

**AN INDEPENDENT REVIEW  
OF AN UNUSUAL OCCURENCE AT THE CALIFORNIA  
STATE UNIVERSITY BOARD OF TRUSTEES MEETING,  
NOVEMBER 16, 2011**

**AND**

**AN EVALUATION OF THE POLICIES, PROCEDURES,  
TRAINING, AND UNUSUAL OCCURENCE OPERATIONS  
OF THE CALIFORNIA STATE UNIVERSITY POLICE**

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## **Foreword**

This report presents the findings, analyses and recommendations resulting from the independent review of the California State University Board of Trustees Meeting disruptions in Long Beach, California on November 16, 2011, conducted by R. M. McCarthy & Associates.

In conducting this review, every effort was made to maintain objectivity. However, it would be naïve to presume that all factions will accept its findings. Rather, the reviewer is hopeful that the report will prove of benefit in correcting misconceptions and create a better understanding of what took place prior to and during the Board of Trustees Meeting on November 16, 2011. This review has resulted in a number of conclusions and recommendations. We are confident that implementation of the recommendations contained herein will enhance the ability of the California State University Police to plan and prepare for future critical events.

Lastly, the level of cooperation and support extended to this reviewer by Chief Nathan Johnson, Chief Fernando Solorzano, and members of the CSU Police Department was excellent. Thank you to Mr. Teven Laxer of the CSU Employees Union for his cooperation. Their candor and willingness to accommodate the requirement of the reviewer were greatly appreciated.

Ronald M. McCarthy  
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## **Executive Summary**

At the November 15-16, 2011 California State University (CSU) Board of Trustee meeting, there were a large group of protestors in attendance that included CSU employees and students, as well as demonstrators from the “Occupy” movement and Refund California. The disruption to the meeting led to clearing the protestors from the building, with a struggle at the lobby doors that resulted in the glass doors shattering injuring four police officers. On November 18, 2011, police at the University of California (UC) Davis campus used pepper spray on a group of UC students who were seated on the ground. These incidents prompted the legislature to hold a joint hearing into the disruptions at CSU and UC. At the conclusion of the hearing, both university systems were asked to conduct a review by an independent, external party. This report satisfies this request.

### General Conclusion

Based upon the review of video and audio evidence, interviews with individuals at the Nov. 16 incident, and 42 years of experience in law enforcement, this reviewer has concluded that overall the preparation and handling of the event was well managed. However, there are some aspects of the event that could be improved in anticipation of future such demonstrations.

### Recommendations

There are 15 recommendations resulting from this review, which cover planning, officer/equipment deployment, policy updates and communications.

## Chapter 1

### **BACKGROUND AND DEFINITIONS OF TERMS USED**

#### **General Background**

The California State University (CSU) Office of the Chancellor is housed primarily in the City of Long Beach, and its twenty-three campuses spread across the state present a unique and challenging situation for the law enforcement executives and field officers throughout the system. Each of the campuses is led by a President, with its own Police Chief, Police Department, and P.O.S.T Certification Number. There is indirect jurisdiction of campus police departments by the Chancellor's Office (CO) via the department of Risk Management and Public Safety.

Each campus police department adheres to both campus and system-wide policies and guidelines. All CSU law enforcement also must adhere to local and state laws and the United States Constitution.

The governing board for the CSU, the Board of Trustees, meets six times per year, typically at the Long Beach headquarters facility. It is not unusual to have members of the public, including representatives of employee unions and CSU students, in attendance. An opportunity for public comment in front of the Board is provided at each of these meetings.

On November 16, 2011, a demonstration took place during the Board of Trustees meeting. This report provides information about the demonstration and related incidents and offers observations and recommendations that may be helpful in the future.

#### **Limitations of the Review**

The reviewer was not responsible for reviewing particular incidents or claims for the purpose of determining potential liability. Nor was he chartered to

investigate protester complaints against the police or assaults against police officers. The number of on-site interviews conducted by the reviewer consisted of those that could be accommodated during the limited time the reviewer was given. This limitation was compensated for by conducting telephone interviews. Also, due to unavailability or incompatible schedules, the reviewer was not able to interview everyone who might have been able to provide information. Some parties refused or ignored the request to participate.

Finally, when conducting a review, it is always possible for evaluators to occasionally ask the wrong question or misinterpret a response to an important inquiry. This, in turn, could lead to an incorrect conclusion and subsequent unnecessary recommendation. Hopefully, the efforts taken to prevent this from happening were successful.

## **Research Methods**

This review utilized the following data collection methods:

1. A review of applicable departmental policies and procedures, after-action reports, newspaper articles, video tapes and a collection of documents.
2. A review of the Operations Order developed for the Board of Trustees meeting of November 16, 2011.
3. A review of available literature related to planning, preparation and response to crowd/riot control situations.
4. Personal interviews of selected departmental personnel of all ranks who were involved in the CSU Board of Trustees meeting of November 16, 2011.
5. Personal interviews of selected local agency personnel who were involved in the CSU Board of Trustees meeting.
6. Visits to the Chancellor's Office.
7. A review of pre- and post- Board of Trustees meeting correspondence, e-mail and other documents.

8. Personal knowledge of contemporary policy, procedure and training within the field of planning, preparation and responding to crowds, demonstrations and riots. This includes California P.O.S.T. Guidelines and case law.
9. Extensive personal experience in responding to and managing crowd/riot control situations.

### **Definitions of Terms Used**

BOT	CSU Board of Trustees
CRU	Critical Response Unit, a special response organization from several of the CSU campuses, trained and disciplined to respond to critical campus incidents.
CP	Command Post
CSS	Community Services Specialist
CSU	California State University
CSUP	California State University Police
Chemical Agents	Chemical tearing agents commonly utilized by law enforcement agencies. Often erroneously referred to as "tear gas," these agents are not gases, but rather particulate matter dispensed in several ways, including burning canisters, liquid-filled projectiles, aerosol projectors and canisters containing the agent in powder form.
IC	Incident Commander
Less-Lethal Concept	Planning and force application which meet an operational objective with less potential for causing death or serious physical injury than conventional police tactics.
PC	Penal Code
Pepper Spray/ OC Spray	A colloquial name for Oleoresin Capsicum (OC), which is a highly concentrated form of peppers occurring naturally in cayenne peppers. It is an inflammatory substance that affects the mucous membranes of humans and animals. OC is commonly dispensed from an aerosol projector, but can be dispensed by other methods as well.

Restricted Safety Zone	A pre-designated geographical area, usually encompassing a protected site, within which access is strictly controlled and limited to persons with appropriate credentials or other authorizing documents
SWAT	An acronym for Special Weapons and Tactics, SWAT was first coined by the Los Angeles Police Department. It is internationally recognized and used by many law enforcement tactical teams. Both terms, SWAT and Special Weapons and Tactics, are used interchangeably in this report.
TEMS	An acronym for Tactical Emergency Medical Support, TEMS involves the integration of Emergency Medical Services (EMS) with SWAT/tactical units. Tactically-trained, commissioned or non-commissioned paramedics/emergency medical technicians directly provide EMS at the scene of tactical operations. They may be supplemented by an on-scene physician operating in either an active or advisory capacity.

**Note:** The words "protester" and "demonstrator" are used interchangeably throughout this report.

## Chapter 2

### PURPOSE OF THE REVIEW

On November 16, 2011, a planned demonstration took place during a Board of Trustees meeting attended by an estimated three hundred participants. In anticipation of this demonstration, the CSU Chief Law Enforcement Officer working with the CSU Long Beach Police and other campus police department officers and managers, developed an operations plan. The plan included assistance, if needed, from the City of Long Beach Police Department. Unfortunately, the demonstration and the police response to it degraded to an arrest situation and officers being injured. CSU campus police departments historically have been sensitive to the unique issues and police-related problems inherent in on-campus policing. Campus demonstrations are common to the California State University police system, and policies and procedure have been developed to address these predictable events.

The First Amendment to the Constitution of the United States provides the right to freedom of speech and peaceful assembly. These rights are recognized as fundamental to a democratic society. However, the manner in which they are exercised has been and continues to be one of the major areas of disagreement between law enforcement and demonstrators. Usually, issues and disagreements are created by outside influences. As a result, law enforcement officers and police managers, are often caught in the middle of dissenting factions. The dilemma created by the disruption of November 16, 2011 is the reason this independent review was undertaken.

Student protests at the university are not uncommon, particularly when tuition increase items are on the agenda. Thus, the November 16, 2011, meeting of the Board of Trustees could predictably be a magnet for students, employees and supporters who wanted to express their views regarding topics before the Board of Trustees. Certainly there were a large number of people who were exercising their constitutional rights to peacefully assemble and speak out in opposition to issues being considered and voted

upon by the CSU Board of Trustees. It is unfortunate that those who had no such intention were present in the crowd. Those who intended to protest in a lawful manner were infiltrated by those few who had another agenda. A few became willing or unwilling participants in acts that were both illegal and injurious.

The recent escalation of dissatisfaction on the part of citizens and organizations regarding the economic issues, both national and local, has resulted in nationwide demonstrations, "occupations," and disruptions both lawful and unlawful. Obviously, the terrible state of the economy in the State of California is the genesis of many of the substantial issues that the demonstrators were protesting about. That is not the focus or goal of this independent investigation. Rather, this review is intended to evaluate what occurred through the review of available videos and through interviews with citizens who were present and law enforcement personnel who were involved. The study of policies and procedures and the examination of documents, arrest reports and training have also been used in this effort.

## Chapter 3

### **PLANNING AND PREPARATION**

Preparing and implementing a comprehensive plan is one of the most important factors in achieving operational success. Planning can be as simple as providing instructions to a small group of officers after referring to a prepared checklist, or as complex as the planning efforts required for a major event, such as the Summer Olympic Games. In order to ensure that nothing is left to chance and all foreseeable problems are considered, it is imperative that a well-defined course of action be taken. Before this can be accomplished, planners must be given an achievable set of objectives so that duplication and wasted effort can be eliminated, or at least minimized. This analysis will, of course, address the CSU Board of Trustees meeting on November 16, 2011. The results are not intended to impugn the integrity or intentions of those who were charged with the responsibility of preparing a functional security plan for the meeting, but rather to objectively identify those areas of the operation from which lessons can be learned and future performance improved.

#### **CSU Police Planning Effort**

The CSU Police (CSUP), under the leadership of systemwide Chief Nathan Johnson and CSU Long Beach Chief Fernando Solorzano, developed a detailed operations plan for the November 15-16, 2011 meeting. This included several meetings with the City of Long Beach Police Department and some communication with CSU Chancellor and Executive Vice Chancellor/Chief Financial Officer.

The CSU police had only nine days to formulate an operations plan and meet with the appropriate staff and command of the City of Long Beach Police Department. Cooperation between the CSUP and the Long Beach City Police Department was very good. They agreed upon jurisdictional responsibilities that

included but was not limited to traffic direction, expected arrival of buses, large numbers of people in and around the street, plaza and parking areas as well as security of property and personnel within the chancellor's building. A plan was agreed upon if circumstances demanded that included squads of city police officers responding to assist the CSU police.

### **Planning Objectives**

As approved by CSUP leadership the follow objectives were included in the Operations Plan to guide the efforts of emergency responders:

- To provide a safe environment that is conducive to a successful meeting of the California State University Board of Trustees;
- Provide protection for Board members, dignitaries and guests;
- Deter potential problems by maintaining a presence during active sessions;
- To permit the business of the Trustees to commence while safeguarding the First Amendment rights of those in opposition to Board actions;
- If possible, avoid confrontational situations that will likely fuel potential protestors in aid of political causes; and
- Officers will only intervene in the Board's process and take precautionary measures when life safety is jeopardized, by orders of the Board's Chair or IC.

In the final analysis, not all of the objectives were attained. However, this should not be taken as an indication that planners intentionally failed to direct their efforts toward attaining all objectives. The fact that the reviewer might have taken a different approach or placed a higher priority on one objective over another does not mean that security planners were somehow ill-intentioned in the approach they took.

Planners were hampered by the limited availability of information regarding the number of demonstrators and their intentions. This is a frequent problem confronting law enforcement agencies when planning for major events,

and it is common practice under these circumstances to plan for a ‘worst-case scenario.’ In fact, this is one of the principle tenets of major incident planning.

The Operations Order was anticipatory and provided clear direction for the CSU Police supervisors and officers, as well as the Critical Response Unit (CRU). Page 2 of the Operations Order detailing the “Execution” phase is provided here as an example of the appropriate foresight.

- **Execution:**

- *Briefing for this event will commence at xxxx hours in the Anacapa Room at the CO on Tuesday and at xxxx on Wednesday.*
- *The protection detail will familiarize themselves with building layout, key attendees and Chancellor’s Staff.*
- *Sworn staff will maintain perimeter patrol to watch for demonstrators. Posts will be at key access points known by protesters to be easy access to the Dumke Auditorium.*
- *Plainclothes units will be assigned to the interior areas of the Dumke to maintain control of attendees.*
- *CSS personnel will serve as mediums and address buffer zones within the building (lobby, upper floor access, corridors) and parking access.*
- *Officers will check interior and exterior sites, respectively, and post prior to the meeting.*
- *A CSS or staff member will be assigned 80 passes to regulate the general seating area in the Dumke auditorium. Barriers will be established in the conference corridor to prevent overflow patrons from direct access to the main lobby. The exterior doors near the Wallace room will be used.*
- *No signs or banners will be permitted in the building.*
- *Staff will be dismissed by the IC once Board members have cleared the chambers and the meeting has adjourned and or as*

*the duration dictates. Escorts of the Trustees to their vehicles to the North lot may be necessary following the meeting.*

- *If evacuation is necessary, BOT members will be escorted to a safe room, unless the threat requires building evacuation. In the latter case, the BOT will be xxxx.*
- *Should a disturbance erupt in the Dumke, individuals will be removed. Discretion will be applied as to whether to warn, cite or book. Group disturbance will be cited and booked once a dispersal order is provided.*
- *The disbursement order, if necessary, will be given by the IC or his designee.*
- *Long Beach PD will assist by providing a Motors Squad to assist with traffic and serve as back up if needed. On Wednesday, LBPD will establish a joint CP. Tactical squads will be stationed there to support our efforts if necessary. A transport van will be available ready for deployment if needed.*
- *All assigned staff shall remain cognizant of persons wandering in or about the building unescorted and without their CSU identification card. Unfamiliar persons should be approached and asked for their ID card.*

After examination and review of the preparation effort, the reviewer can conclude that the planners constructed a reasonable tactical program that was clearly explained in the Operations Order. Police personnel, in uniform, were positioned to provide a visual message, but were attired in dress uniforms with none of the items of equipment that could be interpreted as expecting bad behavior from those who were demonstrating.

The Operations Order clearly defined the goals and objectives of the CSUP and its CRU. Several different groups had expressed an intention to speak to the Board at this Board of Trustees meeting. The reporting of suspicious persons “scouting out” the building was noticed on November 14, and was

obviously a consideration when determining deployment in and around the facility and grounds.

It should be noted that one of the objectives on the part of the CSUP was “safeguarding” the First Amendment rights of those in opposition to the Trustee’s actions.

The plan called for the activation of the CSUP CRU, in anticipation of some of the demonstrators breaking the law. Obviously, the CRU members have been carefully selected and have been provided with additional training and therefore are predictably going to respond to crowd or mob threats in a more restrained and professional manner than a CSU police officer with lesser skill sets.

Once completed the Operations Plan was reviewed by the Assistant Vice Chancellor for Risk Management and Public Safety.

### **Recommendations**

1. When, in the future, it can be predicted that a very emotional issue, such as an increase in tuition fees, is before the Board of Trustees, the Chairman might consider formulating a response to predictable increases in speakers and consider adjusting time constraints and changing the tone of the message delivered to the audience.
2. Consider placing at least two uniform officers in the meeting room along with plainclothes officers. They should be originally placed on opposite sides of the room. The uniform will not disrupt the meeting, but any person who is intent on a serious criminal act will instinctively focus on the uniform officers and be less likely to attack their intended target first. In an emergency, the uniform provides an immediate, easy to see, response position for responders. It will prevent some negative behavior.

## Chapter 4

### PLAN EXECUTION

The Trustees began their business under the direction of Chairman Herbert Carter at approximately 0830 hours. There were many parties in the Dumke Conference Center that regularly attend the BOT meetings. These attendees range from faculty members to labor representatives and others from the university community. There were seventeen Trustees present, including two ex-officio elected officials. A group of protesters were allowed inside. The intention of the BOT was that no signs would be allowed, but many signs were evident when reviewing the various video tapes.

There were four plainclothes officers, and one supervisor providing security inside the Dumke room. As the meeting began to unfold, the public in attendance was advised by the Chair Carter, that thirty minutes had been allocated for public commentary, and due to the large number of requests to speak each speaker had three minutes to present his views. As captured in the audio of the plenary session, at the end of thirty minutes, Chair Carter is heard advising people that others will be allowed to speak at the conclusion of the Board business, if they choose to do so. As the 30-minute time limit was reached, the demonstrators/speakers were creating significant disruption to the meeting with loud chanting and one female demonstrator “flipping off” the Trustees with both hands. A young man wearing a panda bear cap was standing on a chair and yelling loudly. Chairman Carter declared a ten-minute recess and the members of the Board of Trustees left the room. At that point some significant factors were apparent:

- The three-minute time limit per speaker was adhered to by Chairman Carter.
- This decision by the BOT and the Chairman was interpreted by many in the room, not just the demonstrating group, as being insensitive to

the tuition issue. However, Chairman Carter did announce that others would be allowed to speak later in the session.

- The response on the part of the group of demonstrators in the room was predictable – those in the room who were most strident became increasingly loud and agitated.
- The result of these activities on the part of the Board and the demonstrators was that the CSU police were now forced to take action based upon their duty to keep the peace, allow the BOT meeting to continue its work in some fashion, and restore order inside the Dumke Auditorium.

The operations planners had foreseen such a turn of events and had planned for it. There were sufficient personnel in uniform to respond to the Dumke Auditorium, if needed. Only plainclothes officers were inside as is the practice and decision of the Board of Trustees.

When the BOT returned, the protestors were in full voice and the chairman moved the meeting to another room. The announcement of the move was not clear to all concerned in the room, in part due to the chaos caused by the protestors and in part due to the fact that the sound system was not used.

It must be pointed out that a gathering of people within the demonstrators known as “Refund California” were chanting loudly, not speaking, and were joined by some leaders of the CSU labor groups. At this point, with the BOT meeting in another room, uniformed CSU police officers were brought into the Dumke Auditorium to clear it of everyone.

The effort to clear the Dumke Auditorium was probably unavoidable as there were demonstrators in the auditorium who entered with the intent to disrupt the meeting. The meeting deteriorated because of these individuals who were engaged in a violation of California Law, Section 415 PC, disturbing the peace. Also, the rigid stance on the part of the Board regarding time limits was a point of irritation mentioned by witnesses who were not part of the disruptive group. Most of the demonstrators were not breaking the law and were, in fact, practicing free speech.

The effort to clear Dumke was, in hindsight, somewhat chaotic and could have been accomplished in a more organized way on the part of the police. There was a lack of clear and concise direction from the police to the attendees and demonstrators in the auditorium from the time of the "ten minute recess" until the police cleared the room.

It must be understood that whenever the police are literally caught in the middle of two factions (in this case, the BOT and those demonstrators who were breaking the law), one of the common disclaimers on the part of those who later complain about the police is, "The police didn't tell me," or "We didn't hear."

### **The Arrests**

There were a total of four arrests, all but one undertaken by the CSUP and/or the CSU CRU officers. The fourth arrest was made by the City police. Although only a small percentage of demonstrators were acting unlawfully, far more than four demonstrators could have legitimately been arrested. The four demonstrators that were arrested, in the opinion of the reviewer, were legitimately arrested for acts they committed. The reviewer has watched and studied the video footage that supports those arrests. In fact, security camera video disclosed that a male protestor directed an aerosol projector spray from his position in the crowd of demonstrators at the police officers in the doorways. This assault on the police officers is significant. When a protestor brings an assaultive device to a demonstration, the intent is to unlawfully attack officers. It appeared that this unidentified protestor was not overcome by the emotion of the moment. Rather he was traveling to the chancellor's offices with the intent to break the law. Because of the chaos and the fact that an arrest effort could have created a larger problem and unintended harm to protestors, it was not prudent to attempt an arrest at that time. There were reports of other protestors with aerosol projectors being assaultive. This reviewer could not substantiate those claims.

The video footage clearly shows multiple demonstrators yanking and pulling on the doors. It is clear that uniformed officers are ordering demonstrators, multiple times, to release the doors and this directive is ignored.

(Violation of 148 PC) When the door handles were broken, the doors were shattered and the doorframes were damaged or destroyed. The video clearly shows the glass doors bulging outwards from the pressure applied by the demonstrators, therefore there is no question as to who applied the physical force that broke the glass. This was a violation of 594 (b) (1) PC. An estimated \$35,000.00 in damages was done. The entire group of demonstrators was guilty of an unlawful assembly because their presence was prohibiting those with regular business in the area of the Chancellor's Office to conduct that business. (Violation 407 PC)

The specific acts that were committed by the three arrested during the demonstration were as follows:

Arrestee #1 – was trying to force her way into the building by backing up into the police officers who were trying to keep out the demonstrators who were pushing their way into the building. At this point there were numerous demonstrators committing a violation of 415 PC. Her contact with the police officers by pressing vigorously backward is a physical assault (242 PC) when she made contact with the officers and was noted and addressed. She was pulled inside and arrested.

Arrestee #2 – engaged in pulling Arrestee #1 away from the arresting officers. She was interfering in a lawful arrest, a violation of 148 PC.

Arrestee #3 – was trying to force his way into the building by turning his back to the officers and lunging backwards into them, a violation of 148 PC and 242 PC.

There is clear video footage of the arrests of all three arrestees. They were physically resisting arrest and that forced officers to prone them out on the floor in order to control and handcuff them. The arrest and control (handcuffing) of those demonstrators who were taken into custody was consistent with department training and police procedures in California. An officer can be seen placing a knee in the back of Arrestee #1. Officers are trained to place their knee on the back of a suspect who has exhibited resistive behavior. It was obvious to this reviewer that the officer was not applying undo pressure with his knee. The

arrestees who had been in contact with OC spray were given medical assistance by the Long Beach Fire Department EMT's.

After the demonstrators pulled against the glass doors of the building lobby, causing one door to shatter and injure CSU Pomona Officer Valadez and others, Long Beach city officers arrested one suspect for 594 P.C., Vandalism, 243 P.C., Assault on a Peace Officer, and 148 P.C. delay/obstruction of a Peace Officer. The suspect was turned over to CSUP for booking. At this point the crowd of demonstrators backed away from other close confrontation.

### **Recommendations**

3. The CSU Police should consider utilizing the microphones and sound system to communicate to attendees and demonstrators. This would reduce confusion and eliminate the "I didn't hear" factor.
4. Provide adequate time for people to leave a room or location before using the uniform officers as a herding/pushing movement. Three separate witnesses told this reviewer of an incident that should not have occurred. A uniform officer was seen vigorously shoving with two hands a female demonstrator who was slowly walking out of the auditorium doors. One of the witnesses said she immediately interceded by calming the young woman, and as she did so, the officer thanked her. The three witnesses were clear in stating that the woman was not blocking and was moving, although very slowly, when she was pushed. If possible, this officer should be identified and given additional training.
5. Consider using this event as a training scenario for the CRU and other CSU police officers. This incident has several separate events that are "teachable moments:" the Dumke Auditorium situation, the lobby area outside the auditorium with the crowd/media congestion, and the exterior outside the glass door at the main entrance areas where the violent behavior on the part of demonstrators took place.

## Chapter 5

### ADDITIONAL OBSERVATIONS

#### **Failure to Establish a Safety Zone**

Based upon the video tapes of the demonstrators from the time they began to gather just prior to 0900 hours and when the majority of demonstrators were present, a significant observation can be made.

The Operation Plan should have directed that a 20-foot safety zone be in place with a rope line or some other physical line of separation clearly evident and uniformed officers present in fixed positions to secure the safety zone. The safety zone would insure that in an emergency ingress and egress would be available. It would obviously have aided in keeping demonstrators from blocking the closing of the doors. Glass doors and glass commercial windows should be considered as a prime vulnerability when demonstrators are intent on breaking the law. In hindsight, response to the violence at the front door should have come from outside rather than a "push" from inside the front doors, with the city police department squad "peeling" the demonstrators away from the front door. *(The reviewer learned that a January 2012 meeting had the safety zone component built into the operations plan.)*

There is disagreement regarding the issue of "who broke the glass doors." It is clearly evident on video showing a green-sleeved arm and another person's arm pulling the door outward. Viewed in slow motion, the door bows outward from that pressure and then shatters. It does not break from any action on the part of the police other than the officers' efforts to hold the doors closed. The responsibility for the breaking of the glass doors and the chaos and additional property damage and injuries to officers rests with those demonstrators who were not exercising free speech, but were, in fact, breaking the law.

Establishment of a safety zone allows the people who are the target of demonstrators to enter and exit without being physically assaulted by the small faction within the demonstrators who want to cause problems. A safety zone reduces the risk of officers being pressed from the front by demonstrators and from behind by the building and therefore forced to use force i.e., batons or OC. The potential for injury to citizens and the police is reduced. The safety zone in no way inhibits demonstrators from exercising free speech. An twenty-foot space does not decrease the volume or visibility of the demonstration.

### **Uniform Presence in the Board of Trustees' Meetings**

Consideration should be given to the concept of uniformed police officer being present in the Dumke Auditorium, along with plainclothes officers. Should an outrageous subject enter the room, he would naturally focus on the uniforms first, thereby reducing the opportunity to injure the Board of Trustees members. The uniforms also send a message to the demonstrators; the decorum and peace of the proceedings will be maintained.

### **Recommendations**

6. The operations plan should have provided for a reasonable, restricted "safety zone" between the gathering demonstrators and the primary entrance/exit points of the facility. The utilization of a safety zone at locations such as the Chancellor's Office during a demonstration is a necessity. The dimensions should be reasonable and not used as a covert effort to limit free speech and/or reasonable access.
7. A robust screening process should be in place when allowing access into a public meeting that has the potential to be controversial. The screening should involve officer inspection of any suspicious packages, briefcases or backpacks. If the person refuses they should not be allowed inside to ensure the content.

## Chapter 6

### INTER-AGENCY COOPERATION

#### **The City of Long Beach Police Department Role and Pre-Incident Cooperation**

The system-wide CSU police, Long Beach campus Police and the CSU Critical Response Unit recognized that in a “worst case scenario” the resources of the City of Long Beach police department may be needed. In fact, the events that unfolded did require the CSUP to utilize the city police department officers.

Based on interviews with key City of Long Beach Police department personnel, the following information is provided.

The CSU Chief Law Enforcement Officer, Nathan Johnson, contacted the Long Beach City Police Department in anticipation of a significant crowd-control problem on November 16, 2011. Several meetings were held with Sgt. Birkenkamp, the Long Beach city Police Department’s Critical Incident Management Specialist.

The city police agreed to provide bicycle and motor officer patrol on the day of the event as well as twenty-four officers (two squads) for flexible deployment, when and where needed. It was determined that the City of Long Beach police would stage their civil disturbance trained supervisors and officers in close proximity to the Chancellor’s Offices. Later the city officers changed their location to a nearby parking lot. In the event they were needed, a contact person from city PD would be inside with the CSU command and radio the squad in the parking lot to respond. This became necessary.

During one such meeting with Sgt. Birkenkamp, Chief Johnson saw two male subjects in the Chancellor’s Office Building. Since it is a secured building, Chief Johnson challenged them as to who they were and how they got inside. They were evasive. They were ejected from the building after their identification was obtained. One of the subjects had a criminal record for civil disturbance. It was concluded that they probably were on a scouting mission inside the building.

There is no legitimate reason to do intelligence gathering on the inside of a building if the intentions of demonstrators are to exercise free speech and demonstrate outside. This, of course, raised the awareness level on the part of both CSUP and city police. Both agencies came to agreement on how they would work together to respond to the CSU Board of Trustees November 16 meeting.

The city police were responsible for maintaining the free flow of vehicle traffic on Golden Shore and adjacent public streets. With the buses arriving with demonstrators and the number of demonstrators, this could have added to the problem if the streets became congested, but the city police were able to keep the street clear and at the same time allow demonstrators access to the demonstration group at the front of the building. When the call for the city police officers was made because the demonstrators were acting out violently at the front doors of the building, the Long Beach city squad responded immediately from their parking lot location, moved inside and supported the CSU police as arrests were made.

Both agencies agreed that City of Long Beach Police Department would be on standby and activated only if the situation escalated to an extreme level.

When the situation did escalate, one city police squad was deployed to secure the back of the Chancellor's Office building and the other squad deployed into the building to help hold the demonstrators outside as the CSU police donned riot gear.

There were communication issues between the Critical Response Unit and City of Long Beach Police Department that expanded the response time of the city police squad. There was also confusion on the part of attendees in the audience because the sound system was not used to inform them of the new location of the meeting.

### **Recommendations**

8. The CRU is an important and relevant concept that should be enhanced through additional training and a review of tactical equipment.
9. It is recommended that the CSU Police and the City of Long Beach Police consider regular meetings and, when possible, plan a scenario training day to further enhance the trust and cooperation of the two agencies.

## Chapter 7

### **POLICY AND PROCEDURE**

The continued use of legal rules of discovery by defense and plaintiff's attorneys has created reluctance on the part of many departments to delineate workable policy in writing. However, the importance of good written policy and procedure cannot be overstated. Established policy and procedure provide commanders with guidelines upon which they can base their decisions, and ensure proper conduct of personnel. While written policy does create accountability, if framed in general terms, thereby affording flexibility of application, the benefits derived by defining policy and procedure far outweigh any possible detrimental effects caused by having to support them in court. Fortunately, this reluctance is gradually diminishing through the efforts of professional organizations and associations, such as the International Association of Chiefs of Police, the Commission on Accreditation for Law Enforcement Agencies, and others. These efforts have, of course, been bolstered by negative judgments rendered against agencies which either lack good written policy, or whose policies are confusing or unclear. To further reduce the risk that a policy violation will be viewed as relevant by the courts, law enforcement agencies should exercise care when drafting their policies.

The Critical Response Unit Manual, contained under Section 5.0, is extremely well-written and is totally consistent with case law. It provides clear direction to the officers that are sworn to adhere to it.

Policy and procedure related to the management of critical incidents are contained within the CSU Police Department Directives and formal Policies and Procedures, as well as CRU policies. These documents are generally well written and provide sufficient guidance to department personnel. However, based upon a review of selected sections, the reviewer believes the following areas should be addressed.

## **Recommendations**

10. Consider listing law enforcement's "Priorities of Life" within your Mission Statement. These are national standards and are mentioned in the International Association of Chiefs of Police Training Keys as well as the National Tactical Officers Association Model Policies and Guidelines. These priorities are:

First: Hostages Lives (in the event of a hostage situation)

Second: Citizens Lives (in an event like an active shooter)

Third: Police Officers Lives (because their sworn duty is to protect those they serve)

Fourth: The Suspect (We will never violate the constitutional rights of the suspect, however, citizen safety and officer safety will never be jeopardized for the benefit of a suspect who is a threat to them)

11. Under CRU Manual Section 5.3.2.2, the term "less than lethal" should be changed to read "less lethal". This is the appropriate, contemporary term.

## **Further Insight**

When evaluating the use of force or the reasonable force used by police officers, the United States Supreme Court said in *Graham v. Connor* that "the test of reasonableness under the Fourth Amendment is not capable of precise definition or practical application. Its proper application requires careful attention to the facts and circumstances of each particular case, including whether the suspect poses an immediate threat to the safety of the officers or others and whether the suspect is actively resisting arrest or attempting to evade arrest by flight."

The foundation of use-of-force training should be threat assessment. The essence of the reasonableness inquiry in defense-of-life cases is whether the officer who used force reasonably perceived a threat at the time they used force.

So, the most important use-of-force attribute the police officer can develop is the ability to recognize a threat.

In the effort to clarify for the officer, when deadly force or a use-of-force is reasonable, training must be structured to enable officers to recognize an imminent threat and then reasonably respond to it. Training should teach the indicators of hostile intent. Examples of indicators of intent include aggressive verbal and nonverbal communications coupled with noncompliance with clear verbal commands from the officer.

An example of this occurred to Officer Dan Kelly of Seattle Washington Police Department. He was on uniform patrol during the night shift and stopped to investigate what appeared to be a possible stolen vehicle. There were no occupants in the vehicle. He then heard something behind him that caused him to turn around. A male subject wearing a bulky sweatshirt and baggy pants was walking towards Kelly. The suspect's body language and facial expression caused Kelly to tell the subject to "stop" and as the suspect began to reach under the sweatshirt at the waistband area, Kelly ordered, "Let me see your hands." The subject continued his movements, ignoring Kelly's commands. Kelly recognized the movements of the suspect as being consistent with the drawing of a gun from the waistband. Kelly used deadly force. When other officers arrived on scene the suspect was found to have a semi-automatic pistol in his waistband. The gun belonged to one of the four murdered officers who were assassinated in the Tacoma, Washington coffee house the day before.

The threat of attack or threat assessment is critical, necessary training. It is absolutely necessary that the officer respond to the threat before it manifests into an attack.

Use-of-force training and policy must prepare for and allow the officers to respond to a threat to them or another before the assault occurs. If an officer responds to an actual assault, it may be too late to save himself or others. In *Anderson v. Russell*, the Fourth Circuit Court of Appeals found reasonable, an officer's use of deadly force against an unarmed man (Anderson) who the officer believed was reaching for a gun. The court recognized that the circumstances caused Officer Russell to have reason to believe that Anderson was armed. The

court also stated that an officer does not have to wait until a gun is pointed at the officer before he is entitled to take action.

In *Prymer v. Ogden*, a police officer (Ogden) had arrested and handcuffed Prymer. As Ogden was walking the suspect to the patrol car, Prymer made a gurgling noise in his throat as if he was going to spit on Ogden. Ogden struck Prymer in the forehead with a straight-arm stun technique to redirect Prymer's head. The court found the officer's actions to be reasonable.

Policy must be in concert with Federal and State Court decisions. Training must be consistent with the policy. This reviewer believes that the Force Policies of the CRU are consistent with decided cases, and the response by CSU Police to the November 16<sup>th</sup> violent demonstration would indicate appropriate training is being accomplished.

The California State Attorney General's Office conducted a statewide study involving more than 20,000 uses of O.C. Spray. There were no fatalities. This study is included in the Appendix of this document.

## Chapter 8

### CONCLUSIONS

Planning and preparation for the CSU Board of Trustees' meeting involved extensive efforts on the part of the Chancellor's Office staff, CSU Long Beach Police and the City of Long Beach police department. The results of this independent review reflect some deficiencies in planning by the CSUP were at least partially caused by (1) an honest effort to be as low profile as possible so as not to garner criticism from the media and labor organizations, (2) lack of coordination and cooperation between various internal CO groups, and (3) failure to implement a restricted safety zone.

The police leadership and planners were well intentioned, and it is clear that none wanted the disruptions that arose to occur. The CSUP mission was to provide every opportunity for free speech with as small a law enforcement "footprint" as possible. Unfortunately chaos and injury to officers did occur. The responsibility for this lies in part with the leadership of the demonstrators who either could not or did not control their members who broke the law.

Many experts in the law enforcement community believe that the most difficult category of police work is crowd control/civil disturbance/riot control. The following are a few of the reasons why this belief is held.

- Crowds become mobs, which become riots in a matter of seconds. The celebration of a World Series Championship, an NCAA basketball championship or the Stanley Cup can go from happy celebration to violent attacks on other citizens and officers.
- The emotion and fervor overcomes even some of the more rational people and they do things that under ordinary circumstances would never occur to them.
- If a crowd or demonstration becomes violent, the noise level, sheer numbers of citizens and officers, and the rapidly evolving events

create significant coordination and communications problems for the police.

- The focus of many who are present, including the media, is generally on the police, and, in the end, the police are accused of too much force or not doing enough to stop the violence.
- Almost always, the demonstration or crowd event stretches law enforcement's manpower capability and budget.
- It is always difficult to train for crowds and demonstrations as staff-hours and budgetary issues are always a consideration.

The CSU police supervision and officers were confronted with significant problems and issues such as those described above. This review has identified areas of improvement in regard to future events of this kind. The reviewer learned that subsequent to the November 15-16, 2011 BOT meeting, the CO executives and staff, including police, introduced changes and improvements to enhance the overall experience of meetings. This was done without any outside influence, and some of the modifications are cited as recommendations in this report. These measures include, but are not limited to, the following:

- Debriefings and discussions of "lessons learned" with CSU police, other departments within the CO, and involved local police;
- The identification of roles and responsibilities of key staffers should a disruption occur, including notifications to union leaders, students groups, guests and the media;
- Communication with the statewide student association about roles, responsibilities and duty of demonstrators and law enforcement officers;
- Improved closed circuit television and public address systems;
- The development of pre-scripted messages should notification of changes to the meeting become necessary;
- Enhancements of law information communication and strategic protocols in regards to planning with the LBPD and CRU response

team, including chain of command issues and authorization on the use of less-lethal law enforcement tools;

- The implementation of a buffer zone at and or near the entrance to where the BOT meeting will be held; and
- The forming of a statewide committee to examine and recommend changes to CSU policies related to demonstrations.

The results of this independent review are believed to support the following conclusions:

1. The CSU police department and assisting entities, working together, exerted considerable effort in planning and preparing for the November 15-16, 2011 Board of Trustees' Meeting.
2. In spite of considerable provocation, the CRU and city police officers displayed exceptional restraint in an attempt to maintain order during the November 16, 2011 Board of Trustees' meeting disruptions.
3. The ultimate responsibility for the chaos and property damage that occurred rests with those who came to the Chancellor's Office to, by their actions, shut down the Board of Trustees' meeting and occupy the building.
4. There was abundant information from various sources available to planners indicating that demonstrations were likely to be disruptive.
5. The CSU police took significant steps to accommodate protesters and ensure their First Amendment rights. They allowed total access to plaza in the hope that this cooperation would led to peaceful protest.
6. A lack of sufficient personnel prevented demonstration management personnel from taking the initiative against unruly crowds at the front doors and the lobby area.
7. Protesters occupying the Dumke Auditorium should have been removed using loud speakers, and a methodical process to minimize physical contact and reduce claims of confusion.

## **Recommendations**

Recommendations articulated earlier in this report are repeated here, along with additional recommendations:

1. When, in the future, it can be predicted that a very emotional issue, such as an increase in tuition fees, is before the Board of Trustees, the Chairman might consider formulating a response to predictable increases in speakers and consider adjusting time constraints and changing the tone of the message delivered to the audience.
2. It is recommended that the Board of Trustees consider placing both uniformed and plainclothes officers in the Dumke Auditorium during predictably contentious meetings.
3. It is recommended that the CSU police evaluate their less lethal options on a regular basis to assure utilization of contemporary tools and applications.
4. Provide notice to leave the meeting room via a broadcast that can clearly be heard by all. Ensure adequate time for people to leave a room or location and directions as to where to exit before using the uniform officers as a herding/pushing movement.
5. It is recommended that the CSU police use this November 16, 2011 event as a training tool.
6. The operations plan should have provided for a reasonable, restricted "safety zone" between the gathering demonstrators and the primary entrance/exit points of the facility. The utilization of a safety zone at locations such as the Chancellor's Office during a demonstration is a necessity. The dimensions should be reasonable and not used as a covert effort to limit free speech and/or reasonable access.
7. Consider always placing a formal "check point" at the entrance to the Chancellor's Office building to identify those who are entering the

auditorium and to insure that those entering are checked for weapons and provided passes.

8. Continue the regular training program for the CRU. The outstanding professional, restrained response of these police officers at the November 16, event was a direct result of that program.
9. It is recommended that the CSU police and their city police counterparts meet monthly to discuss relevant issues, joint operation concepts, and to build the trust factor.
10. It is recommended that the CSU police consider adopting the "Priorities of Life" that law enforcement special units similar to the Critical Response Unit have adopted. These priorities could be included in or in proximity to the mission statement in the Ops manual.
11. Under CRU Manual Section 5.3.2.2, the term "less than lethal" should be changed to read "less lethal".
12. It is recommended that the Board of Trustees join with the CSU police to provide a coordinated plan of response should disruptions occur. The fact that both the police and some attendees did not know or understand that the meeting was taking place in another room created animosity towards the Board of Trustees and the police.
13. It is recommended that the CSU police attempt to meet with demonstration leaders, when possible, prior to the demonstration to facilitate a better understanding of each party's responsibilities and/or goals in an effort to avoid confrontation.
14. In the event of similar demonstrations, an arrestee holding area should always be established and appropriate qualified police personnel provided to maintain control and security of multiple arrestees.
15. Contact between CSU police and on campus organizations such as the California Faculty Association, SEIU, UAW and the California State Student Association should be increased to facilitate a better understanding about police operations.

## Appendix

### **MATERIALS AND DOCUMENTS REVIEWED**

1. Letter from State legislators requesting an independent review of the circumstances during the 11/16/11 Trustee's meeting
2. CSU Tech Letter 2010-04
3. Redacted copy of CRU manual
4. Full copy of the CRU manual (not for public release)
5. Board of trustees' operation Plan for 11/16/11 (not for public release)
6. Copies of Thank You letters to front line officers who were injured on 11/16/11, listing department contact information
7. Incident reports 11-0907 and 11-0909 listing arrested parties and arresting officers, and contact information (not for public release until cleared by DA)
8. UAW Letter concerning SCU event on 11/16/11 that was distributed to State legislators during public speaking session
9. Chancellor Lobby CCTV video footage (DVD A)
10. 11/16/11 Trustees' meeting plenary session (DVD B). Noted item of interest include time stamp 27:55, where IAW member Rich Anderson applauds CSU Police; and time 35.15 where disturbance caused recess and chair's direction to clear the room.
11. 11/16/11 Trustees' meeting protest videos (DVD C and D). Noted moments:
  - a. Disk 1, Chapter 3 – 1:08, Officer asked arrestee if she is okay.
  - b. Disk 1, Chapter 3 – 1:20, Front door view
  - c. Disk 1, Chapter 4 – Officers using OC
  - d. Disk 2, last chapter – CSUN student (Sandy Sundial) video doesn't capture full extent of the problem
  - e. Police Videographer DVD (E), which shows Nate Johnson speaking with students about access protocols to the Dumke Auditorium 94:00), students pulling on door and breaking front door of chancellor's office (22:36)
12. Email communication from Teven Laxer, Senior Labor Relations Representative SCU Employees Union SEIU #2579
13. Board of Trustees' Meeting, January 25, comments from Russell Kilday Hicks
14. Board of Trustees' Meeting, January 25, comments from Joseph Dobzynski, Jr.
15. Board of Trustees' Meeting, January 25, comments from Teven Laxer

16. Teven Laxer Testimony before California Senate Committee on Education and the Assembly committee on Education, December 14, 2011
17. Document regarding Education Code 66602 et seq. establishing the University California State Trustees
18. California Superior court Declarations of Herbert Carter, Chairman of Board of Trustees, Nathan Johnson and Christine Helwick
19. California Superior Court Complaint for Permanent Injunction Declaration of Robert W. Bates
20. Guide to the Bagley-Keene Open Meeting Act of 2004
21. Agenda of the December 14, 2011, Senate Education and Assembly Higher Education Committee hearing regarding police response to non-violent campus demonstrations – Use of Force Policies, Procedures and Response
22. An open letter to Chancellor Reed regarding the 11/16/2011 CSU Board of Trustees Meeting from Emily Sander, Anthropology Student Association, James Suazo College of Liberal Arts Student Council and English Students Association, all of California State University, Long Beach

## **LIST OF CITIZENS/POLICE CONTACTED AND/OR INTERVIEWED**

### **Citizens**

1. Teven Lexer, Senior Labor Relations Representative CSU Employees Union SEIU Local 2579
2. Pat Gantt – CSUEU Official
3. Joseph Dobzynski, Jr., Vice President for Member Engagement, Programmer/Analyst at CSU Channel
4. Alice Sunshine, Communications Director, California State University Faculty Association
5. Sharon Cunningham, California State University Employees Union Representative for Unit #5
6. Ashley Wardell, 24-year-old student (arrested) contacted on Saturday, February 4, 2012, refused interview
7. Herbert Carter, Chair, CSU Board of Trustees

### **CSU Police**

1. Nathan Johnson, Chief of Police and System-wide chief Law Enforcement Officer, California State University Police
2. Lt. Christopher Schivley, California State University Long Beach Police /CRU Tactical Commander
3. Chief Fernando Solorzano, California State University Long Beach Police

### **Long Beach Police Department**

1. Sgt. Robert Razo, Long Beach Police Department SWAT Unit
2. Sgt. J. Birkenkamp, Long Beach Police Department, Critical Incident Management

DANIEL E. LUNGREEN  
*Attorney General*

**OLEORESIN CAPSICUM (OC) USAGE REPORTS  
SUMMARY INFORMATION  
FEBRUARY 29, 1995  
CORRECTED COPY: MARCH 8, 1995**

Number of Reports to Date:	13,671
Number of Reporting Agencies:	338
Production Application Information	
Number of Agencies Reporting Cap-Stun Usage:	50
Number of Agencies Reporting Def-Tec Usage:	349
Reported effective:	11,207
Reported Ineffective:	1,774
Percent effective:	86.3%
Subject Information	
Overall Average Age:	31 years old
Male Subject Age Range:	9-89 years old
Female Subject Age Range:	12-81 years old
Number of Male Subjects Reported:	12,348
Number of Female Subjects Reported:	995
Number of male and Female Together:	34
Number of Dogs Reported:	170
Unknown:	124
Subjects Reported Not Injured:	11,804
Subjects Reported Injured (due to altercation, no OC):	1,266
Subjects Injured due to OC:	3
OC Related Deaths:	0
Death Resulting from Greater Means of force (i.e., gunshot):	4
Law Enforcement Personnel Information	
Officers Reported Not Injured:	11,892
Officers Reported Injured:	1,046
Officers Reported Injured Due to OC:	1

*Formal independent analysis by the International Association of Chiefs of Police (IACP) indicated that OC was not the cause of death in the 14 cases where individuals died after application of OC. Subsequent to the IACP study, five additional in-custody death reports (in which OC was used) have been received.*

DANIEL E. LUNGREEN  
*Attorney General*

**OLEORESIN CAPSICUM (OC) USAGE REPORTS  
SUMMARY INFORMATION  
MARCH 1996**

Number of Reports to Date:	23,095
Number of Reporting Agencies:	518
Production Application Information	
Number of Agencies Reporting Cap-Stun Usage:	91
Number of Agencies Reporting Def-Tec Usage:	697
Reported effective:	18,610
Reported Ineffective:	2,687
Percent effective:	87%
Subject Information	
Overall Average Age:	31 years old
Male Subject Age Range:	9-89 years old
Female Subject Age Range:	12-81 years old
Number of Male Subjects Reported:	21,006
Number of Female Subjects Reported:	1,685
Number of male and Female Together:	45
Number of Dogs Reported:	209
Unknown:	249
Subjects Reported Not Injured:	20,278
Subjects Reported Injured (due to altercation, no OC):	2,131
Subjects Injured due to OC:	5
OC Related Deaths:	0
Death Resulting from Greater Means of force (i.e., gunshot):	9
Law Enforcement Personnel Information	
Officers Reported Not Injured:	20,534
Officers Reported Injured:	1,694
Officers Reported Injured Due to OC:	1

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*Formal independent analysis by the International Association of Chiefs of Police (IACP) indicated that OC was not the cause of death in the 14 cases where individuals died after application of OC. Subsequent to the IACP study, five additional in-custody death reports (in which OC was used) have been received.*

**PROFESSIONAL EXPERIENCE**

- R.M. McCarthy and Associates, Inc. President, 1993 - Present.
- International Association of Chiefs of Police. Manager of the Center for Advancing Police Studies, 1989-1993.
- International Association of Chiefs of Police. Project Director, Deadly Force Training Program, 1986-1989.
- U.S. Department of Energy, Central Training Academy. Chief of Tactical Operations, 1984-1986.
- Los Angeles, California Police Department. Senior Supervisor-Acting Commander, Special Weapons and Tactics Unit, 1971-1984.
- Los Angeles, California Police Department, 1960-1984.

**LAW ENFORCEMENT ASSIGNMENTS**

- Court qualified expert (State and Federal) re: Deadly Force, Police Use of Force, Special Weapons and Tactics, Hostage Negotiations, Riot and Crowd Control, and Police and Private Security Practice.
- Field commander of numerous civil disturbances, crowd control, riots, and peaceful, as well as, unlawful labor/management disputes.
- Senior Supervisor and Instructor, Los Angeles Police Department Tactical Unit, Riot and Crowd Control Tactics.
- Field Supervisor, Los Angeles Police Department Tactical Unit. Responded to or supervised police response to all riots that occurred in the City of Los Angeles from 1965 through 1984 (Watts Riot, Century City Riot, Devonshire Downs Riot, Iranian Riot, Revolutionary Communist Party Riots).
- Consultant and member, Los Angeles Police Department VIP Security Detail. Physical security issues concerning high-risk consulates such as the Israeli and Turkish Consulates
- Developed and supervised dignitary security operations within the City of Los Angeles for President of the United States and foreign heads of state, hostage and barricade incidents.
- Field tactical commander or supervisor on more than 400 incidents involving use of force, twenty-one incidents involving necessary use of deadly force.

- Chief of Tactical Operations, U.S. Department of Energy, Central Training Academy. Responsible for development of and instruction for all special weapons and tactics curriculum, including Deadly Force, Use of Force, Self-Defense, Dignitary Protection, Hostage Negotiations, Firearms, Helicopter Tactical Operations, Hostage Rescue, Counter Terrorism and Vulnerability Assessment for the U.S. Department of Energy, Central Training Academy.
- Acting Commander, Senior Supervisor, and Squad Leader of Los Angeles Police Department's Special Weapons and Tactics Unit.
- Supervisor, Los Angeles Police Department Labor Relations and Strike Detail.
- Supervisor in charge of numerous (over 300) strike, union/management incidents requiring police intervention.
- Appointed to New York Police Department Firearms Review Committee, 1990-1991.
- Appointed to U.S. Department of Justice WACO Review Committee, 1995.
- Testified before Congress Re: WACO and FBI Involvement, 1995.

### **LAW ENFORCEMENT PUBLICATIONS AND PAPERS**

- Two published articles in the National Tactical Officers Association publication, The Tactical Edge, "Special Weapons and Tactics and Use of Force," and "Combat Shooting."
- Two published articles in the IACP Police Chief magazine on force and tactics.
- The Management of Police Specialized Tactical Units, by Tomas C. Mijares, Ronald M. McCarthy, and David B. Perkins, Charles C. Thomas Publisher, LTD, 2000.
- The Management of Police Specialized Tactical Units, Second Edition, by Tomas C. Mijares and Ronald M. McCarthy, Charles C. Thomas Publisher, LTD, 2008

### **INSTRUCTORSHIPS**

- Adjunct Faculty Member, Fullerton College Police Academy, 1998 - Present.
- University of Southern California, United States Air Force (Command Level), "Police Response to Hostage Incidents."
- Mount San Antonio College. "Police Patrol Procedures," "Special Police Operations," and "Police Investigation Techniques"
- Rio Hondo Police Academy and Golden West College. "Police Field Tactics, "Self Defense," Special Weapons and Tactics," "Hostage Negotiations," "Civil

Disturbance and Crowd/Riot Control Tactics,” and “Use of Force, Deadly Force”

- Instructed over 20,000 police, military, and security personnel in tactically-related subjects nationwide over the past 30 years, virtually all related to the use of force or deadly force issues.

### **EDUCATION**

- A. A. Degree, Administration of Justice, East Los Angeles College, Los Angeles, California
- Attended Los Angeles, California, City College

### **TRAINING**

- Approximately 4,000 hours of related training in the following areas:
- Civil Disorder, Los Angeles, California, Police Department
- Special Weapons and Tactics
- Hostage Negotiations
- Special Weapons and Tactics, FBI Academy, Quantico, Virginia
- Unusual Occurrence Seminar, FBI Academy, Quantico, Virginia
- Unusual Occurrence Management School, California Specialized Training Institute, San Luis Obispo, California
- Police Labor Relations Seminar, Lake Arrowhead, California
- Firearms, American Pistol Institute, Paulden, Arizona

### **AWARDS**

- Erie, PA, “All American Hero Award,” 1995
- Los Angeles, California, Police Department Medal of Valor
- Los Angeles Police Department Police Star
- Eighty-four Los Angeles Police Department Commendations
- Two Los Angeles Police Unit Citations.
- Sons of the American Revolution Police Officer of the Year.
- National Tactical Officers Association Award of Excellence, 1990.