

Tuesday, October 1, 2024

Dear Chancellor Lyons,

It is our pleasure to present to you the 2023-2024 year-end report for the Chancellor's Independent Advisory Board on Police Accountability and Community Safety (IAB). The Chancellor has charged the IAB with recommending ways to improve campus safety for all. The IAB draws on the skills and wisdom of IAB members and the broader campus community and aims to center the expertise and needs of campus community members who are harmed by policing, state violence (e.g. incarceration, surveillance, and/or political repression), and white supremacy.

This is the IAB's fifth year-end report. The [inaugural IAB report](#) was written at the end of the 2019-2020 school year, as requested by Chancellor Christ in response to years of student-led organizing and specifically catalyzed by harmful UCPD actions during summer 2019 and directives from the University of California Office of the President. In addition to addressing campus events, the report reflected on the racial justice uprisings of summer 2020 and offered recommendations for ways to improve policing and safety services in support of racial justice, human dignity, and an expansive sense of what safety can be. The Chancellor's Office [responded](#) to the inaugural IAB report and committed to implementing most of the recommendations.¹

Now, five years later, many of the initial recommendations have been completed. For example, fingerprinting services and emergency management no longer reside in UCPD, and a new process for investigating complaints of police misconduct has been created to remove such investigations from UCPD and empower civilians in the complaint investigation process. Additionally, a Campus Mobile Crisis Response program is now available to the campus community, which we discuss further in this year's report. However, the moral call articulated by the inaugural IAB remains as relevant now as ever, and campus communities and events are ever-changing. We offer this year's report and recommendations in service of the vision that established this advisory board. We thank you for your consideration of this report.

Looking forward to the 2024-2025 academic year, we anticipate that issues related to free speech expression, democracy "institutional neutrality," crime, and the core missions of UC Berkeley will be contested across campus. As an independent body of students, faculty, and staff who serve the Chancellor and who have expertise on safety, law, justice, public participation, and messaging, we look forward to working with you on the project of creating a campus where safety, belonging, and dignity are available to all.

Sincerely,

Lucy Andrews and Jon Simon, IAB co-chairs

¹ To see all previous IAB reports, please visit the [IAB website](#).

IAB Responsibilities and Membership

IAB Responsibilities

The Chancellor's Independent Advisory Board on Police Accountability and Community Safety (IAB) is charged with recommending ways to improve campus safety for all. The IAB draws on the skills and wisdom of IAB members and the broader campus community and aims to center the expertise and needs of campus community members who are harmed by policing, state violence (e.g. incarceration, surveillance, and/or political repression), and white supremacy.

The IAB was inaugurated during the 2019-2020 academic year, during which two consequential events occurred related to policing and safety: first, UCPD's harsh arrest of two Black children in University Village, and second, the police murder of George Floyd in Minneapolis that catalyzed a national reckoning with the anti-Blackness embedded in policing. Accordingly, in year-end reporting to the Chancellor, the 2019-2020 IAB, co-chaired by Professor Nikki Jones and Dr. Rachel Roberson, discussed the role that the institution of policing plays in upholding white supremacy. The inaugural IAB also recommended changes to policing, police accountability, and community safety programs on campus that reduce the footprint of policing and create possibilities for racial justice and holistic safety and dignity for all.

The conditions of Black life at UC Berkeley and in the United States more broadly have not changed significantly since 2019-2020. As a result, the 2023-2024 IAB has aimed to maintain the direction set by the inaugural IAB while also expanding conversations about policing and safety to encompass free speech expression; the needs of other communities frequently harmed by policing, like trans and gender-diverse people, disabled people, and unhoused people; and the ways in which discourses about safety can foreclose or create possibilities for change.

The IAB reports directly to the Chancellor and is structurally independent from the University of California Police Department (UCPD). The IAB partners with campus units and student groups to access information about policing and safety on and around campus and foster productive dialogue.

IAB Membership

The IAB is composed of undergraduate students, graduate students, staff, and faculty. During the 2023-2024 academic year, the IAB had ten members:

- Jonathan Simon, co-chair, faculty - *Professor, Berkeley Law*
- Lucy Andrews, co-chair, graduate student - *PhD candidate, Environmental Science, Policy, and Management*
- Rodney Enis, staff - *Senior Mail Processor, Vice Chancellor of Administration division and AFSCME-3299*
- Anna Diaz, undergraduate student - *Legal Studies major, Associated Students of the University of California*
- Camilla Nguyen, undergraduate student- *Legal Studies and Economics major, Berkeley Hope Scholars²*
- Cesar Garcia, undergraduate student - *Sociology major, Berkeley Underground Scholars*
- Elisa Huerta, staff - *Associate Vice Chancellor for Educational Justice & Community Engagement, Vice Chancellor of Equity and Inclusion division*
- McKalee Steen, graduate student - *PhD candidate, Environmental Science, Policy, and Management and President, Graduate Assembly*
- Rachel Roberson, staff - *Director of DEIBJ Strategy and Inclusive Practices, University Development and Alumni Relations*
- Victoria Robinson, faculty - *Senior Lecturer and American Cultures Program Director, Ethnic Studies*

Two staff members invaluabley supported the work of the IAB:

- Russ Ballati - *Principal Project Manager, Business Process Management Office*
- Isabel Nguyen - *Senior Project Manager, Business Process Management Office*

² Camilla Nguyen will be the 2024-2025 IAB student co-chair.

Review of AY 2023-2024 Events

SafeBears Security Pilot

The challenges facing campus in creating a safe and dignified environment for all were exacerbated this year by a continuing wave of public anxiety about crime, as reflected in recall elections across several major urban areas in California. One symbolic but worrying feature was the “SafeBears pilot,” launched largely as a public relations campaign by a group of parents of Berkeley undergraduates in response to concerns about crime in the campus area. The pilot consisted of the short-term employment of security guards, hired by SafeBears and paid with SafeBears-fundraised dollars, to patrol Southside streets.

The IAB urges campus leadership to reject in full this effort to preempt the broader process of creating a safer campus for everyone, however well-intended it may have been. The IAB recognizes that non-sworn officers used to provide escort services and respond to low-risk incidents on and near campus could be a legitimate way to address some public safety issues without investing more in traditional policing. Had parents wanted to contribute to campus resources to fund community service officers and mobile mental health crisis response staff, we would have applauded their philanthropy. However this non-consultative and unaccountable effort by an unrepresentative group of parents represents an effort to privatize the functions of this public university and preempt the deliberative (and ideally democratic) processes of reimagining campus safety that began in 2020. Furthermore, the SafeBears pilot empowered a small group of people with access to wealth to dictate the conditions of public space, space that anticipate that many of them do not themselves inhabit on a day-to-day basis.

Gaza Encampment

For much of the spring semester, students and other community members hosted a sustained protest outside of Sproul Hall that featured an encampment, speakers, and rallies. The protest called for UC Berkeley to adopt academic and investment practices aligned with the Boycott, Divest, and Sanction movement that targets the State of Israel for its actions in Gaza and the West Bank. Similar protest encampments were erected at universities across the country, including other UC campuses. In contrast to severe and repressive policing responses at other UC campuses, UC Berkeley leadership hosted a [sustained dialogue](#) with protestors and did not engage police. We applaud campus leadership for this approach, as it protected rights to free expression; did not create conditions for the emergence of violence (including violence at the hands of police); manifested a commitment to the university’s Principles of Community; and offered an example of constructive conversation, especially in the presence of disagreement.

Unfortunately, the University of California Office of the President (UCOP) has [unilaterally prescribed rules](#) for campus-level responses to protest for the fall 2025 semester. These rules include mandated disciplinary actions and advocate for the involvement of UCPD in protest response. Often, the involvement of police is counter-productive and escalates conflict by generating greater tensions and unpredictability. We recognize that UCOP actions have curtailed the choices available to campus leaders, and we encourage UC Berkeley leadership to adopt an ethos similar to that that guided the Chancellor's Office and Student Affairs during spring 2024, whenever possible.

People's Park Enclosure

University activities on and around People's Park in January 2024 were the most significant circumstances involving policing during the 2023-2024 academic year. While perspectives on the People's Park development vary across campus, given the IAB's mandate, we limit our discussion here to the extraordinary preemptive police action taken in January 2024 to foreclose any possibility of protest or demonstration related to university construction.

The IAB's comments below were excerpted from a contribution that the IAB made to a [student-led report spearheaded by the GA and ASUC](#) and written during spring 2024. The IAB endorses the recommendations that students offer in that report.

Precedent-Setting

We have heard numerous times from University leadership that the circumstances in People's Park were unique and unprecedented, such that the University's actions were appropriate and will not be repeated in the future. The IAB strongly disagrees. We believe that the University's actions have set a higher education and even a national precedent for the preemptive repression of demonstrators and the aggressive, even violent, eviction of park residents and visitors. This is true whether or not you think the University and City of Berkeley have made the right land use decisions and regardless of whether the responsible risk management team was correct in assessing a "high risk of violence" against construction workers. The extraordinary secrecy, wide margins, and element of surprise used during the park site's seizure and its ongoing preemptive occupation will be viewed as an example of how advanced democracies could deal with emotionally charged protest activity.

Berkeley's reputation as an incubator of free speech—notably, earned by the student body in spite of the University's actions throughout history—is being replaced by a deserved reputation as a no-holds barred enforcer of public order, "Berlin Wall-style." Retrospective assessment is unfortunately largely irrelevant at this point, but one observation seems worth noting for trying to

place the events of January in perspective: the overwhelming police deployment made to preempt any possibility of demonstrators would almost certainly have been far above and beyond the resources necessary to suppress actual violence during an actual demonstration. To do this preemptively evinces the presumption that actual demonstrators, a minority of them perhaps ill-motivated, would require armies of lethally-armed riot police. That conclusion must be refuted before it is arrived at, and University leadership disappointingly failed to refute it.

Militarization

People in and around People's Park in early January reported that the best descriptor of the atmosphere that the University created is "militarized." As far as the IAB has been able to ascertain, nearly 400 fully-armed police officers, many of them in riot gear, descended on the Park during early morning hours and in the days that followed. Police officers started the operation by sweeping residents and visitors out under the threat of overwhelming force. UCPD and aiding police agencies (e.g. California Highway Patrol) then set up a perimeter with checkpoints extending three blocks by three blocks in a residential area. Only residents living inside the perimeter who were able to prove their residence with an identification card listing an address were permitted to pass perimeter checkpoints. The perimeter remained in place for at least five days. In other words, the University, in partnership with the City of Berkeley, seized and occupied public streets for nearly a week, enforced by fully armed police who throughout University history have not been known for restraint.

Any cars located in the vicinity of People's Park were towed without notice, meaning that residents who had intended to drive to work, run errands, take children to school, or perform other day-to-day activities woke up that morning unexpectedly without a vehicle and were instead met by riot police. Commuting routes were disrupted, and re-routes for pedestrians (particularly those using mobility aids) and cyclists were not signed. This created dangerous conditions for all people traveling through the Southside, particularly those not in cars, and we have been informed of two bike accidents that occurred as a result. The University, the City of Berkeley, and project contractors completely failed to remedy a lack of re-route signage for a week following the seizure of People's Park, despite repeated community requests for action.

Since the seizure of the Park, the University has maintained a security presence of at least eight contracted security officers around the park twenty-four hours a day, seven days a week, at an ever-growing cost that we estimate to be in the single millions of dollars. All told, the University's militaristic actions—invading a residential neighborhood with hundreds of armed officers to seize and secure greenspace, establishing and guarding an impermeable border with identification checkpoints, bathing the neighborhood in floodlights and rapidly constructing a two-story wall, unilaterally possessing and relocating private property, and dramatically suppressing free speech expression—were extremely disturbing and are made even more disturbing by the rhetoric the University has employed in defense of its actions—for example, that such militaristic occupation was "necessary" and "successful."

Lack of Transparency

The University's commitment to secrecy and resistance to transparency have been astounding. Public records requests related to activities in and around People's Park have gone unfulfilled for nearly four months. Many important and impacted campus staff members—for example, the Dean of Students and Residential Life staff living and working within the policed perimeter—were not informed of the University's invasion and seizure plans ahead of time.

The IAB, the Chancellor's designated advisory entity on matters of policing and safety, was not involved in any discussions related to policing and the Park, and questions we have asked after-the-fact about decision-making have gone unanswered. Most concerningly, when we have asked repeatedly about the scenarios the University envisioned to plan and justify its use of overwhelming militarized force, University leadership has failed to offer any details; no transparency about the nature of planning such an event has been forthcoming. Therefore, we do not believe any University promises that its invasion of People's Park was a one-time event and that such a thing will never happen again.

IAB Commentary and Recommendations

The subsections below offer commentary on topics relevant to the IAB and the campus community at this time. Here is a collated list of recommendations discussed previously in this report and in the subsections that follow.

1. Work on the recommendations offered by students in response to policing activities in and around People's Park, including:
 - Add an undergraduate student and a graduate student to the Chancellor's Cabinet to ensure direct student input into critical campus decision-making.
 - Design and implement a policy that explicitly prohibits identification mandates for access to private property, particularly in off-campus settings.
 - Design and implement a policy that requires at least 24-hour notice before towing private vehicles, regardless of permits or permission granted by the City of Berkeley.
 - Respond in a complete and timely manner to public records requests that pertain to policing and safety. Hire additional staff if needed to fulfill this obligation stipulated by the California Public Records Act.
2. Continue to respond to protest action in the spirit with which the campus responded to the protests around Sproul Plaza during spring 2024, as that response upheld the right to freedom of expression, aligned with the campus Principles of Community, and set an example of the power of dialogue on a university campus.
3. Continue to host regular meetings between the IAB and the Chancellor, VCA, CERCO, PAB sponsors, and CMCR leadership.
4. Alert the IAB to proposed developments in safety programming, policing, and surveillance (e.g. revisions to protest response policies, the acquisition of new policing and surveillance technologies, and staffing changes), solicit the IAB's feedback, and consider the feedback sincerely.
5. Empower EMTs (currently called "mental health technicians") on the Campus Mobile Crisis Response team to provide medical care in alignment with a standard EMT scope of practice (e.g. the scope of practice performed by county-employed EMTs).
6. Design a peer "postvention" role for the Campus Mobile Crisis Response team and hire peer workers to fill the role.
7. Track and report to the IAB the frequency with which Campus Mobile Crisis Response activities result in 5150 involuntary holds.

IAB Partnerships on Campus

During the 2023-2024 academic year, the IAB co-chairs appreciated standing meetings with Marc Fisher (Vice Chancellor of Administration) and Khira Griscavage (Chief of Staff to the Chancellor and Chief Ethics, Risk, and Compliance Officer). The IAB co-chairs also met periodically with staff building the Campus Mobile Crisis Response program and staff launching the Police Accountability Board, all of whom provided timely updates, solicited the IAB's input, and met the spirit of the IAB's initial recommendations for the design of each program.

The IAB also met once per semester with the Chancellor. These conversations were fruitful because they allowed the IAB to communicate perspectives and recommendations more frequently than an annual report allows and learn more about the challenges and political circumstances facing campus leadership.

However, despite regularly scheduled meetings with campus leadership, the IAB was often left in the dark about important developments in policing, surveillance, and safety programming. For example, no one at the campus alerted the IAB to [UCPD's request to purchase drones](#); members of the IAB learned about this request through other channels,³ despite the Chancellor's acceptance of the initial IAB recommendation during summer 2020 that the IAB would be consulted about such equipment requests. Furthermore, the IAB was not proactively informed about People's Park activities or involved in discussions about protest response over the past year.

The IAB is supposed to have standing meetings with the Chief of Police, but challenges in scheduling and last-minute cancellations impacted the flow of information. The IAB has not received information proactively from the Chief of Police or requests for consultation in approximately 10 months. The IAB invites the Chief of Police to engage proactively with the board.

Police Accountability Board

The Police Accountability Board (PAB) is now up and running. The PAB receives complaints of UCPD officer misconduct, considers evidence and recommendations provided by external legal counsel, and recommends complaint outcomes (which, under California law, are ultimately up to the Chief of Police to determine and administer). Because the PAB serves a quasi-judicial function and the IAB is a political body (in the sense that it recommends policies), the two entities are necessarily separate.

³ The IAB co-chairs were informed by email of this development on the day of the Regents' meeting, after this section had been written. This is not sufficient time to provide meaningful input.

The PAB has a full roster of both active and alternate members. There was significant interest from the campus community in launching the PAB; PAB staff received approximately 200 applications to join the PAB when it was announced to the campus community and applications for membership were solicited.

Campus Mobile Crisis Response Team Deployment

Under University Health Services Leadership, the Campus Mobile Crisis Response (CMCR) team has struggled to create EMT positions due concerns about duties and medical supervision. Currently, this role has been disempowered; EMTs have been hired as “mental health technicians” with a scope of practice that is severely curtailed compared to a traditional EMT scope of practice (e.g. the scope of practice that a county-employed EMT has and that is aligned with EMT licensing standards). This has made hiring and retention difficult and makes the people who serve in the role less able to serve the campus community.

We reiterate here the importance of pairing licensed mental health care providers with EMTs for mobile crisis response work, since mental health and physical health are not separate, and some medical conditions (e.g. diabetic crises) can cause behaviors that mimic psychiatric/behavioral health conditions (i.e. “medical mimics”). As a result, the skills and care that EMTs can provide are necessary for a complete crisis response program. We anticipate that supervision of EMT work by licensed physicians is not an insurmountable hurdle and in fact must be addressed for CMCR to be truly successful. We request that the Chancellor’s Office offer whatever support program staff deem necessary to remove the strictures placed on EMTs such that they can do the work for which they are trained and licensed, since the campus community needs their services in this program.

In the face of this challenge, the critical work of CMCR staff and leadership (especially AJ Kaur and Cedric Bowser) has resulted in the launch of the team, with limited hours (12pm-10pm, Wednesday through Friday), during the fall 2025 semester. Their services have been used and appreciated many times over. We applaud them for their work and call on central campus to continue to fund the team fully and support them in navigating any bureaucratic challenges that may arise as they work toward 24/7 availability.

As the CMCR team evolves, it is important that the CMCR team includes peers in a support role, as [research has demonstrated the value of peers](#) in supporting people through crises and recovering after the fact. That said, we recognize the complexity of involving student peers in this type of work and suggest that peers (e.g. MSW students) could serve in a “postvention” capacity, rather than join the CMCR team on immediate crisis call response.

Moving forward, we request that UHS track the number of calls that result in 5150 involuntary holds and communicate that information to the IAB at the end of each semester. We

recommend that the use of such holds be minimized and used only as an absolute last resort, since involuntary treatment can actually exacerbate mental health conditions and [produce trauma](#) (for example, it has been [documented in scientific literature](#) that “the postdischarge suicide rate [is] approximately 100 times the global suicide rate during the first 3 months after discharge”).