



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

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

Others in Attendance:

- Andrew Greenwood, Berkeley Police Chief
- David Brannigan, Berkeley Fire Chief
- Sgt. Fonby

- Lt. Okies
- Tano Trachtenberg
- Chris Naso
- Micky Duxbury
- Gene Bernardi
- Christine Schwartz
- Chadidjah McFall
- Bill Springer
- Ellen Brotsky
- Megan Clark

1. Call to Order

The meeting was called to order at 12:39pm.

2. Public Comment

Bill Springer spoke in support of Berkeley's continued participation in Urban Shield and NCRIC.

Gene Bernardi spoke against both Urban Shield and NCRIC. She shared a document with the group that described the agreement between the San Francisco Police Department, their Terrorism Liaison Officers, and the FBI.

Chadidjah McFall emphasized the need to eradicate the racism that occurs at Urban Shield and for council to develop concrete proposals for how to fix the program.

Ellen Brotsky said that Berkeley should take the County's recent vote as an opportunity to include community members and emergency responders in a process to develop alternative approaches to disaster preparedness. She suggested specific questions the council could ask members of the community.

John Lindsay-Poland, reminded the group that Berkeley's SRT team is a lateral assignment, and therefore his concerns are not just about what happens when Berkeley's SWAT team is deployed, but also about their actions throughout departmental activities. He also feels that Berkeley should get ahead of the curve to make a more comprehensive disaster preparedness approach. He shared that UASI funds a communication network called FirstNet that will give priority on bandwidth to agencies during a natural disaster as opposed to community members.

Christine Schwartz expressed that participating in Urban Shield as a role player gives a fundamentally different perspective on the program. She feels that de-escalation is important, which is why BPD already incorporates in their training, and part of why they score highly at Urban Shield. She has not seen any racism or xenophobia as a participant, and feels that the outside has misunderstood the program.

Megan Clark, a Berkeley resident, requested that the City further invest in humanizing approaches to disaster preparedness.

3. Approval of Minutes

Minutes were approved unanimously.

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

The Mayor and Councilmembers agreed to discuss items 4 and 5 together. See below.

5. Discussion on the Future of Urban Shield and Community Preparedness in Berkeley

Councilmember Harrison expressed her interest in using county funds in an effective way. She shared an approximate breakdown of the \$5.5 million dollars: \$1.5 million goes to the Alameda County Sheriff's Office (ACSO), \$1.5 million goes to Urban Shield and, the remaining \$3 million can be bid on by cities and counties (however, she was not sure how this process works).

Harrison wants to know from Supervisor Carson how Urban Shield is going to change before making any decision on whether to participate this year. The subcommittee does not know what the Supervisors mean when they say, "Urban Shield will not continue as currently constituted".

Both Councilmembers Wengraf and Harrison shared that if Berkeley does not participate this year that they may lose their spot in the queue to participate in the future. Councilmember Wengraf would like to see Police and Fire participate because she has heard from many constituents and members of those departments about how important that is. She clarified that the committee could specify the "commands" (aspects of the program agenda) that are less controversial and O.K. to participate in.

The Mayor reminded the subcommittee that voting on participation for this year was not on the agenda for this subcommittee meeting, and that his recommendation to make that decision is to wait until they speak with the Supervisor. The committee members agreed.

The Mayor identified items 4 and 5 in Worthington's letter as a good starting point for suggestions to Supervisor Carson. Item 4 is to, "Prioritize training exercises for specific natural disasters and health concerns most likely to affect Berkeley and the Bay Area (i.e. earthquakes)." Item 5 is to, "allocate more UASI 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"

Councilmember Harrison expressed that she is still unsure how much influence Berkeley has in ensuring the City is getting what it needs from these programs and funding. She asked the Chiefs what the City's role is in the non Urban Shield part of the funding (referring to the \$3 million she mentioned earlier). Chief Brannigan responded that there is a meeting annually to assess and evaluate applications that BFD participates in. BFD has also been involved in the design of the Yellow and Green command at Urban Shield. Sgt. Fonby shared that he and Lt. Okies, as supervisors for Berkeley's Special Response Team (SRT), have been a part of different groups that influence what police training is provided.

Councilmember Harrison stressed to the group that the ACSO was not always the fiscal agent. The Sheriff applied like anyone else. She believes that this could be restructured.

Mayor Arreguín expressed that, as this process is redeveloped, there needs to be more diverse representation in planning.

Councilmember Davila expressed that emergency preparedness needs to be more locally oriented. Councilmember Wengraf agreed that there was room for improvement and added that she feels regional coordination has improved significantly since the Oakland Fires. Wengraf is also interested in expanding conversation with neighboring cities and making a consensus decision on Urban Shield.

In response to an idea to coordinate by subdivisions within Alameda County, Chief Brannigan explained that in a larger scale disaster, all aid would be coordinated through the Alameda County level, not subdivisions. This is why he is in favor of participating in the Yellow Command so that they have a "leg up" in practicing this coordination.

Chief Greenwood expressed that he is willing to provide input into the reconstituted version of Urban Shield. Chief Greenwood gave a thorough explanation why this input would have to include an emphasis on tactical training, which he felt had not been discussed because it is an uncomfortable topic. He cited several recent examples of mass causality incidents that he wants his department to be prepared for. He feels that the motivation for the attacks in these trainings can be removed, and instead they should focus on the appropriate tactical response. He emphasized that the current model of exposing 8 people each year to 30 different scenarios provides a valuable experience that is ultimately diffused throughout BPD. Mayor Arreguín followed-up and asked what kind of tactical training BPD would need if the committee was dealing with a blank slate (i.e. no Urban Shield as currently constituted). **The**

Chief said that he could provide this in writing in advance of the meeting with the county supervisor.

Members of the public spoke out expressing that the Chief was given too much time to speak without other expertise in the room having the opportunity to respond to or challenge his statements. They were particularly upset at the structure of the meeting only allowing for brief public comment at the beginning. Mayor Arreguín encouraged the public to reach out to his office and councilmembers to organize another meeting, and that he would gladly receive their input

The Committee decided to table Worthington’s letter and to use it as a starting point for their conversation with Supervisor Carson.

6. Recommendation to Council on Northern California Regional Intelligence Center (NCRIC)

Mayor Arreguín began this discussion reminding the committee of his suggestion that they develop a Memorandum of Understanding (MOU) that outlines the parameters of their participation with NCRIC.

Councilmember Harrison raised her concerns with the ALPR component of NCRIC. Specifically, she is opposed to law enforcement’s ability to query the NCRIC database for license plate data and receive GPS data on the car without a warrant. She suggested that the committee request that the information BPD receives from NCRIC on license plate is the full plate number and the picture of the car without providing the location of the vehicle. Nobody in the group was sure whether it was possible for NCRIC to separate out the information in this way. **The Chief said that he would ask Director Sena if this would be possible.**

Chief Greenwood responded by saying that the location of a car is often the most important piece of data that BPD receives. When asked if the ALPR data is aggregated from information across the country, he did not know if it was national or based in Northern California.

The Mayor requested that Chief Greenwood provide an outline of what he feels should be specified in the MOU, and the subcommittee can do the same so that they can come to a resolution on the issue. Everyone agreed with this idea.

The Mayor would like the subcommittee to bring forth their recommendations at the same time as the mutual aid compendium. Councilmember Harrison would like the group to draft the actual MOU and not just provide an outline.

7. Adjournment

The meeting adjourned at 1:54pm.

