



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

Monday, May 21, 2018
3:00-5:00pm
Redwood Room, 6th Floor
2180 Milvia St.

Committee Members:

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

- Chris Naso
- Cindy Shamban
- Gene Bernardi
- John Lindsay-Poland
- Dave Peattie
- Kelly Hammigran
- Dan Robinson
- Jovan Grogan

Others in Attendance:

- David Brannigan, Berkeley Fire Chief
- Sgt. Fomby

1. Call to Order

Meeting was called to order at 3:08 pm

2. Public Comment

Dave Peattie from Berkeley Disaster Preparedness, emphasized that he would like to see Berkeley's disaster preparedness focus on members of the community that need to prepare for and respond to a disaster. He feels that pulling out of Urban Shield is a major opportunity for Berkeley, although it means re-thinking things in a manner he recognizes is not easy.

Dan Robinson appreciates the many perspectives that exist in the conversation around emergency preparedness. He expressed concern and frustration that Berkeley is not taking a more progressive view on this issue. He is disappointed at the level of disconnect in Berkeley.

Gene Bernardi said that Berkeley needs to make sure they are following the rules set out by Council, by reading and developing agreements with all other agencies. She also feels that Berkeley does not need Urban Shield.

Cindy Shamban feels that Urban Shield's weakness is its focus on terrorism. She said that twenty years ago there was more community connectedness. Without Urban Shield, she feels that Berkeley will be in a better position to help other departments.

John Lindsay-Poland asked the Subcommittee to develop a substantive resolution that could be amended later. The primary element of this resolution would be to move Berkeley staff time to other emergencies like, fires, earthquakes, and active shooter community preparedness.

3. Approval of Minutes

Minutes were approved unanimously.

4. Discussion and Recommendation to Council on Northern California Regional Intelligence Center (NCRIC)

Mayor Arreguín started the conversation by raising several considerations around a future program that would replace Urban Shield. Who will run the program? What will the role of first responders be in the program? How involved will the community be? The County Supervisors are utilizing the public safety committee, to which they will each appoint a member, for the process of evaluating Urban Shield and emergency preparedness. One alternative is to not allocate the money to the Sheriff's department, and instead create a Joint Powers Authority (JPA) with other interested jurisdictions. The Mayor would prefer that the Sheriff's office not be in charge of the program.

Councilmember Wengraf asked if there was any precedent for a JPA like this and volunteered her office to do this research in advance of the next meeting.

Chief Brannigan noted that Alameda County's emergency management communication is run by the Sheriff's office. He emphasized that no matter what happens with Urban Shield, communication with the Sheriff's office has to continue. Councilmember Harrison pointed out that this was a choice by the County, and that the committee could request another department be in charge of emergency management for the County.

Councilmember Harrison stated that she does not want to stay with Urban Shield if it stays with the Sheriff. She noted that if the committee cannot form a JPA, they could also advocate that the training and exercise program be put out to bid in an RFP. Councilmember Davila advocated for working with neighboring cities to develop our own training.

The committee had a discussion about whether training first responders and training the community are mutually exclusive. Councilmember Wengraf expressed that she feels Berkeley can and should do both. Councilmember Harrison said that it is a matter of emphasis since there is a limited amount of money to fund training. She feels that Berkeley can advocate that the County's resource allocation.

Councilmember Harrison would like to ask that the County re-do their threat assessment, which guides the training and exercise plan, with an emphasis on a "whole-community approach". She thinks this can be accomplished by looking at the dual-use exception, and evaluating what training would be useful for both terrorism and natural disasters. She also wants to lobby congress in the long term to change the nexus to terrorism requirement for the funding.

Mayor Arreguín summarized that the committee's preference is to organize a group of cities to come together and bid for the five million dollars that currently goes to the Sheriff. The core issue is whether the Sheriff remains the fiscal agent and responsible for structuring the program. If he does remain in charge then that requires another conversation around the concerns the committee has about the way Urban Shield is structured, and how to address those concerns if the Sheriff continues running the program.

The committee discussed and deliberated how much of the UASI funding to pursue in a multi-city coalition, as well as possible alternative fiscal agents to replace the Sheriff's current status as both fiscal agent and program designer. Chief Brannigan suggested one option could be the Alameda County Emergency Managers Association.

At Councilmember Wengraf's request, the committee confirmed that vendors pay in order to be featured at the event and that this money is not included in the UASI grant that the Sheriff receives. Instead, that money goes into the Urban Shield Trust Fund.

Deputy City Manager, Jovan Grogan, suggested that the committee create a process to investigate and implement their recommendations. The Mayor agreed and wants to embed this within the County's process if possible.

The committee discussed what they would like the focus of a future program to be. Chief Brannigan shared that if Berkeley were to continue to participate next year, BFD has been asked to help design some of the fire scenarios. He added that Berkeley training officers put on a five-day training weekend in Livermore/Pleasanton, which he said was a lot of work and cost \$300 per participant. However, he noted that it was a comparable event to what BFD would want out of Urban Shield. While it was expensive, he commented that "we did it, and I think that is a testament to the fact that we can do it". He thinks that the opportunity to exercise emergency communication up through the County is very important. BFD does not have a tactical response team, but he would love to see a component that allows BFD to formalize their training in those situations.

Sergeant Fomby acknowledged that the community's concern around Urban Shield is the tactical component. He would like to understand what the community wants to see, whether it's the removal of the tactical component altogether, or recognizing that this training is necessary in some form. Urban Shield is the foremost training for tactical response teams and he feels BPD has benefitted immensely from it. He emphasized that the Special Response Team does not care about the suspect's motivation or ideology, and it does not affect how they train. He agrees with anyone in the community who was offended with any of this kind of representation in the training.

Mayor Arreguín read Chief Greenwood's letter to the subcommittee around BPD's training needs (Attached Below).

Councilmember Harrison would like to see more emphasis on prevention and is interested in using UASI money to that end. Councilmember Wengraf agreed. Chief Brannigan acknowledged that BFD could use the money for fire prevention and emergency services. He

also shared that BFD has shifted away from a top-down model to the community resilience center model that aims to train community centers so that they can train the community.

Councilmember Davila would like to see more emphasis on the gas lines that go along Allston Way and the railroad.

Councilmember Harrison is very concerned about the participation of teams from other countries that have human rights abuse records.

Mayor Arreguín shared the importance of creating a balance between tactical training and the other needs of the community and first-responders, especially disaster prevention and recovery. Currently that balance tilts too heavily towards the tactical training. He raised other issues within the current scenarios such as the role of de-escalation and the influence of vendors in developing scenarios. He also relayed that he has heard great concern about the vendor show.

Sergeant Fomby shared that the vendor show represents the tools that BPD uses at work. He said that BPD has gotten robots, ladders, tourniquets, and breaching equipment because they have seen it at the vendor show. He added that he would like to get more money to support everything that the committee wants, rather than pulling money away from the tactical component. BPD has received an invite to Urban Shield. However, they have not committed to participating and the committee's timeframe would leave BPD enough time to respond to the 2018 invite.

5. Adjournment

The meeting adjourned at 4:40pm.

May 21, 2018

(via email)

Mayor Arreguin and the Council SubCommittee on NCRIC and UASI,

Thank you for the opportunity to provide input on our training needs. As we have shared with the subcommittee and the Council, our Department derives tremendous value from the challenge of addressing the two-day long set of scenarios based on real-life terrorism and multi-casualty incidents. These scenarios test our response capabilities, our tactics and strategies, all the while using our department's policies. We feel it's important to not water down or diminish the challenges of the tactical scenarios.

We leverage further benefits from Urban Shield scenarios by having several different officers participate each year. The lessons learned from exposure to the scenarios are therefore spread across the department. Over the 10 years we've participated, we've exposed officers and sergeants (many of whom went on to become lieutenants and captains) to the training, with a demonstrated history of positive outcomes in the 700,000+ incidents we've managed over the past ten years.

Tactical scenarios test our team's planning and leadership skills and abilities, upon which the successful operation of a scenario rests.

Our principal training need related to the upcoming "re-constituted" exercise is the opportunity to participate in a substantial series of tactical scenarios. Should the tactical scenarios be eliminated, we will suffer the loss of these invaluable training opportunities, as there are no similar programs conducted in the U.S.

We believe a "re-constituted" set of exercises could and should include substantial tactical scenario training, which could be administered *without attributing offenders' motivations or beliefs* to the tactical teams. We would like to explore conducting scenarios without ascribing offender motivations or beliefs to the tactical team, and thereby reduce community concerns over the tactical scenarios.

We also recognize and appreciate the value of basing tactical scenarios on real-life incidents. This focus ensures tactical scenarios represent current potential threats that exist in our region, our country, and the world. We also recognize that from a tactical training perspective, motivations are of little importance; far more important are the variables within a given scenario: the number of offenders, victims and hostages; the particular characteristics of the site or location, and the particular dynamics and challenges within a given scenario.

Unfortunately, the reality of the mass shooting or mass casualty threats cannot be understated. The sheer volume of events is daunting: At the April 25th Subcommittee meeting, I mentioned several recent mass casualty incidents, including the Toronto van attack which had occurred just two days earlier, *an incident closely resembling an Urban Shield scenario* faced by our officers

(and observed by several members of the subcommittee) last September. Since just last fall, we've seen many mass casualty events, including:

- the Oct. 1st Route 91 Music Festival shooting in Las Vegas; 59 dead, 440+ injured;
- the Oct. 31 Manhattan, NY Bike path truck attack; 8 dead, 11 injured;
- The Nov. 5th First Baptist Church shooting in Sutherland Springs, TX; 27 dead, 20 injured;
- the Nov. 14th Rancho Tehama Elementary School shooting; 6 dead, 12 injured;
- the Dec. 31st Douglas County, CO, dom. violence ambush shooting; 2 dead, 6 injured;
- the Jan. 23rd Marshall County School shooting in Benton, KY; 2 dead, 14 injured;
- the Feb. 14th Stoneman Douglas School shooting in Parkland, FL; 17 dead, 17 injured;
- the March 9th Veterans Center shooting in Yountville; 4 dead;
- the April 3rd YouTube Headquarters shooting in San Bruno; 1 dead, 3 injured;
- the April 20th UPS facility shooting in San Francisco; 4 dead, 2 injured;
- the April 23rd Toronto van attack; 10 dead, 16 injured, and most recently
- the May 18th Santa Fe, Texas school shooting; 10 dead, 10 injured.

These incidents exemplify scenarios that we need to be prepared to address. Realistic scenario training provides us with experience in addressing threats that we rarely see, but which could occur in Berkeley: An active shooter in a neighborhood or a business district, a school, café, theater, business, or on a BART train; a person using a vehicle to attack others; a threat at a critical infrastructure site; a hostage rescue, search warrant service, or an assault on a dignitary.

Tactical scenario trainings give our officers the opportunity to operate under stress, while responsible for making deadly force decisions, and while testing our response capabilities when all other measures have failed. Tactical scenarios test our tactics and techniques under stress, provide an opportunity to make mistakes and to learn from them, to assess and adjust our tactics, all without resulting in actual harms one may see in a real-life situation.

We are directly responsible for the safety of our community and for the ability to address threats and dangers in a rapidly unfolding, multi-casualty shooting incident. It's imperative that we focus on the training that is valuable to our officers when they are faced with the demands of immediately responding to a multi-casualty incident.

To that end, our training needs include:

- Substantial, varied, realistic, scenario based tactical scenarios
- Test the mental, physical, and technical skills and capabilities of the team
- Include stressful, challenging tactical scenarios
- Scenarios based on real-life terrorism or multi-casualty incidents, independent of the offenders' motivations

It's said that skill comes from a combination training and experience. We have a great deal of successful *experience* conducting operations *without* using force. We therefore desire to balance our lack of real-life experience in multi-casualty events with meaningful *training*, that realistically simulates these most challenging events. We hope that in its re-constituted form,

whatever Urban Shield becomes will incorporate a new set of tactical scenario trainings, based on real-life incidents, conducted *without* focus on suspect motivation or belief, to provide the highest level of training and experience for the men and women of the Berkeley Police Department, and our colleagues across the Bay Area, and beyond.

If you have any questions, please let me know.

Andrew Greenwood
Chief of Police
Berkeley Police Department

cc: D. Williams-Ridley, City Manager