

1 1. Immigration and Customs Enforcement (ICE)

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3 Proposed Recommendation: Approve the ICE Understanding with the proviso that it be  
4 modified to reflect the following statement.

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6 "BPD shall not provide stand-by security service for USICE investigations or  
7 enforcement actions. This shall not prevent BPD from responding to a public safety  
8 emergency related to an ICE action; in such event BPD shall explain the facts giving rise  
9 to its action in a written report to the Berkeley City Council and the Police Review  
10 Commission at the earliest opportunity."

11 m/s/c Lippman/Matthews Vote: 2-0

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13 Alternative actions considered:

- 14 • Reject the entire Understanding.

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17 Proposed Background:

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19 PRC believes that the trust of the community in the law enforcement is damaged when  
20 local police are seen as participating in ICE actions.  
21 The recent ICE raid in Oakland resulted in only a civil immigration arrest, demonstrating  
22 the risk that involvement with supposed criminal investigations may draw the police into  
23 support for civil enforcement.

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25 Oakland Mayor Libby Schaff is now supporting a similar position. For more information  
26 see this *East Bay Express* editorial:

27 "Why Oakland Should Cut Off ICE"

28 <https://www.eastbayexpress.com/oakland/why-oakland-should-cut-off-ice/Content?oid=11028169>

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31 Mayor Libby Schaaf, who has supported Kirkpatrick's position on the West  
32 Oakland case and has said that she read the sealed warrant from the investigation  
33 and believes it was a bona fide criminal matter, said in a Nov. 21 statement  
34 that she now supports the proposal for OPD to not provide traffic control during  
35 HSI/ICE operations. She said that even though current Oakland law "forbids our  
36 officers to act in any way other than to protect our residents and officers from  
37 wandering into harm's way of an active operation, the perception that OPD now  
38 participates, or somehow aligns itself with ICE, has grown too full to ignore. This  
39 perception stops residents in our immigrant communities from viewing OPD as  
40 partners in our sanctuary city. It stops residents from reaching out when they have  
41 been the victim of crimes; when they need assistance for their children; when they  
42 want to participate fully in our community. It makes all of us safer to live in a city  
43 where everyone can feel protected and live free of fear."

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45 2. UASI/ Urban Shield

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47 Proposed Recommendation:

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49 BPD cease participation in the Urban Shield activity beginning with the 2018 activity.

50 Search for, or create in partnership with other communities, alternatives to replace the

51 positive elements of Urban Shield.

52 m/s/c Matthews/Lippman Vote: 2-0

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54 Note—there is no ongoing year-to-year Agreement with UASI.

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57 3. NCRIC

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59 Proposed Recommendation: Set a one-year moratorium on BPD participation with  
60 NCRIC while PRC reviews CM/BPD-supplied information about how BPD-NCRIC  
61 relationship functions.

62 For example, review the bulletins that BPD receives from NCRIC.

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64 m/s/c Matthews/Lippman Vote, 2-0

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66 Alternative considered: REJECT renewal of Understanding, rescind General Order N-17,  
67 and cease BPD participation with the Northern California Regional Intelligence Center.

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72 4. Law Enforcement Mutual Aid Plan: No action taken.

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74 Consider at Police Review Commission meeting December 13

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78 5. Approve all remaining agreements and understandings

79 m/s/c Matthews, Lippman Vote: 2-0.