



MEMORANDUM

Date: 12/8/2017
To: Mayor Jesse Arreguín, Brandi Campbell
From: Kevin Klyman/Tano Trachtenberg
Regarding: Updated Draft Minutes from September 22nd Urban Shield Ad-Hoc Subcommittee Meeting

Overview

These minutes are a condensed summary including all relevant questions, answers and discussions. The meeting is broken down into the experiences of councilmembers and staff that observed Urban Shield 2017, and potential next steps that the subcommittee outlined.

Urban Shield 2017 Discussion

Councilmember Harrison said that her office's main focus was on the vendor expo, where the companies providing technologies for scenarios sell their equipment. She expressed concern that a "politicized group"—the Oath Keepers—were in the Sheriff's tent. She found this ironic because one of the scenarios was based on the Oath Keepers (Tano clarified that it was scenario 4, in which armed protestors occupied a Bureau of Land Management in Oregon). Harrison found that CERT, which is available to the public, had a lot of value. She requested that the subcommittee hear from members of the Berkeley Fire Department that participated in Urban Shield. Harrison also moved that the ad-hoc subcommittee discuss NCRIC in the near future.

Councilmember Harrison also underscored several concerns with the scenarios. First, the scenarios are focused on terrorism rather than de-escalation. She explained that her office was tasked with categorizing past scenarios, and that last year only one scenario was based on de-escalation. This year a scenario at a children's hospital purportedly advanced de-escalatory tactics, yet in the real-world example the perpetrator survived while the scenario instructed officers to kill the perpetrator. Harrison noted that some fire-related scenarios pertained to the potential for terrorism in the aftermath of a fire. A scenario in which officers used Execushield's technology, presumed that the terrorist group Hezbollah had come to the United States through South America - meaning that members of the Columbian police force were involved, was particularly troublesome.

Second, vendors largely shape the scenarios. Harrison said that the scenarios are "built around the vendors." As a result, Urban Shield was militaristic. Harrison reported that a representative of Execushield claimed that the "military and the police are coming closer and closer together". Third, there is too little time spent on feedback. Harrison highlighted that her impression of events might be different if there was less time spent on vendor input and more time spent on feedback for officers. Fourth, the Sheriff is insufficiently listening to elected civilian officials.

Harrison observed that the Alameda County task force hoped to limit surveillance at Urban Shield, yet there were surveillance-based technologies used at the event.

Councilmember Wengraf stated that she and Lori (a member of her staff) attended the events on Friday and Saturday. She expressed that the seminars on Friday were informative: the seminar on drones was “interesting,” while the seminar on the Ghost Ship was “emotionally difficult” yet provided “a sense of the coordination that goes on at the regional level.” The expo, according to Councilmember Wengraf, was “mostly weapons,” including automatic, military-style weapons, which didn’t interest the councilmember. She remarked that the booths were expensive, and so it was unsurprising that large weapons manufacturers rented the space. On Saturday, Councilmember Wengraf attended scenarios with Tano and Chris (staff members from Mayor Arreguín and Councilmember Harrison’s offices respectively). She reported that the scenarios were “very short,” and that BPD got feedback indicating that they did well. One scenario was a hostage crisis in which officers deployed a ball with a camera in it, where the manufacturer of the ball was present, which was “odd.” Another scenario involved a truck hitting pedestrians, for which the observers did not hear feedback, perhaps because the time allotted for feedback was extremely short.

Councilmember Davila began by stating that the whole event was “highly stressful.” Davila explained that most people there were not friendly to her group, merely emphasizing their hope that the observers were keeping an “open mind” about Urban Shield. Furthermore, participants consistently emphasized to observers that Urban Shield was “great”. This limited the observers’ ability to watch the scenarios, with Davila noting “we hardly saw any scenarios.” She pointed out that at the debrief good questions were asked. Davila asked about the cost of the SWAT team’s training the day before Urban Shield, to which Chief Greenwood replied that there was “very little cost,” mostly consisting of overtime.

Councilmember Davila felt that many aspects of Urban Shield were problematic. On Friday, (i) during the drone seminar most of the people being followed by drones were people of color; (ii) most of the officers did not go to the seminars; and (iii) the militarized weapons, surveillance equipment, and facial recognition technology was “concerning.” On Saturday, (i) events were militarized, with young marines in “Sheriff’s outfits”; (ii) a scenario next to the Santa Rita jail used live ammunition; (iii) there was a conversation with Officer Cummings in which he requested that George Lippman “define militarization of the police”; and (iv) on the whole, there was too much of a focus on terrorism rather than community emergency preparedness and de-escalation.

Mayor Arreguín began by sharing that he felt that some of Friday’s seminars were helpful. He noted that while they were interesting, particularly the seminar on drones, he wasn’t sure how important they were. He didn’t see the officers from any of the teams participating in those seminars. Mayor Arreguín shared that while there were no gun sales at the expos, due to the criteria set by the Board of Supervisors the event was “frankly a gun show”. He said that he expected a lot more diversity of vendors, and wasn’t sure if it was common for assault weapons to be the main vendor items. Mayor Arreguín expressed further concerns about the Vendor’s influence on the event saying that “Police officers are kind of being used as guinea pigs to test equipment” and that the relationship between the vendors and the event planning is a “little

alarming”. He added that he might feel differently if our department was more actively consulted.

Mayor Arreguín went on to express his alarm at the presence of the Oath Keepers at the Community Preparedness Fair. He said that this group came to Berkeley to physically protect alt-right groups. This came a week or two after the Sheriff’s deputy “accidentally retweeted Richard Spencer”. Mayor Arreguín conceded that he didn’t know what went into the decision and that there were no offensive shirts at the expo.

Later Mayor Arreguín asked that Chief Greenwood share the training that the SRT team in Berkeley already receives. Chief Greenwood agreed to present on the trainings as well as on the tools that they use, adding that there is not much that’s “top secret”.

Tano, a staff member in Mayor Arreguín’s office, shared his observations from Saturday. He felt that the design of the scenarios was illustrative of the vendors having additional access. For example, at the hostage scenario the group attended, representatives of the technology merchants were in the room with Berkeley PD during the briefing, however, our group was only allowed to watch a video feed without sound. Additionally, Tano expressed his concern about how relevant the real-world scenarios were to the Bay Area and how closely the design of the scenario actually followed what occurred in real life. The Mumbai attacks that were supposedly based in an urban area had SWAT teams getting in boats to approach a cabin in a wooded area. Tano asked the liaison, Sgt. Tucker what the relationship was between the Mumbai attacks and what the group witnessed, and she said that each incident command handles the design of their scenario. He felt that the explanation was inadequate. Tano added finally that he felt that there was a missed opportunity to understand more about the context of vehicle terrorism, in the last scenario he watched, but was disappointed when the debrief lasted less than ninety seconds.

Chris, staff in councilmember Harrison’s office, felt that while it is important for our SWAT team to be prepared for a terrorist event, Urban Shield is “a simulation of war”. He added that it seems that the UASI money given to the Sheriff has strings attached since it has to be terrorist related. Chris also expressed concern about vendor relations, and viewed it as a potential “conflict of interest”, with publicly funded officers helping to test private technology.

Chief Greenwood began by saying he had a “markedly different but frustrating experience”. In the past he could be in whatever room he asked to be in and thought that would be the group’s experience. He wanted everyone to see the BPD team and “be in the room” and it was frustrating that observers weren’t allowed. He was concerned that nobody had spoken about BPD’s reaction and proposed having the SRT team come give testimony on their experience in Urban Shield (the group agreed). Chief expressed that we might be undervaluing the opportunity to try out our tactics in the exercises. He also felt that we were undervaluing the Fire Department’s participation since we hadn’t heard from them yet. He added, in response to Tano’s observation in the vehicle terrorist exercise, he saw what he wanted to see. The scenarios are about the tactical side, and the fact that experienced evaluators said the team did a good job was very positive. Chief Greenwood added that seeing the Emergency Operations center was important for the ACSO to discuss as Berkeley is trying to do something similar to

handle major events. But CERT training was a “slag in time” (referring to the fact that the group did not get to see any CERT exercises and people seemed anxious to move on). Responding to the presence of the Oath Keepers, Chief Greenwood said “I don’t have anything on that [the image of the Oath Keepers]” indicating displeasure.

Chief expressed that the BPD participants felt the weekend had real value for them, and the fact that they placed 9th is a “huge validation of our policies”. He did not feel that there are a bunch of alternatives [meaning trainings or exercises] to that. Chief Greenwood also wanted to hear from the Sheriff’s office about the Vendors. His guess was that they are involved to put up money that allows us to have more training. However, he did not feel that their presence was having an effect on the team since they didn’t come back enthusiastically requesting to purchase new things. Chief reiterated that the entire conversation to that point hadn’t taken into account what the participants experienced. However, he expressed sympathy to the discomfort of Councilmember Davila and other civilians’ that aren’t around weapons a lot.

Chief also responded to Councilmember Davila’s inquiry about what the cost and preparation is for Urban Shield. He said there is “very little cost”, only 8 people get overtime for their participation. The officers try to flex their shift but they may have to backfill, which results in overtime. The preparation is voluntary he said, mainly just exercising.

Lori, a staff member for Councilmember Wengraf, shared feedback that she received from the ten agencies that her office contacted who decided not to use Urban Shield. One of the agencies said that they didn’t do Urban Shield because it is not POST-certified. Others, like Palo Alto, said that they took a break from Urban Shield but then were unable to get back in. Similarly, some agencies shared that they wanted to attend but were unable to get in. Some said that they do SWAT training locally and create US like scenarios in their counties, or do weekend trainings -- some go Vegas, some work with LAPD. A lot of the agencies said that Urban Shield is simply too expensive due to the costs of backfilling and overtime.

Deputy City Manager Jovan shared that he wanted to “dispassionately point out that this is how these conferences happen” (while acknowledging that he was not present at the event and could not speak to specifics). Jovan said that in his experience as a consultant, the vendors, who display tools of the trade, underwrite the costs. For example, at a public works conference Caterpillar is a sponsor of the fair. In this case, the tools of the trades are, unfortunately, weapons. Mayor Arreguin contended that this is a different situation, distinguishing a machine gun manufacturer from a consulting firm

George Lippman, the chair of the Police Review Commission prefaced his observations by sharing that racist rhetoric and displays had been cleaned up for this year. George said that the focus should be on the big picture, on what kind exercise we want to have and how do we want BPD to compete and participate. He explained that the focus of urban shield remains on counter-terrorism, and that while this is valuable it is not what Berkeley primarily needs. George also felt that the collaboration with the Colombian military was disturbing since Colombia has been one of the worst human rights violators for decades. Finally, he added that while there was a bit about de-escalation, it did not permeate the event.

As a whole, the group acknowledged that without the opportunity to see any of the Fire scenarios, it would be important to have some people from the Fire department share their experiences with the group. Mayor Arreguin suggested that they meet within three weeks, before his trip to Japan and after “Free Speech Week”.

Follow Up

1. Distribute these minutes (or a modified version) as well as minutes from the previous meeting on August 9th so that the ad-hoc subcommittee can review them.
2. Share the ad-hoc committee’s agenda with public groups.
3. Organize SRT team and Fire to share at the next meeting.
4. Set next meeting date