



SILENT SAM Monument After Action Assessment Report

Privileged and Confidential

Via E-mail

To: Harry Smith
Robert Rucho
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cc: Margaret Spellings

From: Richard Glaser, Esq. 

Date: October 22, 2018

Re: Silent Sam After Action Assessment Report

I. EXECUTIVE SUMMARY

Following the toppling of the Silent Sam monument on the University of North Carolina at Chapel Hill's campus ("UNC-CH") on August 20, 2018, the Board of Governors for the University of North Carolina System ("Board of Governors") directed Chancellor Carol Folt and UNC-CH's Board of Trustees ("Board of Trustees") to develop a "lawful and lasting" plan to preserve the 105-year-old statue. The plan will be presented to the Board of Governors by November 15, 2018.

The Board of Governors also asked a team of lawyers from the law firm of Parker Poe Adams & Bernstein LLP, including Rick Glaser, Eric Cottrell, Eric Frick, and Katherine Graham, and a group of law enforcement management consultants from Hillard Heintze, LLC, including Rob Davis, Bob Boehmer, Rick Tanksley, and Marcia Thompson, to conduct an After Action Assessment and draft an After Action Report. The Assessment and Report were undertaken to establish the factual timeline and answer several questions, including but not limited to, (1) what actions and events led to the forceful removal of the monument on August 20, 2018 and (2) what findings and recommendations can be made going forward.

We found that while there were serious deficiencies in the way the August 20, 2018 event was handled, there is no evidence of a conspiracy between UNC-CH and any protesters or any other individuals to remove Silent Sam. To the contrary, UNC-CH's administrative staff, leadership, and the University's Police Department ("University Police", "UNC-CH Police", or "the Department") take their obligation to protect the safety and security of their campus seriously and are committed to finding ways to improve. Nevertheless, an analysis of the August 20 event also establishes that the way that UNC-CH plans for and responds to protests must change. Rather than smaller, student-led demonstrations, UNC-CH faces an increasing

threat from outside protest organizations and highly organized, non-student groups and networks who are not associated with UNC-CH and do not have the best interests of the UNC-CH's community in mind. Both UNC-CH and the University System must be willing to adapt to the changing landscape of the university protest environment in order to adequately address future events and engage in the continued debate over controversial structures on campus. Our analysis suggests that the forceful removal of Silent Sam was caused by a confluence of events stemming from a number of different factors, including but not limited to: (1) ineffective reporting structures and communications practices between senior administration leadership and the UNC-CH police; (2) inadequate event planning and failure to synthesize and assess pre-event information; and (3) lack of a formal protocol regarding decision-making responsibility for law enforcement related matters.

This Report begins with an overview of the protocol and processes utilized in compiling this Assessment and Report. A detailed factual summary of the events surrounding the August 20, 2018 protest will follow. The Report ultimately concludes by outlining the major findings and recommendations from our Assessment in order to assist UNC-CH and the University System in addressing these challenges.

II. PROTOCOL AND ASSESSMENT PROCESS

Key factual witnesses were interviewed at various locations in Chapel Hill over several weeks from September through October of 2018. Relevant documents were reviewed concurrently with and subsequent to these interviews. The Report constitutes a culmination and analysis of our combined factual findings.

A. Assessment Process Overview

Phase	Activities
Outside Research/Media Reports	We read and analyzed a number of outside media and news reports related to the August 20, 2018 incident and to other protests involving Silent Sam.
Interviews	We interviewed 27 members of the UNC-CH Police Department; 11 UNC-CH administrators; 2 University System administrators; 2 UNC-CH Board of Trustees members; and 2 miscellaneous witnesses.
Document Review	We gathered and reviewed relevant documents and materials.

B. Outside Research/Media Reports

In putting together this report, several outside research sources were reviewed, including but not limited to the UNC University Archives, the UNC webpage, the University System's webpage, the North Carolina Sheriff's Department webpage, Facebook, Twitter, The Daily Tar Heel, the Chapel Hill News & Observer, the Herald-Sun, the Chapel Hill News, the News & Record, WRAL, WUNC, WCHL & Chapelboro, CBS News, Fox News, ABC News, USA Today, Change.org, Reuters, Time, the Washington Post, the New York Times, Business Insider,

Campus Reform, and the Chicago Tribune. These sources supplemented the first-hand accounts provided during in-person interviews and other documents and materials reviewed by our team.

C. Interviews

We conducted in-person interviews to confirm our understanding of the facts leading up to the August 20, 2018 protest involving Silent Sam and the aftermath of its toppling. For this purpose, we interviewed four (4) primary groups of people: (1) officers with the University of North Carolina at Chapel Hill Police Department; (2) members of the UNC-CH administration; (3) members of the University System administration; and (4) members of the Board of Trustees. We interviewed Chief Christopher Blue of the Chapel Hill Police Department (“Chapel Hill Police”) and Chis Otto from ISAAC/the Fusion Center. We also conferred with Orange County District Attorney Jim Woodall and SBI Director Robert Schurmeier. We completed the interviews from September to October 2018.

UNC-CH Police Department

The UNC-CH Police Department is a campus law enforcement agency established and maintained in accordance with N.C.G.S. § 116-40.5. The Department is accredited with the Association of Campus Law Enforcement Administrations (“ACLEA”) and is headed by the Chief of Police, Jeff McCracken. Between fifty (50) to sixty (60) officers make up the Department, depending on the number of vacant positions. Officers employed within the Department meet the requirements of Chapter 17C of the General Statutes, take the oath of office prescribed by Article VI, Section 7 of the North Carolina Constitution, and are authorized to exercise all the powers of law enforcement officers.

There are three (3) Captains that directly serve the Chief, (1) Captain Connie Bullock (Support Services Commander); (2) Captain Tom Twiddy (Patrol Services Commander); and (3) Captain Rahsheem Holland (Administrative Services Commander). In addition to officers in more administrative positions, the University Police have several specialized units including Uniformed Patrol, the Community Response Unit (“CRU”) and the Criminal Investigations Department (“CID”). Uniformed Patrol is designed to have four (4) squads of nine (9) officers each. The CRU is composed of eight (8) officer positions and the CID section is comprised of five (5) officer positions. The University Police Department’s Latest Organizational Chart is attached hereto as **Exhibit A**. The following members of the UNC-CH Police Department were interviewed for this Report on the following dates:

Name	Position/Rank	Date Interviewed
Jeff McCracken	Chief	9/10/2018; 9/26/2018
Tom Twiddy	Captain	9/11/2018
Connie Bullock	Captain	9/11/2018
Rahsheem Holland	Captain	9/11/2018
Keith Ellington	Lieutenant	9/11/2018
James Ellis	Lieutenant	9/11/2018
Michael Berendsen	Lieutenant	9/11/2018
Jacob Kornegay	Sergeant	9/11/2018; 9/20/2018
John Ross	Officer	9/11/2018

Jeffrey Mosher	Lieutenant	9/12//2018
Ray Oliver, Jr.	Investigator	9/12/2018
Timothy Goad	Sergeant	9/12/2018
Cameron Gales	Sergeant	9/12/2018
Michael Goodwin	Sergeant	9/12/2018
James David	Sergeant	9/12/2018
Hector Borges	Officer	9/12/2018
Brian Detweiler	Officer	9/12/2018
Shane Hardenberger	Officer	9/12/2018
Bob Gerring	Officer	9/12/2018
Matthew Dodson	Officer	9/17/2018
Nathaniel Wood	Officer	9/17/2018
Jonathan Culberson	Officer	9/17/2018
Ross Barbee	Investigator	9/17/2018
Pedro Vasquez	Officer	9/17/2018
Tiesha Williams	Officer	9/17/2018; 9/25/2018
Nicholas Lynch	Officer	9/17/2018
Forrest Wade Humphrey	Officer	9/17/2018

UNC-CH Administrators

Carol Folt is UNC-CH's eleventh Chancellor and is the head of UNC-CH's administrative system. Chancellor Folt works along with the Board of Trustees and reports to the President of the University System, Margaret Spellings. As of March 2018, the Office of the Chancellor at UNC-CH is comprised of twenty-three (23) administrators who report to Chancellor Folt and to the UNC-CH Board of Trustees. The March 2018 Office of the Chancellor Organizational Chart is attached hereto as **Exhibit B**. The following UNC-CH administrators were interviewed for this Report on the following dates:

Name	Position	Date Interviewed
Felicia Washington	Vice Chancellor for Workforce Strategy, Equity, and Engagement	9/18/2018
Jonathan Pruitt	Vice Chancellor for Finance and Operations	9/18/2018
Clayton Somers	Vice Chancellor for Public Affairs and Secretary of the University	9/18/2018
Robert (Bob) Blouin	Executive Vice Chancellor and Provost	9/20/2018
Mark Merritt	Vice Chancellor and General Counsel	9/20/2018
Christi Hurt	Assistant Vice Chancellor for Student Affairs	9/20/2018
Derek Kemp	Associate Vice Chancellor for Campus Safety and Risk Management	9/20/2018; 9/26/2018

Joel Curran	Vice Chancellor of University Communications	9/20/2018
Amy Hertel	Chief of Staff to the Chancellor of UNC-CH	9/21/2018
Carol Folt	Chancellor of UNC-CH	9/21/2018; 9/26/2018
Winston Crisp	Vice Chancellor for Student Affairs	9/21/2018

University System Administrators

The University of North Carolina System (“University System”) is a multi-campus university, composed of sixteen (16) constituent universities across the State and the North Carolina School of Science and Mathematics. Together, University System campuses enroll approximately 225,000 students. UNC-CH is one of the constituent institutions of the University System, and was originally chartered by the North Carolina General Assembly in 1789. The twenty-eight (28) member Board of Governors is the University System’s policymaking body and is legally chartered with “the general determination, control, supervision, management, and governance of all affairs of the constituent institutions.” The Board of Governors elects the President of the University System and chooses the chancellor for each of the System’s constituent institutions on the President’s nomination. A copy of the University of North Carolina Organizational Chart is attached hereto as **Exhibit C**. The following administrators from the University System were interviewed for this Report on the following dates:

Margaret Spellings	President of the University of North Carolina	9/24/2018
Brent Herron	University of North Carolina System’s Associate Vice President of Campus Safety and Emergency Operations	9/24/2018

UNC-CH Board of Trustees

Each of the universities that form a part of the University System has a board of trustees consisting of eight (8) members elected by the Board of Governors, four (4) appointed by the General Assembly, and the president of the student body, who serves ex officio. Each of the universities’ boards of trustees has been delegated extensive powers over academic and other operations by the Board of Governors. The current Chair of the UNC-CH Board of Trustees is Haywood Cochrane, Jr. The following board members from the UNC-CH Board of Trustees were interviewed for this Report on the following dates:

Haywood Cochrane, Jr.	Chair of the Board of Trustees	9/18/2018
Dwight Stone	Board of Trustees Member	9/21/2018

Other/Miscellaneous

The following additional fact witnesses were interviewed for this Report on the following dates:

Christopher Blue	Chief of the Town of Chapel Hill Police Department	9/25/2018
Chris Otto	ISAAC/Fusion Center	10/3/2018

The Chapel Hill Police Department, when fully staffed, is made up of one hundredtwenty (120) officers and is headed by Chief of Police, Christopher Blue. The Chapel Hill Police Department and the UNC-CH Police Department have standing mutual aid agreements pursuant to N.C.G.S.. § 160A-288, which enable them to provide various levels of assistance to one another in upholding and enforcing North Carolina law.¹

The North Carolina Information Sharing and Analysis Center (“ISAAC”), located in Raleigh, NC, is administered by the North Carolina State Bureau of Investigation (“SBI”). ISAAC is an organization which develops actionable intelligence on immediate and emerging threats and shares it with its first responders, the private sector, emergency management, critical infrastructure, and its federal, state, local, and tribal partners. In our interviews, ISAAC was used interchangeably with the Fusion Center, a collaborative effort of two or more agencies that provide resources, expertise, and information in order to respond to criminal and terrorist activity. The University Police often work with ISAAC and the Fusion Center when preparing for major protests like the one on August 20, 2018.

Finally, we also had telephone conferences with SBI Director, Robert L. Schurmeier, and Orange County District Attorney James Woodall regarding the August 20, 2018 demonstration and follow-up gatherings involving Silent Sam. Face-to-face interviews were neither conducted nor requested.

D. Document Review

Over several weeks from August to mid-October, we gathered and reviewed relevant materials from UNC-CH and other sources. These materials were collected, sorted, and then reviewed by contract attorneys for initial responsiveness. The results of the first level review were then analyzed by attorneys at Parker Poe Adams & Bernstein LLP.

¹ N.C. Gen. Stat. § 160A-288 authorizes law enforcement agencies to loan: (1) officers (including in an undercover capacity); (2) equipment; and (3) supplies in order to assist in enforcing the laws of North Carolina. For the purposes of this statute “law enforcement agency” includes municipal police departments, county police departments, a sheriff’s office, or local ABC officers. Both the Chapel Hill Police Department and the University’s Police Department fall under the municipal police department category.

III. FACTS AND BACKGROUND INFORMATION

A. The Silent Sam Monument

In 1908, the Board of Trustees for UNC-CH approved a request from the North Carolina chapter of the United Daughters of the Confederacy (“UDC”) to erect a Confederate monument on the UNC-CH campus to commemorate the more than 300 students serving as Confederate soldiers who perished in the Civil War. Sculptor John Wilson completed the monument in 1913.

On June 2, 1913, the monument was dedicated on commencement day and placed on a pedestal in McCorkle Place. The unveiling featured speeches by Governor Locke Craig and Julian Shakespeare Carr, a Confederate veteran, local industrialist, and trustee of the University. In his speech, Carr lauded the Confederate army’s “sav[ing] the very life of the Anglo Saxon race in the South” and recalled a personal anecdote of “horse-whipp[ing] a negro wench until her skirts hung in shreds” for insulting a white woman on Franklin Street. “I performed the pleasing duty,” he continued, “in the immediate presence of the entire garrison, and for thirty nights afterwards slept with a double-barrel shot gun under my head.” The racist rhetoric of the unveiling coupled with the symbolism of the statue itself has fueled decades of protests and controversy.

B. October 25, 2015

Although there have been a number of protests and boycotts concerning Silent Sam, the October 25, 2015 rally marked the first of the modern gatherings that required a significant University Police presence. In 2015, several events culminated to bring renewed interest to Confederate monuments and structures: (1) on May 28, 2015, the Board of Trustees passed three resolutions, one of which renamed Saunders Hall to Carolina Hall (Mr. Saunders was a Colonel in the Confederate Army during the Civil War and was linked to the Ku Klux Klan); (2) on June 27, 2015, an activist was arrested after removing the Confederate battle flag displayed on the grounds of the South Carolina State House (the flag was permanently taken down as a result on July 10, 2015); (3) on July 17, 2015, nine (9) people were killed at a historic black church in Charleston, South Carolina, by a white man who confessed to trying to start a race war; and (4) Governor Pat McCrory signed Senate Bill 22 on July 23, 2015, which made it harder to remove statues and other historical monuments from public property. From July to October of 2015, Silent Sam was defaced and vandalized on multiple occasions. In response, two Confederate heritage groups, Orange County Taking Back Orange County (“Orange NC Southerners”) and Alamance County Taking Back Alamance County (“ACTBAC”) held a rally on campus in support of Silent Sam, which was scheduled to begin at 2:00 pm on October 25, 2015.

The UNC-CH Police found out about the October 25, 2015 event through social media and contacted the leader of ACTBAC in the weeks prior to the event. According to several officers, the University Police Department generally attempted to contact and liaise with protest groups prior to planned events in order to help prepare and ensure the safety of eventual attendees. Based upon information provided by ACTBAC in conjunction with social media intelligence, the University Police were able to anticipate the number of Confederate heritage protestors and knew that counter-protestors were also likely to attend. Although they had not had a particularly violent protest to date, the University Police approached this event with the “worst case scenario” mindset. Towards these ends, Mobile Field Forces (i.e., police units

trained in crowd control and other techniques) from other law enforcement agencies were asked to work alongside University Police officers pursuant to mutual aid agreements. These outside Mobile Forces were ultimately staged in an adjacent building, ready to be called upon if needed. Bike rack barricades were also utilized in a flying saucer/oblong configuration with Silent Sam at the center. This configuration was designed to ensure that the Confederate heritage groups could approach the monument while maintaining adequate separation from the counter-protesters.

However, what was originally planned to primarily be a demonstration in support of Silent Sam turned into a rally against the Confederate monument. While about one hundred (100) people gathered in support of Silent Sam, approximately three hundred (300) showed up in support of its removal. Despite the University Police's best efforts, there was some intermingling between the Confederate heritage and counter-protester groups. According to several officers, some of the Confederate group members cut across the area designated for the counter-protesters, who were mostly student demonstrators representing the Black Lives Matter movement. While there was some hostility between the two groups, several members of the University Police recalled that the event was not particularly violent or aggressive. No one was seriously injured and any aggressive elements were successfully contained. The officers considered their response to the October 25, 2015 protest a success and said that it was used as the template for future protests.

C. August 22, 2017

The violent demonstration by white supremacists in Charlottesville, Virginia on August 11 and 12, 2017, brought renewed attention to the debate over Confederate monuments in public spaces. This feeling intensified following the toppling of a Confederate monument in Durham by anti-monument demonstrators on August 14, 2017, and Duke University's decision to remove a vandalized statue of Robert E. Lee from the entrance of Duke Chapel on August 19, 2017. In deciding to take their statue down, Duke University cited campus safety as one of its main motivating factors.

Around this time, flyers began circulating on social media and around Chapel Hill regarding a planned protest at Silent Sam at 7:00 pm on August 22, 2017. This also happened to be the first day of classes at UNC-CH. The posters read: "The first day of Silent Sam's last semester," and were accompanied by the hashtags "#SilenceSam, #HeatherHeyer, #BlackLivesMatter," and included a photo of the statue upside-down.

On August 19, 2017 Chief McCracken penned a memorandum to Chancellor Folt following her request for documentation regarding the needs of the campus police and the costs involved in monitoring Silent Sam. The Chief stated that in his professional opinion, it was only a matter of time before an attempt would be made to bring down the statue and that the police had information indicating that an attempt might occur on August 22. The Chief asked for support to help mitigate the impending threat. A copy of the Chief's August 19, 2017 Memo is attached hereto as **Exhibit D**.

Two days later, the Chief wrote a follow-up letter to the Chancellor. The August 21, 2017 letter outlined the costs of continued monitoring at Silent Sam. This included \$25,000 spent on the October 25, 2015 event and \$1,700 per day spent to maintain the University's

Harry Smith
Robert Rucho
Phillip Byers
October 22, 2018
Page 9

police presence at the monument. The Chief estimated that it would cost \$621,000 annually to continue the current level of police presence.² A copy of the Chief's August 21, 2017 Letter is attached hereto as **Exhibit E**.

That same day, members of the UNC System and UNC-CH's administration penned a letter to Governor Roy Cooper requesting additional law enforcement support. The letter asked that Governor Cooper "take appropriate action to avoid violence and address the significant safety risks to the UNC-CH students and the campus as well as the risk of damage to the Silent Sam monument." The letter revealed that University Police and the SBI believed that an attempt to topple Silent Sam was imminent. The letter was signed by President Spellings, Chancellor Folt, Lou Bissette, and Board of Trustee's Chair Haywood Cochrane. A copy of the administration's August 21, 2017 Letter to Governor Cooper is attached hereto as **Exhibit F**.

Responding late that evening, Governor Cooper stated that he had always stood with University and local law enforcement since the events in Charlottesville and argued that UNC-CH had the power to remove the statue if they feared an imminent threat: "If our University leaders believe there is a real risk to public safety, the law allows them to take immediate measures." See <https://www.newsobserver.com/news/local/counties/orange-county/article168579147.html>. However, in a statement released early the next day on August 22, 2017, UNC-CH argued that it could "act only in accordance with the laws of state of North Carolina," and that legal ambiguity prevented further action: "The University is now caught between conflicting legal interpretations of the statute from the Governor and other legal experts," the statement said. "We continue to believe that removing the Confederate Monument is in the best interest of the safety of our campus, but the University can act only in accordance with the laws of the state of North Carolina." See <https://uncnewsarchive.unc.edu/2017/08/22/statement-university-status-confederate-monument/>. On August 22, 2017 several members of the BOG wrote a letter to President Spellings and then-Chair Bissette disagreeing with their letter to the governor. See <https://www.wral.com/members-of-unc-board-of-governors-voice-concern-over-handling-of-silent-sam-statue/16934041/>

University Police began placing bike rack barricades around Silent Sam on the morning of August 22, 2017. This time, however, the barricades were configured into two concentric circles surrounding the statue, with UNC-CH Police officers placed in the space between the two barricades overlooking the crowd. Officers were provided with helmets and gas masks and received outside support from the Orange County Sheriff's Department, the Chapel Hill Police Department, and the Highway Patrol's Mobile Field Force, among others.

The event began on time at 7:00 pm that evening. Estimates of the crowd ranged from a few hundred to over a thousand. However, unlike the event in 2015, which had vocal participants in favor of and against the statue, this one was primarily attended by anti-statue protesters. After several speakers addressed the crowd with a megaphone, the group marched

² In a July 9, 2018 statement, UNC-CH officials noted that the University had spent \$390,000 from July 1, 2017 to June 30, 2018 to provide security in the area around Silent Sam. In addition, the University reported that approximately \$3,000 in expenses are used to "clean the monument after vandalism during the fiscal year." <https://www.newsobserver.com/news/local/education/article214790180.html>

down Franklin Street to the University System President's home. The crowd blocked traffic for approximately twenty (20) minutes, but left without incident.

While the August 22, 2017 protest was largely peaceful, at least three (3) people were arrested. Several people in the crowd pushed against the barricades, forcing police to push back. What started as an anti-statue protest eventually developed into an anti-police rally. One UNC-CH student was charged with a misdemeanor resisting arrest. UNC spokesman Randy Young also indicated that an individual from Graham, NC, was charged with possessing a knife on school property and an individual from Durham, NC, was charged with wearing a mask and resisting arrest.

D. Interim Period Between August 2017 and April 2018

According to University Police, some protesters stayed at the statue overnight following August 22, 2017 and began a prolonged sit-in. The students and protesters took shifts around the monument to ensure a consistent presence and asked for temporary rain shelters and portable batteries to be brought by their supporters on Facebook.

On August 25, 2017, UNC-CH released another statement, this time on behalf of the Board of Trustees. This statement provided that Chancellor Folt had been advised by the Office of University Counsel and the General Administration that UNC-CH did not have the legal authority to move the monument and that the Board of Trustees agreed with that interpretation. The Board of Trustees then expressed support for the Chancellor and UNC-CH's handling of the matter, noting that that it would be "unwise and imprudent for the University to take any action regarding the monument without additional legal clarity." The Statement reiterated that UNC-CH would continue to "enforce all policies regarding signage and the proper use of grounds and facilities. See <https://uncnewsarchive.unc.edu/2017/08/25/statement-board-trustees-confederate-monument/>.

In the meantime, University Police monitored Silent Sam, with at least one officer stationed near or patrolling around the monument, twenty-four hours a day, seven days a week. Officers either patrolled the statue after signing up for overtime or the assignment was delegated to the squad on duty. Two (2) cameras, which were installed around 2015, allowed police to view a live stream of the monument at the 911 dispatch center. Although students and community members continued to protest the presence of the monument through boycotts and demonstrations, these events were generally small and peaceful.

E. April 30, 2018

On April 30, 2018, Little defaced the Silent Sam monument with red paint allegedly mixed with her own blood. In describing her actions on April 30 to the Daily Tar Heel, Little explained:

I smeared my blood and red ink on the statue because the statue was lacking proper historical context. This statue, Silent Sam, was built on white supremacy. It was built by white supremacists. It was built by people who believed that Black people were inferior and wanted to intimidate them. So these statues were built on Black blood. These statues symbolize the violence toward Black people.

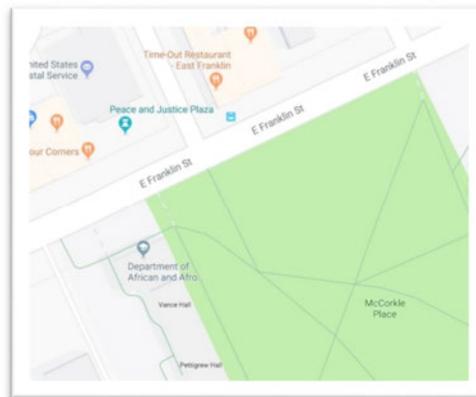
Without that blood on the statue, it's incomplete, in my opinion. It's not properly contextualized.

See <http://www.dailytarheel.com/article/2018/05/maya-little-quanda-0501>.

Following her arrest on April 30, Little was charged with defacing, striking, marking or injuring a public statue, according to the Orange County Magistrate's Office. She was released on a promise to appear in court. Her court date was initially scheduled for August 20, 2018. However, prior to August 20, her court date was continued to September 4 and then October 15, 2018 by Jim Woodall following concerns that August 20 coincided with the first weekend back on campus at UNC-CH.

F. Planning and Preparation for August 20, 2018

In the aftermath of Little's arrest, UNC-CH students and others planned to gather off campus at the Peace and Justice Plaza on August 20, 2018 to protest the continued existence of the statue and to support Little. The Peace and Justice Plaza is located in the Town of Chapel Hill across the street from the University and McCorkle Place. Silent Sam is approximately 300 feet away from the Plaza. The event was scheduled for 7:00 pm. The protest remained scheduled for August 20, 2018 even after Little's court date was continued to October 15, 2018. The protest was sandwiched between Convocation, which was scheduled for August 19, 2018, and the start of classes on August 21, 2018.



1. Information Gathering: Social Media, Posters, Etc.

The initial pre-event information gathering effort for August 20 was headed by University Police Sergeant Jake Kornegay, who was assisted by Officer Tiesha Williams. Sergeant Kornegay is the special events coordinator with the University Police and is responsible for coordinating UNC-CH's law enforcement and safety response to large and small events on campus, including protests. Both UNC-CH and ISAAC have relied on Sergeant Kornegay's significant expertise in event planning and assessment over the years.

Sergeant Kornegay first received information about the August 20 protest from Chief McCracken at approximately 9:00 am on July 10, 2018. The information provided by the Chief included the event's Facebook page. Social media, including Facebook, has consistently been

used by the University Police to estimate event attendance; however, multiple interviewees commented that social media numbers have become increasingly less reliable in recent years. Some University Police officers also speculated that actual event attendance skews higher than Facebook estimates when left-leaning groups are involved, but that Facebook numbers tend to be over-inflated with right-leaning groups. In any case, everyone agreed that social media intelligence should never be viewed in a vacuum. However, it also needs to be stated that Kornegay observed when demonstrations occur at night, as in 2017 and the one in 2018, more problems or potential for violence or vandalism may occur.

The Facebook event page, entitled “Not One Left Standing,” described the event as “a protest in solidarity with Maya Little who faces trial on the morning of this event for covering Silent Sam in paint and her own blood. To all those who have fought and are fighting against the white supremacy that UNC always promoted, benefited from, and upheld.” Sergeant Kornegay forwarded the social media information to ISAAC at 9:46 am on July 10 and noted that he needed to share the information with the Town of Chapel Hill, the County, and the District Attorney’s office. He also informed Derek Kemp, his Chief’s immediate superior and liaison to the UNC-CH administration. Kemp has held the position of Associate Vice Chancellor for Safety and Risk Management at UNC-CH since August 3, 2015.³ Other officers at the University Police were put on notice of the event through normal 9:00 am morning briefings.

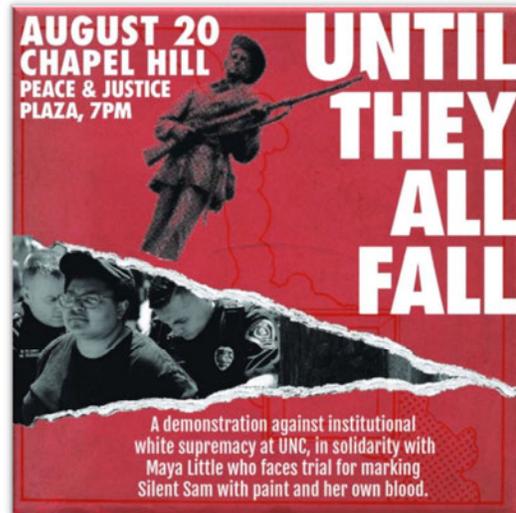
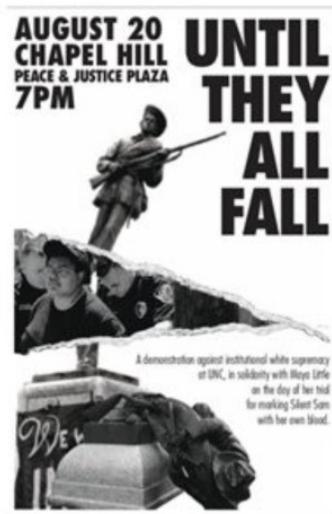
The general trend saw increasing numbers of people both attending and interested in the Facebook event as the protest date approached. By July 20, 2018, 70 people had RSVPed as attending and 110 were marked as “interested.” By July 23, that number had increased to 120 RSVPs with 227 people interested in attending. By August 8, 156 had RSVPed and 356 were interested. By August 13, 185 were confirmed as attending.

On or about August 14, 2018, approximately one week before the anticipated protest, Kemp sent an email to his direct supervisor, Jonathan Pruitt, as well as others in the Chancellor’s office, including Amy Hertel, Winston Crisp, Joel Curran, Mark Merritt, Clayton Somers, and Felicia Washington. Hertel is Chancellor Folt’s Chief of Staff. The email attached a 2018 High Interest Events Calendar, which incorporated the most recent Facebook numbers. It should be noted that Hertel stated, after checking her email correspondence, that she in fact did not open the attachment to the email on July 17 because there was no attachment to the email. According to the Calendar, as of August 14, 196 people had been marked as attending with an additional 455 people interested in the August 20 event. The Calendar also included a note that the numbers had steadily grown since July, interest would likely increase as students returned to campus, and that the event would likely migrate from the Plaza to the monument.

A promotional flyer, entitled “Until They All Fall” also began to circulate in the weeks before the protest and was displayed up and down Franklin Street as well as on campus. One version of the poster featured a dedication to Little: “[This is] a demonstration against institutional white supremacy at UNC, in solidarity with Maya Little on the day of her trial for marking Silent Sam with her own blood.” There were other iterations of the poster, but all of them featured a photo of Little being arrested on April 30 along with a picture of Silent Sam.

3

Some of the posters also included a photo of the toppled Durham statue that had been pulled down by demonstrators in 2017.



Several officers and some administrators recalled seeing the posters before August 20 in the Pit and elsewhere on campus.

Somers was forwarded a copy of the black and white version of the poster by a contact with the UDC on Tuesday, July 17, 2018. In the email, Somers' UDC contact said that she felt that "the 'activists' are plan[n]ing something that will certainly result in someone being hurt. I hope that the Police will be in place and not repeat what happened in Durham." Somers responded that the University's "police team is aware of the flyer and planned event and have already begun preparing for it." Somers then forwarded the email to Hertel, promising to follow up with her the next day.⁴ However, the email inadvertently omitted the image of the poster. Nevertheless, Somers recalls popping his head into Hertel's office to confirm she received the email. A copy of the July 17, 2018 email from Somers to Hertel is attached hereto as **Exhibit G**.

By 8:00 am on August 20, 2018, the Facebook numbers evidenced that 240 people were attending and 652 were interested. By approximately 3:00 pm, four (4) hours before the protest, 259 were attending and 680 were interested. Although social media numbers for the protest consistently increased over time, those numbers were ultimately discounted as inflated.

Despite the numbers on social media and the circulation of posters, several police sources maintain that their information up to August 20 suggested that the event would be sparsely attended (relying on discounted Facebook numbers) and comprised overwhelmingly of Little's supporters. In other words, no pro-monument groups were expected to attend, or at the very least, not in large numbers. Instead, University Police claim that they expected that the

⁴ Following the toppling of the statue on the evening of August 20, 2018, Somers forwarded a copy of the July 17, 2018 email (including the poster) to Hertel and Curran at 12:34 a.m. on August 21, 2018.

protest would only involve anti-statue and pro-Little groups. Based on several interviews, this observation became significant because it meant that the protest was perceived as being unlikely to be as large or violent as events that feature two opposing groups. In hindsight, many of these predictions fell short of reality.

2. Staffing

Based on the anticipated low turnout and the one-sided nature of the protest, only a handful of officers were initially asked to be on duty for the evening of August 20, 2018. A call was put out on Sign Up Genius, an electronic program which allows officers to volunteer for assignments, approximately a week or two prior to the protest. Between four (4) to seven (7) slots were designated for officers on Sign Up Genius. The original plan involved having five (5) officers stationed at the Silent Sam monument with the remaining two (2) at the President's home. Several officers recall being surprised at the low number of people requested on Sign Up Genius. Many assumed that like the October 2015 and August 2017 events, August 20 would similarly require a more significant force.

With respect to outside help, University Police had been corresponding with the Chapel Hill Police Department for about a week prior to August 20. As a result of mutual aid agreements between the two forces, Chief Blue told Chief McCracken that there would be between thirty (30) to forty (40) Chapel Hill officers in reserve to address the demonstrators on August 20, 2018. In their conversations prior to the protest, Chief McCracken recalls that Chief Blue admitted that politics were involved and that his officers would only protect people rather than the statue.

3. Barricades

According to several police and administrative sources, barricades are typically used in cases where officials expect two opposing groups to attend the same event in order to keep them separate. However, if only one type of group is expected, it was these sources' position that it is less likely that barricades need to be used. For August 20, 2018, Chief McCracken originally recommended that bike rack barricades be used in the same two ring configuration from August 22, 2017 in order to prevent vandalism to the confederate monument. However, due to a confluence of events, barricades were not used on the evening of the protest.

As an initial matter, the established administrative reporting procedure was not followed with regard to the August 20, 2018 protest. According to the University's organizational chart, Chief McCracken was supposed to confer with his direct report, Kemp, on all law enforcement matters, including the planning and preparation for the August 20 event. Kemp was then supposed to report the Chief's plans to Pruitt, who has served as the Vice Chancellor of Finance and Operations since the position was vacated by Matthew M. Fajack on January 29, 2018. Pruitt was then supposed to report to Robert ("Bob") Blouin, who would ultimately deliver the Chief's plans to the Chancellor's Office. Blouin has served as UNC-CH's Executive Vice Chancellor/Provost since September 18, 2017.

However, neither Pruitt nor Blouin were consulted about the August 20 event. Instead, Kemp reported directly to Amy Hertel, the Chancellor's Chief of Staff.

According to Kemp, he began informally reporting directly to the Chancellor's Chief of Staff upon his arrival in 2015. At that time, the Chancellor's Chief of Staff was Debbie Dibbert. Kemp stated that Dibbert encouraged him to report to her directly on campus safety and security issues and this relationship continued when Hertel replaced Dibbert in November 2017. It is important to observe that Hertel was not involved in the decision to use or aware of the use of barricades in either the October 2015 or August 2017 protests. Furthermore, August 20, 2018 was Hertel's first large-scale Silent Sam event even though Hertel and Kemp stated she was aware of peaceful demonstrations at the statue where bike barricades were not used between November 2017 and August 2018. Kemp sent an email to Hertel and others on August 14, 2018 with an attachment referencing the upcoming August 20th protest and noting that 196 people were expected to attend. According to Hertel, the first time that barricades came up in reference to August 20 was on Friday, August 17, 2018. At around 2:00 p.m. on Friday afternoon, Hertel met with Kemp at her office in the South Building on UNC-CH's campus. During their conversation about the upcoming protest, Kemp informed Hertel that the police intended to use bike barricades for the demonstration. The pair then began to discuss the number of people and types of groups anticipated to attend. According to Hertel, Kemp relayed that it was likely to be one-sided and that no more than one hundred (100) people were expected. Although Kemp does not remember exact numbers being discussed he had previously sent an email to Hertel and others noting that 196 people were expected to attend. Given Hertel's understanding of the information to date, Hertel questioned Kemp on the propriety of whether barricades should be used. While there is significant evidence that barricades can serve as force multipliers for police in controlling crowds, some perceived barricades could also be optical eyesores. Hertel was also worried that the barricades might increase attendance by curious onlookers and counter-protester extremist groups. Hertel was also concerned that barricades might cause new students and their parents to fear for their safety on move-in weekend. Hertel said she told Kemp at the end of the 2:00 p.m. meeting that she would need to discuss the issue of the use of bike barricades further with the Chancellor.

It is unclear whether Chancellor Folt, whose office is next to Hertel's, attended any part of the Friday 2:00 p.m. meeting (though neither Hertel nor Kemp recall the Chancellor being at the 2:00 p.m. meeting). Chancellor Folt recalls a brief meeting with Kemp, but is not certain whether it was on Friday, August 17 or Monday, August 20. Kemp does not recall meeting with Chancellor Folt on Friday, August 17. He does recall that he met with the Chancellor and Hertel together on Monday, August 20. Chancellor Folt, Hertel, and Kemp's accounts all differ on this fact. Nevertheless, after Kemp left on the 17th, Hertel and the Chancellor discussed the plans for the protest.

At 5:00 p.m. that same evening, Hertel called Kemp on his cellphone and indicated that she had spoken with the Chancellor. According to Hertel, she told Kemp that the Chancellor did not want to put the barricades up over the weekend, but suggested that the issue should be reconsidered on Monday. Kemp, however, stated that no differentiation was ever made between the use of barricades over the weekend versus on Monday, August 20. Instead, Kemp recalls that Hertel told him that the Chancellor's "preference" or "desire" was not to use the barricades at all. Chancellor Folt did not believe that she addressed the issue in those terms, but is confident that she did not issue a directive or order not to use barricades on August 20. Although Kemp considered calling Chief McCracken to notify him of Chancellor Folt's decision that evening, he waited until he could talk to the Chief in person the next day.

On Saturday, August 18, 2018, there was an open UNC-CH football practice for UNC-CH law enforcement and other first responders and their families to meet the team. Kemp, Chief McCracken, and Captain Twiddy were all in attendance. While at the practice, Kemp relayed his conversations with Hertel to Chief McCracken. He told the Chief that the Chancellor did not want barricades to be used on August 20, 2018 because of what it would look like to students and their parents on the first weekend of the academic year.⁵ Although the Chief was skeptical, he did not expressly overrule or insist that Kemp revisit the use of barricades with the Chancellor's Office. Instead, the Chief told Captain Twiddy to cancel the order for barricades that would have otherwise been deployed on Sunday, August 19, 2018. In looking back at that conversation, Kemp admits it would not surprise him if Chief McCracken took Kemp's statement about the Chancellor's message as a directive. Kemp then sent Hertel a text message stating that the barricades would not be installed on Sunday. Hertel thanked Kemp and stated that they would talk again on Monday.

On Sunday, August 19, 2018, at 3:59 p.m., Captain Twiddy notified Officer Williams that there would be no barricades for the August 20 event. , Officer Williams was responsible for putting together the operations plan for the protest the next day.

She had only previously planned for football and basketball games. After receiving the news from Captain Twiddy, Officer Williams texted Sergeant Kornegay at 4:03 p.m. asking who had made the decision not to use the barricades. Sergeant Kornegay responded that he did not know and this was the first he was hearing about it. Officer Williams proceeded to text several officers to clarify the use of barricades. At that point in time, the consensus was that the decision had been made by the Chief.

4. Pre-Protest Administrative and Police Meetings on August 20, 2018

At their normal 9:00 a.m. briefing on August 20, 2018, University Police officers received updates on the latest information on the protest in addition to other police business. By this time, it was clear to several officers that the event would require more staffing than initially anticipated. Several officers noted that the 9:00 a.m. briefing left them feeling apprehensive and uneasy about the protest later that day.

Kemp also met with Hertel the morning of the 20th to discuss the UNC-CH Police's information to date. According to Hertel, she asked Kemp for an update on whether barricades were warranted and was told that because the intelligence had not changed, neither had the need for barricades.

At approximately 10:00 a.m., Joel Curran, UNC-CH's Vice Chancellor of Communications had one of his bi-weekly meetings with his team to go over upcoming high interest events. This included Kemp presenting on the August 20, 2018 protest. Hertel was

⁵ It is unclear whether Kemp used the word "preference" or "opinion" in his statement to the Chief on August 18 when describing the Chancellor's position as related through Hertel regarding the use of bike barricades on August 20 but it is clear the Chief believed it to be an order from the Chancellor not to use bike barricades the evening of the demonstration.

Harry Smith
Robert Rucho
Phillip Byers
October 22, 2018
Page 17

also in attendance. However, Hertel does not recall whether Facebook numbers were actually discussed at this meeting. Nevertheless, Kemp's notes that he would have reviewed at this meeting reflect that numbers of people both interested and attending the protest had steadily increased from July through August 20, 2018.

At approximately 2:30 p.m. on August 20, 2018, Chief McCracken, the Captains, Sergeant Keith Ellington, Officer Matthew Dodson, and Officer Williams met in the Staff Development Room to discuss further planning and preparation for the event. Sergeant Kornegay was driving back from the beach, but was conferenced in via telephone. Officer Dodson recalls telling Sergeant Kornegay and Captain Twiddy that between three to four hundred (300-400) ACTBAC supporters were planning to attend the protest that evening. However, Officer Dodson recalls that this information was discounted as likely inaccurate. The group had also become acutely aware of the fact that additional officers would need to be recruited for the evening. Chief McCracken decided to put Officer Dodson's squad of seven (7) officers on notice that they would be held over from their normal shift to participate.

Kemp also provided a final update to Hertel in her office in the early afternoon. According to Kemp, it was a quick, five- (5) minute meeting. Chancellor Folt also popped in to see Hertel and caught part of their conversation. Hertel was concerned with how many officers were available for deployment that evening. According to Kemp, he told Hertel that about seven (7) to eight (8) officers were ready to be deployed and that they were stationed in the field at cardinal points. Kemp also maintains that Hertel never asked if the anticipated numbers of attendees had increased. When asked about outside agency support, Hertel says that Kemp told them that the Town of Chapel Hill was sending police to patrol their side of Franklin Street and would be on standby if necessary. Hertel was also under the impression that the Orange County Sheriff's Office would be attending for back-up support. Chancellor Folt recalls asking whether the information on the event had changed and whether she should remain on campus. Kemp does not recall barricades explicitly coming up in this conversation; he does recall the Chancellor expressing a desire for a warm welcoming atmosphere for the beginning of the year. Both Hertel and Chancellor Folt recall asking Kemp whether or not they should stay for the demonstration; however, they remember they were told they could go home. It is unclear whether Chancellor Folt was ever given the numbers pulled from social media and she denies having ever seen an event poster before the protest.⁶

At 5:00 p.m., the University Police held an official briefing regarding the upcoming event. Approximately eighteen (18) officers were in attendance. The Chief delivered the briefing and handed out the ops plan developed by Officer Williams. The ops plan noted that although there was no way of knowing an approximate crowd size, previous rallies of this nature had occurred in the area and involved between two hundred (200) and two thousand (2000) people. Several officers noted that they were confused and uncomfortable after hearing that barricades would not be used. Upon asking the Chief about that decision, some interviewees recall that they were told that it was made by someone in the South Building. This was widely understood to mean the Chancellor's office. However, other interviewees maintain that they only found out about the South Building's involvement after August 20. The Chief ended the thirty (30) minute

⁶ When shown a poster of the August 20 demonstration at her interview, the Chancellor stated that it was the first time she had seen one and that if she had seen it prior to the demonstration on August 20 it would have possibly changed her mind regarding the use of bike barricades the evening of August 20.

briefing by emphasizing that the police's primary goal was to protect people rather than an inanimate object if the environment became unsafe.

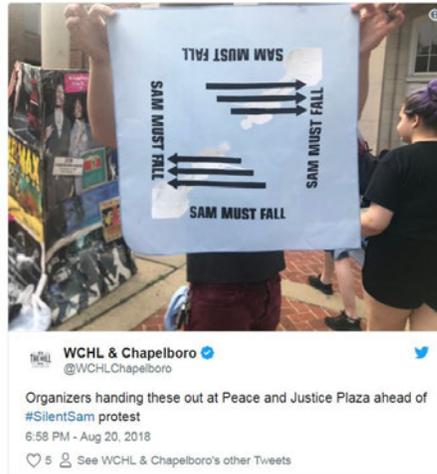
Following the briefing, twenty-two (22) UNC-CH officers (including Captains, Lieutenants, and Sergeants) were sent into the field to prepare for the event at around 6:00 pm. The majority of the officers staged in Graham Memorial and Hyde Hall so as not to prematurely show an excessive amount of force. Chief McCracken, Sergeant Kornegay, Chief Blue, and several others staged in the UNC-CH mobile command bus.

G. August 20, 2018- The Protest

Protesters began gathering at the Peace and Justice Plaza between 4:00 and 6:00 pm on August 20, 2018. Four (4) large grey and white banners held up with large bamboo poles were placed as a backdrop for the main speakers in front of the Old Post Office façade. One of the backdrops read: "For A World Without White Supremacy." Another listed victims of racial violence, beginning with "Unnamed Black woman beaten by Julian Carr." Yet another read: "Not One More."



By 6:52 pm, three (3) to four (4) individuals wearing American/Confederate flag t-shirts were spotted by University Police in the Plaza. However, they were far outnumbered by the protesters. Protest organizers also started to hand out Tar Heel blue bandanas that included a depiction of the statue, the three arrow symbol, and the words "Sam Must Fall." The three arrow symbol, or the 'dreipfeil', commonly symbolizes socialist militancy and is associated with Antifa.



The protest began in earnest at 7:00 pm. By 7:06 pm, Sergeant Kornegay noted that approximately one hundred fifty (150) protesters (and growing) were in the Plaza with approximately six (6) pro-monument group members. By 7:10 pm, other posters and banners were seen in the crowd. One banner read: “John Brown Lives! Smash White Supremacy” and included an image of John Brown and the Circle-A anarchy symbol. Another read “The Whole World Is Watching, Which Side Are You On?” and included the three arrow symbol.



Several speakers proceeded to address the crowd, including Maya Little. By this time, internal text messages and interviewees indicated that approximately two hundred (200) to three hundred-fifty (350) people were at the Plaza. Seven (7) to eight (8) news outlets, including but not limited to the Associated Press, the News & Observer, WCHL, WTVD, WRAL & DTH, WNCN, and Spectrum were also there. A WRAL helicopter hovered overhead.

At approximately 7:44 pm, the crowd started to cross Franklin Street towards McCorkle Place and Silent Sam. Approximately eight (8) officers were placed in the field at points around McCorkle. The crowd brought their posters and banners with them, including the four (4) large

grey and white backdrops on bamboo poles. Some officers claim that the poles were used as jousting lances; however, others denied this occurred.

As the crowd began to cross onto campus, a couple University Police officers noticed that protesters were wearing masks to cover their faces. This included the Tar Heel blue bandanas handed out earlier by protest organizers at the Peace and Justice Plaza. Under North Carolina law, it is illegal for anyone over the age of sixteen (16) to wear a mask or hood to conceal one's identity in certain public places. N.C.G.S. § 14-12.7. University Police started confronting the mask-wearers and asked them to remove their bandanas.

At first, the crowd was compliant. However, one demonstrator from Vilas, NC, refused Captain Twiddy's request to remove his mask. Many officers have observed that effecting an arrest in the middle of a crowd can be difficult because of potential resistance from the arrestee and the crowd, who often attempt to distract, dissuade, or physically prevent the arrest. This is exactly what occurred here.

When Captain Twiddy attempted to arrest the demonstrator from Vilas, NC, a melee ensued. Captain Twiddy was soon on the ground wrestling with protesters as he attempted to effect the arrest. Officer Bob Gerringer attempted to help effectuate the arrest, but was grabbed from behind and engaged by two more protesters. Officer Shane Hardenberger ran to help Captain Twiddy. Officer Matthew Dodson and Officer John Ross attempted to hold back other members of the crowd, but Officer Gerringer was subsequently punched in the back of the head. Officer Dodson then ran over to ensure that Officer Gerringer was okay as another Sergeant attempted to chase after the individual who punched Officer Gerringer. The individual who punched Officer Gerringer got away. Officer Pedro Vasquez was also assaulted. In the commotion, the arrest teams got separated from one another in the crowd. At some point, a protester threw a smoke bomb and Officer Dodson yelled for help on the radio. All University officers that had been staged in Hyde and Graham then rushed out to assist.

In the midst of the melee, Chief McCracken requested mutual aid from the Chapel Hill Police Department at 7:49 p.m. Chief Blue responded by sending a six (6) member squad. Chief Blue recalls that this was part of a "layered" response, whereby if more Chapel Hill officers were requested, he could supplement the initial squad. There are unverified reports that more Chapel Hill Police Department officers attempted to respond to the call for help, but were turned back by their superior officers in the Franklin Street area. No further requests were made by Chief McCracken for Chapel Hill Police support that evening.⁷

The masked demonstrator from Vilas, NC was eventually arrested, detained, and transported to Graham Memorial Hall. Several officers speculated that the melee was used to divert the officers' attention so that the protesters could establish control over the statue. While the officers were distracted, the protesters quickly encircled the statue with the four (4) grey and white backdrops, which were then tied together with zip ties and anchored to the ground with stakes and ropes. The backdrops fit the space perfectly and completely obscured the view of the statue. However, the bodies of protesters could be seen climbing up and down the monument through the fabric. Many other demonstrators proceeded to link arms in three rings

⁷ Chief McCracken stated in his first interview that he was aware that only six Chapel Hill police officers were deployed by Chief Blue when McCracken requested the resource aid from Blue.

around the monument and began to chant: “stand up, fight back” and “hey, hey, ho, ho, this racist statue has got to go.” Several other large banners were used to surround the protesters and further obstruct the view of Silent Sam. These included the “John Brown Lives! Smash White Supremacy” and “The Whole World Is Watching, Which Side Are You On?” banners. Almost every officer we talked to indicated that the event was unlike prior protests in that it was carried out in a highly organized manner and included a number of outside protesters and non-students.

The chanting continued for approximately one hour as the sun set and McCorkle Place was shrouded in darkness. During this period of time, the police officers on the scene monitored the crowd and attempted to use their body cameras to record the protesters’ actions for later prosecution if warranted. All of the officers we interviewed believed that it would have been impossible for University Police to break through the rings of protesters without resorting to extreme physical violence. Even if they could have broken the line, they emphasized that doing so would likely have resulted in physical injury to both officers and demonstrators alike. However, we found no evidence of any order by police to stand down or retreat from the statue at this time.

At 8:56 pm, UNC-CH Police officers began to hear that Silent Sam had been covered in red paint. Four minutes later, at 9:00 pm, the majority of the crowd left the statue to march up Franklin Street towards the Columbia and Franklin Street intersection. A small group of protesters and an even smaller number of counter-protesters remained at McCorkle Place. The crowd left the four (4) main backdrop tarps up when they headed down the street. The UNC-CH Police then seized upon the opportunity to retake Silent Sam. Chief Blue and his Chapel Hill Police Department then focused on protecting the Town of Chapel Hill. The original six (6) person Chapel Hill squad remained with the University Police.

Between fifteen (15) to twenty-eight (28) officers then surrounded the statue⁸. This included both University officers and the six (6) Chapel Hill Police Department officers. However, the police were unable to stand close enough to have their shoulders touch. Several witnesses mentioned that a handful of counter-protesters, including an elderly woman, stood in front of the officers to help fill the gaps. The officers then proceeded to look under the grey and white banners, but made no attempt to cut them down. Chief McCracken suggested that the banners were not cut due to concerns that the bamboo poles could be used as weapons by demonstrators. A handful of officers recall a foul, acid-type smell; however, this was not significantly corroborated. Multiple officers confirmed that red paint had been thrown on the pedestal.

At approximately 9:14 pm, the majority of the protesters started to make their way back to Silent Sam. The crowd was hostile and physical. A number of the officers stated that this was one of the only times in their careers where they felt scared for their and other persons’ safety. The crowd then began to throw frozen water bottles and eggs at the officers surrounding the statue. The officers were not outfitted in riot gear (helmets, shields, and batons) and so only had their regular uniforms to protect them. Although a couple of officers noted that riot gear had been staged in a van in the Swain parking lot, it was not easily accessible. At least two (2)

⁸ It is unclear from our interviews and general assessment exactly how many officers surrounded the statue at this time.

officers were hit with frozen water bottles. Fearing for the safety of the officers and others, Captain Twiddy gave the order to “pull out” to protect his officers at approximately 9:17 pm. Thereafter, the officers dispersed to the periphery of the crowd and continued to monitor and gather video evidence for later prosecution.

At 9:21 pm, a rope was seen being tied around the statue. At 9:22 pm the statue was pulled down. Immediately following the toppling, several officers and witnesses described the crowd’s mood as celebratory.⁹ It should be noted that it is extremely fortunate no one was injured or killed when the statue was toppled. This was, in large part, due to actions taken by an undercover police officer at the scene who moved people out of the way when it was apparent the statue would be toppled. Once the statue was felled, UNC-CH Police quickly made their way over to form a ring around the monument in order to prevent further damage. Several onlookers took photos while protesters continued to chant and celebrate. It then began to rain heavily and most of the crowd dispersed to avoid the weather. Facilities was called to pick up the statue and Silent Sam was taken early on the morning of August 21 to a secure location.

In addition to the masked demonstrator arrested in the early melee, five (5) other individuals were arrested or currently have orders out for their arrest as a result of the August 20, 2018 protest. The office of the Orange County District Attorney plans to move forward on the prosecution of all cases (involving charges arising out of demonstrations at the statue/memorial on UNC-CH’s campus that occurred on August 20 (and the August 25, 30, and September 8 protests that occurred thereafter) and will evaluate each case individually and weigh the evidence to determine a proper disposition as to each one.

H. The Aftermath of August 20, 2018

In the immediate aftermath of the statue’s removal, members of the UNC-CH Police, UNC-CH administration, the University System, and members of the public clamored for answers as to how and why the forcible removal of Silent Sam was allowed to occur. There has been widespread speculation that perhaps the UNC-CH administration conspired with protesters to facilitate the statue’s toppling. However, we have been unable to find any evidence to support this theory. Instead, the relevant parties have all worked diligently to account for what happened and to address how best to move forward.

At 10:48 pm on August 20, 2018, Chancellor Folt released a statement through UNC-CH’s Twitter account about the toppling of Silent Sam. A copy of Chancellor Folt’s August 20, 2018 tweet is attached hereto as **Exhibit H**. This was followed on Tuesday, August 21, 2018, by a statement from University Communications, which was drafted, in large part, by Chancellor Folt. The August 21 Statement included the following sentence: “During the event, we rely on the experience and judgment of law enforcement to make decisions on the ground, keeping safety as the top priority.” This sentence was cited by the majority of the officers interviewed as being critical of the University Police’s response to the protest and as deflecting blame away from the administration and onto the police. A copy of the August 21, 2018 University Communications Statement is attached hereto as **Exhibit I**.

⁹ It was unclear from our review how many people were involved in actually pulling the statue down.

Members of the UNC-CH administration and the UNC-CH Police then engaged in a series of meetings to determine the facts and root causes around the August 20 protest. At one of the internal administrative meetings on Tuesday, August 21 at 8:00 am, Kemp and Chief McCracken were invited to attend. Chancellor Folt asked Kemp directly about his understanding of their barricades conversation. According to witnesses in the room, Kemp said that the Chancellor had expressed her preference not to use the barricades if they were not necessary, but that, it was taken as a directive. However, when asked the follow up question of whether or not he ever felt that he could use the barricades if they became necessary, Kemp responded that he had no problem using them and would not seek permission if they were needed. In other words, despite the Chancellor's preference for not using barricades, Kemp would have felt comfortable countermanding that preference. According to Blouin, Chief McCracken's answer on this was less clear. Since then, Chief McCracken has said that he interpreted Kemp's message from the Chancellor's office as an order, but admitted that he could have made efforts to countermand it if he had felt it was necessary. The Chancellor has always maintained her message was never a directive or an order, but was rather a desire based upon her understanding of the intelligence and her belief that law enforcement ultimately makes the decisions on the ground.

Unsatisfied with the answers provided at the Monday meeting, Blouin and Pruitt were asked to schedule a meeting with Kemp and Chief McCracken to better understand the sequence of events. This meeting took place on Wednesday, August 22, 2018. According to Blouin, Kemp and Chief McCracken answered approximately one and half hours of questions. A second day of interviews occurred where UNC-CH General Counsel Mark Merritt joined Blouin and Pruitt in asking additional questions of Kemp and Chief McCracken. Through these interviews, the administration learned, among other things, that the intelligence leading up to the August 20, 2018 event was inadequate. While a low impact event primarily made up of students and Little's friends was expected, the actual protest was far bigger, more violent, and involved an extremely well organized group intent on pulling the statue down. According to Blouin, Kemp and Chief McCracken relied heavily on social media, but depreciated the crowd size estimates. In hindsight, however, the Facebook estimates were met or exceeded by the actual crowd on August 20. Several officers also suggested that the size of the crowd was difficult to anticipate because the protesters probably used specialized mobile applications like Telegram, an encrypted cloud-based communications application, to secretly communicate with one another.

On or about Thursday, August 23¹⁰, 2018, UNC-CH Police officers met with Chief McCracken to get their own questions answered about the August 20 protest. Many of the officers felt that they had been set up to fail and were placed in a dangerous situation to which they were unprepared to respond. At this meeting, the Chief reported that he had originally requested the use of barricades on the 20th, but that the Chancellor's Office had not taken his recommendation. Officers left this meeting with mixed feelings- some resenting the administration, others feeling disappointment in the Chief.

¹⁰ It is unclear from interviews whether this meeting occurred on Wednesday, August 22 or Thursday August 23. What is most important is that it was a meeting called by Captains Bullock and Twiddy as a result of many officers expressing frustration with the lack of resources leading to the statue being toppled and the Chancellor's second email issued on August 21, which officers interpreted as being critical of UNC-CH police actions taken the evening of August 20.

The next day, on Friday, August 24, 2018, President Spellings and Chancellor Folt met with University Police officers.

I. August 25, 2018

Following the events of the 20th, the UNC-CH Police became increasingly concerned that pro-monument groups would seek to retaliate. The first of these protests was scheduled for 10:00 am on Saturday, August 25, 2018. Pro-monument groups wished to lay wreaths in front of the now-empty pedestal. In anticipation of this event, an ops plan was developed in advance by Sergeant Kornegay. As part of this plan, bike rack barricades were placed around the pedestal in two concentric circles in addition to around the Old Well and the Unsung Founders monument. The UNC-CH Police Department worked in conjunction with the Chapel Hill Police Department as well as other law enforcement agencies and emergency response units from around the State. Most notably, this included the Charlotte Mecklenburg Police Department, who lent their Mobile Force and bike squad for the occasion.

The event was reportedly attended by several pro-monument groups. There were also counter-protesters. Approximately one hundred (100) people were in the crowd and there were seven on-site arrests. Three (3) people were arrested for assault; two (2) were arrested for vandalism and injuring property; one (1) was arrested for resisting arrest; and one (1) was arrested for inciting a riot and resisting arrest. None of the arrestees were affiliated with UNC-CH. There are currently two (2) additional criminal summons that have been served. No serious injuries were reported.

J. August 30, 2018

On Thursday, August 30, 2018 ACTBAC planned to hold an evening vigil at the Silent Sam pedestal. In preparing for this event, Sergeant Kornegay reached out to an ACTBAC contact who provided information on the anticipated number of attendees from his group. University Police also relied upon social media. According to email correspondence between Philip Jones and Kemp (CCing others), thirty-eight (38) people were marked as attending the evening vigil and between one hundred twenty (120) and one hundred twenty-five (125) were interested in the event. Rather than the two concentric circles, Chief McCracken suggested a new barricade formation that involved an inner ring around the pedestal and a horseshoe of bike rack barricades around it. This allowed the vigil holders to come close to the pedestal while at the same time insulating them from all sides and ensuring a single open entrance and exit. This event also utilized help from outside forces, principally Greensboro's Mobile Field Force and bike squad.

The bike rack barricades were set up at approximately 5:48 pm in anticipation of the protest. Also, it was anticipated the demonstration would continue after dark so bright mobile light units were stationed around the site of the demonstration to dissuade demonstrators from doing something inappropriate simply because their activities may not be detected at night time. The Greensboro bike squad also formed a cordon with their bicycles to allow ACTBAC and their supporters to reach the pedestal. When it came time for the event, between two hundred (200) and three hundred (300) people gathered at McCorkle Place to protest for and against Silent Sam. This included ACTBAC, but also a larger contingent of counter-protesters who had

gathered for a “dance party” to celebrate the fall of the statue. The police managed to keep the two sides separate; the Greensboro police utilized several new and effective tactics, including using bikes as wedges to separate the groups and using a single deployment pepper fogger. Three (3) arrests occurred at this demonstration.

K. September 8, 2018

The Saturday, September 8, 2018 event started as a pro-monument event, but turned into an opposition event when anti-monument demonstrators decided to stage a potluck and canned food drive. The event was briefed by the University Police at 2:30 pm and the potluck began at around 4:00 or 4:30 pm. A pro-monument group was scheduled to arrive approximately one hour later, between 5:00 and 7:00 pm. Like the August 30, 2018 event, the horseshoe barricade configuration was utilized. In addition, to help minimize the use of projectiles, Chief McCracken decided that all canned goods were to be placed in receptacle bins staged in four corners around the perimeter of McCorkle Place. Also helping keep the two sides separate were additional officers provided by the Chapel Hill Police, the Orange County Sheriff’s Department, and UNC-CH’s sister schools from the University System.

Only ten (10) to eleven (11) pro-monument individuals initially showed up (a couple more arrived late). The anti-monument demonstrators far outnumbered them and were kept from the pedestal by barricades and bikes. When the pro monument group wanted to leave, they were escorted back towards the parking lot through the opening of the horseshoe. Officers attempted to push the anti-monument demonstrators back; however, a few managed to get past the bikes and bike rack barricades. A brawl ensued and smoke grenades were thrown by protesters. Sergeant Kornegay secured an arrest warrant for the individual who threw the smoke grenade. However, in effecting the arrest, the crowd fought back. A young woman spit at Sergeant Kornegay and she was subsequently arrested. In the process, a protester kicked Sergeant Kornegay and knocked him down. Multiple skirmishes ensued. The officers attempted to throw smoke to dissuade the crowd, which continued to try to fight their way into the officers’ staging areas to prevent arrests. The smoke was not effective. Eventually, the pro-monument demonstrators were pushed out to the street. Eight (8) on-site arrests were made for a variety of different charges. Over the demonstrations that occurred on August 20, 25, 30 and September 8, a total of twenty-six (26) arrests were made.

IV. FINDINGS AND RECOMMENDATIONS

FINDING NO. 1: INEFFICIENT REPORTING STRUCTURES LED TO FUNDAMENTAL MISCOMMUNICATIONS BETWEEN UNIVERSITY POLICE AND UNC-CH SENIOR LEADERSHIP.

UNC-CH administrative leadership almost uniformly said that law enforcement decisions should be made by the University Police. However, that position was either not fully understood or not properly communicated. The Chief typically does not report directly to the Chancellor’s office. Instead, the Chief filters his event plans through an official administrative reporting structure. This reporting structure can sometimes lead to miscommunications. This is exactly what happened on August 20, 2018.

Under the reporting structure in place at the time, Chief McCracken was supposed to report his plans for August 20 to Kemp, who would then report up the chain through Pruitt, Blouin, and finally to the Chancellor's office. However, Kemp skipped Pruitt and Blouin and provided an informal direct report to Hertel. This completely disregarded the official reporting chain; however, even if Kemp had reported properly, it would not have remedied a fundamental issue: that

Without the ability to provide meaningful feedback, the reporting chain is inefficient and ineffective because the Chief's law enforcement plans and recommendations are disseminated through numerous reports until the Chancellor's office receives a filtered version. The informal report from Kemp to Hertel does not correct this problem..

In this case, breakdowns in communication undercut the effectiveness of the Chief's decision-making authority. The Chief was very clear that his professional instincts were to use barricades on August 20, even if it was just to help prevent the statue from being vandalized. The Chief should have been able to more directly communicate law enforcement needs with top University officials. By not having a direct conversation, miscommunication was allowed to proliferate. Notably, however, the Chief acknowledged that if he had felt strongly enough about an issue (such as the use of barricades), then he believed that he would have been able to raise it again directly and only with Kemp..

RECOMMENDATION FOR FINDING NO. 1: Key decision-makers must meet and confer to discuss major campus events. This means that the Chief of the University Police Department must be given the latitude and discretion to directly contact the Chancellor when a major event involving law enforcement is scheduled to occur. Conversely, the Chancellor needs to take direct responsibility for communications with the Chief and cannot leave it to her Chief of Staff or other administrators. The circumstances surrounding this direct report should be clarified and made explicit in a memorandum or policy statement. We recommend that this statement clearly outline how responsibility is delegated.

More specifically, the Chief of Police should have the lead responsibility for planning, scheduling, and leading a briefing for the Chancellor and key administrative staff members when the University Police is planning operations for a high-risk, high-liability event requiring law enforcement operations. When possible, a detailed operational plan would be available for everyone's review. The purpose of the briefing is not to allow UNC-CH's administrators to give direction to the Chief on how law enforcement operations should be handled; rather, it is to ensure that the Chief is able to brief the Chancellor and others on the department's operational plans and to seek input and administrative support for any upcoming operations. Any UNC-CH administrators involved, including senior leadership, should also receive training on basic law enforcement event-planning protocols so that they are familiar with the processes and procedures and can provide meaningful feedback on any recommendations.

At minimum, the following administrators should be in attendance:

- Chief of Police;
- Chancellor;
- Executive Vice Chancellor and Provost;
- Chancellor's Chief of Staff;

- Associate Vice Chancellor for Security and Risk Management;
- Vice Chancellor for Student Affairs;
- Vice Chancellor for Public Affairs;
- Vice Chancellor for Communications; and
- Vice Chancellor for Finance and Operations.

Approaching the process this way will help to manage police and administrative expectations, while simultaneously ensuring accurate communication.

FINDING NO. 2: INFORMATION-GATHERING RESPONSIBILITIES SHOULD BE SHARED BY MULTIPLE, DEDICATED OFFICERS.

Sergeant Kornegay

was frequently relied upon by UNC-CH and ISAAC for his information-gathering capabilities. However, his job description (special events coordinator) is both amorphous and extensive, which often pulled him in a variety of different directions. Centralizing information-gathering functions into a single officer was particularly problematic for August 20, when Sergeant Kornegay was out of town the weekend prior to the protest. Without Sergeant Kornegay, event preparations were left to Officer Williams,

was expected to develop a comprehensive operational plan. While Officer Williams had been assisting Sergeant Kornegay

. We believe that Officer Williams did the best she could do with the information available to her at that time; however, Chief McCracken should have recognized these gaps and pre-emptively addressed them prior to the August 20 protest.

RECOMMENDATION FOR FINDING NO. 2: Rather than having a single officer primarily charged with gathering and analyzing upcoming event information, the burden should be shared among several officers. Developing and analyzing actionable intelligence is more than a one-person job. University Police leadership should recognize the important function that information and intelligence play in responding to campus events, and prioritize these positions.

One of the most important responsibilities of these new special events coordinators will be to gather intelligence and draft operational plans. The officers responsible for gathering intelligence for a particular event should be directly responsible for the accompanying plan. All special events coordinators should be provided with advanced training, when available, to ensure that the operational plans are adequately prepared and supported. In addition to typical sources (including social media), a thorough intelligence review should be undertaken which analyzes similar crowd control incidents involving law enforcement agencies locally and across the country. Particular attention should be paid to college-campus forces, as they are the most similar to the University Police Department. These operational plans should be developed in advance and used by the Chief to brief the Chancellor and administrators on upcoming events. The plans should also be circulated to all officers involved.

FINDING NO. 3: INFORMATION-GATHERING WAS INEFFICIENT AND INADEQUATE.

Enough red flags existed prior to August 20 to suggest that Silent Sam would be forcibly removed. The outcomes of other protests in Durham and Charlottesville, the greater political

climate, and UNC-CH's own history with Confederate monuments and structures, should have placed the University Police and UNC-CH senior leadership on notice that there would be attempts to topple Silent Sam. However, information gathering efforts in preparation for August 20, in particular, were inefficient and inadequate.

First, University Police placed undue emphasis on their own prior information-gathering tactics, perhaps assuming that they would continue to work despite changes in crowd dynamics. Claiming that barricades are only used for opposing forces in these instances is an improper assumption and was so even prior to the August 20 demonstration. As August 20 demonstrated, a large contingent of protesters from one side (even if there were a couple counter protesters) could still warrant the force multiplying power of barricades.

Furthermore, the University Police continued to disproportionately focus on social media, even though several officers indicated that social media has become increasingly less reliable in estimating actual event attendance. Questions of reliability aside, the information available on Facebook prior to the protest suggested that hundreds of people were planning to attend (or were interested in attending) the August 20 event. More troubling was that the numbers steadily increased over time. At minimum, this information should have been regularly shared and distributed so that crowd estimates could be corroborated with other forms of intelligence. Simply assuming that Facebook numbers will be inaccurate is an insufficient explanation for why they were downplayed, ignored, or simply not communicated to UNC-CH leadership.

In addition, flyers regarding the August 20 demonstration were displayed in and around UNC-CH's campus and emailed to at least one administrator on July 17, 2018. These flyers were observed by officers and administrators within days of the actual event. Nevertheless, several interviewees claimed that they never expected protesters to try to bring the statue down. This seems unlikely given the title of the poster, "Until They All Fall." Read in conjunction with the photo of Little's arrest, and, in particular, the image of the downed Durham statue, the posters should have left little doubt as to the protesters' intention for that evening. However, it remains unclear whether those that saw the posters escalated them up the chain so that key decision-makers could determine their value and act accordingly. For example, when Somers received a copy of the poster on July 17, 2018 and attempted to forward it, why did none of the recipients on that email ask follow-up questions or forward the intelligence to the Chancellor? Similarly, why did the University Police or Kemp not send copies of these posters to the Chancellor directly? The Chancellor claims that she did not see copies of either poster until an after-action assessment following August 20. Had she known about the posters, the Chancellor said that she would have reconsidered her original position on the use of barricades. This was a significant missed opportunity and one that could have easily been remedied.

Finally, it was known that the demonstrators would be gathering at a time just before dusk and most likely continue their demonstration into the night. It was also anticipated that they would be moving their demonstration from Peace and Justice Plaza, in Chapel Hill proper, just off campus, to McCorkle Place and the statue at some point that evening.

In sum, information-gathering efforts were inefficient (in that vital intelligence was downplayed, ignored, or inconsistently communicated) and inadequate (in that key-decision makers were operating without full and accurate information). These failures culminated in the

gross-underestimation of crowd size, which impacted University Police staffing, equipment, and overall preparedness.

RECOMMENDATION FOR FINDING NO. 3: While social media is a valuable resource, it cannot be relied upon alone. The same goes for the reliance on historical tactics and strategy. Interestingly, if more credence had been placed upon the Facebook numbers on August 20 and the fact that it was to be an evening demonstration, perhaps the result would have been different because more officers could have been placed on duty with riot gear and barricades would not have been such a large part of the debate.

The fact remains that a wide variety of intelligence sources need to be consulted and analyzed in advance of events. This includes constantly monitoring related events locally and around the country, keeping an eye on traditional and emerging social media and communication practices, as well as using human intelligence. It also means continuing to collaborate with ISAAC, the Fusion Center, and sister campuses to make sure that information-gathering tactics, techniques, and strategies remain up-to-date. Regular training should be given to those who engage in information-gathering efforts on behalf of the University Police for the same reasons.

Furthermore, this information needs to be shared and disseminated with all interested parties. UNC-CH administrators and senior leadership need to receive regular updates from law enforcement on expected attendance and how this will inform operational strategy. The Chief should provide any pertinent information and recommendations directly to the Chancellor during these meetings. This will help to ensure that both law enforcement and administrators are having discussions and making decisions based on the same set of information.

Finally, following a crowd control event, post-event or after-action assessments need to be conducted as a matter of policy. The University Police should require an internal debriefing meeting immediately after major campus events. As a direct result of this debriefing, a written after-action report should be drafted. These reports serve as “lessons learned” documents, can be consulted during future information-gathering efforts, and help to guide future operations.

FINDING NO. 4: OFFICERS WERE INSUFFICIENTLY TRAINED IN CROWD CONTROL TECHNIQUES GIVEN CHALLENGES FACED BY UNC-CH.

Many officers were unable to determine when they last took a course in crowd control techniques and tactics. In fact, there has been no mandated training of University Police officers in crowd control for a number of years. Although crowd control training was offered in February of 2016 by the University System in conjunction with a Greensboro Police Department program, only two (2) officers from each constituent university were invited to attend.

UNC-CH alone enrolls over 29,000 students. Given the campus population, UNC-CH's well-known sports teams, the wide variety of events on campus and the involvement of outside groups demonstrating on campus the lack of consistently updated crowd control training is a glaring omission in the University Police's continuing education curriculum. The lack of crowd control training meant that officers were ill-prepared to face the hundreds of demonstrators on August 20, 2018, especially given that many of the protesters were non-student members of professional protest groups.

RECOMMENDATION FOR FINDING NO. 4: The University Police should institute ongoing department-wide training for crowd control planning and operations to ensure the department has acquired and maintained the skills necessary to respond to future crowd control situations. Providing crowd control operations requires specific cognitive, affective and psychomotor skills that are perishable. This means that ongoing training throughout an officer's career is required to help ensure operations run smoothly and appropriately during actual crowd control situations. We recommend that this training cover the following non-exhaustive list of topics:

- The potential use of a wide variety of crowd control tactics (barricades, shields, bicycle officer details, motorcycles, horse mounted units, etc.);
- The use of crowd control formations for officers;
- Arrest and extraction techniques for arresting individuals located within a crowd;
- Using less-lethal crowd control devices (chemical agents, smoke, etc.); and
- Implementing de-escalation techniques when interacting with protestors.

We further recommend that University Police take advantage of opportunities to train with: (1) the Charlotte Mecklenburg Police Department regarding the handling of crowds anticipated for the Republican National Convention in 2020; (2) the Greensboro Police Department in the appropriate handling of bicycles as movable barricades; and (3) other area law enforcement agencies in the storage and use of equipment and necessary resources when confronted with hostile demonstrators.

Finally, we suggest that the University Police also consider the following recommendations to supplement formal crowd control training:

- Ensure that officers continuously gather information on what is occurring during crowd control situations at other campus-based institutions and cities nationwide. This will help the University Police conduct up-to-date and appropriate risk assessments of their own campus and guide their operational response requirements for similar incidents;
- Consider intelligence gathered from other sources, including but not limited to social media applications, printed materials, human intelligence and traditional media sources as part of the risk assessment when preparing for and responding to upcoming crowd control situations;
- Train as often as possible with outside forces that will be used to supplement University Police during major protests. This will provide additional training to University Police officers, grant officers exposure to new tactics, and ensure that the groups work well together in practice;
- If outside forces are used, make sure that everyone is communicating using the same police radio channel. All officers should be able to communicate seamlessly with one another in case assistance is requested;
- Develop robust and detailed written Operations Plans as far in advance as possible, recognizing that last-minute intelligence will always be a factor in crowd control operations. Sufficient preparation will allow for a facile response to fluid situations;
- Continue using bike rack barricades in crowd control situations, as they provide both physical and psychological barriers for protestors. The idea that these types

of barricades can be a trap or danger to the police officers inside them is simply not borne out by the facts. Instead, barricades serve as force multipliers and increase the effectiveness of a smaller number of police officers and are especially useful for crowd control. Keep in mind, however, that while bike racks are better than having no barricades at all, they are not the most effective barricade tool. University Police and the UNC-CH administration should consider acquiring barricades specifically designed for use during crowd control situations, particularly those that are at least six (6) feet high. These barricades should be deployed near where the demonstration is to take place so that officers can erect the barricades with little notice; and

- Consider moving forward with a plan to create a System-wide police academy. Under a recommended current plan, the new academy would be located in Greensboro at a currently unused state-owned facility. The academy concept allows for students at constituent university campuses to be trained tuition free as police cadets/officers during their sophomore and junior years. These students could supplement university police forces while in school and, upon graduation, feed university police departments. Further, if the academy is run year-round, city and county law enforcement agencies could send candidates for training, thereby creating an additional source of revenue and ensuring that local forces are kept up to date on the most recent strategies and techniques (crowd control included).

FINDING NO. 5: UNIVERSITY POLICE WERE NOT ADEQUATELY STAFFED FOR AUGUST 20, 2018.

It became very apparent during the assessment process that the University Police Department is comprised of a professional group of individuals who are committed to providing public safety to those who attend and work at UNC-CH. They take this mission very seriously and have handled crowd control events in the past successfully. However, it was also apparent that the criticism the department has received since the protest of August 20, 2018 has had a negative impact on the morale of their officers and staff members. Contributing to this loss of morale was the negative press the department received as a result of their performance during the August 20 protest, coupled with the sense that line-level officers and field supervisors were put at physical risk due to a lack of adequate resources, including available officers.

Although the University Police Department has mutual aid agreements with other law enforcement agencies, including the Chapel Hill Police Department, the extent of the assistance provided by these agencies was not fully understood, appreciated, or taken into consideration by the University Police in planning for the August 20 demonstration. This was particularly true of Chief Blue's alleged limitation on Chapel Hill's participation (i.e. they would only protect people, but not property). When Chief Blue was asked for assistance following the early melee, only six (6) Chapel Hill officers were sent over. The remaining thirty (30) to forty (40) Chapel Hill officers remained staged on Franklin Street.

This lack of outside support to defend the statue was most relevant during the fifteen (15) minute window where the majority of the protestors left McCorkle Place. This window could have allowed University Police officers to remove the tarps and briefly retake the statue. However, they were unable to do so for very long. Once the protestors returned, it was only a

matter of time before safety concerns warranted that the officers fall back. Had Chief McCracken asked for additional assistance and had Chief Blue approved the request and allowed his officers to directly defend the statue, there may have been enough officers to prevent the toppling.

RECOMMENDATION FOR FINDING NO. 5: While the outcome of the August 20th protest indicates that the University Police Department is not staffed sufficiently to handle large scale protests without the assistance of outside law enforcement agencies, this does not necessarily mean that UNC-CH must significantly increase police staffing. A cost-benefit analysis should be done to compare the costs associated with funding short-term help to assist in large or violent campus protests against the cost of hiring new officers on a permanent basis.

The University Police Department should also consider doing an updated staffing analysis to determine how many additional officers would be required to allow for the creation of a Special Operations Team (“SOT”). This core group of officers and supervisors would be trained and capable of leading crowd control efforts for the department when needed. Their assignments could be collateral rather than full-time, recognizing that some additional officers may be needed to allow for ongoing release time so that SOT members may train on a regular basis. Such collateral assignments would also allow SOT primarily to perform regular patrol duties, but still be called upon when necessary to plan for and respond to crowd control situations. Special consideration should be given to ensuring that SOT members are trained in bicycle patrol and the use of bicycles during large events. SOT members should also be trained in creating robust written operations plans, working in conjunction with the officers assigned to gather and analyze crime and intelligence information. Once trained, SOT members can share their training with the rest of the officers in the department, focusing on de-escalation techniques, crowd control formations, arrest and extraction techniques, and the use of bicycles for crowd control, among other tactics. Further, the UNC System should consider whether a system-wide SOT team should be created to respond to threats at any campus.

In addition, University Police should strive to have adequate written mutual aid agreements in place to ensure that help is available for the events that require it. Written mutual aid agreements between the University Police Department and other law enforcement agencies should clearly indicate the degree of support that UNC-CH may count on in crowd control situations. If some assisting agencies are unwilling to provide support for the protection of property during crowd control events, then University Police should secure law enforcement assistance from agencies that will. To these ends, we recommend that the University System explore a System-wide police force that can handle events where a single constituent university’s forces will be inadequate.

Finally, while protecting people should always take a priority over protecting property, proper planning and preparation for demonstrations need to account for protection of both people and property. The University Police Department should ensure that written policies and procedures are established that outline how the department protects both people and property during crowd control situations. Such policies ensure that pre-planning for crowd control events takes into account the appropriate number of law enforcement personnel needed and leaves no doubt about where UNC-CH stands on this polarizing issue.

V. CONCLUSION

Everyone at UNC-CH, police officers and administrators alike, are dedicated and conscientious professionals. They are properly concerned with the safety of human life and are dedicated to protecting First Amendment rights. However, it is apparent from our Assessment that UNC-CH struggled to communicate, prepare, and execute their plans for the August 20, 2018 demonstration, which ultimately resulted in the toppling of Silent Sam.

We did not find any evidence of a conspiracy among or between police, administrators, and demonstrators to topple the statue that evening. Instead, we found that the protesters were infinitely more well-organized and prepared than originally expected. Miscommunication between the University Police and UNC-CH senior leadership combined with inefficient and inadequate information-gathering, insufficient staffing, and outdated crowd control training made preventing what happened on August 20 difficult if not impossible to achieve.

The University Police have a responsibility to protect both lives and property, but they cannot do so in a vacuum. They need the support of UNC-CH administrators to ensure that correct mechanisms, staff, and funding are in place to allow them to succeed at their jobs: enforcing the law. The leadership of this storied institution with the help of the UNC System must wrestle with and analyze what happened to ensure that such systemic failures do not reoccur in the future at UNC-CH and other System universities.

EXHIBIT A

Police Operations

Updated: November 8, 2016

Jeff B. McCracken
Chief of Police
Pos. #1000697
EPA Non-Faculty

Valerie Fearington
Executive Assistant - J
Pos. #52341

Public Relations

Randy Young
Public Communication Spec. - J
Pos. #35424

Communications/Public Affairs

Patrol Services

Capt. Lawrence Twiddy
Public Safety Manager - J
(Patrol Captain)
Pos. #56657

Administrative Services

Capt. Rahnshem Holland
Public Safety Manager - J
(Admin Captain)
Pos. #20531

Support Services

Capt. Connie Bullock
Public Safety Manager - J
(Support Captain)
Pos. #18830

A Platoon B Platoon C Platoon D Platoon Community Response Unit

- | | | | | |
|---|---|---|---|--|
| Lt. Kevin Holt
Public Safety Off - A
Pos. #2013772
(Temporary) | Lt. Jeffrey Mosher
Police Safety Sup - J
Pos. #18853 | VACANT Lt.
Public Safety Sup - J
Pos. #18823 | VACANT Lt.
Public Safety Sup - J
Pos. #33616 | Lt. Michael Berendsen
Public Safety Sup - J
Pos. #18855 |
| Sgt. Michael Laffan
Public Safety Off - A
Pos. #57545 | Sgt. Timothy Goad
Public Safety Off - A
Pos. #51551 | Sgt. Timothy Tickle
Public Safety Off - A
Pos. #18842
(Temporary Acting Lt.) | Sgt. Sveltana Bostelman
Public Safety Off - A
Pos. #18850
(Temporary Acting Lt.) | Sgt. M. Keith Ellington
Public Safety Off - J
Pos. #531353 |
| Heather Barrett
Public Safety Off - C
Pos. #20532 | Tiesha Williams
Public Safety Off - C
Pos. #18840 | Todd Nelson
Public Safety Off - J
Pos. #18817 | Marshall Turner
Public Safety Off - J
Pos. #18820 | Traffic/ Ped. Safety Unit |
| Jonathan Culberson
Public Safety Off - J
Pos. #50345 | Forrest Wade Humphrey
Public Safety Off - C
Pos. #33614 | Shane Hardenberger
Public Safety Off - C
Pos. #18843 | John Hawley
Public Safety Off - C
Pos. #18854 | Robert Cerninger
Public Safety Off - J
Pos. #19052 |
| Nicholas Lynch
Public Safety Off - C
Pos. #56009 | Steven Dixon
Public Safety Off - C
Pos. #51550 | Nicholas Luck
Public Safety Off - C
Pos. #37910 | Hector Borges
Public Safety Off - C
Pos. #19051 | Matthew Dodson
Public Safety Off - J
Pos. #18818 |
| Andrew Jones
Public Safety Off - J
Pos. #60522 | Abdur-Rashid Johnson
Public Safety Off - C
Pos. #54304 | Christopher Smith
Public Safety Off - C
Pos. #53855 | Daniel Brown
Public Safety Off - C
Pos. #33615 | Bike Patrol |
| Rickie Clark
Public Safety Off - C
Pos. #20013745 | Ryan Kay
Public Safety Off - C
Pos. #20013743 | George Whitaker
Public Safety Off - J
Pos. #56011 | Jake Peterson
Public Safety Off - C
Pos. #51549 | Brian Detweiler
Public Safety Off - J
Pos. #32633 |
| Michael David
Property Sec. Off - J
(Health Affairs)
Pos. #18856 | | Christopher Benfield
Public Safety Off - C
Pos. #60521 | Christopher Higgins
Public Safety Off - C
Pos. #20013744 | Lt. Megan Howard
Public Safety Sup - J
Pos. #33237
(Maternity Leave)
BLET Candidates = 4 |

CALEA Accreditation Clergy Compliance Records Manager Security

- | | | | |
|---|---|--|--|
| Lt. Bill Nato
Public Safety Sup - J
Pos. #18823 | Jennifer Scott
Univ Prg. Specialist - A
Pos. #61902 | Tracy Perry
Univ Prg. Spec - J
Pos. #2011149 | Barry Thompson
Public Safety Sup - A
Pos. #52118 |
|---|---|--|--|

Contract Staff Temps - All Shifts

- | | | | |
|--|---|---|--|
| Chris West
Property Sec Sup - J
Rotating Shift
Pos. #35899 | Stephen Riddle
Property Sec Sup - J.
Rotating Shift
Pos. #54037 | Robin Harlukowicz
Property Sec Sup - J
Rotating Shift
Pos. #32634 | Debbie Pulley
Property Sec Sup - J
Head Guard (Ackland)
Pos. #35906 |
| Darrell Horton
Property Sec Off - J
(Dogwood Deck)
Pos. #53586 | VACANT
Property Sec Off - J
(SRC)
Pos. #35614 | Daniel Glover
Property Sec Off - J
(CCTV)
Pos. #38104 | Terry Green
Property Sec Off - J
(Ackland)
Pos. #32129 |
| Jonathan Lineberry
Property Sec Off - J
(ACC)
Pos. #53896 (PT) | Kaleb Kibler
Property Sec Off - J
(Smith Center)
Pos. #35050 | Melora Martin
Property Sec Off - J
(Hill Alumni)
Pos. #52525 | Brian Fletcher
Property Sec Off - J
(Ackland)
Pos. #33677 |
| Matthew Brown
Property Sec Off - J
(Aycock Family Med)
Pos. #53900 | Gina David
Property Sec Off - J
(Hill Alumni)
Pos. #52528 | Clark Fantani
Property Sec Off - J
(Hill Alumni)
Pos. #52527 (PT) | Tim Coyle
Property Sec Off - J
(Ackland)
Pos. #53137 |
| John Cheek
Property Sec Off - J
(ACC)
Pos. #53901 | Anthony Smith
Property Sec Off - J
(CCTV)
Pos. #52778 | Kenneth Horne
Property Sec Off - J
(Dental School)
Pos. #52649 | |
| Terrence McCauley
Property Sec Off - J
(ACC)
Pos. #53902 | Stephanie Bass
Property Sec Off - J
(ACC)
Pos. #53899 | Johnie Purefoy
Property Sec Off - J
(Health Affairs)
Pos. #52650 | |
| Ernest Reese
Property Sec Off - J
(CCTV)
Pos. #56574 | Jason Poole
Property Sec Off - J
(Friday Center)
Pos. #56575 | Paul Daniel
Property Sec Off - J
(Health Affairs)
Pos. #52650 | |
| Ednetta Robinson
Property Sec Off - J
(Aycock Family Med)
Pos. #58037 | Rodney Whitmore
Property Sec Off - J
(Stone Center)
Pos. #58038 | John McGlyn
Property Sec Off - J
(CCTV)
Pos. #56576 | |
| James Manuel
Property Sec Off - J
(CCTV)
Pos. #58040 | Charles Patterson, Jr.
Property Sec Off - J
(CCTV)
Pos. #58039 | Michael Bomberger
Property Sec Off - J
(CCTV)
Pos. #56577 | |
| | Merissa Schumacher
Property Sec Off - J
(Law School)
Pos. #59508 | Dallas Johnson
Property Sec Off - J
(CCTV)
Pos. #58042 | |
| | | Jeffrey Booker
Property Sec Off - J
(ACC)
Pos. #59985 | |
| | | Marcia Gretsinger
Property Sec Off - J
(Public Health)
Pos. #62208 | |

Community Services

Crime Prevention Fleet Quartermaster Investigations Special Events 911 ECC

- | | | | | |
|--|---|--|---|--|
| Sgt. James David
Public Safety Off - A
Pos. #35977 | Sgt. Chris Burnette
Public Safety Off - A
Pos. #18801 | Lt. James Ellis
Public Safety Sup - J
Pos. #34582 | Sgt. Jacob Kornegay
Public Safety Off - A
Pos. #18846 | Amy Oakley
PS Telecomm Sup - A
Pos. #34116 |
| Ray Rodriguez
Public Safety Off - C
Pos. #35978 | | Sgt. Michael Goodwin
Public Safety Off - A
Pos. #18800 | | |
| | | Inv. Ray Oliver, Jr.
Public Safety Off - J
Pos. #51552 | | |
| | | Inv. John Walker
Public Safety Off - J
Pos. #52816 | | |
| | | Inv. Ross Barbee
Public Safety Off - J
Pos. #53854 | | |
| | | Joyce Beeson
Admin Supp Assoc - A
Pos. #54313 | | |

Reserve Offs (17)

- | | |
|--|--|
| Corey Bodey
Public Safety Telecomm - A
Pos. #31622 | Dana Lane
Public Safety Telecomm - A
Pos. #31573 |
| Vicki Williams
Public Safety Telecomm - A
Pos. #34358 | Jamelle Emerson
Public Safety Telecomm - A
Pos. #36290 |
| Howard Davis
Public Safety Telecomm - A
Pos. #35539 | Carmen Douglas
Public Safety Telecomm - A
Pos. #56947 |
| Farah Fawcett McKoy
Public Safety Telecomm - A
Pos. #35969 | Lynn Smith
Public Safety Telecomm - A
Pos. #61171 |
| Angela Tribble
Public Safety Telecomm - A
Pos. #37539 | Susan Farrell
Public Safety Telecomm - A
Pos. #61602 |
| Laura Jeffries
Public Safety Telecomm - A
Pos. #37701 | VACANT
Public Safety Telecomm - A
Pos. #61820 |
| Christina Sykes
Public Safety Telecomm - A
Pos. #37702 | |
| Amy Allison
Public Safety Telecomm - A
Pos. #61821 | |

Michael Reitz
Univ Prg Spec - C
(Asst Supervisor)
Pos. #59507

Training/ Recruitment

Sgt. James Gales
Public Safety Off - A
Pos. #56669

Shared Services

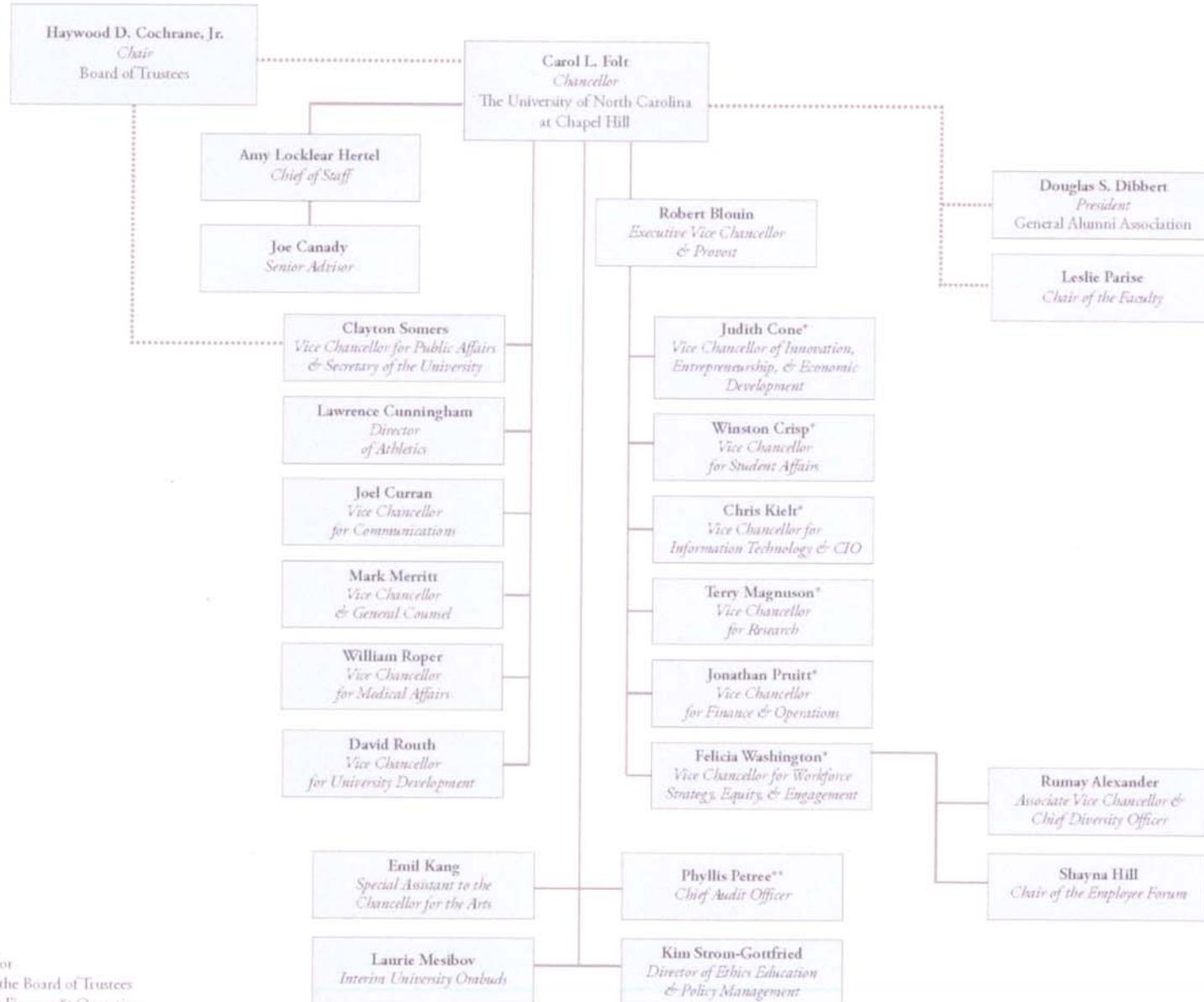
- | | | | |
|--|--|--|--|
| Todd Arnold
Applications Spec. - A
Pos. #51384
Computer Support | Carly Perin
Exec. Director of Finance
SCE | Bill Stockard
Direcor
F&A HR | Wilhelmina Steen
Asst. Director Fiscal - A
Pos. #30580 |
| Applications | Accounting | Human Resources | Accounts Receivable |
| Kenny Brooks
Applications Analyst - J
Pos. #37356 | Oscar Wilburn
Accountant - J
Pos. #04506 | Cynthia Reardon
HR Specialist - J
Pos. #05048 | Laurie Trumbo
Business Srv Coord - A
Pos. #18809 |
| Bradyn Leonard
Tech Support Tech - J
Pos. #51026 | Accts Payable | Nealy Hall
Univ Prg Specialist - C
Pos. #37916 | Sandra Chavous
Accounting Tech - C
Pos. #30797 |
| Mary Powell
Tech Support Spec - C
Pos. #58552 | Lisa Hierman
Accounting Tech - A
Pos. #31440 | Meha Hill
HR Facilitator
Intermittent Temp | Missie Dodson
Accounting Tech - J
Pos. #91746 |
| | | Jackie Overton
Training Specialist - J
Pos. #50038 | |

EXHIBIT B

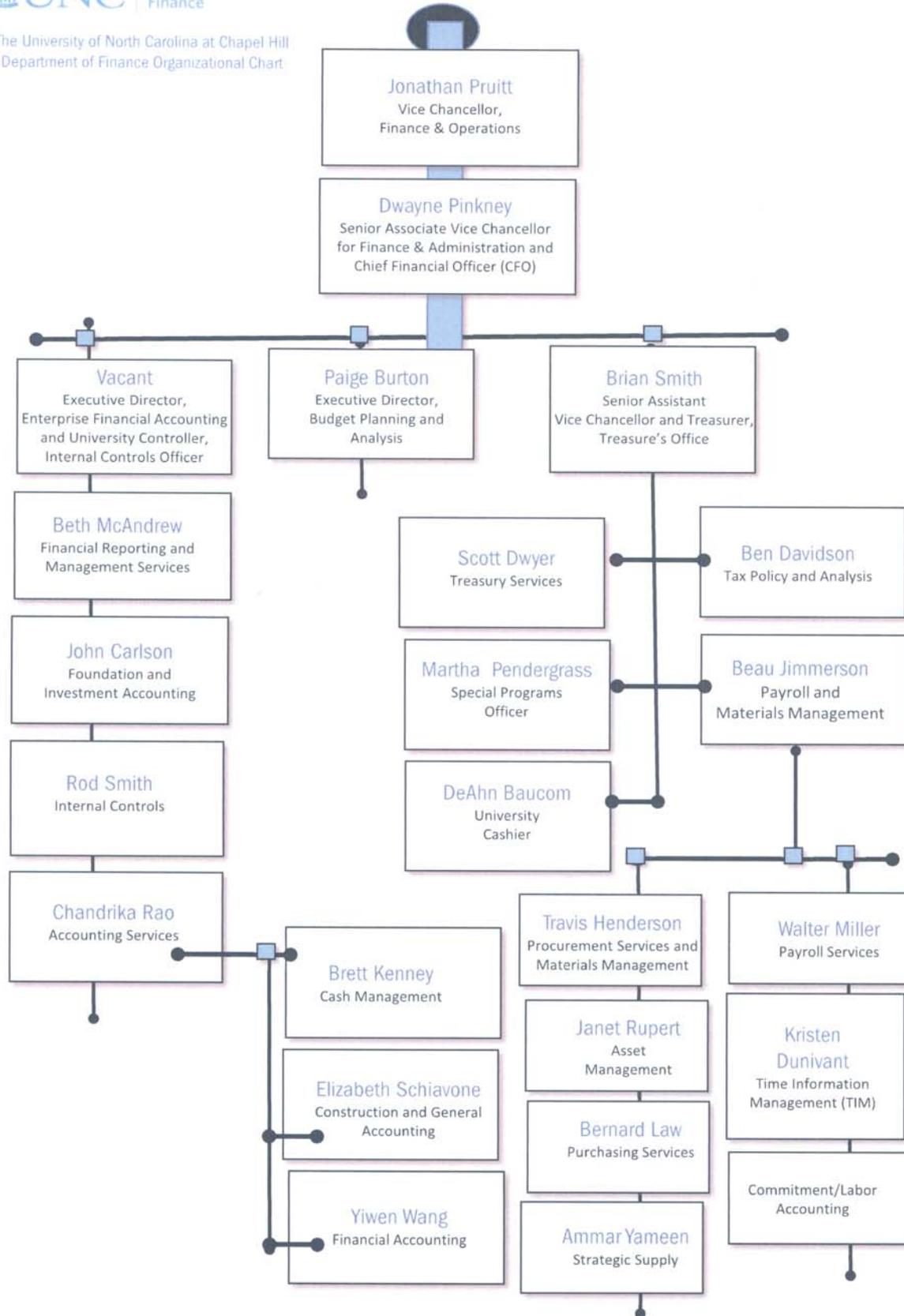
OFFICE OF THE CHANCELLOR

Organizational Chart

March 2018



*Dual report to the Chancellor
 **Dual report to the Chair of the Board of Trustees
 and the Vice Chancellor for Finance & Operations





[REPORT A CRIME](#)

[DAILY CRIME LOG](#)

[ABOUT US](#)

[CLERY INFO](#)

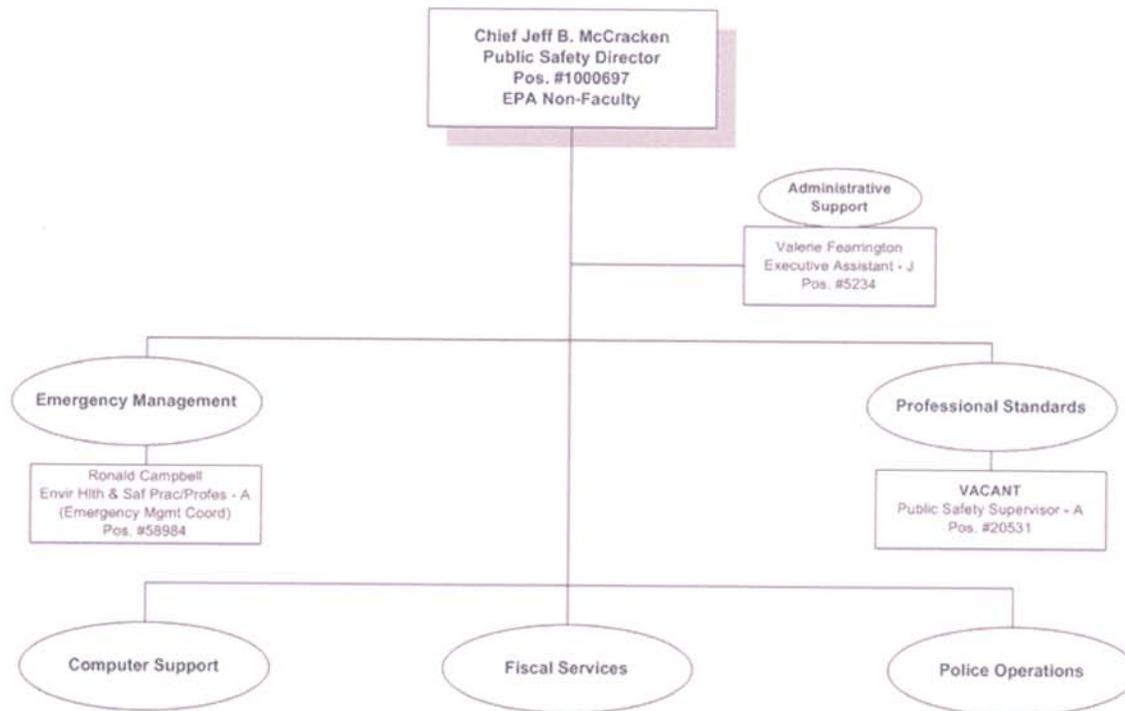
[PROGRAMS](#)

[SERVICES](#)

[REPORTS](#)

[SAFETY](#)

[RECRUITMENT](#)





FINANCE AND OPERATIONS

Campus Safety & Risk Management

Campus Safety and Risk Management provides superior, innovative, and responsive services and a safe, secure, clean, and attractive physical environment to our diverse customer base, including faculty, staff, students, alumni, and visitors.



Derek Kemp

Associate Vice Chancellor for Campus Safety & Risk Management

Contact Us

Campus Safety & Risk Management

305 South Building, CB #1000

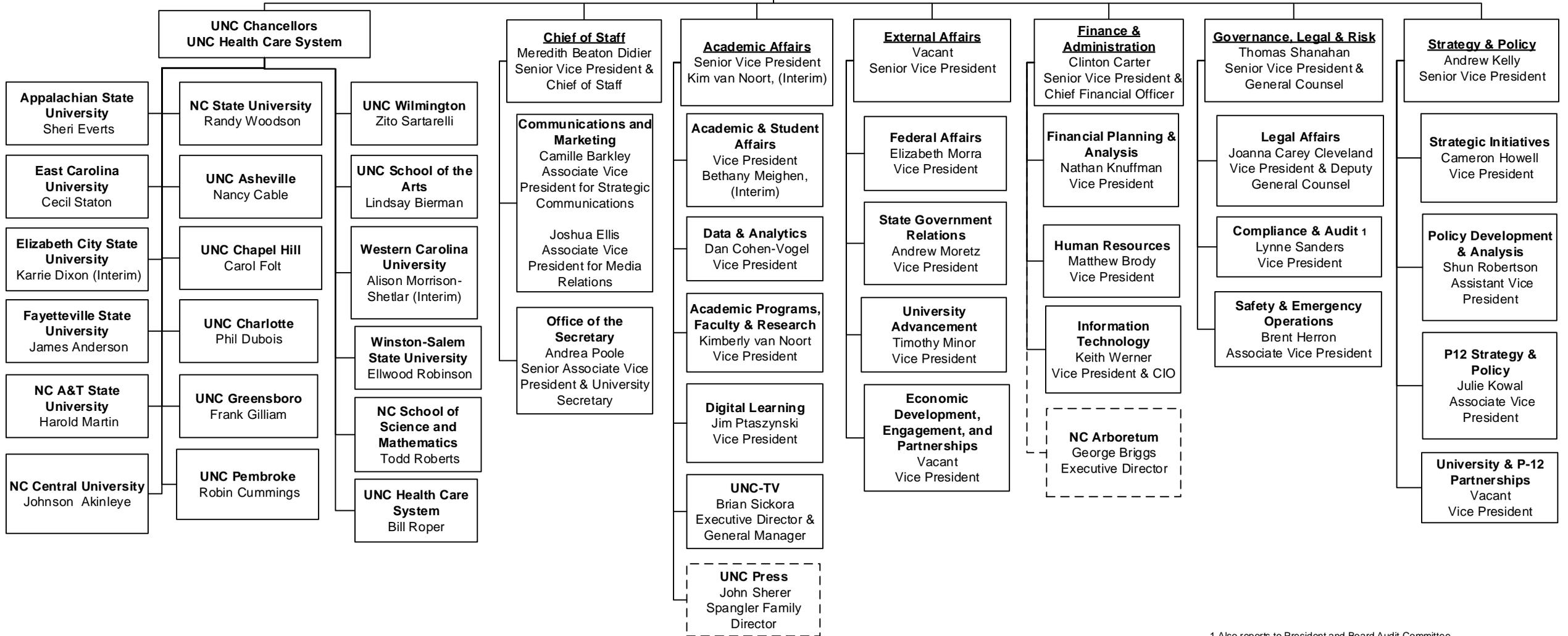
Chapel Hill, NC 27599-1000

Phone: 919-962-7244

Fax: 919-962-0647

EXHIBIT C

Margaret Spellings
President
University of North Carolina



¹ Also reports to President and Board Audit Committee

NC Arboretum and UNC Press are affiliates per legislation.

EXHIBIT D



THE UNIVERSITY
of NORTH CAROLINA
at CHAPEL HILL

POLICE DEPARTMENT

PUBLIC SAFETY BUILDING
CAMPUS BOX 1600
CHAPEL HILL, NC 27599-1600

T 919.962.3951
F 919.962.2572
www.dns.unc.edu

August 19, 2017

Dear Chancellor Folt,

I am writing to express my concern about the threat posed to the UNC Chapel Hill community by the Civil War monument on our campus. As you are aware this statue (Silent Sam) has been at the center of heated debate for decades. However, in my professional opinion recent events have served to transform that debate into a true public safety threat. Those events are the August 12th conflict in Charlottesville resulting in the tragic loss of three lives, and the toppling of the Civil War monument in Durham on August 1st.

It is only a matter of time before an attempt is made to topple Silent Sam. In fact, we have information indicating that an attempt may occur on August 22nd, if not sooner. There is a real danger that someone could be seriously injured in the process of pulling the statue down. Aside from that fact, the statue now serves, more than ever, as a magnet drawing together extreme factions intent on committing acts of violence. I have the very real fear that our students will be drawn to participate in any event focused on the statue and find themselves trapped between the warring factions. I have had conversations with the Town of Chapel Hill Police Chief, Chris Blue, the Orange County Sheriff, Charles Blackwood, and the UNC General Administration Associate Vice President of Campus Safety & Emergency Operations, Brent Herron, and they are all of the same opinion.

The fact that UNC Chapel Hill is the only campus in the UNC System that has a Civil War monument on its property places our community in a uniquely dangerous situation. Any support that you can garner to help mitigate this impending threat will be greatly appreciated.

Sincerely,

Chief Jeff B. McCracken
UNC Chapel Hill Police



EXHIBIT E



THE UNIVERSITY
of NORTH CAROLINA
at CHAPEL HILL

POLICE DEPARTMENT

PUBLIC SAFETY BUILDING
CAMPUS BOX 1600
CHAPEL HILL, NC 27599-1600

T 919.962.3951
F 919.962.2572
www.dns.unc.edu

August 21, 2017

Dear Chancellor Folt,

I wanted to follow up on my August 19, 2017 memo concerning the threat posed to the UNC Chapel Hill community by the Civil War monument on our campus (Silent Sam) by conveying the fiscal impact as well.

On October 25, 2015, the University spent approximately \$25,000 on police operations associated with the rally/protest at Silent Sam. The approximate cost will be the same for any announced event going forward, including tomorrow night.

The University is currently spending approximately \$1,700 a day to maintain police presence in McCorkle Place around the monument. If required to continue with the current level of vigilance the cost will be approximately \$621,000 annually.

Sincerely,

Chief Jeff B. McCracken
UNC Chapel Hill Police



EXHIBIT F

Constituent Universities

Appalachian
State University

East Carolina
University

Elizabeth City
State University

Fayetteville State
University

North Carolina
Agricultural and
Technical State
University

North Carolina
Central University

North Carolina
State University
at Raleigh

University of
North Carolina
at Asheville

University of
North Carolina
at Chapel Hill

University of
North Carolina
at Charlotte

University of
North Carolina
at Greensboro

University of
North Carolina
at Pembroke

University of
North Carolina
at Wilmington

University of
North Carolina
School of the Arts

Western Carolina
University

Winston-Salem
State University

Constituent High School

North Carolina
School of Science
and Mathematics

An Equal Opportunity/
Affirmative Action Employer

August 21, 2017

The Honorable Roy Cooper
Office of the Governor
20301 Mail Service Center
Raleigh North Carolina 27699-0301

Dear Governor Cooper:

We write to alert you to significant safety and security threats at the UNC-Chapel Hill campus relating to the Silent Sam statue, and to seek your assistance as the chief executive of the State of North Carolina to address these urgent concerns. UNC-Chapel Hill is the only campus in the UNC System that has a Civil War monument of this type on its property and it places the campus and the Chapel Hill community in a uniquely visible and precarious position.

As you are well aware, the tragic events earlier this month in Charlottesville, Virginia, which resulted in the death of a woman, have caused heightened activism and volatility on college campuses across the nation. The recent toppling of a statue in downtown Durham and the damage to a Robert E. Lee statue at Duke Chapel have added to a climate that threatens to make similar statues a flash point for violence that could spiral out of control and threaten the safety of our students and campus community.

The Silent Sam statue was erected in 1913 and has been an object of debate and contention for many years. The statue has also been vandalized several times in recent years, and UNC-Chapel Hill now monitors the area with cameras and police patrols.

Chancellor Folt has notified us that the law enforcement staff at UNC-Chapel Hill believe that it is only a matter of time before an attempt is made to pull down Silent Sam in much the same manner we saw in Durham. Based on our interactions with State and local law enforcement, including the State Bureau of Investigation, an attempt may occur at any time.

Given the statue's prominent location on one of the most historic part of UNC-Chapel Hill's campus; its proximity to residence halls, the Old Well, the Davie Poplar, the financial aid office, classroom buildings; a major Chapel Hill thoroughfare and public protest site (the Old Chapel Hill Post Office, now known as "[Peace and Justice Plaza](#)"); and the likelihood that a protest would draw large numbers of people, including many outside groups that are active in North Carolina, campus and local law enforcement are concerned that a student or other bystander could be seriously injured in any confrontation at the site. Similarly, town and/or university operations could be significantly disrupted.

As leaders of the University, we rely on the experience and judgment of our experienced law enforcement professionals to make informed decisions about how to keep the UNC System's campuses safe for students. The safety of our students is our highest priority. Given the substantial security threats that we face at UNC-Chapel Hill in connection with Silent Sam, we believe it is essential that the State of North Carolina take necessary steps to ensure safety. We would not be able to face parents whose students are harmed in a violent confrontation if we did otherwise.

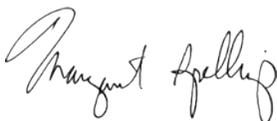
UNC-Chapel Hill faces the likelihood of dealing with possible demonstrations and continued threats to campus safety and security on an ongoing basis. The attention to this issue is not going away. As the school year begins, UNC-Chapel Hill has been placed in a position where it must devote limited law enforcement resources to the potential activities surrounding Silent Sam, while at the same time continuing to maintain a safe and secure environment throughout the rest of the campus. UNC-Chapel Hill expects to incur significant additional ongoing security costs as a result.

Further, because of these imminent and ongoing potential safety and security threats, we wish to notify you that there is a strong likelihood that the University will require substantial law enforcement and emergency services support from your office as you may determine should be made available through State and Federal agencies.

We believe that any protests, demonstrations, and acts of vandalism could also potentially result in significant damage to the Silent Sam statue itself. While removing Silent Sam from its location on campus could preserve the monument and prevent damage, it is our understanding that, pursuant to Section 100-2.1 of the North Carolina General Statutes, only the State or the North Carolina Historical Commission - and not UNC-Chapel Hill or the UNC System - may take action to preserve monuments like Silent Sam. Moreover, our assessment is that there are real safety and security risks associated with either taking the statue down or leaving it up. Therefore, we urge you to consider convening the North Carolina Historical Commission to take up this matter and to consider what steps should be taken, consistent with the law.

The University's primary goal is to preserve the safety and security of the campus community, and it is a goal that we are certain you share. It is for this reason that we request you to take appropriate action to help avoid violence and address the significant safety risks to the UNC-Chapel Hill students and the campus, as well as the risk of damage to the Silent Sam monument. As you well know, our campuses are home to thousands of young people whose parents entrust them to our care, as well as to many faculty, staff and others. Their safety must be our most urgent priority.

Sincerely,



Margaret Spellings



Carol Folt

Lou Bissette



Haywood Cochrane

EXHIBIT G

Somers, Clayton

From: Somers, Clayton
Sent: Tuesday, August 21, 2018 12:34 AM
To: Hertel, Amy Locklear; Curran, Joel
Subject: Fwd: August 20th Chapel Hill

Begin forwarded message:

From: "Somers, Clayton" <clayton@unc.edu>
Date: July 17, 2018 at 7:45:21 PM EDT
To: "Hertel, Amy Locklear" <Amy_Hertel@unc.edu>
Subject: Fwd: August 20th Chapel Hill

I will follow up with you tomorrow.

Thanks.

Clayton

Begin forwarded message:

From: "Somers, Clayton" <clayton@unc.edu>
Date: July 17, 2018 at 7:44:38 PM EDT
To: [REDACTED]
Subject: Re: August 20th Chapel Hill

Thank you Mrs. Johnson. Our police team is aware of this flyer and planned event and have already begun preparing for it. I do appreciate your making sure we were aware. I hope you're having a good summer and hope to see you again soon. Thank you again.

Regards,

Clayton

On Jul 17, 2018, at 6:54 PM, [REDACTED] wrote:

<Chapel Hill Poster.jpg>

Clayton,
I wanted to be sure that someone with a calmer attitude sees this flyer. I feel that the "activists" are planing something that will certainly result in someone being hurt. I hope that the

Police will be in place and not repeat what happened in Durham.



<Chapel Hill Poster.jpg>

Somers, Clayton

From: [REDACTED]
Sent: Tuesday, July 17, 2018 6:55 PM
To: Somers, Clayton
Subject: August 20th Chapel Hill
Attachments: Chapel Hill Poster.jpg



Clayton,
I wanted to be sure that someone with a calmer attitude sees this flyer. I feel that the "activists" are planing something that will certainly result in someone being hurt. I hope that the Police will be in place and not repeat what happened in Durham.

[REDACTED]

EXHIBIT H



UNC-Chapel Hill @UNC · Aug 20



A message from Chancellor Folt on the Confederate Monument: unc.live/2nTnjOv

Dear Carolina Community:

As you are probably aware, a group from among an estimated crowd of 250 protesters brought down the Confederate Monument on our campus last night.

The monument has been divisive for years, and its presence has been a source of frustration for many people not only on our campus but throughout the community.

However, last night's actions were unlawful and dangerous, and we are very fortunate that no one was injured. The police are investigating the vandalism and assessing the full extent of the damage.

I appreciate the actions taken by the police to ensure the community's safety and will keep you informed as additional information is available.

Sincerely,

Carol L. Folt



288



65



133

EXHIBIT I

Update from Carolina, UNC System leaders on the Confederate Monument

unc.edu/posts/2018/08/21/update-from-carolina-unc-system-leaders-on-the-confederate-monument

August 21, 2018



Dear Carolina Community:

Since the Confederate Monument was brought down last night, many have questioned how police officers responded to protesters and how the University managed the event. Safety is always paramount, but at no time did the administration direct the officers to allow protesters to topple the monument. During the event, we rely on the experience and judgment of law enforcement to make decisions on the ground, keeping safety as the top priority.

Last night's rally was unlike any previous event on our campus. This protest was carried out in a highly organized manner and included a number of people unaffiliated with the University. While we respect that protesters have the right to demonstrate, they do not have the right to damage state property.

We have asked the SBI to assist the police to fully investigate the incident, and they have agreed. We do not support lawlessness, and we will use the full breadth of state and University processes to hold those responsible accountable for their actions.

The safety and security of the students and community entrusted to us have been and will remain our top priority. While we are grateful that no one, including our police officers, was injured during last night's protest, we will never condone mob actions and always encourage peaceful and respectful demonstrations on our campus.

Sincerely,

Carol L. Folt
Chancellor

Harry Smith
Chair, UNC Board of Governors

Margaret Spellings
President, UNC System

Haywood Cochrane
Chair, UNC-Chapel Hill Board of Trustees



THE UNIVERSITY
of NORTH CAROLINA
at CHAPEL HILL

CAROL L. FOLT
Chancellor

103 SOUTH BUILDING
CAMPUS BOX 9100
CHAPEL HILL, NC 27599

T 919.962.1365
F 919.962.1647
carol.folt@unc.edu

October 19, 2018

Dear Mr. Smith, Mr. Rucho and Mr. Byers:

I write on behalf of the University of North Carolina at Chapel Hill and its administration in response to the October 15, 2018 draft of the *Silent Sam Monument After Action Assessment Report*. We welcome this opportunity to learn from the *After Action Assessment* and improve public safety at UNC-Chapel Hill.

We support the efforts to evaluate what lessons may be learned from this event and agree that undertaking a thorough and deliberate assessment is necessary and important to ensure the continued safety of our students, faculty, staff, police officers, and visitors. We agree with the overall message of the draft report: There is room to improve the ways in which the University prepares for and responds to threats from outside protest organizations and highly organized, non-student groups and networks who are not associated with UNC-Chapel Hill and do not have the best interests of UNC-Chapel Hill in mind. We will adopt all five recommendations provided to us in the draft report.

As you know, ensuring the safety of the public and the Confederate Monument has long been a concern of ours. Managing threats associated with the Confederate Monument is unique to UNC-Chapel Hill, as the only campus in the UNC System with a Confederate monument of this type. In 2017, out of particular concern prompted by the events in Charlottesville, Virginia and Durham, North Carolina, I directed UNC-Chapel Hill Police Chief Jeff McCracken to provide me with documentation regarding the needs of the campus police force to protect people and property as well as the costs incurred to monitor the Confederate Monument. The correspondence Chief McCracken drafted and provided to me, included in the appendix of the draft report, was then used to help illustrate and explain to the Board of Trustees and the Governor the concerns of UNC-Chapel Hill leaders and police relating to the Monument. Additionally, during my tenure, I have ensured they had additional funding to have an officer monitoring the

Confederate Monument 24/7, two cameras linked for viewing at the 911-dispatch center, and body-worn cameras for our officers, among other things.

Prior to the night of August 20, we successfully navigated two years and over 35 protests and other demonstrations without anyone being seriously harmed or attempting to pull down the Monument. While the protest on August 20 began like the dozens of other protests around the Confederate Monument, it ended unlike any other. The actions by the persons who toppled the statue were highly organized, unlawful, and extremely dangerous. The organization and the elevated tactics used by many of the protestors, who were members of outside organizations and non-student groups and networks, had not previously been seen on our campus or by our police force. Unfortunately, in the time leading up to August 20, we did not anticipate that there was a plan to pull the Confederate Monument down that night.

It is now clear, with the benefit of hindsight, that UNC-Chapel Hill did not accurately predict the number of attendees, the organization of the protestors, or their intentions. As with regard to prior protests, for which there were no serious injuries to any persons or property, the police force relied heavily on social media to develop intelligence. Through this incident we have learned that methods which were successful in the past are no longer as predictive. Agencies across the state that help to provide us with public safety-related information, such as the North Carolina State Bureau of Investigation (SBI) and Information Sharing and Analysis Center (ISAAC), had not, to my knowledge, alerted us of any growing concern.

As a regular practice, Chief McCracken and Derek Kemp, Associate Vice Chancellor for Campus Safety and Risk Management, conduct risk assessments and flag what they anticipate to be major events. Senior leadership—generally including Bob Blouin, Executive Vice Chancellor and Provost; Jonathan Pruitt, Vice Chancellor of Finance and Operations; Mark Merritt, Vice Chancellor and General Counsel; Clayton Somers, Vice Chancellor of Public Affairs, Felicia Washington, Vice Chancellor of Workforce Strategy, Equity, and Engagement; Amy Hertel, Chief of Staff; Joel Curran, Vice Chancellor of University Communications; Darrell Jeter, Director of Emergency Management and Planning; Christy Hurt, Associate Vice Chancellor for Student Affairs; Winston Crisp, Vice Chancellor for Student Affairs; Vice Chancellor Kemp; and myself—then conduct an event-preparation meeting with Chief McCracken to discuss the risk assessment, identify expected participants, and consider tactics and strategies. In addition, Chief McCracken and I have each other's cell phone numbers, and we have used them to communicate directly with each other. This collaborative process, which has helped to keep UNC-Chapel Hill a safe community, should be refined, clarified, and articulated in writing. In light of the events of August 20, we also need to improve it.

In response to the events of August 20, the UNC-Chapel Hill Board of Trustees, the most senior members of the UNC-Chapel Hill administration, and the UNC-Chapel Hill police force undertook to examine and evaluate the incident. We wanted to identify what, if anything, we could have done differently to prevent the toppling of the Monument. Taking stock of our successes and mistakes is vital to addressing and responding to the new and evolving threats facing campus police forces. Ultimately, that is my responsibility.

As was a focus in the draft report, reviewing the decisions made leading up to August 20 regarding the use of barricades was a part of our work in assessing how the events unfolded that night. The use of barricades in connection with protests had been a topic of multiple discussions among law enforcement and University leaders in connection with the August 20 event and other, prior protests, whenever police proposed deploying them.

In preparation for August 20, law enforcement expressed an intention to erect the barricades on Sunday—the day before the event. Where barricades had been used in the past, they had been deployed on the day of the event. We were mindful that having barricades around the statue on Sunday—during “Week of Welcome,” when students return to campus—could raise concerns among students and their parents. I expressed my preference that, if barricades were needed, they not be deployed on the weekend. On Monday, police neither deployed the barricades nor communicated to administrators that they thought the barricades were necessary.

After the event, we reassessed the plans and preparations for the event, including the decision about barricades. Senior leaders—including Bob Blouin, Jonathan Pruitt, and Mark Merritt—and members of the Board of Trustees made specific inquiries about decisions made by senior leaders and the University police, including barricades. Both Chief McCracken and Mr. Kemp stated that law enforcement knew they could deploy barricades at any point on Monday. Further, Mr. Kemp said that having barricades would not have stopped the toppling of the Monument. Chief McCracken reiterated the assessment that the use of barricades probably would not have made any difference and, in fact, may have endangered the safety of the police officers on the scene. Nothing is more important to us than the safety and well-being of our people: our students, our faculty, our staff, our neighbors and visitors, and our police officers.

In furtherance of that priority and responsibility, our review shed important light on things we could learn from others about how to best manage threats from outside protest organizations. The events of August 20, viewed with the benefit of hindsight,

have revealed that there are areas where we can strengthen our efforts. As Chancellor, I am committed to ensuring we work together with the Board of Governors to further strengthen public safety on our campus. The University is already engaging with consultants on best practices in this arena and developing a training program to better equip our University police force. We will incorporate the helpful recommendations from the draft report into our ongoing effort.

We agree with many of the investigators' comments and recommendations. We also communicated to the investigator concerns about the draft report, including factual issues. We hope our comments will be considered and incorporated into the final version. The report will help us as we continue our efforts to learn from August 20 and improve our work on behalf of the University we hold so dear. I will direct implementation of measures to adopt all five recommendations of the draft report:

Recommendation No. 1:

We agree with the recommendation that the process for direct communications between the Chancellor and the Chief of Police in preparation for major events should be clearly expressed in a policy statement. We will develop a policy that outlines our roles and the roles of other University leaders in the planning, briefing and review of operations plans developed by the police. We have already retained professional law enforcement consultants and will engage them to also develop a training program for senior leadership to prepare them for briefings and engagement with our police officers.

Recommendation No. 2:

We agree with the recommendations that (i) intelligence gathering and analysis should not be centralized in one officer but rather shared among a team of officers; and (ii) operational plans should be developed and used to brief the Chancellor, administrators and officers. We will develop policies that outline how these responsibilities and functions will be shared and implemented.

Recommendation No. 3:

We agree with the recommendations that (i) a wide variety of intelligence sources need to be consulted and analyzed in advance of events, including collaborating with ISAAC, the Fusion Center, other state resources and other campuses; (ii) our officers receive regular training in intelligence-gathering; (iii) the Chief should regularly brief the Chancellor and leadership on intelligence information; and (iv) the police department should conduct after-action reports, to be shared with the Chancellor and

senior administrators. We will develop policies that outline how these responsibilities and functions will be shared and implemented.

Recommendation No. 4:

We agree with the recommendation that the University police should undergo ongoing department-wide training for crowd control planning and operations to ensure the department has acquired and maintained the skills necessary to respond to future crowd control situations. We have retained professional law enforcement consultants who have already identified training programs in the coming weeks (including some of the suggestions referenced) and we will share these suggestions and recommendations with them as they prepare a comprehensive on-going training program as outlined in this recommendation. We have all learned that the landscape has greatly changed with the involvement of professional outside protest groups coming onto our campus, and that our community is facing new and more dangerous challenges. We will develop policies to outline how our ongoing training programs will better protect our officers and our campus.

Recommendation No. 5:

We agree with the recommendation that (i) the police department should consider an updated staffing analysis to determine how many officers would be required to create a Special Operations Team; (ii) we review current mutual aid agreements and identify any potential gaps in our ability to request external resources; and (iii) police policies and procedures should outline how the police will protect both people and property. We will develop plans and policies, in coordination with the UNC System, to explore these suggestions and implement all feasible strategies.

* * * *

From the review we conducted following August 20, we came to many of the same conclusions that are included in the draft report. We have already taken steps following our initial review, which are discussed throughout this letter, closely related to these recommendations. Thank you for all of your efforts and support in this regard.

We are glad to have the opportunity to continue campus-wide efforts to improve how we prepare for and respond to the changing landscape of the University protest environment. We look forward to receiving the final report.

Respectfully yours,

A handwritten signature in black ink that reads "Carol L. Folt". The signature is written in a cursive style with a large initial 'C' and 'F'.

Carol L. Folt