



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.