately and everyone at a command post will be notified. In order for a person to meet the criteria of a known or suspected terrorist, there is a corresponding case number with the FBI. In the case of missing children, adults, or any other criminal activity, NCRIC can query the database to see if they have passed a reader. NCRIC has had great success with missing people using this.

Sena gave background on another exception NCRIC has, which they have yet to use. If a terrorist group is targeting somebody, NCRIC can do protective measures near where they live. NCRIC can also show data to a person who is a potential victim of a threat.

The ALPR is just a pointer system. It does not say if a person has committed a crime or what they have done. Sena emphasized that it is the job of the local agency, if there is an ALPR hit or alert, to run the plate through dispatch to ensure it is valid. The recognition software has an error rate and NCRIC wants to make sure that the plate is confirmed before action is taken. San Francisco was recently sued for not verifying the data before using it to make an arrest.

Councilmember Harrison expressed concern about the collection of ALPR data in bulk. Sena confirmed it is bulk data collection that does not require probable cause, but the data pulled has to have a criminal nexus, with a few exceptions. NCRIC has a drop down menu that requires the requesting officer to select type of criminal activity involved as well as input their case number. This allows for audits and reporting back to departments. Sena said they currently do not use any ALPR data from parking attendants.

Other NCRIC Questions for Director Sena

Councilmember Davila asked about suspicious behavior and racial profiling. Sena explained that for activities that are innocuous and there is no criminal behavior associated with it, they look at the context of it, like if someone took photos of locks or the location of security cameras. Sena cited that their team of analysts is diverse and includes a Vietnam veteran, Asian Americans, but no African-Americans. He says that they have instilled in their training and team that they are looking at diverse communities, and none of what they are looking like should be prejudiced. He also mentioned that they lost one of their best trainers and are looking at bringing in other subject matter efforts. They want to remove that type of information [racial bias] from their work, however he acknowledged they are dealing with people, who can make errors.

If there is no criminal activity, the data sets and systems NCRIC can include are restricted. Sena described the tiers of analysts and supervisors that look at information collected and how that data has to pass through multiple personnel. If the information meets the criteria for the E-Guardian system, then it also has to be reviewed by a supervisor at the federal level, where the Attorney General guidelines are followed.

Councilmember Davila asked if analysts have diversity or racial bias training. Sena said, "Its constant". Every time they have a meeting in their office, that's a big part of what they are talking about.

Councilmember Harrison asked if NCRIC uses data from social media. Sena said that NCRIC does not have any special access to social media. **He said he could send the Chief real-time open source analysis, about how that open source information that is out there is used, evaluated.** NCRIC worked on that for quite some time, because a lot of threats are being notified online. For example, during Oakland's riots two years ago someone posted a photo of two guns online and said they were going to Oakland to get some justice.

Councilmember asked if data around public gatherings held for longer. Sena said no, and that often it is kept for just two weeks. The data is held for a year only if the SAR reporting meets their criteria. He added that NCRIC does not move things to five years unless they find it meets the nexus to terrorism criteria.

Harrison asked if NCRIC has a standard definition of terrorism. Mr. Sena said yes and that he **will get a copy of it for the group.**

5. Presentation from BPD Terrorism Liaison Officer (TLO)

Sgt. Daren Rafferty is a Patrol Sergeant and a Terrorism Liaison Officer, which means he has gone through NCRIC's training. He has been a Berkeley Police Officer since 1999 and it is the only organization he has worked for. He talked about what he does in his ancillary duty as a TLO. Sgt. Rafferty's daytime job is Patrol Sergeant but he is also on the Situational Awareness Group (SAG), where he is a supervisor. His primary duty on SAG is as a TLO. All of Sgt. Rafferty's work on SAG is considered ancillary, which means it is done in addition to the other work he is primarily responsible for as patrol Sergeant.

His main focus as a TLO is the safeguarding of the community and stopping criminal wrongdoing of any kind. He assesses a huge amount of information that the NCRIC and other law enforcement agencies pass along to them, "It's a lot of reading". In early 2017 he went to the TLO training class, a daylong training. He learned basic principles on intelligence from a state, federal and local level. He also learned how different groups and organizations would take in, evaluate and share information, how they vet it, and how they prioritize it. He also received an overview of domestic and international terrorism.

Sgt. Rafferty works with other Berkeley Police Officers. As a TLO and SAG officer, Sgt. Rafferty answers to a separate patrol Lieutenant, but to the same supervisors above that—an operations captain and Chief Greenwood. On a daily basis he reads alerts, informational bulletins, advisories, and suspicious activities on a local, regional, state, federal and international scale. He reads on terrorism that extends beyond Berkeley. He said NCRIC increases his awareness, and helps him better evaluate what to share and discuss internally, and make an intelligent risk assessment for the distribution of resources when Berkeley is having an event.

Sgt. Rafferty Reviews a lot of criminal reports and consults NCRIC analysts to see if the information is part of a larger trend. When it is, they vet it and submit it as a SAR. Berkeley does not do a lot of SARs because things do not rise to that level. They are in constant communication with NCRIC even though they submit SARs infrequently. Rafferty emphasized that city borders do not restrict crime.

Chief Greenwood added his perspective as a Chief. He relies on Sgt. Rafferty to be absorbing all of this information and determining if it needs to be communicated within BPD and if there might be a regional trend. Recent trends include large-scale shoplifting and laptop thefts. Chief Greenwood wants to make sure the committee is not just focused on SARs and terrorism because the other crime reporting and awareness is important to BPD. Chief Greenwood also made it clear that TLOs are not subordinate to anyone outside the agency. Sgt. Rafferty follows Berkeley's policies including the sanctuary city policy.

Sena added that there have been semi-organized criminal groups that are pilfering communities. NCRIC hosted a session on that group and had over 140 officers show up from around the Bay Area. He emphasized that there is also value for NCRIC in bringing people together like this.

Sgt. Rafferty explained that the ALPR system is more cumbersome than he imagined, but in a good way. There are many steps to get into the system. Chief added that the log-on is two-step authentication, so the security is very tight. In terms of training to use the system, it is very simple: you input information in two or three drop down menus and put in the case number. There are terms and conditions that you have to agree upon every time you use the site.

Mayor Arreguín asked if all incoming information is processed through SAG. Sgt. Rafferty said yes and that each member has certain areas they are assigned to deal with. SAG parses out the information that is coming in and gets it to the appropriate subject matter expert in BPD on the SAG. From there, they assess it and vet it. This includes information from NCRIC, advisories, a fellow colleague or just a phone call from another law enforcement agency. The SAG is a group of officers that are looking at all of these things strategically. Greenwood added that the role of SAG is to spend the extra time looking at all the all the Information that comes to BPD to figure out how it all fits together. He also shared that when bad stuff happens, where even the public and council might be aware, BPD often gets rapid alerts with more confidential information in it.

NCRIC supports the TLOs, and they support NCRIC with free flowing information sharing based on the relationships that they have built and the agreements that they have.

Chief Greenwood offered to relay any follow-up questions to Director Sena.

6. Adjournment

Meeting adjourned at 5:04pm



Kriss Worthington

Councilmember, City of Berkeley, District 7
2180 Milvia Street, 5th Floor, Berkeley, CA 94704
PHONE 510-981-7170 FAX 510-981-7177
kworthington@cityofberkeley.info

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, and 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

Kriss Worthington, Councilmember, District 7 (510) 981-7170

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:

1. One-third of the time spent on Urban Shield trainings must 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 backgrounds.
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.
4. Prioritize training exercises for specific natural disasters and health concerns most likely to affect Berkeley and the Bay Area (i.e. earthquakes).
5. Allocate more 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.
6. Urban Shield must exclude vendors who display derogatory, xenophobic, or racist messages from the annual trade show/expo.
7. Require full transparency on what events staff take part in and require community observers at all events and trainings.

We support the constructive suggestions by Alameda County Board of Supervisors and appreciate the inclusion of the suggestions into the Urban Shield program. We are submitting these as additional requests to supplement the reforms recommended by the Alameda County Board of Supervisors.

Sincerely,

Berkeley City Council

The attached letter respectfully requests eight reforms for the Urban Shield program at the system-wide level that will aid the implementation of the program at the city level.

Summary Paragraph

Thus, in order to ensure the safety of emergency responders, the general public, and any and all marginalized people or groups within Berkeley, there are several changes to the Urban Shield program the City of Berkeley should adopt related to anti-militarization, de-escalation, and promotion of diversity. Ever since terror attacks in North America and Western Europe strikingly rose in 2015, terrorism has been an issue Americans have had to face.

Firstly, many community members have expressed concern that BPD is becoming too militarized and lost focus of community policing. This has been critiqued as contrary to the Berkeley's ethos and not cost-effective.

To amend this the management of Urban Shield should include representatives from the fire department, health services, and police force, training exercises for specific natural disasters and health concerns most likely to affect Berkeley (i.e. earthquakes) should be prioritized.

Secondly, recent Berkeley protests have garnered national attention for having gotten out of hand and becoming violent. In order to combat this, one-third of the time spent on Urban Shield trainings should focus on de-escalation tactics. More UASI funding should also be allocated 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.

Lastly, as there has been evidence of xenophobic training tactics within Urban Shield and problematic wares sold at the tradeshow put on by Urban Shield, trainings should proactively involve a diverse array of people so that the terrorists or criminals in training exercises are not depicted as people of a specific racial, ethnic, or religious identity. Additionally, outreach should be done to include that the presenters include a wide range of people of different ethnic, religious, and racial backgrounds. Urban Shield should also exclude vendors who display derogatory, xenophobic, or racist messages from the annual trade show/expo.

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

Create a new Subcommittee of the Berkeley City Council to review the city's involvement in Urban Shield and NCRIC. **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.

Council 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.

Key Tasks regarding Urban Shield will include, but not be limited to:

General List of Problems and Solutions

Problems

- 1) In the past UCPD, who has taken part in Urban Shield training, have allegedly beaten, harassed, intimidated, and arrested students.
- 2) Urban Shield ranks participants teams (e.g. police department, fire department) in a game which trivializes the impact of the actions that have the possibility of being reproduced during real events, and on real people.
- 3) Past Urban Shield trainees have shown themselves to be needlessly violent.
- 4) Urban Shield's propagation of the increased and maintained distribution of surveillance technology and assault rifles is problematic.
- 5) Urban Shield training is fundamentally designed to treat civilians like enemy combatants. Want police that are responsive to and partner with the community on safety - militarization is incompatible with community policing. Community policing, not military policing, should be the goal.
- 6) Urban Shield is too focused on offensive tactics rather than de-escalation tactics and strategies used to end situations without gunfire.
- 7) Everyone at Urban Shield has a vested interest in constructing a narrative of fear.
- 8) Do not want to prepare for an imagined risk in ways that put our most vulnerable community members at greater risk for police use of excessive force.
- 9) Do not want our police trained in crowd control methods used to brutally repress movements for justice (i.e. Black Lives Matter protests and other demonstrations).
- 10) All Urban Shield presenters in 2016 were white. Urban Shield has been known for producing harmful ideologies not only in their training, but in the items that are popular at their events. Guidelines to prevent racial, political, and ethnic profiling are virtually nonexistent
- 11) Is Urban Shield an essential training experience worth a significant amount of taxpayer money?
- 12) 57% of the time SWAT is deployed for serving search, arrest, and parole warrants; moreover, of the 15 agencies that participated in Urban Shield none were for terrorist incidents. Thus, statistically our money would be better spent on serving search, arrest, and parole warrants than terrorism.
- 13) The large majority of UASI dollars are being allocated to enhancing homeland security exercise, evaluation, and training programs.
- 14) No UASI funds are allocated to community planning and emergency planning, medical and public health infrastructure and readiness, and city planning and risk management.

- 15) Small fraction of funds allocated to enhancing information analysis infrastructure and protection capabilities, strengthening communication and decontamination capabilities.
- 16) Want UASI funding put into other kinds of preparedness - community disaster and emergency preparedness, like training officers in how to de-escalate mental health crises, training officers in how to deal with white supremacists, and earthquakes.

Priorities for Proposed Subcommittee

- 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 a 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.
- 5) Create a subcommittee on 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 either, both, or neither of the programs.
- 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 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.

Proposed Policies for the City of Berkeley

- 1) BPD should either not attend the expo or if they continue to choose to attend the expo, they should not attend military-influenced exhibitions.
- 2) BPD will wear white 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 participate in alternative 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) Ensure UCPD is participating in cultural sensitivity/humility trainings with Islamic Networks Group.
- 8) Urban Shield will exclude all vendors who display derogatory or racist messages in any form.
- 9) Participate in disaster preparedness aspects of the Urban Shield. These aspects include the mass sheltering exercise and the Community Emergency Response Team exercise.
- 10) 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.
- 11) Increase funding towards UASI 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.
- 12) Create a T-group (a group engaged in a form of training in which members, led by a trainer, observe and learn about small group dynamics in an attempt to improve interpersonal relationships and communication skills) prioritizing residential complaints that reflect off of past anti-semitic, discriminatory, and militarism experiences/history in the city of Berkeley.

Management Team: Bay Area UASI (Paid Staff Members)

Craig Dzedzic	General Manager	craig.dzedzic@sfgov.org
Catherine Spaulding	Assistant General Manager	catherine.spaulding@sfgov.org
Tristan Levardo	Chief Financial Officer	tristan.levardo@sfgov.org
Janell R. Myhre	Regional Program Manager	janell.myhre@sfgov.org
Mary Landers	Regional Grants Manager	mary.landere@sfgov.org

Minkyung Kim-Molina	Grants Management Analyst	minkyung.kim-molina@sfgov.org
Commander Thomas Wright	Project Manager	twirght@acgov.org
Ethan Baker	Emergency Services Coordinator	ethan.baker@sfgov.org
Philip White	Project Manager, CBRNE	twirght@acgov.org
Corinne Bartshire	Project Manager, Resilience and Recovery	corinne.bartshire@sfgov.org

Amy Ramirez, CEM	Project Manager	amy.ramirez@sfgov.org
Corey Reynolds	Whole Community & Communications Project Manager	corey.reynolds@sfgov.org

Yoshimi Salto	Grants Specialist	yoshimi.saito@sfgov.org
Anthony Perez	Administrative	anthony.j.perez@sfgov.org
Li Liu	Grants Accountant	li.liu@sfgov.org

Approval Authority Members

Al Terrell	Fire-Chief-Sonoma County County of Sonoma	Al.terrell@sonoma-county.org
Trisha Sanchez	Undersheriff- San Mateo County Sheriff's Office	tsanchez@smcgov.org
Garry Malais	Emergency Services Manager County of Monterey	malaisG@co.monterey.ca.us
Bob Doyle	Sheriff-Marin County Sheriff's Office County of Marin	rdoyle@co.marin.ca.us
Mike Casten	Undersheriff- Contra Costa County Sheriff's Office County of Contra Costa	mcast@so.cccounty.us
Ken Kehmna	Fire Chief- Santa Clara County County of Santa Clara	ken.kehmna@cnt.sccgov.org
Ray Riordan	Director - San Jose Office of Emergency Services City of San Jose	ray.riordan@sanjoseca.gov

Cathey Eide	Emergency Management Services Division Manager- City of Oakland	ceide@oaklandnet.com
Raemona Williams	Deputy Chief of Administration - San Francisco Fire Department City and County of San Francisco	raemona.williams@sfgov.org
Rich Lucia - Vice Chair	Undersheriff-Alameda County Sheriff's Office County of Alameda	rlucia@acgov.org
Anne Kronenberg - Chair	Executive Director- San Francisco Department of Emergency Management City and County of San Francisco	anne.kronenberg@sfgov.org

Mailing Address: 711 Van Ness Avenue, Suite 420, San Francisco, CA 94102

Attachment C

NCRIC Non-Disclosure Agreement

NONDISCLOSURE TERMS & CONDITIONS AGREEMENT BETWEEN THE NORTHERN CALIFORNIA REGIONAL INTELLIGENCE CENTER (NCRIC) AND THE APPLICANT PERTAINING TO THE PROPER HANDLING OF "FOR OFFICIAL USE ONLY" (FOUO) INFORMATION.

1. I hereby accept the obligations contained in this Agreement in consideration of my being granted access to FOUO information. As used in this agreement, FOUO information is marked or unmarked FOUO information, including oral communication, which is FOUO information under the standards of the NCRIC. I understand and accept that being granted access to FOUO information, special confidence and trust shall be placed in me by the NCRIC.

2. I hereby acknowledge that I have read the attached document, titled "[Safeguarding Sensitive but Unclassified Information](#)" and a copy has been provided to me, and that I have received a security indoctrination concerning the nature and protection of FOUO information, including the procedures to be followed in ascertaining whether other persons to whom I contemplate disclosing this information have been approved for access to it, and that I understand these procedures. I also acknowledge that I have been advised that the NCRIC adheres to [28 CFR \(Code of Federal Regulations\) Part 23 guidelines](#), with respect to criminal intelligence files, and will only share criminal intelligence information with other law enforcement agencies that adhere to (same).

3. I have been advised that the unauthorized disclosure, unauthorized retention, or negligent handling of FOUO information by me could cause damage or irreparable injury to the NCRIC. I hereby agree that I will never divulge FOUO information to anyone unless: (a) I have officially verified that the recipient has been properly authorized by the NCRIC to receive it; or (b) I have been given prior authorization from the agency responsible for the information that such disclosure is permitted; or (c) the recipient has the "need to know" in order to perform their official, public safety duties. I understand that if I am uncertain about the classification status or handling control authority of information received from the NCRIC, I am required to confirm from an authorized NCRIC official that the information is FOUO before I may disclose it, except to a person as provided in (a) or (b) above.

4. I have been advised that any breach of this Agreement may result in the termination of my affiliation with the NCRIC.

5. I have read this agreement carefully and my questions, if any, have been answered.

2. Definition of Terrorism:

18 USC Ch. 113B: TERRORISM

From Title 18—CRIMES AND CRIMINAL PROCEDURE PART I—CRIMES

§2331. Definitions

As used in this chapter—

(1) the term "international terrorism" means activities that—

(A) involve violent acts or acts dangerous to human life that are a violation of the criminal laws of the United States or of any State, or that would be a criminal violation if committed within the jurisdiction of the United States or of any State;

(B) appear to be intended—

(i) to intimidate or coerce a civilian population;

(ii) to influence the policy of a government by intimidation or coercion; or

(iii) to affect the conduct of a government by mass destruction, assassination, or

kidnapping; and

(C) occur primarily outside the territorial jurisdiction of the United States, or transcend national boundaries in terms of the means by which they are accomplished, the persons they appear intended to intimidate or coerce, or the locale in which their perpetrators operate or seek asylum;

(2) the term "national of the United States" has the meaning given such term in section 101(a)(22) of the Immigration and Nationality Act;

(3) the term "person" means any individual or entity capable of holding a legal or beneficial interest in property;

(4) the term "act of war" means any act occurring in the course of—

(A) declared war;

(B) armed conflict, whether or not war has been declared, between two or more nations; or

(C) armed conflict between military forces of any origin; and

(5) the term "domestic terrorism" means activities that—

(A) involve acts dangerous to human life that are a violation of the criminal laws of the United States or of any State;

(B) appear to be intended—

(i) to intimidate or coerce a civilian population;

(ii) to influence the policy of a government by intimidation or coercion; or

(iii) to affect the conduct of a government by mass destruction, assassination, or

kidnapping; and

(C) occur primarily within the territorial jurisdiction of the United States.

External Partner Searches

Dec-13

sfgov.org	167
acgov.org	75
nps.gov	24
cityofpaloalto.org	22
sanjoseca.gov	18
da.sccgov.org	17
fremont.gov	16
fostercity.org	15
oaklandnet.com	14
sheriff.sccgov.org	13
ice.dhs.gov	12
newark.org	11
dhs.gov	11
ci.milpitas.ca.gov	11
sanleandro.org	10
morganhill.ca.gov	10
ci.fremont.ca.us	8
smcgov.org	5
piedmontpd.org	5
menlopark.org	5
hillsborough.net	5
hayward	5
ci.vallejo.ca.us	5
ca.gov	5
scsheriff.com	4
ncric.org	4
ci.berkeley.ca.us	4
leo.gov	3
chp.ca.gov	3
walnutcreekpd.com	1
santaclaraca.gov	1
mountainview.gov	1
contracostada.org	1

External Partner Searches

Nov-13

acgov.org	78
cityofpaloalto.org	46
dhs.gov	41
sheriff.sccgov.org	38
sfgov.org	28
fremont.gov	28
ci.fremont.ca.us	26
ci.milpitas.ca.gov	23
ci.irs.gov	18
newark.org	17
piedmontpd.org	16
police.ucsf.edu	14
nps.gov	14
chp.ca.gov	13
sanleandro.org	12
sanjoseca.gov	9
da.sccgov.org	9
berkeley.edu	8
ncric.org	7
menlopark.org	6
ci.berkeley.ca.us	6
calema.ca.gov	6
hayward	5
ca.gov	5
santaclaraca.gov	3
sacsheriff.com	3
leo.gov	3
leandro.ca.us	3
ci.tracy.ca.us	3
ci.san	3
ssf.net	2
oaklandnet.com	2
mountainview.gov	2
smcgov.org	1
scsheriff.com	1

External Partner Searches

Oct-13

dhs.gov	87
cityofpaloalto.org	79
ci.fremont.ca.us	54
acgov.org	45
scsheriff.com	43
sanleandro.org	38
cruz.ca.us	34
co.santa	34
fremont.gov	33
sheriff.sccgov.org	30
ic.fbi.gov	27
ice.dhs.gov	16
chp.ca.gov	16
unioncity.org	15
sfgov.org	14
nps.gov	14
mountainview.gov	13
berkeley.edu	13
ogn.af.mil	12
ncric.org	9
albanyca.org	9
santaclaraca.gov	7
dalycity.org	6
ci.tracy.ca.us	6
moraga.ca.us	5
cityofnapa.org	5
sacsheriff.com	4
menlopark.org	4
cityofberkeley.info	4
tracypd.com	3
sonoma	3
hayward	3
ci.eureka.ca.gov	3
ca.gov	3
ci.milpitas.ca.gov	2
ssf.net	1
smcgov.org	1
piedmontpd.org	1
oaklandnet.com	1
burlingamepolice.org	1

External Partner Searches

Sep-13

fremont.gov	82
sanleandro.org	53
sfgov.org	31
acgov.org	31
cityofpaloalto.org	27
dhs.gov	24
hayward	15
ca.gov	15
sacsheriff.com	12
leo.gov	11
da.sccgov.org	9
smcgov.org	6
menlopark.org	5
santaclaraca.gov	4
ncric.org	4
insurance.ca.gov	4
so.cccounty.us	3
sanjoseca.gov	3
usss.dhs.gov	2
sheriff.sccgov.org	1
richmondpd.net	1
cruz.ca.us	1
co.santa	1
cityofpleasantonca.gov	1
ci.milpitas.ca.gov	1