

COUNTY SUPERVISORS' MISMANAGEMENT LOSES MILLIONS FOR TERRORISM AND DISASTER TRAINING

EXECUTIVE SUMMARY

From 2007 through 2018 the Alameda County Sheriff's Office (ACSO) hosted a regional first responder training program. Funded by the US Department of Homeland Security (DHS), the program was intended to provide training for first responders in regions considered at high risk for terrorist attacks. According to DHS data, the Bay Area is the fifth most likely urban area for a terrorist attack, exceeded only by New York, Washington DC, Chicago, and Los Angeles.

The program culminated each September with a full-scale training exercise known as Urban Shield, where classroom learning and first responder equipment were tested in realistic scenarios. Urban Shield provided a rare opportunity for professionals from law enforcement, public health, emergency management, fire and medicine to work together on dozens of emergency response scenarios based on actual events, such as school shootings, the Las Vegas concert massacre, and the Boston Marathon bombing.

Some community members opposed the Urban Shield exercises, expressing concerns over the intent and practices involved in the training. They claimed that the program encouraged racial profiling, had a potentially negative impact on vulnerable communities, and legitimized the use of assault weapons, armored vehicles, protective helmets and bullet-proof vests by law enforcement officers.

Over the past several years opponents of the program objected to the Alameda County Board of Supervisors' (BOS) annual approval of Urban Shield. ACSO modified Urban Shield exercises over the years in response to community concerns, but opposition continued.

In 2017 the BOS appointed an 18-member Urban Shield Task Force (USTF) in an effort to resolve the differences. The USTF made progress, but the protests continued. To try and solve what seemed to be a stalemate between opponents and supporters of the program, the BOS voted on March 27, 2018 to no longer support Urban Shield as configured, and commissioned a five-member ad hoc committee (AHC) to "...work with the Sheriff's Office..." during the upcoming year on the application and planning for the 2019 training. ACSO received a \$4.9 million DHS grant in 2019 and expected the grant to increase to \$5.6 million for the 2019 training program, of which \$1.7 million would support Urban Shield.

Members of the Grand Jury attended every meeting of the AHC. With millions of dollars of federal funds at stake, it was both surprising and disturbing to watch the proceedings unfold. Flaws in the analytical process made sound decision-making virtually impossible, such as:

- The BOS did not clearly communicate its specific objectives and expected deliverables, nor did it monitor the progress and direction of the AHC.
- The AHC did not follow its charge from the BOS “to work with the Sheriff’s Office.” There was no meaningful partnership in any of the meetings.
- Almost all the appointed AHC members held pre-established and intractable opinions about Urban Shield, making objective analysis difficult to impossible.
- The BOS and the AHC repeatedly disregarded clear warnings that some recommendations in the AHC’s report were not compatible with the DHS requirements and could jeopardize the grant.
- The BOS accepted the AHC recommendations without the benefit of meaningful county staff review and county administrative officer approval.

After meeting for six months, the AHC presented its recommendations to the BOS. The BOS adopted virtually all of them, ignoring the countless warnings that many of the recommendations would put the grant at risk. Two days later, Alameda County did indeed lose the grant following a unanimous vote by the Bay Area Urban Areas Security Initiative’s (BAUASI) administrative authority board of directors - the local agency administering this federal grant on behalf of DHS.

Alameda County thus lost millions in federal funds, critical to the continued training of our first responders in increasingly volatile times. Although the members of the BOS repeatedly stated their strong desire to continue receiving these funds, their mismanagement of both the review and approval processes led to the termination of the nationally-recognized Urban Shield program and additional vital training, impairing the region’s preparedness for disasters.

The Board of Supervisors will be faced with similar complex decisions in the future and must improve its use of advisory committees so that decisions such as this are supported by impartial analysis and made in the interest of all county residents.

BACKGROUND

The Department of Homeland Security identified twenty-nine urban areas in the United States considered at high risk of terrorist attack. It provides Urban Areas Security Initiative (UASI) grants to these regions to assist them in preparing for and minimizing the potential impact of such an incident. In the San Francisco Bay Area, the grants are administered by the Bay Area Urban Areas Security Initiative (BAUASI) Approval Authority. The grants support training of professional first responders in the fields of law enforcement, firefighting, medical support, public health, and emergency management through realistic scenarios such as hostage situations or school shootings. They also support the development of procedures and equipment to ensure

seamless coordination among federal, state, regional, local, community and private sector organizations that would respond to a terrorist attack or natural disaster.

UASI funding is narrowly and specifically targeted and requires a “nexus to terrorism.” However, many exercises designed to prepare for terrorist attacks present the same challenges as a natural disaster – for example, a building collapse due to a bombing would require a similar response to a building collapse from an earthquake. Therefore, although a “nexus to terrorism” is required by the terms of the grant, there is often a very beneficial dual purpose to the training.

In 2007 the Alameda County Board of Supervisors authorized ACSO to apply to BAUASI for funding of a multi-day, multi-disciplinary first responder training exercise. The training exercise, known as Urban Shield, provided an opportunity for professionals from law enforcement, public health, emergency management, fire and medicine to work together on dozens of emergency response scenarios based on actual events, such as school shootings, the Las Vegas concert massacre, and the Boston Marathon bombing. In that first year, the program had 1,400 participants, including volunteers, focused on Special Weapons and Tactics (SWAT) teams and other tactical training.

In 2010, BAUASI issued a request to manage a much broader Regional Training and Exercise Program. ACSO was the only Bay Area agency to submit a proposal. Once it was awarded the grant, it assumed administrative responsibility for providing year-round courses and exercises to the entire twelve-county region, while continuing to manage the Urban Shield training exercise.

Over the past nine years, the regional program progressively matured into a large scale multi-disciplinary activity. Over the past three years it offered almost 450 courses for first responders in twelve disciplines. In 2018, \$4.9 million was available of which \$1.7 million was used for Urban Shield, which had expanded to include over 9,000 participants and volunteers. The remaining \$3.2 million supported other training and exercise programs throughout the Bay Area. This funding was slated to increase to \$5.6 million in 2019.

One key component of Urban Shield was a 48-hour competitive event that included 36 scenarios and 36 eight-person tactical teams from different public agencies. Since there are no full time SWAT teams with any agency in the Bay Area, the 2-day event provided the only real opportunity from members of the same department to work together on realistic emergency situations and interface with hundreds of emergency medical services personnel, fire/hazardous materials/rescue personnel, public works teams, and community emergency response teams from federal, state, and local jurisdictions. The participation of SWAT teams raised the most controversy in the beginning, which did not wane over time.

Additional criticism of Urban Shield included:

Police Action in Minority Communities: Urban Shield exacerbates tensions in African-American and other minority communities that result from a significant law enforcement presence.

ICE and Immigrant Communities: Similar concerns were voiced by members of several immigrant communities, particularly about Urban Shield activities that might be focused on identifying and detaining undocumented and other members of vulnerable groups. ACSO reported that no U.S. Immigration and Customs Enforcement (ICE) officers participated in Urban Shield.

Community Member as First Responders: Critics contend that Urban Shield funds dedicated to training professional first responders would be better spent supporting community based-organizations (CBO) that could provide training for local residents, care for vulnerable communities, and concentrate on more common natural disasters rather than on infrequent acts of terrorism.

Vendor Exposition: Urban Shield included a vendor exposition for displaying the latest first responder equipment and technology. Concerns were raised about some vendors displaying objectionable items, particularly items considered to be overtly militaristic or racist. ACSO representatives admitted to finding racially insensitive items on display on two occasions in past years and instituted increased scrutiny and oversight of the exhibits. Some opponents have described the event as a “weapons expo,” but members of the Grand Jury who attended the 2018 vendor exposition noted that very few weapons were on display. The exposition focused on technology, protective gear, medical supplies, and rescue tools.

Program Elements: Critics also voiced more general concerns, including:

- Some of the Urban Shield scenarios favored killing the subject rather than de-escalating the situation. However, in testimony before the Grand Jury, supporters cited training scenarios that rewarded de-escalation.
- The competitive nature of the exercises was inappropriate. However, supporters contended that competition and comparative scoring leads to peak performance and clearer identification of skills and techniques.
- The extended duration of exercises leads to a level of fatigue among the first responders that results in mistakes and bad judgement. However, emergency responses often extend over several days (e.g. the Boston Marathon bombing), and supporters contend that practicing under such realistic conditions leads to improved performance during actual and possibly protracted incidents.
- Finally, the clothing and equipment used in the program leads to the appearance of police militarization. Yet, supporters contend that first responders should be properly protected during such emergencies and the protective gear worn during Urban Shield exercises is

consistent with workplace protection for responders facing heavily armed terrorists or other highly dangerous situations.

ACSO demonstrated flexibility by addressing objections raised each year, making numerous modifications and enhancements to the program. In a January 6, 2017 letter to the BOS, ACSO also agreed to follow twelve Principles and Guidelines:

- Expand community involvement and awareness.
- Expand medical profession training.
- Eliminate racist stereotyping.
- Exclude surveillance training.
- Examine new technology and equipment.
- Exclude crowd control training.
- Evaluate existing equipment.
- Exclude vendors displaying derogatory or racist messages.
- Exclude sale or transfer of any assault weapons and firearms.
- Exclude vendors displaying non-law enforcement related tactical uniforms and equipment.
- Maintain finest first responder training possible.
- Exclude teams from countries with documented human rights violations.

INVESTIGATION

Because of the importance of the UASI training and exercise program, and of Urban Shield to the safety of the residents of Alameda County, the Grand Jury investigated the program review process leading to the votes by the Board of Supervisors on February 26 and March 12 to modify the 2019 program and the resulting termination of the program by BAUASI.

Grand Jury Members:

- Reviewed material from BAUASI and Urban Shield websites,
- Attended meetings or reviewed recordings of BOS meetings,
- Attended the September 2018 Urban Shield training program and vendor show,
- Interviewed witnesses from BAUASI, ACSO and the AHC with direct knowledge of the Urban Shield program,
- Interviewed public officials and members of the community expressing both support and opposition to Urban Shield,
- Reviewed the Urban Shield Task Force report dated February 21, 2018,
- Attended all meetings of the AHC and reviewed its final report,
- Read the County Sheriff's responses to the AHC report,
- Reviewed and considered the concerns described in media reports about Urban Shield activities,

- Interviewed senior command staff at multiple law enforcement agencies throughout the greater Bay Area, and
- Attended BAUASI Approval Authority meeting on March 14, 2019.

In the course of its investigation, the Grand Jury identified several aspects of the review process that were poorly handled – from the creation of the Urban Shield Task Force in January 2017 through the Board of Supervisors vote in March 2019.

The Urban Shield Task Force (USTF)

Created by the Board of Supervisors in January 2017 the USTF was charged with assessing Urban Shield and making recommendations to the board. The USTF first met on March 10, 2017 and held six subsequent meetings. The 18 members represented a broad cross-section of views of Urban Shield and included first responders, medical professionals, and community members including representatives from the Stop Urban Shield Coalition.

While able to address several issues, the USTF was unable to reach a consensus concerning the impact of Urban Shield on some county communities, in particular, those with large minority populations and other vulnerable groups.

Some members of the task force blamed its failure to reach a consensus on this topic, in part, on the fact that its membership did not include sufficient representation of members of these communities. The Grand Jury notes, however, that five of the eighteen members of the task force directly represented organizations that focus on these communities: the Arab Resource and Organizing Center, the Ella Baker Center for Human Rights, the American Friends Service Committee, the Stop Urban Shield Coalition, and the Alameda County Health Office.

Some task force members complained that other members who participated in Urban Shield had a material interest in it and thus were incapable of making an impartial judgement of its impact on community-law enforcement relations. The Grand Jury finds it unreasonable to regard participants as having, by nature only of their participation, a material interest in the program since none of them had a direct financial stake in it and none of their jobs depended on it.

Although the Grand Jury did not observe the meetings of the USTF, its members did read the USTF final report. It is apparent from the report's conclusions that a more likely explanation for its failure to reach consensus was that most members had pre-conceived and entrenched views of the Urban Shield program and its impact on the community.

The Grand Jury believes that the USTF was moderately successful. In fact, one supervisor introduced the USTF's report to the BOS by stating in a cover letter:

“The USTF appreciates the opportunity to represent Alameda County's 5 Districts, to assist the Board of Supervisors in gaining a more comprehensive understanding of Urban Shield and our first responders' capabilities, and to shed light on the needs and impacts in communities served by the Urban Shield. It is our hope that the report and recommendations will assist the Board of Supervisors in its deliberations about Urban Shield and in efforts to improve preparedness for large scale emergencies while safeguarding the rights of every resident in Alameda County.”

The Ad Hoc Committee (AHC)

Instead of moving forward, the Board of Supervisors met on March 27, 2018 and took action that resulted in another year of contentious debate among the same proponents and opponents of Urban Shield as described in this Grand Jury report. The room was packed with vocal opponents of the program along with a strong contingent of supporters. After several hours of public comments, the BOS approved funding of the 2018 program stating, however, that it would not fund Urban Shield “as currently constituted” after 2018. To address the issues that the USTF had failed to resolve, the board appointed an ad hoc committee to work with ACSO to develop recommendations for the grant application and planning of the 2019 exercises. Each supervisor was asked to name one person to the AHC, forming a committee of five members.

The Grand Jury identified several significant shortcomings of the AHC and its process:

A Delayed Start

Although the Board of Supervisors created the AHC in March 2018, it was not until late summer that the final member was selected and the first committee meeting was held. This delay resulted in the loss of months of valuable time for the AHC to do its work. With a March 2019 deadline for the next grant approval, this delay left the committee only six months to debate issues and produce its report to the BOS. As a result, the AHC's work was rushed from its first meeting.

Appointment of Members with Known, Entrenched Opinions or Conflicts

Based on the short biography given of each of the AHC members, it was readily apparent to the Grand Jury that the majority of the committee members held deeply entrenched opinions that were very unlikely to be influenced by discussion. One was a member of Stop Urban Shield, a coalition of 19 organizations opposed to Urban Shield and committed to its termination. Another worked closely with Stop Urban Shield and strongly supported its cause. A third was also a known vocal Urban Shield opponent. Finally, another was a police officer strongly committed to the program. This should have been known to the supervisors and avoided.

For example, one member of the AHC stated that many public safety agencies did not participate in Urban Shield implying lack of interest or lack of support. The Grand Jury interviewed officials

of 23 local law enforcement and firefighting agencies that had not participated in Urban Shield and found that their reasons for not participating were largely due to economics and staffing constraints. These officials were unanimously complimentary of the training provided by the program.

Ad hoc committees are often established to examine important issues and make recommendations to policy makers. Their members should be open-minded with no personal stake in the subject, and a willingness to study it carefully and dispassionately before making recommendations. They are also expected to be willing to compromise to reach useful conclusions. The entrenched opinions held by the individuals appointed to the AHC created a serious obstacle to fair and incisive analysis.

The Nature of its Charge

The Grand Jury learned that some AHC members found their charge to be vague and lacking in guidance. Responsibility for this lack of direction falls directly on the BOS, which created the AHC, and on the members of the committee who, apparently, never went back to the BOS to ask for more explicit guidance. The BOS did not establish any mechanism for regular review of the AHC's progress. The AHC did not report to any BOS subcommittee or to the county administrator. In short, the AHC was, in effect, making decisions for the BOS that affected the entire Bay Area.

Failure to Work with the Sheriff's Office

The AHC's objective, as listed on the county's website for the AHC and reflecting the BOS minutes of March 27, 2018, states:

“Limited scope of work. Created to work with the Sheriff's Office during the coming year (2018/2019) on the 2019 UASI application and planning for the 2019 UASI funded preparedness event.”

In the Grand Jury's opinion, the AHC's collaborations with ACSO staff were cursory and dismissive. At the first AHC meeting, representatives of BAUASI described the program and the grant funding process. At the second meeting, an ACSO representative described the formal review of the 2018 program's compliance with the 12 principles and guidelines that ACSO had recommended and agreed to follow. These two presentations, however, represented the only substantive interaction or discussion of the program between the AHC and representatives of ACSO. ACSO management attended every subsequent AHC meeting but were never involved in a discussion other than, on occasion, to respond to specific factual questions. The extent of their additional involvement was limited to the public comment period when they were allowed the customary two minutes. Even then, members of the AHC rarely responded to their comments.

Over the full course of the AHC meetings, it was apparent that there would be no effort to “...work with the Sheriff’s Office....”

This disregard for the directive in their charge is exemplified by the elimination of the phrase “work with the Sheriff’s Office” from the AHC’s description of its charge in its final report:

“On March 27, 2018, the Alameda County Board of Supervisors formed the Ad Hoc Committee on Urban Area Security Initiative Grant Program (Item #33), whose charge was to (1) make recommendations on the proposed UASI exercises for 2019, and (2) recommend a framework for any subsequent UASI applications. The Ad Hoc Committee held 11 public meetings from September 21, 2018 through January 30, 2019.”

No plausible explanation was offered for this failure to adhere to the most significant aspect of its charge, even when concerned members of the BOS explicitly questioned the AHC chair about it. Instead, the chair responded that members of ACSO attended all the meetings. The Grand Jury finds it difficult to imagine any explanation for this failure other than it was the intent of some members of the AHC to dictate changes in Urban Shield to ACSO rather than to work with ACSO to reach mutually acceptable and effective recommendations.

Lack of Transparency

While the AHC did post its agendas online 72 hours before its meetings, the agendas lacked specificity in describing what actions were being considered. In fact, the same agenda, with only the dates changed, was used for the last several meetings.

Another concern of the Grand Jury is that agenda attachments were often not distributed until the start of the meetings and were never posted on the county’s website. This made it very difficult for members of the public to know beforehand what issues were being considered and discussed. This is clearly a disservice to the public. This was the case, for example, at the January 30, 2019 meeting when the AHC planned to vote on the report that was to be submitted to the BOS regarding recommendations for the future of Urban Shield. The draft report was distributed at the meeting, not before. Furthermore, the AHC continued to make changes in the report throughout that meeting and left it to their facilitator to complete the final document which they had already voted to approve.

Lack of Compliance with Grant Requirements

The failure to work with ACSO deprived the BOS of potentially valuable input. More importantly, this failure likely led to BOS approval of recommendations that did not meet BAUASI requirements for funding the grant. Many of the AHC recommendations would redirect BAUASI funds from first responder training to new initiatives funding community based-organizations working to prepare community residents for natural disasters such as earthquakes, wildfires or

floods. However, several recommendations had no “nexus to terrorism” as described in the BAUASI program announcement and thus could not be funded under the terms of the grant from DHS. Their inclusion in the final report and their adoption by the BOS in effect doomed the program.

The AHC members were repeatedly told during their meetings that what they were recommending was inconsistent with grant guidelines, putting the funding at risk. Several of the recommendations, in fact, were approved in the face of explicit reminders by the dissenting member(s) that those recommendations were beyond the scope of the AHC’s charge. A member of either BAUASI or ACSO explained many times during the two minutes allotted during public comment that one or another recommendation being considered was not compliant with the grant requirements. Ignoring these warnings, the AHC voted to approve the recommendations, often with a simple majority of 3-2.

The ad hoc committee members were repeatedly told during their meetings that what they were recommending was inconsistent with grant guidelines, putting the funding at risk.

The chair of the AHC justified ignoring the warnings by stating that the AHC was “advisory only” and it would be the BOS that would make the final determination. It was also stated that members of the AHC knew that some of its recommendations were not in compliance with Federal guidelines. The Board of Supervisors seemed to be under the impression that the AHC took the grant guidelines into consideration in their recommendations. It was obvious that there was a serious miscommunication between the AHC and the BOS about who was ultimately responsible for the recommendations’ compliance with the grant guidelines. The Grand Jury finds this critical misunderstanding of the roles of the AHC and BOS to be yet another example of the failure of the review process.

The failure to work with ACSO deprived the BOS of potentially valuable input. More importantly, this failure likely led to BOS approval of recommendations that did not meet BAUASI requirements for funding the grant.

Also descriptive of the failure of the AHC to act responsibly is the fact that two of the three recommendations that were proposed, but later rejected by the BOS, involved the allocation of an additional \$5 million in county funds to the Health Care Services Agency (HCSA) and Social Services Agency (SSA). These monies were to support staff dedicated to participating in the planning, administration, coordination and

implementation of disaster preparedness exercises. When the head of the HCSA was questioned about this during the BOS meeting, she commented that she never asked for these funds, doesn’t have the expertise in disaster preparedness to use them effectively, and instead relies on the sheriff’s office for that expertise and direction. This was baffling. Obviously the AHC did not contact HCSA prior to making these recommendations to determine if the agency was even capable of handling this additional responsibility.

Furthermore, it appeared surprising to the BOS that the AHC was recommending that they find \$5 million in their already-strained budget to allocate to disaster preparedness training by an agency that did not have the ability or interest in managing it. When BOS members questioned the AHC about what services they should cut to provide this \$5 million, the AHC had no answer. It was as if the AHC felt it could make recommendations without any concern for any difficulties in the actual implementation of those recommendations.

The Board of Supervisors Actions

The AHC chair presented its report with 63 recommendations to the BOS at its meeting on February 26, 2019. A motion passed approving the 29 recommendations that the sheriff agreed he could support under the terms of the grant. The sheriff and the BAUASI representative then stated that they believed many of the remaining recommendations were not in compliance with the grant guidelines as outlined in a letter from the sheriff to the BOS. This lack of compliance, they said, would likely lead to the rejection of the entire grant.

One supervisor questioned the motives of the sheriff in submitting his letter only days before the BOS meeting, thereby not warning about the grant guidelines until it was too late. It was charged that the sheriff had delayed his letter as a last-minute effort to kill the recommendations. The sheriff then pointed out that the AHC report wasn't submitted until February 18 and that his letter, which required significant review and preparation, was dated only four days later, on February 22. It was also noted at the meeting that representatives from UASI and ACSO had spoken of the noncompliance issues numerous times at AHC meetings the past six months. It was no surprise to anyone who had followed the AHC meetings that many of the recommendations were outside the committee's charge and not in compliance with the grant's requirements.

That such an important issue could be voted on amidst such a cloud of uncertainty is deeply troubling.

Despite the warnings from the sheriff and BAUASI, the BOS passed a motion approving all but three of the remaining recommendations. One supervisor stated that the motion to approve the recommendations would not have been offered if it was thought that it would jeopardize the funding. Despite being told repeatedly that it would risk the funding, the motion passed on a 3-2 vote.

Immediately before the vote, one of the supervisors indicated that he did not understand what was being voted on. Board members, in general, appeared to be confused about how the AHC reached its recommendations. Regrettably, it appears that professional staff of relevant county departments were not consulted nor their advice taken. There was no recommendation from the county administrator. That such an important issue could be voted on amidst such a cloud of uncertainty is deeply troubling.

Inexplicably, after approving all but three recommendations, the BOS requested that the AHC confer with ACSO to review and reach agreement on all recommendations that the sheriff had opposed. The meeting for approval of the funds from BAUASI was to be held two weeks later, on March 14, and perhaps the BOS was hoping that the conflicting recommendations could be resolved prior to that meeting.

The AHC met with representatives of ACSO in early March and, after working for 5 hours, reached agreement on some of the problematic recommendations. ACSO held firm on objecting to other recommendations, and many were not even addressed due to lack of time. The results of the meeting were presented to the Board of Supervisors at its March 12, 2019 meeting. The BOS appeared to ignore this effort completely and allowed the approval of the original recommendations to stand.

Action by BAUASI

On March 14, 2019, the BAUASI Approval Authority met to consider the 2019 Regional Training and Exercise Program, which included the Urban Shield exercises. At the meeting, an ACSO commander provided an update on the actions of the AHC and BOS. He also reported that a BAUASI legal counsel opinion stated that many of the AHC/BOS recommendations did not comply with either the memorandum of understanding (MOU) authorizing the expenditure of funds or Federal guidelines. The BAUASI general manager concurred with the legal opinion.

There followed a lengthy discussion by the Approval Authority as well as testimony from

Curiously, representatives from the ad hoc committee as well as the Board of Supervisors spoke in support of continuing the existing program stating that they assumed the memorandum of understanding would prevail over the ad hoc committee recommendations.

attendees. Curiously, representatives from the AHC as well as the BOS spoke in support of continuing the existing program stating that they assumed the MOU would prevail over the AHC recommendations. The Grand Jury finds these statements completely disingenuous. The AHC/BOS actions put the Approval Authority in an untenable position, with no choice but to cancel the 2019 Urban Shield program. The Approval Authority voted unanimously to do just that and more,

defunding the entire training and exercise program administered by Alameda County and withdrawing nearly all of the requested \$5.6 million. Some funds will remain with Alameda County for programs already underway. One of the approved AHC recommendations was to extend the term of the AHC for another year to oversee implementation of recommendations approved by the BOS and make new recommendations. However, as a result of the loss of the grant and termination of the Urban Shield exercises, the AHC effectively ended its own existence.

Additionally, the Grand Jury notes that the efforts of the AHC to redirect BAUASI funds to projects closer to their interests but incompatible with the grant guidelines were, in fact,

counter-productive. Not only did opponents fail to achieve their goals of redirecting the funds, but they sabotaged much that they had accomplished over the past few years. During that time, as noted, opponents of Urban Shield had been successful in convincing ACSO to make numerous changes in the program. By dooming the entire program, the critics created a situation whereby a large fraction of the funding would go to other agencies, some of which may not be as sensitive to these concerns and would not be held to honoring the changes made by Alameda County.

The actions of the BOS throughout this review reflect poorly on its ability to analyze and manage an important and complex matter.

CONCLUSION

Elected officials at all levels have, as one of their most important duties, the continued safety of their constituent residents and the protection of both public and private property. The Grand Jury recognizes that its role is not to critique policy decisions by public officials such as the Board of Supervisors. In this particular case, therefore, it is not commenting on how the BOS decided to best prepare its first responders for recovery after acts of terrorism or natural disasters. Instead it is questioning the contradiction that while almost all members of the BOS explicitly stated that they did not want to terminate the Urban Shield program, their mishandling of the process by which the program was reviewed led inexorably to that termination, and the absence of any replacement program to provide this critical training to first responders.

Representative government is messy. However, the Alameda County Board of Supervisors failed in managing this process. As one supervisor put it, "If we lose this grant, I will have nobody to blame but myself."

For years, the Urban Shield grant approval process had been contentious and controversial. BOS and ad hoc committee meetings were well-attended and boisterous. Representative government is messy. However, the Alameda County Board of Supervisors failed in managing this process. As one supervisor put it, "If we lose this grant, I will have nobody to blame but myself."

Challenged with the annual mandate to approve the continued acceptance of the DHS grant, the Board of Supervisors tossed responsibility to solve the many Urban Shield controversies first to a task force, then to an ad hoc committee. The use of ad hoc committees is a well-accepted practice and functions well so long as objectives and deliverables are clear and well-articulated. In this case, they were not. Selection of committee members was questionable at best. With few exceptions the AHC members confirmed their established biases with intractable opinions and votes. Most telling of all was the committee's disregard of explicitly stated criteria in the DHS grant application. In meeting after meeting the AHC labored over recommendations destined to doom grant approval.

The March 12, 2019 Board of Supervisor's meeting revealed a board confused by the AHC's recommendations. Despite the year-long wrangling, legal counsel testimony, and ACSO input,

the BOS proceeded to adopt recommendations from an ill-conceived committee literally rejecting \$5.6 million in vital preparedness and support money, leaving the county and Bay Area residents less safe. Of perhaps even greater concern is the fact that, in examining a subject as important as public safety, the Board of Supervisors did not rely on expert advice from relevant professional county departments. Instead, it mistakenly relied on unchallenged misstatements of fact and inherently flawed and poorly constituted advisory committees.

FINDINGS

Finding 19-16:

Mismanagement of the review process by the Alameda County Board of Supervisors resulted in the loss of essential regional emergency preparedness training, leaving county residents less safe.

Finding 19-17:

The Board of Supervisors failed to provide clear and complete guidelines to the ad hoc committee, particularly in regard to making recommendations that are consistent with grant guidelines.

Finding 19-18:

The Board of Supervisors failed to ensure that the ad hoc committee worked with the Alameda County Sheriff's Office to assure a successful grant application.

Finding 19-19:

The Board of Supervisors selected members to the ad hoc committee that virtually guaranteed partisan advocacy and predictable intractability.

Finding 19-20:

The Board of Supervisors failed to involve county administrative staff for counsel and oversight, a practice routine for important votes involving grants, liability and expenditures.

Finding 19-21:

The ad hoc committee failed to make available to the public materials under consideration at its meetings in a timely manner.

RECOMMENDATIONS

Recommendation 19-15:

The Alameda County Board of Supervisors must develop a policy requiring that ad hoc committees and task forces be provided with specific instructions regarding scope of work, progress reports, deliverables, and timing.

Recommendation 19-16:

The Alameda County Board of Supervisors must check on the progress and productivity of ad hoc committees and task forces and provide regular oversight.

Recommendation 19-17:

The Alameda County Board of Supervisors must strive to appoint advisory committees whose members are both objective and open minded on the subject matter being studied.

Recommendation 19-18:

The Alameda County Board of Supervisors must assign county professional staff to assist in the review of recommendations from advisory committees.

Recommendation 19-19:

The Alameda County Board of Supervisors must inform the public (via newsletters, social media, etc.) as to the formation and purpose of advisory committees. Such committees must make agendas and supporting materials easily accessible online in advance of meetings.

Acronym Key

ACSO	Alameda County Sheriff's Office
DHS	US Department of Homeland Security
BOS	Alameda County Board of Supervisors
USTF	Urban Shield Task Force
AHC	Ad Hoc Committee
BAUASI	Bay Area Urban Area Security Initiative
UASI	Urban Areas Security Initiative
SWAT	Special Weapons and Tactics
ICE	US Immigration and Customs Enforcement
CBO	Community Based-Organization
HCSA	Alameda County Health Care Services Agency
SSA	Alameda County Social Services Agency

RESPONSES REQUIRED

Alameda County Board of Supervisors

Findings 19-16 through 19-21

Recommendations 19- 15 through 19-19

REQUEST FOR RESPONSES

Pursuant to California Penal Code sections 933 and 933.05, the Grand Jury requests each entity or individual named below to respond to the enumerated Findings and Recommendations within specific statutory guidelines:

Responses to Findings shall be either:

- Agree
- Disagree Wholly, with an explanation
- Disagree Partially, with an explanation

Responses to Recommendations shall be one the following:

- Has been implemented, with a brief summary of the implementation actions
- Will be implemented, with an implementation schedule
- Requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a completion date that is not more than 6 months after the issuance of this report
- Will not be implemented because it is not warranted or is not reasonable, with an explanation