



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

**Monday, June 18, 2018**  
**2:30-5:00pm**  
**Berkeley City Council Chambers**  
**2134 Martin Luther King Jr. Way**

Committee Members:

- Mayor: Jesse Arreguin
- District 2: Cheryl Davila
- District 4: Kate Harrison
- District 6: Susan Wengraf
- Jovan Grogan
- Dee Williams-Ridley
- Tano Trachtenberg
- Brandi Campbell
- Laurie McWhorter
- Chris Naso

Others in Attendance:

- David Brannigan, Berkeley Fire Chief
- Andrew Greenwood, Berkeley Police Chief

**1. Call to Order**

Meeting was called to order at 2:38pm

**2. Public Comment**

Fourteen members of the public spoke about their support for the subcommittee's decision to pull BPD out of Urban Shield in 2018. People discussed the need for alternative approaches that focus more on the community and natural disasters. Members of the public offered their assistance to help reorient training towards the needs of the community and to preparing for natural disasters that are most likely to occur. A petition was shared that was signed by hundreds of neighbors who support the decision not to participate in the Urban Shield tactical exercises in 2018. Other comments included a response to a letter shared by former Mayor Shirley Dean, as well as a community survey about people's preferred priorities for police training.

Five members of the public spoke generally supporting continued participation in all aspects of Urban Shield. Comments included concern around increasing crime, emphasis on the need to train for rare events like terrorist attacks, and that BPD should not be judged by the actions of other departments around the country.

**3. Approval of Minutes**

The Minutes were approved with several corrections noted.

4. **Discussion and Action: Recommendation on Emergency Preparedness Preparation Beyond 2018**

The Subcommittee decided to consider action on Councilmember Worthington's letter (originally Item 4 on the agenda) after this discussion. They agreed that the letter sent should be addressed to Alameda County, the Alameda County Sheriff's Office (ACSO) and the Bay Area Urban Areas Security Initiative (BAUASI).

Councilmember Wengraf raised a question about the process of the Subcommittee making recommendations to the Council. Mayor Arreguín explained that the Subcommittee needs to explicitly respond to the questions directed by Council. **He committed that his office will write up responses to the questions and share them in an inclusive process with the Subcommittee members.** This will not require any more Subcommittee meetings and the Mayor expressed his preference to conclude the work of the Subcommittee in this meeting.

The Subcommittee decided to build upon the guidelines created by the Alameda County Board of Supervisors, which the Sheriff agreed to. See Below:

- *Expand community involvement and awareness*
- *Urban Shield will be free from racist stereotyping*
- *Work to expand training the medical profession for critical incidents*
- *Urban Shield will not include surveillance training*
- *Continue to examine new technology and equipment*
- *Urban Shield will not include crowd control training*
- *Continue to evaluate existing equipment*
- *Urban Shield will exclude any and all vendors who display derogatory racist messages in any form*
- *Urban Shield will exclude the sale or transfer of any assault weapons and firearms*
- *Will exclude vendors displaying non-law enforcement related tactical uniforms and equipment*
- *Urban Shield will strive to maintain the finest first responder training possible*
- *That no invitations to participate in Urban Shield be extended to teams from countries with documented human rights violations*

Councilmember Harrison said that the value of coordination with other departments at Urban Shield is not clear because BPD participates in tactical exercises on their own. She would like more integration of police, fire, public health and other agencies, as opposed to isolated training for each department. She would like BPD to attend the Yellow Command exercise. She also expressed that the tactical exercises focused on large-scale international terrorism. She feels that if there is going to be terrorism exercises they should be of the homegrown white supremacist type, which she feels Urban Shield does not address.

Councilmember Harrison shared that she would like to see expansion of the dual-use exception, which San Francisco has successfully utilized. Whether there is an explosion from

a fire, earthquake, or terrorist attack, the response is the same and the UASI funding can support this. She also expressed that she has a problem with the involvement of vendors from the military and prison industries, which she would like eliminated. Finally, she expressed her skepticism at the guidelines being followed because they were in place last year and the sheriff still invited ICE, had racist vendors and surveillance technology.

Councilmember Davila added that she does not like the nexus to terrorism. She wants to see training on a potential pipeline explosion, citizen training, and climate change issues. She expressed that the presence of the Oath Keepers as well as the Junior Marines and Junior Sheriffs was upsetting to her and represented a militarization of the youth. She would like a list of the training that the BPD receives on an annual and five year basis, including skills gained, cost, and hours spent.

Councilmember Harrison also would like to see more involvement from local departments and the Board of Supervisors in the planning of the event. She also wants to see exclusion of ICE.

**Action:** M/S/C (Arreguín/Wengraf) Recommend the Berkeley City Council send the following recommendations to the Alameda County Board of Supervisors and Alameda County Sheriff, regarding the reconstitution of Urban Shield and providing tactical and emergency preparedness training for local law enforcement using the established principles and guidelines for Urban Shield and request an accountability mechanism for enforcing them:

- Urban Shield will exclude Immigrations and Customs Enforcement
- Urban Shield will include a sensitivity officer to ensure the programs alignment with community values and these guidelines
- Expand the involvement of the community, local departments, and the Board of Supervisors in the planning of the program
- Urban Shield will expand scenarios that integrate of police, fire, EMT and public health officials
- Expand the 'dual-use' exception so that scenarios prepare first responders for impacts that stem from terrorism and other disasters.
- Urban Shield will have a greater focus on local threats
- Urban Shield will prioritize training exercises for civic natural disasters and health concerns that have a large impact on Berkeley and the Bay Area including environmental concerns caused by climate change, wildfires, gas pipeline explosions, landslides, and sea level rise
- Urban Shield will increase the amount of time spent on de-escalation tactics
- That no invitations to participate in the planning or competition of Urban Shield be extended to teams from countries with documented human rights violations
- That tactical training is based on real-life incidents without attributing offenders' motivations or beliefs to the scenario.
- Urban Shield vendors should primarily focus on local law enforcement rather than the military and prison industries.
- Urban Shield will not include surveillance technology or training.
- Require full transparency regarding what events Berkeley staff are to take part in, and require community observers to be present at all Urban Shield events and trainings.

- Expand capability of local jurisdictions to prepare for and respond to events of terrorism involving weapons of mass destruction and biological, nuclear, radiological, incendiary, chemical, and explosive devices.

**Vote:** Ayes – Harrison, Arreguín, Wengraf; Noes– None; Abstain – Davila;

**The Subcommittee agreed with Councilmember Wengraf's suggestion that the Subcommittee or their staff participate in the Public Protection Committee that is convening around the issue of Urban Shield for the Alameda County Board of Supervisors.**

Mayor Arreguín suggested that the Subcommittee not recommend the creation of a task force, as suggested in the draft report submitted in the agenda packet. Councilmember Harrison agreed and specified that she just wants a formalized mechanism for input at the County level. Mayor Arreguín agreed and added that the guidelines they are proposing could serve as a framework for engaging other cities and the community for advocating at the county level.

Councilmember Wengraf suggested that the Subcommittee share the entire list of vendors at Urban Shield with the City Council so that they can judge the vendors comprehensively for themselves.

**Action:** M/S/C (Arreguín/Harrison) Recommend to Berkeley City Council that the Council recommend to our members of congress to expand Homeland Security Grants to fund ~~non-terroris~~ disaster preparedness activities.

Councilmember Wengraf suggested that a more positive way of framing this would be to replace non-terrorism with disaster. Mayor Arreguín agreed to a friendly amendment.

**Vote:** Ayes – Harrison, Arreguín, Davila, Wengraf; Noes – None; Abstain – None;

## **5. Discussion and Action: Kriss Worthington's Letter to BAUSAI**

**Action:** M/S/C (Wengraf/Harrison) Do not take action on Councilmember Worthington's Letter to BAUSAI, and that the recommendations sent to Berkeley City Council be sent to Alameda County with a CC to Urban Areas Security Initiative and the Alameda County Sheriff's Office.

Councilmember Davila commented that she would like to verify the list of recommendations developed by the Subcommittee to ensure everything was covered to make her feel more comfortable with the vote. Mayor Arreguín confirmed that his office would work to transcribe the list to verify its accuracy. Councilmember Wengraf also added that the City Council could always add or amend the list at the City Council meeting.

**Vote:** Ayes – Harrison, Arreguín, Wengraf, Davila; Noes – None; Abstain – None;

**6. Discussion and Action: Extend the Subcommittee past 1 year for Two More Meetings to Conclude the Work of the Subcommittee**

There was no motion and no action on this item.

**7. Discussion and Action: Review of Final Recommendations and Report to Council**

Councilmember Wengraf outlined some of her issues with the draft report. She said she did not know it was being written and was shocked to find the lengthy report in the packet. She found the report extremely biased and did not feel that that the Council asked the Subcommittee to “say why Urban Shield is bad.” She felt that it was editorial, and excluded important information. Councilmember Wengraf continued, saying that she didn’t think the report focuses on the questions asked by the Council of the Subcommittee, and that it is dictated by political ideology. She also felt that the report was too long, and that Council would not read a 37-page report. She is willing to go over the report line by line. She asked that the Subcommittee refocus their energy on a report that answers questions in an objective manner.

Councilmember Davila disagreed with Councilmember Wengraf’s assessment of the report. She said that the Council should read a long report because it is their job to do so. Councilmember Harrison clarified Councilmember Davila’s question around the state allocation dollars listed on page 19 of the draft report. Councilmember Davila added that the SRT gets 80 hours of mandatory training and 16 hours of monthly training.

Councilmember Harrison did not find the report biased (her office drafted the report in conjunction with the Mayor’s office). She explained that there is a lot of information on the history of the funding, which she feels is helpful. She also felt that the section explaining the different commands at Urban Shield is important given the vote at the last meeting to recommend that just BPD does not participate in the tactical portion and the vendor show. She felt that many people misunderstood the Subcommittee’s prior recommendation. It is important to discuss what the rest of Urban Shield is. The section on the Board of Supervisors is important to understand the context of how the Subcommittee got involved with the issue. She emphasized that the sections on the other training received by BPD and BFD set the context that Urban Shield may be an important training, but both departments receive lots of additional training. The report also reflects the benefits of Urban Shield that both BFD and BPD expressed to the Subcommittee. She understood that Councilmember Wengraf might have an issue with the assessment portion of the report. She added that she would put the report forward no matter what.

Mayor Arreguín expressed that in whatever report goes to Council it should emphasize the benefits of Urban Shield, and that there are no established negative outcomes for BPD participating. He has not heard of a specific incident that was directly attributable to BPD’s participation in Urban Shield.

Councilmember Wengraf read a section of the City Charter and the consequences for not being in compliance. She said this might make the Subcommittee’s prior recommendation on Urban Shield invalid.

Councilmember Harrison felt that this was ignoring the part of the City Charter that focuses on the policy powers of the City Council. She feels that the Council has the role to set broad guidelines including constraints on people's work. For example, if there was a training where slaves served food, she said, the Council would be able to say that it is against their policy. She felt that this issue was not on the agenda and therefore should not be taken up. Mayor Arreguín determined that this did fall within the agenda.

Councilmember Harrison expressed her frustration, explaining that she felt it was inappropriate to have this handed in on the dais. She handed in the draft report as a courtesy, and expected a similar courtesy in return on this issue.

Councilmember Davila said that she found this insulting. She asked why the Subcommittee spent an entire year studying this.

Councilmember Wengraf said she feels the guidelines are very important. She explained that she brought this up because of the vote that was taken at the last meeting.

Councilmember Harrison responded that the policy body should be able to say what they specifically do not want. She added that she felt it was challenging to be undermined by someone who sits on the policy body. She felt it was extremely irregular to bring this up.

Councilmember Harrison added that she disagreed there was no harm that comes from SWAT teams. She cited the Black Lives Matter protests and the CPE report. She feels that Berkeley should aspire to be great and not settle for being not as bad as others.

Mayor Arreguín said that he is frustrated that this question was raised this late in the process. He felt that the prior City Attorney did not provide good legal advice to Council when this issue was brought up a year ago. Then, he asked the City Manager if making this decision would trigger a meet and confer with the Berkeley Police Association. The City Manager said that it would be subject to meet and confer. Mayor Arreguín said he was troubled that the action could be in violation of the Charter, and does not want to do that.

Mayor Arreguín said, "I do not want my vote attached to that motion. I don't want to be associated with an action that could be potentially illegal and that is outside of our legislative authority."

**The meeting effectively adjourned at 5:25pm when quorum was lost.**

