



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

**Tuesday, May 8, 2018**  
**1:00-3:00pm**  
**Cypress Room, 1st Floor**  
**2180 Milvia St.**

Committee Members:

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

- David Brannigan, Berkeley Fire Chief
- Chris Naso
- Brandi Campbell
- Cindy Shamban
- Khadijah McPhall
- Gene Bernardi
- Christine Schwartz

Others in Attendance:

- Andrew Greenwood, Berkeley Police Chief

**1. Call to Order**

Meeting was called to order at 1:34pm.

**2. Public Comment**

Cindy Shamban expressed concern around the Disaster and Fire Safety Commission's recent recommendation to council to continue participation in Urban Shield. She also does not support the upcoming item on the council's tone and direction towards the police department.

Ms. Bernardi reminded the Subcommittee that the City is violating their policy by not having an MOU in place with NCRIC. Additionally, she reviewed and shared a copy of General Order N-18, or the Situational Awareness Group (SAG), which outlines the job of Terrorism Liaison Officers in NCRIC. She is alarmed by the focus on alleged gang members because of recent national news about the FBI and DHS that want to identify immigrants as gang members because it helps ICE in court.

Kadijah McPhall wants to know where the money comes from for Urban Shield expenditures.

### **3. Approval of Minutes**

The Subcommittee approved the minutes with the suggested corrections to Ms. Schwartz's comments.

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

Councilmember Harrison shared and reviewed the draft outline of a MOU between NCRIC and the BPD that she developed after discussions with councilmember Davila [Appendix A].

Last meeting, the Subcommittee asked Chief Greenwood to inquire with Dir. Sena of NCRIC as to whether it would be feasible for NCRIC not to include location of vehicles when BPD queries their system. **Dir. Sena informed Chief Greenwood that this is not feasible for NCRIC to do.**

Chief Greenwood felt that section 1.c.iii and section 6.b, "SARs received by BPD from NCRIC that originate from other jurisdictions", does not adequately acknowledge that all SARs are vetted by NCRIC. He said that this phrasing made it seem like the SAR goes directly from one department to another even though BPD does not directly receive SARs. When NCRIC sends them, they include their evaluation of the report. He asked that these sections be amended or removed in light of this.

The Subcommittee clarified that the MOU would be with the City of Berkeley, not just BPD, and therefore would include the Fire Department as well.

**The Chief requested that the Subcommittee send him the sample MOUs that were referenced for the outline.**

The Chief said that he is okay with an MOU and understands the value of writing out the terms of the City's participation. **He suggested adding a section on the City's policy for officer participation.**

The Subcommittee engaged in a discussion on section 6.a.iii "Additional Data received with valid warrant: location data". The Chief explained how the location is recorded on BPD's end. When an officer gets an LPR hit, she/he can print out the page that includes the vehicle location information and add that info to his or her case file. They can scan this file into BPD's record system. In response to councilmember Harrison's concern about retaining the location data, Chief Greenwood emphasized the importance of that data for investigations but said that he would be okay with language that prohibited "stockpiling ALPR data".

The Subcommittee discussed the timeline of completing the MOU and acknowledged that it would be great to have it completed when the compendium comes to Council, but many factors will be in play (City Attorney, BPD resources, NCRIC turnaround).

The Subcommittee agreed that there should be a statement in the preamble that ensures that NCRIC is in accordance with State and City sanctuary law.

**The Subcommittee voted to replace section 6.a.iii of the outline, “Additional Data received with valid warrant: location data. 1) Specification of the range of location data over time.”, with “Data that is not found to be material to a case will be not be retained in any form”.**

***Yes: Wengraf, Arreguín.***

***Abstain: Harrison, Davila***

*The motion carries, and the recommendation will be sent on to the Berkeley City Council.*

**Mayor Arreguín made a motion that the Subcommittee recommend the City of Berkeley continue its participation with the Northern California Regional Intelligence Center (NCRIC) conditional on the execution of a memorandum of understanding between the City of Berkeley and NCRIC using the outline as recommended, and reflecting existing City of Berkeley policies.**

**Councilmember Wengraf seconded the motion.**

***Yes: Wengraf, Arreguín, Harrison***

***No: Davila***

*The motion carries and the recommendation will be sent on to the Berkeley City Council.*

## **5. Adjournment**

The meeting adjourned at 2:19pm.