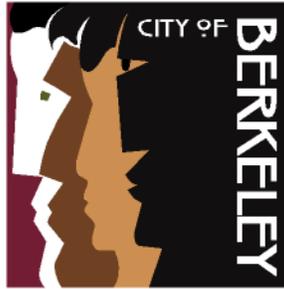


**Berkeley City Council
Ad-Hoc Subcommittee on NCRIC and Urban Shield**



**Thursday, April 26, 2018
12:30-2:30pm
Cypress Room, 1st 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 on the future of Urban Shield and Community Preparedness in Berkeley**
- 6. Recommendation to Council on Northern California Regional Intelligence Center (NCRIC)**
- 7. Next Steps and Adjournment**

Attachments:

A: Minutes from March 23rd Subcommittee Meeting

B: Councilmember Worthington's Letter to Urban Areas Securities Initiative



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

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

Committee Members:

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

Others in Attendance:

- Andrew Greenwood
- Mathai Chakko
- Tano Trachtenberg
- Chris Naso
- Micky Duxbury
- Sarah Jones
- Bill Springer
- Elliot Halpern
- Ellen Brotsky
- Banandi Ghosh

1. Call to Order

Meeting was called to order at 3:12pm

2. Public Comment

Sarah Jones expressed some questions about Worthington's letter.

Bill Springer, a CERT volunteer and Urban Shield participant shared his experience as a volunteer and his perspective on Worthington's letter.

Elliot Halpern said that the ACLU is still suspicious of fusion centers. He acknowledged that BPD uses NCRIC sparingly, however he is not sure what comes back from the fusion center.

Bernali Ghosh shared her experience as an immigrant after 9/11. She knows that her community does not feel comfortable with more militarized police, although they support community resilience for natural disasters. She knows people who will not call the police even if they experience hate or domestic violence. She urged the committee to pull out from Urban Shield this year and not to wait.

Micky Duxbury, wanted to challenge everyone to consider Alameda County's decision to end Urban Shield after this year not as a loss but as an opportunity. It is an opportunity to organize police, fire, public health and mental health officials to work with community in a collaborative, regional way.

John Lindsay-Poland offered his assistance and suggestions amending Worthington's letter to more accurately reflect the context of Urban Shield. For example, the letter asks for health and fire officials to be a part of planning. Currently, they are, but they are heavily outnumbered by law enforcement. He also learned of a trust fund created for Urban Shield that comes primarily from vendor money. Much of this money was spent on Urban Shield commemorative coins (\$112,000), and \$75,000 for Sheriff's office personnel going to Israel and Jordan. The documents, which Lindsay-Poland received via PRA request, were shared with the Subcommittee. Lindsay-Poland also expressed concerns about the way that NCRIC might collect data at public protests and how the public or BPD can discern whether it was collected legitimately or not.

Ellen Brotsky added that she was proud of the way the Supervisors voted at the County meeting and felt that Berkeley's work helped them do so.

Mayor Arreguín suggested that the group meet with Supervisor Carson to share its observations and to work with him to determine what comes next after Urban Shield. The Supervisor's voted on March 27, 2018 to continue with Urban Shield as constituted for this year (2018), but not going forward.

3. Approval of Minutes

Minutes were approved unanimously.

4. Review Letter Proposed by Councilmember Worthington to Urban Areas Security Initiative

Mayor Arreguín acknowledged that Worthington's letter was written under the assumption that Berkeley might continue participating in Urban Shield, and is focused on restructuring the program to better fit the City's needs and values. The County Supervisors voted to end the program after 2018 in its current form.

Councilmember Wengraf said that many of the suggestions in the letter are constructive and could form the foundation for the conversation with Supervisor Carson. The Mayor and others agreed. Mayor Arreguín suggested that the committee send a letter to the county and the Bay Area UASI with their suggestions in light of the County's decision.

Councilmember Davila expressed that this is an opportunity to have neighboring cities work together in disaster preparedness. Mayor Arreguín added that he has spoken with the Mayors of Hayward and Emeryville and there is interest in discussing a new approach.

Councilmember Harrison wants to begin the letter or meeting with a positive vision for preparedness from Berkeley. It should emphasize that this is an opportunity to change the way we do preparedness.

Mayor Arreguín acknowledged that Urban Shield has problematic elements and good elements. Yellow Command, CERT, communication training and the Fire training are largely good things. He heard that the Supervisors really want to move away from the controversial elements of Urban Shield and find something that works for the needs of Alameda County.

The committee moved to continue the discussion in a future meeting. Mayor Arreguín encouraged everyone to send his or her thoughts and ideas to his staff person, Tano Trachtenberg.

Mayor Arreguín's office will reach out to Supervisor Carson's office immediately to schedule a meeting for late April or early May.

5. Discussion of Berkeley's Participation in NCRIC

Mayor Arreguín began by summarizing the questions that the Subcommittee was asked to consider regarding NCRIC. He thanked Chief Greenwood and Director of NCRIC, Michael Sena, for providing so much helpful information. He said that the Subcommittee has gotten more information on NCRIC than they ever had before.

The Chief responded to a list of questions that were directed at both BPD and Dir. Sena

- The Chief did not know when BPD began collaborating with NCRIC, but he was hopeful Dir. Sena would provide an answer.
- **Chief Greenwood said he would provide the SARs from 2017.**
- The Chief shared that the BPD communicates verbally (i.e. they call them) with NCRIC outside of the formal SAR submittals. He explained how this is a BPD resource for threat assessment
- Chief referenced a slide from the June 20th, council meeting, where he showed an actual return from an LPR request. He explained that BPD receives the photograph where a license plate is captured, and the accompanied date, time and location. He also said he could forward photos again to the subcommittee if they are not in that slideshow.
- Chief Greenwood responded to Councilmember Wengraf's question about alternatives to NCRIC and explained that he did not know of another resource that provides the same or similar information as NCRIC. Particularly, in terms of helping with threat assessment. Wengraf suggested that this is at the heart of the matter, and asked if it put us at risk to not collaborate with NCRIC. The Chief felt that it does put the City at risk by cutting off resources from investigators.

Councilmember Harrison was concerned about bulk data collection, especially at demonstrations. She is concerned that the data comes from many places and therefore it is difficult to determine the original source. Chief Greenwood was not sure whether the return gives an exact source, but agreed to look further into it and get an answer for the committee. He thinks NCRIC would give information on the sources of ALPR data. He does not believe the database represents illegally gathered information.

Mayor Arreguín would like NCRIC's policy goal on ALPR data titled, "protect participants at special events", to distinguish major events like the Superbowl, which Dir. Sena cited at the prior meeting, from First Amendment activities. He added that he does not believe it is in the City's

best interest to terminate its collaboration with NCRIC. He would like to see changes to NCRIC's policies that clarify this issue. He believes that the fundamental issue is trust in the police, and that he trusts them to handle this collaboration with respect to civil liberties and privacy. Arreguín wants to move towards creating an MOU with NCRIC that will delineate Berkeley's participation and improve transparency. He admitted that he came into this wanting to cut ties (citing his vote on June 20th), however he maintained an open mind, and his perspective has changed. The Chief agreed in the value of an MOU to sunlight all this information. Arreguín would like the subcommittee's vote to be a recommendation to council to develop an MOU with NCRIC and outline considerations that should be included in that agreement.

Councilmember Harrison wants an MOU to include a reporting mechanism that reflects the recent surveillance policy. She also reiterated her concern about the NCRIC advisory about Antifa that surfaced last year, and wanted to know where they get information for these kinds of advisories. Specifically, Harrison wants to get a "flavor" for the topics of the advisories that NCRIC sends out. She emphasized acknowledging the federal government's role in targeting political groups (Red Scare, Cointelpro, etc.). Chief Greenwood expressed that he is most comfortable when there are specific examples in Berkeley to substantiate those concerns. He also acknowledged that law enforcement carries the burden of the legacy of their work and the abuses of power.

Matthai Chakko added that there were very violent anti-fascists that threw dynamite and other things at officers last year. This prompted a back and forth discussion around the kinds of violence that has occurred recently during demonstrations in Berkeley, and the ideologies supporting it.

Harrison asked if NCRIC is allowed set up cameras in Berkeley without the City's approval. Mayor Arreguín and others expressed that they would expect that could not be the case. Chief said he has forwarded the question to Dir. Sena.

Councilmember Wengraf asked if there are other like-minded cities that have an MOU with NCRIC similar to what the Mayor is suggesting. The Chief said that this would be a question for Dir. Sena.

6. Next Steps

Councilmember Harrison and Wengraf said that they would work together on some of these questions leading up to the next meeting.

Next meeting is April 26th, 12:30-2:30pm at 2180 Milvia St. (Cypress Room)

7. Adjournment

The meeting adjourned at 1:14pm.



Kriss Worthington

Councilmember, City of Berkeley, District 7
2180 Milvia Street, 5th Floor, Berkeley, CA 94704
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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)

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