

University of California Berkeley

***Chancellor's Independent Advisory Board on Police
Accountability and Community Safety***

2020-2021 Year-End Report

September 2021

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One of the primary charges of the Independent Advisory Board on Police Accountability and Community Safety (IAB / board) is transparency—not as an end in and of itself, but rather as an important step toward accountability and transformative change. We on the IAB aim to make the structures of policing, harm, and safety on Berkeley's campus more transparent so that campus community members and neighbors (particularly those harmed by policing) can decide for themselves what needs to change and how, with as much information and support from the IAB as possible.

This charge of transparency includes the IAB: we must be transparent in our own dealings, successes, and failures. Accordingly, here is a brief report on what some members of the IAB have learned this year in working to change policing and safety on Berkeley's campus through the structure of a Chancellor's Board. Unfortunately, this report was written by students on the IAB without faculty or staff participation, though faculty and staff were invited to participate. From the students' perspective, faculty and staff IAB members did not commit to the labor, accountability, and humility necessary to write a year-end report.¹ As a result, the IAB finished the 2020-2021 academic year in a state of internal discord, fractured relationships, and political disagreement.

Our findings and full explanations are listed in the following pages. It is also worth noting that the University of California Office of the President (UCOP) is simultaneously producing a systemwide policing and safety plan and implementation program, but the UC Berkeley IAB has not been specifically included as a party in the UCOP plan's development. We will reference [the UCOP plan](#) periodically but are centering the unique needs and circumstances of UC Berkeley in this report. We are concerned that many of the proposals in the UCOP plan will further entrench and even extend the influence of the University of California Police Department (UCPD), rather than reducing UCPD's funding and scope in favor of more accountable, effective, and just safety programs.

¹ A handful of staff members (e.g. Dr. Mia Settles-Tidwell and Dr. Martha Chavez) were supportive of the IAB throughout the year and were helpful in moving forward student-identified priorities. However, in general, administrative leadership did not consistently follow through on commitments to provide information, complete tasks, or listen with humility to student perspectives and/or the perspectives of those harmed by UCPD or who otherwise feel unsafe on campus.

Findings

- 1. Information on the resources used for policing on Berkeley's campus is difficult to acquire for a variety of reasons: poor record-keeping, lack of dedicated staff and/or data systems expertise, laws preventing disclosures, and institutional resistance to the democratization of information.** This problem was identified in the initial 2019-2020 IAB report and has not been adequately addressed. The campus has granted data access to the People Lab, but the People Lab data use agreement is not transparent or accountable to important constituencies and does not allow for meaningful community ownership of police data. Lack of access to information interferes with the IAB's charge.
- 2. Efforts at policing transparency and accountability are constrained by the California Police Officer Bill of Rights (POBR), a section of California code that grants considerable protections to officers accused of misconduct. Nonetheless, the IAB should be able to take on a more central role in complaint review, investigation, and disciplinary action. Furthermore, a non-UCPD investigative body can and should be established to receive, investigate, and settle complaints, rather than relying on UCPD to receive and investigate complaints against its own personnel.**

This is supported by UCOP's recent [UC Community Safety Plan](#) (guideline 4), though the UCOP Plan does not identify adequate resources for this task. The single full-time employee for the entire UC system referenced in the UCOP plan cannot be reasonably expected to provide robust "accountability and independent oversight." Furthermore, we are concerned about the ability of a student-, community member-, and faculty-staffed civilian oversight board to provide complete complaint review, given the limitations imposed by POBR. Unless carefully constructed, a civilian board is likely to be ineffectual because members will most likely not be able *to actually see, investigate, and settle complaints in necessary detail*. We expand on these challenges in the full treatment of finding #2 later in this report.

- 3. There is internal disagreement on the IAB in three key areas:**
 - **How to operationalize the IAB's charge;**
 - **What the role of policing on campus should be (if any at all);**
 - **What the best methods are for building true safety and fostering change.**

The campus community's opinions appear to be similarly diverse based on responses to surveys, feedback provided on potential policy changes, and input at public IAB meetings.

- 4. Labor on the IAB is inequitably distributed, with unpaid students doing the majority of work while sometimes experiencing flagrant disrespect from faculty. Additionally, IAB members have not yet had sufficient involvement in recommendation implementation, in part stemming from an inequitable and ineffective distribution of labor. The IAB's charge is impossible to meet without sincere commitment and significant labor from all board members, hence the little progress made toward campus safety goals over the past year. Additionally, lack of board member labor—and even obstruction on the board—has jeopardized the Chancellor's stated commitment to implement IAB recommendations within three years.**

5. **We do not have confidence in UCPD leadership’s ability to work productively and respectfully with the campus community and the IAB** toward a campus that is safer for all, particularly for people who are BIPOC, queer, trans, neurodivergent, disabled, using drugs, and/or system impacted.

6. **The current structures in place to offer redress for students harmed by UCPD are inadequate and ineffectual.** Students rarely use the established complaint procedures because of their inability to produce a modicum of accountability or anything resembling substantive justice. Though the inaugural 2019-2020 IAB report recommended improved case management and support in instances of police harm, no progress has been made toward this recommendation.

7. **Campus communications sent through platforms like Nixle and WarnMe (Everbridge) have extended policing in the campus community through messages that inflate UCPD’s sphere of responsibility and engage in fear mongering with racist and classist overtones. UCPD’s role in COVID response has also been inappropriate.**

8. **The proposed UC Berkeley stepped care model for mental health crisis response is a bold and welcome move in the right direction.** The model should be refined to include peer-led response, early intervention, more diverse representation in the planning task force, and greater responsiveness to the broader community. Furthermore, UC Berkeley absolutely should not support or implement UCOP’s plan to integrate police with mental health care teams—that is an acutely harmful idea.

9. **Students and staff are required to interface often with UCPD through wellness checks, workplace conflict resolution, and student events policies.** Alternatives to police should be identified and implemented in all of these circumstances.

10. **In the past year, UCPD’s jurisdiction has been narrowed by:**
 - Transferring the Office of Emergency Management out of UCPD
 - Reducing the amount of WarnMe/Everbridge messaging distributed under UCPD’s banner
 - Moving lock-out services to Facilities Services

All of these steps are commendable. Additional resources dedicated to expanding Facilities Services lockout response to be full-time (24/7) will be necessary to see these changes be fully successful. We recommend that additional mechanisms, programs, and services be identified to provide effective safety and campus access services without UCPD’s involvement, with funds diverted from UCPD’s budget as necessary to support these programs.

11. **The California legislature has declared that between one-third and half of all people killed by police are disabled. As media focused attention on police violence and race in 2020, the vulnerability of disabled racialized people generally and disabled Black and Indigenous people particularly was highlighted. In response, we offer disability-specific recommendations under finding 11 of this report to improve safety for disabled members of the campus community.**

Recommendations

The 2019-2020 inaugural IAB wrote a [morally rigorous and thorough report](#) that included many recommendations. The Chancellor's office responded to those recommendations [here](#).

In a presentation to the IAB in spring 2021, staff responsible for implementing the 2019-2020 recommendations presented estimates of progress completed on each accepted recommendation. Many of the estimates were unsupported and lacked detail, leaving the IAB unable to evaluate what had truly been done and what was still outstanding. **Because detailed information is lacking for both the IAB and the campus community on the status of 2019-2020 recommendations, the 2020-2021 IAB has chosen not to present a full new set of recommendations.**

However, there are a few key recommendations that are important and timely that we will offer here, while recognizing that many of the initial recommendations have not been thoroughly addressed:

1. **Empower the IAB to investigate complaints against UCPD and recommend disciplinary action** in a way that complies with the Peace Officers Bill of Rights (see finding #2). This aligns with but extends UCOP recommendations for a civilian oversight board. The civilian oversight board proposed in the UCOP plan is not likely to have enough power to truly support complainants, have insight into the details of the complaint process, and dictate the course of investigations.
2. **Meaningfully involve the IAB and broader campus community in establishing priorities for upcoming negotiations with FUPOA**, the union that represents UCPD members (see finding #2).
3. **Create substantial, specifically designated case management services for students who have been harmed by UCPD** and are seeking accountability, support, and repair (see finding #6).
4. **Cease sending out campus-wide messages and notifications with UCPD's branding** (e.g. COVID notifications, Pride month messages), **audit all Clery Act messaging practices for racist and classist content**, and **evaluate the specific circumstances in which a protest rises to the level of notification required under the Clery Act** (see finding #7).
5. **Ensure that UCPD personnel are *not* integrated into the proposed stepped care model for mental health crisis response.** This is essential. We recognize that this opposes the UCOP plan for policing, but we are committed to a stepped care model that does not rely on UCPD (see

finding #8). The stepped care model is currently in development, and student members of the IAB are involved in its imagining and specification. We are optimistic about the proposed stepped care model and will share details about the model with the campus community during the fall semester when initial proposals are ready for community feedback.

- 6. Identify circumstances in which UCPD personnel perform functions (e.g. event staffing), particularly for recharge pay, but are unnecessary given the nature of the event. Act to reduce or eliminate UCPD involvement in these circumstances and provide non-UCPD services as necessary, using funds diverted from UCPD as required (see finding #9).** This will necessitate open-mindedness, deep interrogation of the true nature of risk and harm on our campus, and community commitment to peer support and mutual aid, which we expect the UC Berkeley community to be able to engage. Concerns about violence (e.g. active shooter circumstances) need to be balanced with real attention to the daily potential for harm to BIPOC, queer, trans, and/or disabled students that some members of UCPD pose.
- 7. Implement the recommendations under finding #11 that are specific to the safety and wellbeing of disabled campus community members.**

Summary

Let us be clear: the student members of the IAB would like to see UCPD's resources reallocated to programs that promote safety and wellbeing without harming community members - to programs like harm reduction services, culturally responsive mental and physical health care, increased access to affordable housing, better campus lighting, reparations for BIPOC community members, and infrastructure that prevents theft and some forms of interpersonal violence (e.g. security using unarmed, unsworn security staff). We also recognize that this is not the world we live in right now, and it will take accountable, coalitional, brave, and experimental work to get there. We invite you to partner with us in moving toward this world. And in the meantime, we hope that this statement sheds light on the challenges of changing the structures of policing, harm, and safety at UC Berkeley so that the IAB and campus community can move forward in a productive manner.

See the following pages for further detail on 2020-2021 IAB findings.

Further Detail on Findings from the 2020-2021 IAB:

- 1. Information on the resources used for policing on Berkeley's campus is difficult to acquire for a variety of reasons: poor record-keeping, lack of dedicated staff and/or data systems expertise, laws preventing disclosures, and institutional resistance to the democratization of information. This problem was identified in the initial 2019-2020 IAB report and has not been adequately addressed. The campus has granted data access to the People Lab, but the People Lab data use agreement is not transparent or accountable to important constituencies and does not allow for meaningful community ownership of police data. Lack of access to information interferes with the IAB's charge.**

To have access to information on UCPD operations, all IAB members were required to sign non-disclosure agreements, which from the outset limited transparency. The IAB's goals and priorities were derailed by faculty who were overly focused on obtaining data without a clear articulation of how the data would advance the IAB's mission. When the data were finally procured after months of delay, UCPD signed a private data use agreement with the People Lab, a Goldman School of Public Policy research lab. Student members of the IAB could not view the data to understand what they described (hence our use here of the non-specific term "data") and were not invited to provide meaningful input on how the data would be cleaned, analyzed, interpreted, and stored, even though student members of the IAB have professional and academic experience in data management and analysis for a variety of relevant applications.

Instead, we were railroaded into an effort that benefited the research interests of faculty and devoured our energy and attention, at the expense of an entire semester that could have been spent attending to the implementation of recommendations that the board is charged with overseeing. We recognize that no individual is responsible for this problem; it is a reflection of a broader culture around research, institutional change, and data access. However, the pursuit of data ultimately distracted from the core duty of the IAB, which is to monitor the implementation of recommendations.

In light of this lack of access to information, student voting members on the IAB often requested information from campus administration and UCPD themselves regarding UCPD resources, processes, and personnel. We were frequently ignored and typically had to follow up on requests persistently and harness the support of people in positions of institutional power to receive responses. Usually, we had to wait weeks or even months for responses, if they came at all. We were often told that the information we requested did not exist, which is itself a problem. And when information was provided, it was typically provided in a format that could not be analyzed or aggregated – for example, pdf documents of Excel spreadsheets shared via Google Drive links without download permissions.

An integral part of the charge of the IAB, as per the [inaugural 2019-2020 report](#), is to *"review and analyze reports, audits, or data involving UCPD, their operations, personnel, and contact with the community, to inform discussions for improving community safety and police accountability and recommendations regarding policing policies, procedures, practices and training. Reports, audits or data will be provided to the IAB by UCPD and/or the appropriate administrative unit."* This charge is unfulfillable without broad and timely access to information.

Moving forward, student voting members on the IAB should be guaranteed timely and complete access to requested information. Also, we must point out that it is unlawful for UCPD to ignore Public Records Act requests, as they have done repeatedly over the past year and a half. Regarding the

data use agreement with the People Lab, we request that a sincere effort be made to implement structures of transparency, community participation, and community accountability.

- 2. Efforts at policing transparency and accountability are constrained by the California Police Officer Bill of Rights (POBR), a section of California code that grants considerable protections to officers accused of misconduct. Nonetheless, the IAB should be able to take on a more central role in complaint review, investigation, and disciplinary action. Furthermore, a non-UCPD investigative body can and should be established to receive, investigate, and settle complaints, rather than relying on UCPD to receive and investigate complaints against its own personnel.**

This is supported by UCOP's recent [UC Community Safety Plan](#) (guideline 4), though the UCOP Plan does not identify adequate resources for this task. The single full-time employee for the entire UC system referenced in the UCOP plan cannot be reasonably expected to provide robust "accountability and independent oversight." Furthermore, we are concerned about the ability of a student-, community member-, and faculty-staffed civilian oversight board to provide complete complaint review, given the limitations imposed by POBR. Unless carefully constructed, a civilian board is likely to be ineffectual because members will most likely not be able *to actually see, investigate, and settle complaints in necessary detail.*

The Peace Officers Bill of Rights (POBR) applies to any investigation that could lead to disciplinary action. Under POBR, personnel records (including complaints and disciplinary histories) are fully confidential, except in instances in which an officer:

- Discharged a firearm at a person
- Was found to have committed sexual assault
- Used force resulting in great bodily injury or death

Disciplinary action resulting from behavior like racial harassment, unprofessional conduct, and lesser uses of force cannot be made public, not even to parties harmed by police officers. Such parties are not even permitted to know *whether* any disciplinary consequences were incurred, let alone the nature of those consequences.

Under POBR, there are also strict limitations on who can investigate police misconduct:

- Law enforcement
- Private investigator licensed by the state of California
- Person employed exclusively and regularly by an employer in connection with the affairs of that employer
- An attorney

Therefore, as things are currently structured, the members of the IAB or a similar community accountability board likely cannot investigate or be privy to investigations of police misconduct, including the specific misconduct charges, involved personnel, proceedings, and disciplinary outcomes of such investigations. Staffing the IAB with people who meet POBR investigator requirements but do not work for UCPD is one way around this barrier.

Currently, UCPD staff perform misconduct investigations. Here is as much information on UCPD misconduct investigations over the past five years as the IAB has been permitted to see:

<u>Year</u>	<u>Location</u>	<u>Allegation(s)</u>	<u>Outcome</u>
2017	UCB	Did not respond to the incident	Complaint withdrawn by the complainant
2017	UCB	Missing property after detention	Not sustained
2017	UCB	Unprofessional conduct, excessive policing and vehicular stalking	Unfounded on all allegations
2017	UCB	Theft, poor judgement, theft, racial profiling/discrimination	Exonerated, Unfounded, Exonerated, Exonerated
2017	UCB	Unprofessional conduct, dishonesty, false detention	Not sustained, Not sustained, Exonerated
2017	UCB	Officer did not identify himself to complainant	Unfounded
2018	UCB	False detention	Withdrawn
2018	UCB	Racial profiling	Exonerated
2018	UCB	Unreasonable use of force	Exonerated
2018	UCB	Unreasonable use of force	Exonerated
2019	UCB	Unprofessional conduct	Complainant refused contact by investigator
2019	UCB	Discrimination	Unfounded
2019	UCB	Unreasonable use of force	Unfounded
2019	UCB	Unreasonable use of force	Exonerated
2019	UCB	Unreasonable use of force	Unfounded
2019	UCB	Policy violation evidence destruction	Sustained
2019	UCB	Unprofessional conduct	Unfounded
2019	UCB	Unprofessional conduct	Unfounded
2019	UCB	Discrimination	Unfounded
2019	UCB	False detention	Exonerated
2020	UCB	Unprofessional conduct	Not sustained
2020	UCB	Unprofessional conduct	Not sustained
2020	UCB	Unprofessional conduct	Not sustained

Moving forward, we recommend that the 2021-2022 IAB work to establish a structure for UCPD complaints investigation, oversight, and disciplinary action that does not violate POBR, is entirely external to UCPD (and even external to the Vice Chancellor of Administration's offices, the entity that oversees UCPD and cannot be assumed to be unbiased), and is accountable to campus constituencies, particularly those that have historically been harmed by policing.

In addition, the UCPD contract is currently up for negotiation. The members of the IAB should be able to contribute meaningfully to this process and solicit broader community input into contract negotiations with FUPOA. This requires that voting members review the contract, provide comments, and receive a substantive reply *before* the contract is agreed to.

- 3. There is internal disagreement on the IAB as to what the IAB's charge is, what the role of policing on campus should be (if any at all), and what the best methods are for building true safety and fostering change. The campus community's opinions appear to be similarly diverse based on responses to surveys, feedback provided on potential policy changes, and input at public IAB meetings.**

The members of the IAB have spent a lot of time this year debating what we should be doing and how to do it, and we still don't have internal consensus. This is disheartening, given the care and intention that the inaugural 2019-2020 board members put into establishing the IAB's charges. Differences in opinion arise from the different ways we relate to the university, our varied ideas about what "safety" is, what kind of information we each believe is necessary to prompt institutional change, and our lived experiences on and off campus (often rooted in identity, experiences of marginalization, and/or power dynamics). We have also struggled to build relationships with one another during an entirely remote year when many of us have been impacted by COVID.

Against this backdrop of board-wide disagreement, the student perspective on the IAB is more unified. Students on the IAB have stressed the importance of challenging the need for police presence as a means towards achieving safety. Maintaining (or even increasing) police presence facing students—including in residence halls, student activity venues, civil demonstrations, learning spaces, and administration buildings—does not foster a safe environment for underrepresented minority students who have been and continue to be targeted by the criminal justice system. Shifting to a greater reliance on community service officers (CSOs) who are unarmed is aligned with UCOP's vision for campus policing. If we are to embrace an anti-racist campus and achieve Hispanic Serving Institution (HSI) designation, we must interrogate historical legacies of policing so that the learning of underrepresented students is not interrupted. These tenets are the student bloc's understanding of the IAB's charge.

- 4. Labor on the IAB is inequitably distributed, with unpaid students doing the majority of work while sometimes experiencing flagrant disrespect from faculty. IAB members have not yet had sufficient involvement in recommendation implementation, in part stemming from an inequitable and ineffective distribution of labor. The IAB's charge is impossible to meet without sincere commitment and significant labor from all board members, hence the little progress made toward campus safety goals over the past year. Additionally, lack of board member labor—and even obstruction on the board—has jeopardized the Chancellor's stated commitment to implement IAB recommendations within three years.**

Student IAB members have observed that labor has been unequally distributed on the board. Nearly all of the organizing and leadership on the board has come from (unpaid) students without significant support from faculty or administrative staff on the board, with only a handful of exceptions mentioned previously. This was exacerbated by the departure of the faculty co-chair halfway through the year. Additionally, the student members of the board have felt that their voices were frequently unheard, unwelcome, or talked over. On several occasions, this rose to the level of flagrant disrespect and bullying. It is unacceptable for faculty to treat students in the manner we experienced on the board.

Furthermore, faculty and administrative leadership on the board disregarded the board's rules of conduct and operation, as codified in the bylaws. The voting members of the IAB did not vote on a single decision during the 2020-2021 academic year, even though student members frequently requested votes to move the IAB forward. Faculty leadership and administration participants ignored requests for votes, and students members were powerless to do anything about it.

We were recently informed that implementation is underway for many of the [2019-2020 recommendations](#). We find this disconcerting seeing as the board has neither seen nor approved any of the implementation plans and did not vote on a single item last year. The only information we received on the status of recommendations was a spreadsheet in which UCPD had arbitrarily assigned percentages of "completeness" to each recommendation, without any details as to what efforts had been undertaken. We spent a single meeting on this, then divided up into committees, requested more information from the police as to the status of recommendations, and then failed to revisit implementation progress. When students attempted to follow up on committee meeting schedules, faculty members and some members of administration were unresponsive. As a result, there are many loose ends that need to be addressed with respect to the status of recommendation implementation. However, we are heartened that recommendation implementation and monitoring has been taken up by staff members Russ Ballati and Isabel Nguyen, both of whom have been

responsive to student perspectives, capable in executing their charges, and prompt and transparent in the work they are doing.

Toward the end of the 2020-2021 academic year, IAB voting members decided to collaborate on final reporting. However, when the time came to write final report content, only student members contributed. A faculty member then criticized student work in ways that felt personal and offensive, but no faculty members stepped up to contribute to the labor of final reporting.

We also want to make clear that the issues we encountered were specifically with faculty voting members and some of the ex-officio members charged with providing information. As a counterpoint, we found that Dr. Mia Settles-Tidwell, staff to the board, was diligent in seeking requested information, sharing agendas in a timely manner, and proposing reasonable work plans to move forward with our assigned duties. However, faculty did not take initiative to carry out the proposed plans and then openly refused to contribute once they decided that their tenure was done.

To address this concern moving forward, student members of the IAB have arranged a contract with external facilitators who can balance power dynamics on the IAB, ensure that working relationships are maintained, and support an equitable distribution of labor. We hope that with external facilitation, the IAB can become more useful to the campus community in attending to policing and public safety, as is its charge. Being a voting member on the IAB requires a commitment to the labor that the board requires. Given the distribution of labor, we also wholeheartedly believe that students should be compensated.

In terms of reviewing the progress on recommendations, the incoming board is committed to working in partnership with administrators, faculty, and other board members to ensure a collaborative, thorough, and publicly accountable review process. We intend to release a year-long work plan detailing 1-3 recommendations that will be reviewed at each IAB meeting. We will also form committees who will be charged with tracking and monitoring subsets of the recommendations over the course of the year. At our public meetings, we will be able to report back as to the status of each recommendation that has been reviewed by the board.

5. We do not have confidence in UCPD leadership's ability to work productively and respectfully with the campus community and the IAB toward a campus that is safer for all, particularly for people who are BIPOC, queer, trans, neurodivergent, disabled, using drugs, and/or system impacted.

Student members of the IAB have found UCPD leadership to be a consistent impediment to change. We do not feel respected or taken seriously by [REDACTED] especially after she made dismissive comments in the IAB's December public meeting. While undergraduate students from an Ethnic Studies seminar were presenting to the meeting's 200-plus attendees, [REDACTED] wrote in chat that the students' (well-researched, generous) offering calling for the defunding of UCPD was "unfortunately the current societal expression of the loudest voices." [REDACTED] later wrote that this message was intended to be a private chat message, suggesting duplicitousness, disrespect, and a lack of professionalism that we find unnerving.

[REDACTED] commentary was predominantly directed to parents present at the IAB public meeting. While we welcome the parents of students at our IAB meetings, the obligation of the IAB and campus

administrators is to the *students* on campus, as well as other neighbors living in proximity to campus who are impacted by UCPD's activities. Public feedback provided in response to the 2019-2020 IAB report indicated that students who provided comments were overwhelmingly in favor of reducing the scope of policing on campus, while parents—many of whom do not reside near UC Berkeley—disagreed with student opinions.

Even though IAB members and other people in the campus community were in touch with the Chancellor's office about our concerns after the public meeting, we are not aware of any consequences that ensued for [REDACTED]. Responses from the Chancellor's office were vague and evasive. UCPD, and particularly UCPD leadership, operate with a level of impunity that is not granted to anyone else on campus. This impunity is in part supported by [REDACTED] habitual defense of the harmful actions of her UCPD colleagues, to the detriment of student and community safety. These concerns about the suitability of UCPD's leadership were first noted in the inaugural [2019-2020 IAB report](#).

We appreciate many of the campus's efforts to become a more just, equitable, and inclusive place to live, learn, and work. However, [REDACTED] behavior and demeanor obstruct the mission of the board, student efforts at wellbeing, and campus ambitions for equity and inclusion. Accordingly, we recommend that [REDACTED] be dismissed. Furthermore, the IAB should play a meaningful role in selecting and approving the next Chief of Police.

- 6. The current structures in place to offer redress for students harmed by UCPD are inadequate and ineffectual. Students rarely use the established complaint procedures because of their inability to produce a modicum of accountability or anything resembling substantive justice. Though the inaugural 2019-2020 IAB report recommended improved case management and support in instances of police harm, no progress has been made toward this recommendation.**

In our experience, university leadership has been more concerned about liability and reputation management than helping survivors of police harm. While UCOP has an extensive legal team to defend against discrimination charges, students are not in the same position to secure adequate legal representation.

As previously mentioned, we believe the IAB should have a more significant investigatory role (as maximally as lawful) to facilitate justice on campus. To date, the most marginalized students harmed by UCPD are further harmed and othered through the complaints and investigations processes. The persistence required to navigate such processes obstructs the ability of impacted students to take full advantage of the educational opportunities that they came here to experience. This past year, getting students the justice they deserved required a lot of back-door navigation and an absurd amount of labor and advocacy. Furthermore, student complainants were required to treat complaints and investigations confidentially, even in instances when confidentiality was not legally mandated. This secrecy does not promote a culture of transparency or allow us to observe and address patterns in grievances.

The administration has placed an unreasonable burden on student leaders to facilitate the grievances of harmed students. Students are a frequent target of police repression, as we witnessed in IAB meetings in which students provided testimonials of how they have been denied procedural justice. To address this, we believe that there needs to be greater coordination between the Students of

Concern Committee, The Office for the Prevention of Harassment and Discrimination, and the Whistleblower Protections Office. The past year, these entities took a passive role in the case management of students, which led to students having to take on the extra burden of helping peers navigate bureaucratic structures (that are not student friendly to begin with). We also faced significant delays in independent investigation completion; if it were not for student follow-up, many student grievances would have been ultimately unaddressed by staff and UCPD leadership.

From our collective experience, we are concerned about ongoing and future investigations continuing to be unaccountable. Staff and faculty (who are employees of the university and therefore paid) often refuse to take the lead on or responsibility for facilitating justice for students who pay tuition and student fees for these services. The lack of administrative facilitation of student grievances reflects the university's lack of commitment to equal access to services. We believe that when UCPD harms students, the university bears the responsibility of remedying that harm. There should be administrative staff and resources to ensure that students receive their education free from harassment and discrimination moving forward. We observed that students who had been harmed by UCPD were put in the difficult position of having to navigate complex institutional processes, on top of having to meet rigorous academic expectations and recover from the trauma of police violence. The university does not have compassion for the stress and trauma this puts students through. We consider this a willful denial of the university's responsibility, which has led to severe educational inequity in the university writ large.

We recommend that the university implement a new complaint process that is more transparent, independent from the police, and includes funding for case management. New procedures must address past institutional harms in which many staff failed to respond promptly and adequately to obvious UCPD and administrative ethical violations, which resulted in further traumatization of students. To reiterate, this recommendation is aligned with the [charge of the IAB](#), which includes the ability to *“hear community complaints and conduct time-sensitive reviews of incidents of alleged police misconduct and/or alleged harm to the community, as necessary. These reviews will assess the impact of events on community members and interrogate post incident processes related to community safety and police accountability.”* In addition, the IAB is tasked with the duty to *“improve and strengthen systems of accountability by increasing transparency of policing policies and practices; informing community members of the various ways to submit a formal complaint; providing multiple mechanisms for submitting and responding to civilian complaints; and facilitating the development of easily accessible and transparent reporting mechanisms following interactions between UCPD and the campus community (e.g., for complaints of police misconduct).”* The incoming board is committed to revisiting our original mandate and making the complaint process more accessible, compassionate, and responsive.

- 7. Campus communications sent through platforms like Nixle and WarnMe (Everbridge) have extended policing in the campus community through messages that inflate UCPD’s sphere of responsibility and engage in fear mongering with racist and classist overtones. UCPD’s role in COVID response has also been inappropriate.**

Timely warnings and emergency notifications are institutional obligations under the Clery Act, a federal law. Currently, UCPD patrol sergeants are assigned the role of evaluating incidents and issuing these warnings and notifications. IAB members were informed that the campus administration

believes that UCPD officers are uniquely qualified and positioned to distribute messages that fulfill federal requirements.

We disagree with this evaluation because many of the messages sent by UCPD either overstep UCPD's mandate or are racist or classist, thereby demonstrating that UCPD officers who write and distribute these messages are unqualified to do so. Messages sent by UCPD have engaged in racial and class profiling and vague language that has the potential to endanger marginalized students and community members.

Student members of the IAB find it entirely unacceptable that the WarnMe reporting system has been used to discourage peaceful, first-amendment protest activity. For example, on Wednesday, August 25, 2021, UCPD sent a message through WarnMe with the caption "AVOID THE AREA of Sather Gate." The text of the message conveyed that there was "an active protest blocking access through Sather Gate." We find it relevant to mention that the protest was advocating for the unionization of Graduate Student Researchers—an effort which the university has steadfastly resisted. While the WarnMe alert continued with a message for disabled students that they would be allowed to pass through the blockade, the primary function of the message was to deter further participation and support for students peacefully demonstrating on campus. There was no reason to believe there was any safety risk posed to the campus population as a result of these protests. Moreover, there was another message sent through the Disabled Students Program that conveyed to disabled students that they would be able to pass through the blockade. This is a more appropriate way of reaching those students for whom the demonstration may have caused a mobility, sensory, and/or access issue. Therefore, sending this message through WarnMe to everyone on campus was inappropriate and obstructive of the first amendment rights of students.

Also, UCPD has taken an inappropriate role in public health management during COVID. Over the past year, messages about county-wide COVID restrictions were distributed with UCPD's logo as the heading, even though distributing such messages via University Health Services or a similar office would have been more appropriate. When IAB members brought this up with administration and requested that UCPD not be used in public health contexts, administrators agreed and subsequently removed UCPD branding from public health messages. However, IAB student members have continued to observe UCPD officers enforcing mask mandates and policing residence halls during periods of lockdown. This is both counter to what administrators pledged and a counterproductive public health strategy.

In summary, UCPD should not send campus-wide notifications about:

- Peaceful protest activity
- Public health concerns (e.g. COVID restrictions)
- Wildfire smoke
- Natural disasters
- Class cancelations
- Self-referential boosterism (e.g. messaging about UCPD support for LGBTQIA2S+ communities during Pride)

These messages should be sent by another entity when essential or legally required.

Also, campus administration should re-evaluate the criteria for messaging about protests. The vast majority of protests (e.g. those that occurred on August 25, 2021 about factory farming and student researcher unionization) do not present any legitimate safety concerns. Therefore, it is inappropriate

for campus messaging systems to instruct campus community members to stay away from places in which free speech rights are being exercised.

- 8. The proposed UC Berkeley stepped care model for mental health crisis response is a bold and welcome move in the right direction. The model should be refined to include peer-led response, early intervention, more diverse representation in the planning task force, and greater responsiveness to the broader community. Furthermore, UC Berkeley absolutely should not support or implement UCOP's plan to integrate police with mental health care teams—that is an acutely harmful idea.**

Over the past 18 months, the Chancellor's Task Force on Re-envisioning Mental Health Response, composed of a small group of administrative staff and stakeholders, has made enormous progress on the development of a community-based alternative to the police for mental health crises on and around campus. After hearing from community groups actively engaged in this work (including Mental Health First and CAHOOTS), the Tang Center proposed what they are referring to as a stepped care model. [A summary of the proposed stepped care model can be found here](#) (note that this document is a draft and will be subject to rounds of administrative and community review). This model goes well beyond establishing a dispatch and ensures that students and community members will have access to compassionate follow-up care, as well as early intervention resources that can prevent crises from occurring in the first place. While we are encouraged by this proposal, there are also several areas of concern that need to be addressed, as detailed below.

- a. Separation of police from mental health crisis response**

Police should not be the first point of contact for an individual experiencing a mental health crisis. As it stands now, UC Berkeley's draft stepped-care model does a good job of setting up the infrastructure to enable a truly independent, community-based response to mental health crises. For example, the establishment of an alternate crisis line (which is entirely separate from 911 and police dispatch) marks an important first step in the effort to disentangle mental health care from policing. The IAB supports these efforts.

We are concerned that the UCOP plan (distinct from UC Berkeley's plan), which advocates for the integration of police and mental health response and the creation of interdisciplinary teams that include law enforcement, does not align with the stated intention of the stepped care model's proposed dispatch structure. We, as student members of the IAB, are unwilling to compromise on the exclusion of the police from mental health crisis dispatch. The first point of contact with a person experiencing a crisis should not be police officers; it should be a peer worker or a trained mental health professional.

- b. Peer-led response model and early intervention program.**

The peer-led response model is an encouraging step because it recognizes that the point of crisis is not the only opportunity for a compassionate intervention. A network of supportive relationships is one of the most important mechanisms to prevent crises from occurring in the first place. Instituting a peer-led compassionate care model offers students the opportunity to support each other, develop lifelong and professionally relevant skills, and promote health, safety, and well-being by fostering connected communities.

c. Importance of having a dispatch that is prepared to respond to the needs of students and community members alike.

The current proposal of the stepped-care model purports to be responsive to the needs of students and community members alike. This is a crucial aspect of the plan in terms of the university's obligation to the greater Berkeley community, especially the unhoused population composed of many that have been displaced by the university's expansion over the last few decades.

We are concerned that this aspect of the plan will not be prioritized in the roll out of the dispatch model. The needs of unhoused community members are immediate and pressing. The City of Berkeley is incompetent and incompassionate in its response to this population, and the university has only exacerbated the issue. For example, the common practice of police issuing "stay away orders" to unhoused people on campus has detrimental impacts on the ability of those individuals to access resources. Because People's Park is also owned by the university, when a person receives a stay-away order, they are also banned from People's Park for the duration of the order, which is generally a week. This is unacceptable because the unhoused population is dependent upon the resources that are accessible at People's Park, including food distribution and other outreach efforts.

9. Students and staff are required to interface often with UCPD through wellness checks, workplace conflict resolution, and student events policies. Alternatives to police should be identified and implemented in all of these circumstances.

The IAB was conceptualized, chartered, and realized as an independent body to respond to the increase in police violence against students and staff. Thus, the 2019-2020 IAB members unanimously adopted a definition of community safety that centers the wellness and inclusion of vulnerable campus communities (including Black, Indigenous, Latinx, Undocumented, formerly incarcerated, LGBTQ+, disabled, etc.) as the IAB advises the campus regarding policing and safety. The IAB also affirms that a safe and healthy academic environment is one where students are able to embrace their holistic learning free from hyper-policing, surveillance, and militarized interruptions.

Accordingly, the IAB does not endorse the use of UCPD to participate in general wellness checks taking place in residence halls, as this largely increases the vulnerability of underrepresented students who might otherwise find safety in their dormitories. The IAB has received several complaints from student resident assistants (RAs) regarding the exacerbation of the stress and anxiety of minority students by the intrusion of police into their dormitories and shared spaces. The same problem exists in the Berkeley Student Cooperative Housing network and in many staff workplaces (e.g. dining halls and campus buildings during janitorial duties). The campus administration (particularly Student Affairs) must critically revisit the purpose of wellness checks and reconsider who performs them. The IAB believes that there are non-UCPD personnel who are better positioned to engage with students in residence halls during crises.

Notably, UCPD was called during spring 2021 to assist in a workplace interaction between an employee and a supervisor. UCPD's presence exacerbated the situation, which had arisen from a

misunderstanding due to language differences. An interpreter, not a police officer, would have been a more appropriate response to the circumstance.

Additionally, the campus administration (particularly Student Affairs) has recently revised their Student Events and Activities policy in a way that increases the presence of UCPD officers at student programs and venues, in part by requiring that student gatherings of a certain size be accompanied by UCPD. Along with the mandate to supply police presence, the IAB finds it unethical to ask student groups—out of their student fee allocations, fundraisers, and dues—to finance this mandate. No student-generated revenue should fund campus policing. This policy is stealing money from student spaces that should instead be used for their community building and retention social missions.

Non-police mechanisms to support safety are possible. Historically, the Latinx community at UC Berkeley has organized a cultural celebration on campus for students on the night of September 16th to honor the independence of all Latin American countries. As a means to avoid the antithetical presence of the police at an event organized to celebrate liberation and freedom, several staff and faculty members from the Ethnic Studies and Chicana Studies Department volunteer to chaperone and monitor student activity. This provides an example of an alternative to finding appropriate personnel to meet safety and security needs of their student audiences.

Moreover, the IAB calls on the campus administration to refrain from using UCPD officers to staff their miscellaneous personnel needs; instead, the campus administration should invest in the acquisition of professionals who can provide services to students—and do so without weaponry and histories of white supremacist violence.

10. In the past year, UCPD's jurisdiction has been narrowed by:

- Transferring the Office of Emergency Management out of UCPD
- Reducing the amount of WarnMe/Everbridge messaging distributed under UCPD's banner
- Moving lock-out services to Facilities Services

All of these steps are commendable. Additional resources dedicated to expanding Facilities Services lockout response to be full-time (24/7) will be necessary to see these changes be fully successful.

We recommend that additional mechanisms, programs, and services be identified to provide effective safety and campus access services without UCPD's involvement, with funds diverted from UCPD's budget as necessary to support these programs. Such opportunities should be identified and specified by the IAB through rigorous community engagement, with a particular commitment to BIPOC, system-impacted, disabled, neurodivergent, queer, trans, and/or drug-using constituencies.

11. The California legislature has declared that between one-third and half of all people killed by police are disabled.² As media focused attention on police violence and race in 2020, the vulnerability of disabled racialized people generally and disabled Black and Indigenous people

² [CA PC§835\(a\)\(5\)](#)

particularly was highlighted.^{3,4,5} In response, we make the following disability-specific recommendations:

1. Collect disability data and provide transparency on disability statistics in the forthcoming UCPD dashboard (referenced in the UCOP plan).
2. In UCPD training sessions, include disability etiquette and differential response training for situations that involve an individual with a disability.
3. Identify more public safety roles (especially outside of UCPD) that could be carried out by staff and students with disabilities on campus. These roles should provide accountable, responsive, and timely safety services to disabled people while also reducing the functions that UCPD plays in addressing safety for disabled people.
4. Augment campus's WarnMe/Everbridge system to include notifications for disabled drivers who park on campus and disabled people with mobility considerations when paths of access and egress are closed in emergencies. As previously mentioned, these notifications should not come from UCPD or be emblazoned with the UCPD logo.
5. Train UCPD and other emergency personnel in best-practice evacuation of disabled people. To do this, involve the Disability Access and Compliance (DAC) office in tabletop exercises and crisis management and emergency planning.
6. Name Karen Nielson, Director of the Disabled Students Program, to the IAB in an ex-officio role. IAB structuring documents like bylaws should be updated and voted on to authorize this update to board composition. Karen has extensive experience in training police officers on disability issues and is a community member and subject matter expert on students and disability.

³ [Black and Disabled People at Risk in Police Encounters](#)

⁴ [Half of People Killed by Police Have a Disability: Report](#)

⁵ [The Ruderman White Paper on Media Coverage of Law Enforcement Use of Force and Disability](#)