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October 12, 2011

ROBERT J. BIRGENEAU
Chancellor
University of California, Berkeley

Dear Chancellor Birgeneau:

A campus PRB project team was established to evaluate and respond to the May 2010 campus Police Review Board's 127-page report entitled *"November 20, 2009, Review, Reflection and Recommendations."* The report was developed in response to the large scale demonstration and building take-over of Wheeler Hall in November 2009.

Attached is the project team's response to this report. It reflects a coordinated, comprehensive and updated response to the PRB report issued in May 2010. It outlines our analytical approach, findings and assessment of the action steps taken over the past year to address the recommendations for the campus Administration and UC Police Department.

The project team consisted of:
♦ Daniel Boggan, Consultant/Project Facilitator
♦ Doreen Moreno, Assistant Director, UCB Local Government & Community Relations/Project Analyst
♦ Chief Mitch Celaya, UCPD
♦ Captain Stephen Roderick, UCPD
♦ Stephen Stoll, Director, UCB Emergency Preparedness & Homeland Security

The project team's analysis also took into account the University's primary mission of teaching, research and public service while providing campus members opportunities to engage in respectful freedom of expression activities. The PRB team's efforts also included meetings with campus administrators, UCPD command staff and faculty, staff and student focus groups which revealed consistent themes and issues that needed to be addressed. Below are these key themes and issues that have been highlighted in our report as areas of improvement to strengthen the University's approach in responding to large scale demonstrations.

- Identify decision-makers and clearly outline their roles and responsibilities.
- Strengthen effective communication and coordination between administration and UCPD.
- Define clear lines of authority and polices and consistently enforce these policies.
- Be proactive in outreach to protest leaders and participants to engage in problem-solving dialogue.
- Respect the rights of all members of the campus community to learn, teach and engage in freedom of expression within a safe environment.

The PRB project team identified specific action steps for the Administration and UCPD that addressed the PRB's recommendations, outlined specific roles of accountability and strived to strengthen the campus' policy framework for addressing disturbances of large civil unrest while encouraging principles of personal accountability and respect for diverse viewpoints. Given the significance of some of the recommendations contained in the PRB Report, many of the recommendations were incorporated into protest management efforts during the course of this past year.

We hope you will find this analysis thoughtful, well-researched and an effective tool as the University continues to move forward in balancing its mission of teaching, research and public service while providing opportunities of freedom of expression within an environment of safety and respect.

Sincerely,

Linda M. Williams
Associate Chancellor

Daniel Boggan
Consultant/Project Team Facilitator

Doreen Moreno
Assistant Director, UCB Local Government & Community Relations/Project Analyst

Mitch Celaya
UCPD Chief

Stephen Roderick
UCPD Captain

Stephen Stoll
Director, UCB Emergency Preparedness & Homeland Security

University of California, Berkeley

UCB Police Review Board's Report
"November 20, 2009 – Review, Reflection and Recommendations"

Response Team Report
Analysis/Recommendations/Updates

September 30, 2011

Project Team
Linda M. Williams, Associate Chancellor
Chief Mitch Celaya, UCPD
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Stephen Roderick, Captain, UCPD
Stephen Stoll, Director, Emergency Preparedness & Homeland Security

Background
On November 20, 2009, 43 students demonstrating against student fee hikes, employee lay-offs and furloughs, amongst other issues occupied Wheeler Hall for several hours. This action resulted in the cancellation of classes affecting 3,800 students, a call by UCPD for mutual aid support and invoked extensive media coverage of the demonstration that received national attention.

As a result of this civil unrest and reports of physical confrontations between the police and protesters, Chancellor Robert Birgeneau and Associate Vice Chancellor Ron Coley with interim responsibility for police services, called for an independent review of the incident (and issues leading up to the event) by the campus' Police Review Board (PRB). After months of research and personal interviews, the PRB released their findings and recommendations in a 127-page report entitled *"November 20, 2009, Review, Reflection and Recommendations"* that was issued in May 2010.

Upon the release of the PRB Report, Chancellor Birgeneau and Associate Vice Chancellor Coley issued a campus wide administrative memo on June 16th 2010 that included the following excerpt:

"We believe that the report's finding should be sobering for us all; this was a difficult day for the entire community and there is no cause for anyone to find reasons for pride or pleasure in this document's contents and conclusion. It portrays a situation of some confusion on the part of all parties: protesters, administration, and police and criticizes the administration and the police for not having foreseen and planned better, and for errors of implementation and failures of effective communication. The report's tone is serious and instructive and, as the Executive Summary declares, the purpose is not to lay blame but to learn lessons from the events so that we can prevent a repeat. We accept responsibility for the assessment of the administration's shortcomings on this day; we are prepared to learn from the report and, to the extent possible, implement its recommendations."

Campus Response to the Police Review Board's Report
In efforts to provide a comprehensive and coordinated response to the PRB's recommendations, the administration appointed a project team that includes administration representatives and UCPD command staff to review and analyze the report's content and to develop responses to these recommendations. This review includes an evaluation of *"UCPD's Initial Response Draft to the PRB Report"*, in addition to other recommendations that support the University's mission of teaching and research, as well as its commitment to freedom of expression and peaceful protest while maintaining a safe environment for all members of the campus community.

This report is intended to examine the November 20th incident, improve upon the actions taken and provide for practices and policies that will guide the administration and UCPD in developing effective communication strategies and operational procedures for future responses to large scale demonstrations.

The team also identified key cross-over themes that define the framework for the campus' future policies and procedures. They include:

- Identify decision-makers and clearly outline their roles and responsibilities.
- Strengthen effective communication and coordination between the Administration and UCPD.
- Define clear lines of authority and policies and consistently enforce these policies.
- Be proactive in outreach to protest leaders and participants to engage in problem-solving dialogue.
- Respect the rights of all members of the campus community to learn, teach and engage in freedom of expression within a safe environment.

Police Review Board's Recommendations
As was noted in the PRB report's introduction, its purpose "is not to identify with certainty all the actions by all the actors who played some role in connection with the demonstrations." Rather, the board defined its primary mission as an effort to "contribute something to learning" and facilitate productive dialogue."

With this approach as a baseline, the report outlined several recommendations that were stipulated separately for the Administration and UCPD. The PRB Project Team took this purpose into account and addressed recommendations as adequately as possible. In addition, the PRB Project Team provides "supplemental recommendations" derived from other learning opportunities acquired over the course of this past year. We consider these recommendations to be ones in which on-going review is conducted and modifications considered as a result of continued learning experiences.

Table 1: PRB Recommendations for the Administration

PRB Recommendation	UCB Response	Status/ Completion Date	Accountability
Develop written policies and protocols for responding to group acts of civil disobedience. Specify roles of the Administration and UCPD. Establish clear communication procedures.	A Crisis Management Team (CMT) consisting of key senior level administrators and the Police Chief with specified roles has been established to respond immediately and decisively to large scale situations.	Crisis Management Team Incident Severity System has been developed.	Associate Chancellor Linda Williams Vice Chancellor John Wilton Associate Vice Chancellor Claire Holmes UCPD Police Chief Mitch Celaya
Decide under which circumstances to use the systems for communication and coordination that already have been established in the Emergency Operations Plan.	The Chair of the *Chancellor's Emergency Policy Group (CEPG)* and the AVC overseeing UCPD will coordinate the activation of the campus' Emergency Operations Plan and designated emergency center. Will notify Crisis Management Team and Departmental Operations Center (DOC) leaders of the activation decision immediately.	All designated decision-makers and leaders have been identified and advised.	Associate Chancellor Linda Williams Vice Chancellor John Wilton Associate Vice Chancellor Ron Coley
Enhance process for communicating and consistently enforcing policies and rules re: civil disobedience situations, including prohibiting false fire alarms.	UCPD revised the "Rallies and Demonstrations" policy (Patrol Order #6) that specifically addresses police staff responsibilities and procedures for responding to large scale campus wide protests and rallies, which include a building take-over, fire alarm pulls, etc. Revised policy works in tandem with the CMT Incident Severity System.	Updated June 2011.	Associate Chancellor Linda Williams Vice Chancellor John Wilton UCPD Police Chief Mitch Celaya
Educate all parts of the campus community, especially students about rules that apply to civil disobedience and consequences of violating these rules.	Time, Place and Manner Rules were revised and distributed campus-wide. Academic Senate Chair Chris Kutz distributed "How to Protest Safely" campus-wide.	Completed August 2010 and is communicated on an annual basis.	Vice Chancellor Harry LeGrande

PRB Recommendation	UCB Response	Status/ Completion Date	Accountability
For anticipated demonstrations, identify specific scenarios, develop detailed strategies and identify specific campus leaders in succession of authority.	The framework for responding to three (3) levels of disruptive activity- *Crisis Management Incident Severity System* - was developed by the PRB Project Team.	The CMT meets regularly to plan for demonstration scenarios.	Associate Chancellor Linda Williams Vice Chancellor John Wilton Associate Vice Chancellor Ron Coley UCPD Police Chief Mitch Celaya
Decide, in advance, who will be in charge. Decide who will be in charge if the person who is to be in charge is not available.	The Crisis Management Team (CMT) is responsible for communicating with protest leaders and participants, and for disseminating information to the campus community. The CMT works cooperatively with Public Affairs.	On-going.	Associate Chancellor Linda Williams Vice Chancellor John Wilton Associate Vice Chancellor Claire Holmes Associate Vice Chancellor Ron Coley
Set up a system for gathering information independently and for informing all affected entities and persons.	Utilize Facebook, blogs, other social networking tools, the Daily Cal, campus website and notify campus building coordinators to communicate with students, faculty and staff.	On-going.	Associate Vice Chancellor Claire Holmes Associate Vice Chancellor Ron Coley
Set up a system for prompt and reliable communication within the Administration. Include other identified administrative leaders in the communication loop.	The Crisis Management Team (CMT) is responsible for communicating with protest leaders and participants and disseminating information to the campus community as appropriate. The CMT will keep the Chancellor's Campus Emergency Policy Group informed of developing issues associated with protests.	On-going.	The Crisis Management Team Vice Chancellor John Wilton (*Chair of the Chancellor's Emergency Policy Group*).
Initiate communication with "protest leaders" or visible participants immediately after protest begins. Demonstrate this outreach to the campus community and the media.	The Crisis Management Team is responsible for communicating with protest leaders and participants and disseminating information to the campus community. Public Affairs is responsible for communicating with the media and coordinates this information with the Crisis Management Team.	On-going.	Crisis Management Team Members

PRB Recommendation	UCB Response	Status/ Completion Date	Accountability
Identify specific administrative leaders' positions and roles who will directly communicate with protesters and who will serve as direct contacts for disseminating information to specific constituencies.	The Crisis Management Team is responsible for communicating with protest leaders and participants and disseminating information to the campus community. Public Affairs is responsible for communicating with the media and coordinates this information with the Crisis Management Team.	On-going.	Crisis Management Team Members
During demonstrations, remain visible and accessible to respond promptly to concerned faculty and students.	The Crisis Management Team is the entity that is responsible for communicating with the campus community, which includes faculty, staff and students.	On-going.	Crisis Management Team Members
Re-evaluate the size and organization of UCPD to determine staffing levels to appropriately respond to large scale acts of civil disobedience. [See response under "UCPD Initial Response" document.]	Current staffing not adequate for every level of required response.	To be completed by November 30, 2011.	UCPD Police Chief Mitch Celaya will assess operational and staffing needs and will discuss with Vice Chancellor John Wilton to explore funding potential.

Table 2: PRB Recommendations for UCPD			
PRB Recommendation	**UCB Response**	**Status/ Completion Date**	**Accountability**
Revamp and reinvigorate attitude training – and require all officers to complete supplemental attitude training every year.	All UCPD officers participate in annual Advanced Officer Courses provided throughout their careers. Topics cover areas such as diversity and sensitivity training, gender equity, enhancement of police/student relations and discussion on common misconceptions, quality customer service, etc.	On-going. Most recent training occurred in February 2011.	UCPD Police Chief Mitch Celaya
Improve relations and understandings with the Berkeley Police Department.	UCPD and BPD currently have an operational agreement outlined in UCPD General Order O-2 which specifies the working relationship for addressing both on and off campus issues. UCPD and BPD command staff currently meet monthly to discuss issues, develop protocols and to clarify expectations. The two agencies are currently working to clarify policies and practice of BPD's deployment to support campus civil disobedience and demonstration activities.	On-going meetings are continuing with UCPD and BPD.	UCPD Police Chief Mitch Celaya
Formulate specific plans for responding to occupations of campus buildings by demonstrators – and conduct trainings that test mastery of those plans.	Debriefings are conducted by UCPD command staff after each demonstration to evaluate protest group tactics, actions taken by UCPD and performance. Overarching response plans for building occupation are being developed, and will be defined more specifically as situations unfold in conjunction with the conduct of the demonstrators and the direction of the Administration.	Framework for responding to building occupations is now part of UCPD Crowd Management Policy.	Administration and UCPD
Establish and train a crowd control team.	UCPD has a Special Response Unit (SRU) that has been in existence since the mid 1980's and trains regularly throughout the year. The Crowd Management Team consists of one (1) Lieutenant, two (2) Sergeants and ten (10) officers.	Established and continues with on-going training.	UCPD Police Chief Mitch Celaya

PRB Recommendation	UCB Response	Status/ Completion Date	Accountability
Command posts for major operations.	UCPD instituted the practice of establishing a Departmental Operations Center (DOC) or Incident Command Post (ICP), as well as implementing Incident Command System (ICS) procedures to manage large scale events. Future practices will include utilizing the ICS/National Incident Management System (NIMS) model to manage all events and implementation of staff training in this operational model.	Completed in March 2010.	UCPD Police Chief Mitch Celaya Emergency Preparedness Director Stephen Stoll
Real time communication with all law enforcement personnel.	UCPD recently committed to join the East Bay Regional Communications System Authority which will allow for direct communications with all external policing agencies who may be called upon for mutual aid assistance. UCPD is also an active member of Law Enforcement Online (LEO) and routinely utilizes the Virtual Command Center (VCC) capability. The VCC allows UCPD to have real-time communications with any law enforcement agency involved in similar operations/activities via a secure web-hosted command center.	Phased approach. UCPD is working with BPD and other policing agencies to assess common communications equipment and existing protocols to be completed by June 2012.	UCPD Police Chief Mitch Celaya
Real time communication with the Administration.	The Incident Command System will facilitate communication with the Administration, as well as the use of Web EOC technology where Administrators will be able to see real time status and incidents occurring. Combined with identified liaison staff, both at the command post and Crisis Management Team, this will ensure the exchange of information, direction, and expectations.	Completed.	UCPD Police Chief Mitch Celaya
Communicating with demonstrators and their supporters.	UCPD purchased an outdoor PA system to improve communication with demonstrators and supporters. UCPD also developed a template for identifying protest leaders, implementing communication training and protocols and will continue to utilize campus liaisons, such as Campus Life & Leadership advisors.	Completed. Will provide training on a continuous basis.	UCPD Police Chief Mitch Celaya

PRB Recommendation	UCB Response	Status/ Completion Date	Accountability
Communicating with the media and with interested persons who are not at the scene.	UCPD has a designated Public Information Officer, as well as trained and available back up officers to fill in as needed. Will coordinate with Strategic Communications spokespersons in Public Affairs on messaging and timing.	Completed.	UCPD Police Chief Mitch Celaya Lt. Alex Yao Associate Vice Chancellor Claire Holmes Executive Director Dan Mogulof
Before taking action in the field that could affect the status, location, or activities of demonstrators, address each of the following questions in earnest:		See below.	
• *Perimeter Lines*	The use and establishment of perimeter lines will be reviewed and evaluated to ensure that UCPD uses the most practical and non-intrusive methods available. Protection and preservation of the protest area, along with safety and security of staff and other participants is an essential element of the evaluation.	Completed.	UCPD Police Chief Mitch Celaya
• *Mutual Aid*	UCPD has reviewed the Law Enforcement Mutual Aid system and has evaluated the role outside agencies will play. UCPD command staff plans to meet with command staff from identified policing agencies to discuss a common understanding of "use of force" and strategies for deployment to campus demonstrations. Consideration to establish a "mutual aid reserve fund" is being evaluated.	On-going.	UCPD Police Chief Mitch Celaya

PRB Recommendation	UCB Response	Status/ Completion Date	Accountability
• **_Barricades_**	UCPD is working with PP-CS, Athletics and other campus entities that regularly utilize metal barricades to determine inventory, location and potential transportation requirements for accessing them when needed.	Completed June 2011.	UCPD Police Captain Stephen Roderick
• **_Videotaping events_**	Assigned specific UCPD personnel to videotape demonstrations and other events with specific instructions to pay close attention to arrest and other police/demonstrator contacts.	On-going.	UCPD Police Captain Stephen Roderick
Improve response time by off-duty UCPD officers.	Currently UCPD sworn staff are deployed on either 10 or 12 hour work shifts providing 3 or 4 consecutive days off for employees who quite often leave the area on their days off and are unavailable for quick call backs. To address this issue would require either stand by compensation, or significant staffing to modify the current deployment.	Completed. Past cost of stand-by pay was $60,000 a year. Contract arrangements have been made to assist as needed.	UCPD Police Chief Mitch Celaya
Don't be visibly inconsistent in responding to violations of rules or orders.	UCPD is committed to work closely with senior level administrators to ensure consistent responses to violations of rules or orders which will allow for timely response and direction.	On-going. Updated: Time, Place & Manner and UCPD's Crowd Management Policies.	UCPD Police Chief Mitch Celaya Vice Chancellor Harry LeGrande
Hold full debriefings of major operations within three calendar days.	Every effort is made to debrief as soon as possible, but the current alternate staffing plan hinders the ability to completely comply with a 5-7 day expectation. Seven calendar days is more realistic.	Policy revisions are in progress and are reviewed annually.	UCPD Police Chief Mitch Celaya

PRB Recommendation	UCB Response	Status/ Completion Date	Accountability
Operational Reviews.	Currently reviewing the General Order addressing the policy and procedures for operational reviews. Also evaluating the current complaint investigation processes and procedures and considering establishing a specific group of investigators who will be provided additional training and resources to investigate complaints.	Policy revisions are in progress and are reviewed annually.	UCPD Police Chief Mitch Celaya
De-brief with the Administration and the PRB.	UCPD feels that the involvement of the PRB in police operations debriefings would be a direct conflict of interest with the PRB's primary mission of investigating complaints made against UCPD officers. It is more effective to have them present during discussions involving evaluations of UCPD methods, tactics or specific actions. UCPD is in agreement to participate in debriefings with the CMT.	UCPD participates fully in CMT briefings.	UCPD Police Chief Mitch Celaya

Supplemental Recommendations

Coordination with Local Leaders
Large scale demonstrations have a tremendous impact on both the campus community and the external community. UCPD depends upon the assistance of City of Berkeley police officers to augment staffing levels to respond adequately to large protests. The recent review of existing campus policies and practices indicates there is a need to improve communication between the Berkeley campus and city administrations and to enhance the effective cooperation between both policing jurisdictions on mutual aid response given that BPD is logistically the first responder to a mutual aid request.

The project team's recommendation is to schedule a meeting between the Chancellor, Mayor, both police chiefs and designated senior level staff to discuss establishing an informal agreement regarding lower level responses that do not require an official initiation of mutual aid assistance. This agreement could potentially include a financial reserve to specifically be used to assist UCPD with defusing sudden events that have the potential to become civil disobedience situations. Holding annual meetings should be considered to discuss both new issues and successful practices.

In addition, UCB Local Government & Community Relations staff will continue to coordinate briefings for Berkeley Council members and the City Manager to inform them of the cooperative communication practices underway and the proposed agreement.

Campus Communication Partners
Each "constituency" of the campus community needs to be represented and engaged in the information gathering and communications process because they are impacted directly or indirectly. Their input will be valuable in assisting the Administration in making decisions on effective strategies and will serve as significant liaisons to various campus sectors.

➢ *Faculty Communications Team* –Will coordinate with the Deans and other designated faculty to serve as communication partners with the Administration and UCPD.

➢ *Student Communications Team* –Will coordinate with the Student Advisory Committee currently in place under the Office of the Vice Chancellor – Student Affairs and the ASUC leadership to serve as a communication partner with the Administration and UCPD.

➢ *Staff Communications Team* – Will coordinate with the Director of Staff Diversity Initiatives under the Division of Equity & Inclusion in partnership with the Berkeley Staff Assembly and Chairs of the Council of Staff Organizations to serve as communication partners with the Administration.

Public Communications Training
It is important for the campus Administration and UCPD to coordinate on the timing and delivery of information and to understand the key messages that are important to the various audiences that include the campus community, external communities and the media. In efforts to enhance communication strategies, it is suggested that under Public Affairs, the Strategic Communications and Media Relations units will provide media training to members of the Crisis Management Team, Chancellor's Emergency Policy Group and all UCPD command staff.

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Campus Community Outreach

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Focus Group Feedback

In efforts to provide a preview of the PRB Project Team's analysis to the campus community, focus groups were held with staff, faculty and students to solicit their perspectives and input. The exchange was quite positive and informative and it became clear there is a genuine interest to be involved in the process of creating a campus community that supports freedom of expression and public safety measures for everyone.

Therefore, creating a framework that contributes to on-going dialogue and incorporating a "community-oriented policing" approach - as one student participant stated, "establishing a culture of care" is essential to achieving these goals. A possible recommendation for a group structure would be to include 2-3 designated representatives from each communications team to participate in post-demonstration debriefings as an ad hoc *Campus Community Task Force* that would include key senior administrators from the CMT and UCPD.

During the focus group sessions, the five key themes that have resonated throughout our analysis – (1) Communication (2) Clarity (3) Effectiveness (4) Accountability and (5) Responsiveness were selected for the power point presentation to summarize the PRB Project Team's responses. The feedback from the focus groups was consolidated under these themes in efforts to maintain consistency with the analysis and discussion.

Communication
♦ Create more opportunities for UCPD officers to inform students on protest issues and behavior, such as "tabling" on Sproul Plaza to provide information on protest rights, safety techniques, time, place and manner rules, etc. with a goal of creating a "culture of care."

♦ UCPD should partner with RA's in student residence halls to enhance communication ties with students, as well as receive their input and information during and after protests. Possibly Community Service Officers (CSO's) could assist with this outreach.

Clarity
The following suggestions will be incorporated into the administration's crisis management procedures.
♦ Clearly identify senior administrators that faculty members can contact when a crisis is underway.

♦ Provide written decision-making protocols for the Crisis Management Team (CMT) to maintain continuity of attention to policies and procedures through changes in the administrative personnel involved in the process.

♦ CMT should prepare a "Post Crisis Summary" after each incident for assessment purposes. The post-action summaries can also be electronically archived for future reference.

Effectiveness
♦ The CMT should participate in formal crisis management workshops to enhance their training in dealing with large scale crisis situations.

Accountability
- Provide more clarity between the role and responsibilities of the Chancellor's Emergency Policy Group (CEPG) and the Crisis Management Team, which is a subset of the CEPG. (More explanation is under Appendix #1, Administration-PRB 9, page 16.) Possibly consider distributing a campus wide memo that is strategically sent to key faculty, staff and student leadership groups to ensure that these groups understand the roles and responsibilities of these administrative offices.

- Establish a framework for training students in civil disobedience behavior and its consequences. Consider having the Student Affairs Division take the lead, along with the Student Conduct Office in creating this framework.

Responsiveness
- Establish some sort of "administration hotline" where the campus community can provide information to decision-makers in advance of an anticipated large scale demonstration and during the crisis.

APPENDIX 1

Recommendations for the Administration

- PRB Recommendation – ***In a written policy that is developed specifically for responding to group   acts of civil disobedience, set forth clearly the allocation of authority and responsibility between the civilian Administration and UCPD.***

  UCB Response - A campus "Crisis Management Team" has been established and is being led by Associate Chancellor Linda Williams and Public Affairs Associate Vice Chancellor Claire Holmes. The team consists of senior level administrators representing the Office of the Chancellor, Office of the Vice Chancellor - Student Affairs, Office of the Vice Chancellor Administration and Finance, Office of the Executive Vice Chancellor & Provost, UCPD Police Department and the Office of Legal Counsel to respond immediately as a decision-making group regarding large scale demonstrations.

- PRB Recommendation – ***Decide whether, or under which circumstances, to use the systems for communication and coordination that already have been established in the Emergency Operations Plan.***

  UCB Response – The campus Emergency Operations Plan (EOP) utilizes a "graded approach" for activation of the Emergency Response Organization. The plan includes three (3) Emergency Response Levels (ERL) that correlate to the specific magnitude of the emergency. The decision to activate the "emergency operations center" takes into account what level of emergency the campus is experiencing.

  Emergency Response Level (ERL)

  - **ERL 1 - Standby/Alert**: The emergency involves incidents that can be managed using normal response operations. The EOC is not activated, but appropriate EOC personnel are informed and placed on alert status. DOC's may be activated during Level 1 situations, if deemed appropriate by supervisory personnel.

  - **ERL 2 -Partial Activation**: The emergency can no longer be managed using normal procedures. The EOC is partially activated, meaning one or more DOCs may be activated, depending upon the nature of the incident. EOC staffing decisions are made by the person fulfilling the role of EOC Director, and depend on the circumstances surrounding the event.

  - **ERL 3 - Full Activation**: A campus proclamation of emergency is declared during a Level 3 alert which commonly has been reserved for natural disasters (such as an earthquake) or homeland security emergencies (such as a terrorist attack). The EOC is activated in either its primary or secondary location, along with all eight (8) DOCs and the emergency personnel assigned to them.

Currently large scale demonstrations (including building takeovers, "sit-ins," etc.) are handled through the activation of a Department Operations Center (DOC) and/or UCPD Command Post (CP). The DOCs include eight (8) campus departments (UCPD, Environment, Health & Safety, Public Affairs, University Health Services, Human Resources, Residential Student Services, Information Systems & Technology and Facilities Services) that can be activated individually to coordinate the operations and activities of their personnel and resources during off-normal and limited emergency situations. Activation of 2 or more DOC's may trigger the implementation of the campus-wide Emergency Response Organization (ERO).

The campus has now developed the "***Crisis Management Incident Severity System***" to specifically activate a UCPD DOC/Command Post in response to unplanned large scale demonstrations resulting in building occupations, severe property damage and public safety threats. The administration's Crisis Management Team will work in close coordination with the Chair of the *Chancellor's Emergency Policy Group* (CEPG) to ensure the Chancellor's cabinet is kept informed of the evolving activity and the decisions being made.

Below are the specific incident levels that will be included in the campus' Emergency Operations Plan and will guide UCPD's public safety and crisis management approach.

Crisis Management Incident Severity System

Level 1 Incident: **Routine**   These events are managed by UCPD Chief.

- Small, non-violent demonstrations
- Planned, approved and cooperative action
- Meets time, place and manner standards

Level 2 Incident: **Urgent**   The Associate Chancellor will convene the Crisis Management Team (CMT*.)* The CMT will work with UCPD to develop and manage appropriate Administrative and/or Law Enforcement responses to protest group actions. The CMT will also establish communication with the Chancellor's Emergency Policy Group regarding continuing protest activity.

- Building take-overs that are non-violent and resolved upon order to exit
- Blocked traffic as part of demonstration tactics
- Police response includes UCPD, City of Berkeley and UCSF

Level 3 Incident: **Crisis**   The Associate Chancellor and Chancellor's Emergency Policy Group convenes. Law Enforcement Mutual Aid is activated by UCPD Chief.

- Building take-over has become disruptive to campus safety
- Campus is not able to conduct business
- Severity of property damage
- Campus management team is on site, as well as communications center advisors

- PRB Recommendation – *For civil disobedience: fix, publicize, and consistently enforce clear polices and rules. Include a specific provision prohibiting false fire alarms.*

  UCB Response – UCPD revised the "Rallies and Demonstrations" policy (Patrol Order #6) that specifically addresses police staff responsibilities and procedures for responding to large scale campus-wide protests and rallies, which include a building take-over, fire alarm pulls, etc. Revised policy works in tandem with the CMT Incident Severity System.

- PRB Recommendation - *Educate all parts of the campus community, but especially incoming students (undergraduate and graduate) about the rules (criminal, civil, and campus rules that affect academic standing) that apply to civil disobedience and the consequences of violating these rules.*

  UCB Response – Time, Place and Manner Rules were revised and distributed campus-wide. Academic Senate Chair Chris Kutz distributed "How to Protest Safely" campus –wide.

- PRB Recommendation - *For anticipated demonstrations, use time that is committed to advance planning more productively by identifying specific scenarios and developing multiple detailed strategies (and tactics) for responding to each scenario.*

  UCB Response – The framework for responding to three levels of disruptive activity is completed.

- PRB Recommendation – *Decide in advance, who will be in charge. Decide who will be in charge if the person who is to be in charge is not available.*

  UCB Response – Associate Chancellor Linda Williams leads the Crisis Management Team in coordination with Associate Vice Chancellor Claire Holmes. They convene the group and coordinate with the Vice Chancellor of Administration and Finance John Wilton on decision-making duties.

- PRB Recommendation – *Set up a system for gathering information independently and for sharing it promptly with all affected entities and persons.*

  UCB Response –The Vice Chancellor of Student Affairs and Vice Chancellor of Equity & Inclusion will designate key units to evaluate and strengthen existing communication methods and develop new forums to communicate the campus' *Time, Place and Manner* rules regarding freedom of expression and inquiry. Some of these key offices will include Office of Student Life, Office of Student Conduct, multicultural Student Development Offices, Residential Student Services Programs, etc. UCPD will also make available Time/Place/Manner "reminder cards" that can be distributed by any UC representative to any affiliate involved in a demonstration.

- PRB Recommendation – *Set up a system for prompt and reliable communication within the Administration, ensuring that the person or people in charge have all the pertinent information that is known by all the other administrative players.*

  UCB Response - Associate Chancellor Linda Williams leads the Crisis Management Team (CMT) in coordination with Associate Vice Chancellor Claire Holmes.

The CMT is a subset of the Chancellor's Emergency Policy Group responsible for advising on emergency management matters. The CMT will serve as the administrative operational group for coordinating with the UCPD Chief and for communicating demonstration activity to the Chancellor and the Emergency Policy Group.

- PRB Recommendation – *During group acts of civil disobedience, search actively for ways to communicate not only with "leaders" of the protest, but also with the persons who are participating. Initiate such efforts immediately after the protest event begins, be persistent and be sure these efforts to communicate are visible to participants, to the campus community, and to the media.*

    UCB Response – The Crisis Management Team will serve as a direct communications link with protest leaders and participants. Since students tend to use Twitter, Facebook and other electronic communication tools to organize and communicate instantaneously, CMT designees will also engage campus student support staff to provide intelligence gathering and to serve as direct liaisons between student leaders/activists, administrators and UCPD. These staff have developed confidence and trusting relationships with students that can have a positive impact in solution-oriented dialogue.

    The CMT will also coordinate with Public Affairs by providing updates to help them gauge the timing of information dissemination and interviews.

- PRB Recommendation – *Determine the appropriate level of Administration that should participate in such efforts to communicate –and clearly identify (for the protesters and others) the position and role of each person from the Administration who initiates communication with or responds to communication from the protesters.*

    UCB Response – Associate Chancellor Linda Williams leads the Crisis Management Team (CMT) in coordination with Associate Vice Chancellor Claire Holmes. They, along with other CMT members will serve as direct contacts for disseminating information to specific constituencies.

- PRB Recommendation – *During demonstrations, find ways to remain accessible and to respond promptly to concerned faculty and students. Be sure the Administration's accessibility is visible. Avoid the appearance of a "bunker mentality."*

    UCB Response – The *Crisis Management Team* will be responsible for communicating demonstration updates to the general campus community and will designate team members to be responsible for communication and outreach to faculty, staff or student audiences. In addition, senior level administrators will implement a proactive communications and outreach plan that engages the campus community's input and participation for deescalating future demonstrations and educates the campus on the criteria and procedures for engaging mutual aid officers.

    Outreach efforts may include:
    - Scheduling at least one "Town Hall" meeting. This forum can serve as a "*Chancellor's State of the Campus*" which can provide a budget update and a better understanding of the context for administrative decision-making.

- Develop a formal process for students and other campus community members to document their issues and suggested solutions. Coordinate with Public Affairs and the Daily Cal to develop "blogs" and other forms of electronic communication tools to inform the broad based campus community.

- PRB Recommendation – ***Reevaluate the size and organization of UCPD to determine the levels of staffing that will be sufficient to enable our police force to respond appropriately to large scale group acts of civil disobedience.***

  UCB Response – Due to the economic downturn, UCPD was asked to reduce the 08/09 and 09/10 budgets resulting in a reduction of the operations budget by $2.16 million dollars. This reduction translated in the loss of 14.5 police officer positions and 7.0 non-sworn positions. Although these reductions have been absorbed within operations, the existing staffing levels have proven to limit UCPD ability to respond adequately to large scale demonstrations.

APPENDIX 2

Recommendations for UCPD

The following priorities are initial responses by UCPD to the recommendations outlined in the Police Review Board's Report which were submitted in March 2010. The responses also address campus policy changes, training needs and resource requirements.

- PRB Recommendation - ***Revamp and reinvigorate attitude training – and require all officers to complete supplemental attitude training every year.***

  UCB Response - All UCPD officers participate in annual Advanced Officer Courses provided throughout their careers. Topics cover areas such as diversity and sensitivity training, gender equity, enhancement of police/student relations and discussion on common misconceptions, quality customer service, etc.

- PRB Recommendation - ***Improve relations and understandings with the Berkeley Police Department.***

  UCB Response – UCPD and BPD currently have an operational agreement outlined in UCPD General Order O-2 which specifies the working relationship for addressing both on and off campus issues. UCPD and BPD command staff currently meet monthly to discuss issues, develop protocols and to clarify expectations. The two agencies are currently working to clarify policies and practice of BPD's deployment to support campus civil disobedience and demonstration activities.

- PRB Recommendation - ***Formulate specific plans for responding to occupations of campus buildings by demonstrators – and conduct trainings that test mastery of those plans.***

  UCB Response – Debriefings are conducted by UCPD command staff after each demonstration to evaluate protest group tactics, actions taken by UCPD and performance. Overarching response plans for building occupation is being developed, and will be defined more specifically as situations unfold in conjunction with the conduct of the demonstrators and the direction of the Administration.

- PRB Recommendation - ***Establish and train a crowd control team.***

  UCB Response - UCPD has a Special Response Unit (SRU) that has been in existence since the mid 1980's and trains regularly throughout the year. The Crowd Management Team consists of one (1) Lieutenant, two (2) sergeants and ten (10) officers.

- PRB Recommendation - ***Command posts for major operations.***

  UCB Response – UCPD instituted the practice of establishing a Departmental Operations Center (DOC) or Incident Command Post as well as implementing Incident Command System procedures to manage large scale events. Future practices will include utilizing the ICS/NIMS model to manage all events and implementation of staff training in this operational model.

- <u>PRB Recommendation</u> - ***Real time communication with all law enforcement personnel.***

  <u>UCB Response</u> - UCPD recently committed to join the East Bay Regional Communications System Authority which will allow for direct communications with all external policing agencies who may be called upon for mutual aid assistance. UCPD is also an active member of Law Enforcement Online (LEO) and routinely utilizes the Virtual Command Center (VCC) capability. The VCC allows UCPD to have real-time communications with any law enforcement agency involved in similar operations/activities via a secure web-hosted command center. UCPD utilizes LEO every time it activates an Incident Command Post.

- <u>PRB Recommendation</u> - ***Real time communication with the Administration.***

  <u>UCB Response</u> - The use of the Incident Command System will facilitate communication with Administration as well as the use of Web EOC technology where Administrators will be able to see real time status and incidents occurring. Combined with identified liaison staff, both at the command post and Crisis Management Team, this will ensure the exchange of information, direction, and expectations.

- <u>PRB Recommendation</u> - ***Communicating with demonstrators and their supporters.***

  <u>UCB Response</u> - UCPD purchased an outdoor PA system to improve communication with demonstrators and supporters. UCPD also developed a template for identifying protest leaders, and for implementing communication training and protocols, and will continue to utilize campus liaisons, such as Campus Life & Leadership advisors.

- <u>PRB Recommendation</u> - ***Communicating with the media and with interested persons who are not at the scene.***

  <u>UCB Response</u> - UCPD has a designated Public Information Officer, as well as trained and available back up officers to fill in as needed. The department will also coordinate with Strategic Communications spokespersons on messaging and timing.

- <u>PRB Recommendation</u> - ***Before taking action in the field that could affect the status, location, or activities of demonstrators, address each of the following questions in earnest:***

  o ***Perimeter Lines***

  <u>UCB Response</u> - The use and establishment of perimeter lines will be reviewed and evaluated to ensure that UCPD uses the most practical and non-intrusive methods available. Of utmost importance is maintaining a perimeter that will provide for protection and preservation of the protest area, along with safety and security of staff and other participants.

  o ***Mutual Aid***

  <u>UCB Response</u> - UCPD has reviewed the Law Enforcement Mutual Aid system and has evaluated the role outside agencies will play. UCPD command staff plans to meet with command staff from identified policing agencies to discuss a common understanding of "use of force" and strategies for deployment to campus demonstrations. Consideration to establish a "mutual aid reserve fund" is being considered.

- o ***Barricades***

UCB Response - UCPD is working with PP-CS, Athletics and other campus entities that regularly utilize metal barricades to determine inventory, location and potential transportation requirements for accessing them when needed.

- o ***Videotaping events***

UCB Response - Assigned UCPD personnel video tape demonstrations and other events with specific instructions to pay close attention to arrest and other police/demonstrator contacts.

- PRB Recommendation - ***Improve response time by off-duty UCPD officers.***

  UCB Response - Currently UCPD sworn staff are deployed on either 10 or 12 hour work shifts providing 3 or 4 consecutive days off for employees who quite often leave the area for excursions and are unavailable for quick call backs. To address this issue would require either stand by compensation, or significant staffing to modify the current deployment. Cost of stand-by pay is $60,000 a year per officer.

- PRB Recommendation - ***Don't be visibly inconsistent in responding to violations of rules or orders.***

  UCB Response - UCPD is committed to working closely with senior level administrators, campus safety and other units to develop clear lines of communication which will allow for timely response and direction, including updating Time, Place & Manner policies and building take-over policies.

- PRB Recommendation - ***Hold full debriefings of major operations within three calendar days.***

  UCB Response - Every effort is made to debrief as soon as possible, but the current alternate staffing plan hinders the ability to completely comply with a 5-7 day expectation. Seven calendar days is more realistic.

- PRB Recommendation - ***Operational Reviews***.

  - o ***Conduct operational reviews as soon after the operations are completed as possible.***

  - o ***Train officers who conduct interviews as part of operational reviews not to appear to give legal advice or to offer legal opinions to witnesses.***

  - o ***Train officers who conduct interviews as part of operational reviews to ask open-ended, non-leading questions and not to attempt to cross-examine witnesses.***

  - o ***Do not use one interview or one interviewer for the two separate purposes of (1) preparing an operational report and (2) investigating a complaint against identifiable officers.***

- o *Design systems for gathering information that assure that the data ultimately collected will reflect a fair balance of inputs from different perspectives. Try to interview as many people who might be unhappy with the operation as people who might be pleased with it.*

- o *In preparing the report itself, acknowledge squarely evidence or information that contradicts or is inconsistent with any findings or recommendations that are made; and when explaining findings, explicitly set forth the reasoning by which one set of inferences was rejected in favor of another.*

UCB Response - UCPD is currently reviewing the General Order addressing the policy and procedures for operational reviews. Also evaluating the current complaint investigation processes and procedures and considering establishing a specific group of investigators who will be provided additional training and resources to investigate complaints.

- • PRB Recommendation - *De-brief with the Administration and the PRB.*

   UCB Response - UCPD feels that the involvement of the PRB in debriefings police operations would be a direct conflict of interest with the PRB's primary mission of investigating complaints made against UCPD officers. It is more effective to have them present during discussions involving evaluations of UCPD methods, tactics or specific actions.

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