

# UNIVERSITY OF CALIFORNIA, BERKELEY

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January 11, 2010

Professor Wayne Brazil  
Chair, Police Review Board  
687 Simon Hall – MC 7200

Dear Professor Brazil

Thank you for agreeing to serve as the Chair of the campus Police Review Board. The charge to the Board, its membership and procedures may be found at <http://administration.berkeley.edu/prb/PoliceReview.htm>. Former Police Review Board Chair, Professor Christopher Kutz is available to answer questions regarding the Board's recent activities. Assistant Vice Chancellor Emily Sexton in the Office of the Vice Chancellor Administration can also provide you with information about the Board's history or operations.

The Board is responsible for hearing appeals from administrative dispositions of individual complaints, pursuant to established procedures. The handling of complaints against particular identifiable officers is set out in the Board's "Procedures for Handling Citizen Complaints Against Sworn Members of the University of California Police Department."

The principal purpose of this letter is to ask the Board to undertake a broader special assignment and perform a review of the Wheeler Hall protest and demonstrations of November 20, 2009. We are committed to fashioning policies and procedures that honor the University's commitments to freedom of inquiry and expression and to maintaining the kind of secure and safe environment without which free inquiry and expression would not be possible. It is in the spirit of balancing our concerns for these rights and responsibilities that we ask the Board to undertake this review. Please note that it is crucial that this general review not consider, or make findings regarding, identified or identifiable sworn officers. Any consideration of individual officer conduct or behavior should only occur under the Board's complaint appeal process subject to the procedural and confidentiality protections it provides.

The UC Police Department has already begun conducting its operational review of the incident. This is an operational review that entails collection of all the available information including reports, videos and pictures taken by UCPD, students, the public and media, to ensure that actions taken were reasonable under the circumstances. Upon completion, it will immediately be made available to the Campus Police Review Board.

The Board's review will encompass review of UCPD's investigation. However, the Board should be satisfied that it has sufficiently examined all relevant information, from as many competent sources as possible, pertaining to the Wheeler Hall protest, including all matters submitted to the Board, to perform its independent review. Specifically, we ask the Board to undertake the following important tasks:

1. A comprehensive and accurate account of the demonstration including the conduct of the police and of the demonstrators, both inside and outside of Wheeler Hall, building upon the work done by the operational review, if and as necessary.

2. An evaluation of the possible use of excessive force by the police (subject to the admonition above regarding individual officer conduct or behavior) in establishing and managing crowd control in the context of the actual situation, including the behavior of the demonstrators.
3. An evaluation of the response of UCPD command and campus administrators in managing the demonstration.
4. Recommendations, if necessary, in police training, policy and practice designed to reduce the severity of confrontations with police during demonstrations, including procedures for bringing in outside agencies onto campus and moving them onto the police line.

Per the PRB guidelines, the Board may choose to solicit the use of an outside investigator to help with its review of the Police investigation and/or conduct additional investigation as the Board deems necessary to satisfy the needs of their review.

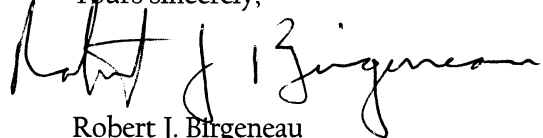
UCPD, under the leadership of Police Chief Mitch Celaya, is fully committed to supporting the Board's review process and to providing all the information the Board might need as it works toward developing as complete and accurate an understanding as possible of how the pertinent events unfolded. Chief Celaya invites you to communicate all of your informational needs and to share all of your questions and concerns with him. Information from the public regarding this incident will be coming into [prbchair@berkeley.edu](mailto:prbchair@berkeley.edu); the PRB will share this information with the Chief unless the sender asks that it be kept confidential. As you understand, strict confidentiality is required of all Board members regarding internal discussions.

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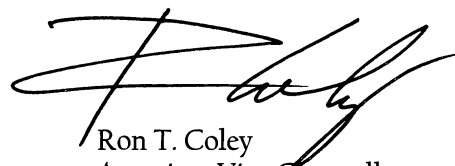
We know that you appreciate the importance of this review for our campus community and the need to proceed as expeditiously as possible, convening the Board in January to begin its work. Barring any unforeseen developments, the Board is asked to report by May 31, 2010. We are very grateful for your service to the University and look forward to receiving your report.

With warm regards.

Yours sincerely,



Robert J. Birgeneau  
Chancellor



Ron T. Coley  
Associate Vice Chancellor  
Business and Administrative Services

cc: Members of the Police Review Board  
Mitchell Celaya, Police Chief, UCPD  
Christopher Kutz, Professor of Law and former Chair, PRB  
Rita Gardner, staff to PRB  
Emily Sexton, Assistant Vice Chancellor, Administration