

UCDAVIS

Police Accountability Board

Annual Report

July 2017 – June 2018

TABLE OF CONTENTS

Introduction	1
Mission of the PAB	1
History and Functions of the PAB	1
PAB Members and Alternates	2
PAB Administrative Advisory Group	3
PAB Membership and Training	3
PAB Meetings	5
Investigation of Cases and PAB Review	6
Cases Reviewed, PAB Findings and Status of Current PAB Cases	10
Police Chief's Response to Recommendations	10
2017-2018 Trends	11
Policy, Procedure and Training Recommendations	12
Table Summary of PAB Complaints and Findings	15
Appendix	

November 30, 2018

INTRODUCTION

Enclosed is the UC Davis Police Accountability Board's ("PAB") 2017-18 Annual Report. From July 1, 2017 to June 30, 2018, the PAB received sixteen (16) complaints and, consistent with the PAB's procedures, closed fifteen (15) complaints. A complete summary of complaints received by the PAB, cases reviewed and PAB findings can be found in the table at the end of this report.

MISSION OF THE PAB

The Police Accountability Board (PAB) was established in 2014 whose purpose is to promote accountability, trust, and communication between the University of California, Davis (UCD) community and the UCD Police Department (UCDPD) by independently reviewing and making recommendations regarding investigations of complaints made by members of the campus community and the general public (also referred to as civilian complaints) in a fair and unbiased manner.

HISTORY AND FUNCTIONS OF THE PAB

After consultation with an independent expert in police oversight and several campus forums, the PAB was established as a pilot project in May 2014. Developing a police accountability program for the UC Davis Police Department is one component of a complex process of evaluating, restructuring and healing in response to the November 18, 2011 UC Davis pepper spraying incident. The Reynoso Task Force and the Robinson-Edley Reports, commissioned as a result of this incident, provided the background and context that led to the recommendation of the establishment of a police accountability program for the UCDPD. It was founded to restore trust between the police and the campus community.

The PAB is an independent board composed of students, staff and faculty from the UC Davis community. Working with independent campus investigators from the Office of Compliance and Policy, the PAB is charged with making recommended findings to the Chief of Police based on objective investigations into civilian complaints of misconduct filed against UCDPD officers. These recommendations are considered by the Chief of Police, who may accept, reject or modify the PAB's recommendation(s). The Chief may also take corrective actions based on these recommendations. The PAB also solicits

public input during open meetings, and it may submit advisory recommendations to the Chief about UCDPD policies and procedures.

See Appendix for PAB Bylaws and Procedures.

PAB MEMBERS AND ALTERNATES

The PAB is an independent board comprised of UC Davis staff, faculty and students.

As of June 30, 2018, PAB members and alternates include:

Academic Federation

Kara Carr (alternate)

Academic Senate

Jack Chin (member)

Associated Students, UC Davis

Davares Robinson (member)

Joshua Dalavai (alternate)

Graduate Student Association

Kenneth Thomas (member)

Kevin Griffin (alternate)

Staff Assemblies

Peter Blando (member) – Chair

Lisa Feldmann (alternate)

Student Life

Ales Lee (member)

Yajaira Ramirez Sigala (alternate)

UC Davis Health

Melissa Bauman (member)

Antionette Caruso (member) – Vice Chair

Charron Andrus (alternate)

Khoban Kochai (alternate)

PAB ADMINISTRATIVE ADVISORY GROUP

The PAB is supported by the Office of Campus Community Relations and the Office of Compliance and Policy.

PAB Administrative Advisory Group:

Rahim Reed, Associate Executive Vice Chancellor, Campus Community Relations

Joseph Farrow, Chief of Police, UC Davis Police Department

Wendy Lilliedoll, Director of Investigations, Office of Compliance and Policy

Mikael Villalobos, Associate Chief Diversity Officer, Office of Campus Community Relations

Larisa King, Compliance Analyst, Office of Compliance and Policy

Megan Macklin, Program Manager, Office of Campus Community Relations

Sunjeet Dosanjh, Program Assistant, Office of Campus Community Relations

External Counsel:

Laura Izon, Kronick, Moskovitz, Tiedemann & Girard

PAB MEMBERSHIP AND TRAINING

A. Board Membership

The PAB is comprised of seven (7) members and seven (7) alternates who broadly represent the diversity of the UCD community. The following campus entities nominate individuals for representation on the PAB:

Academic Federation; Academic Senate; Associated Students, UCD; Graduate Student Association; Staff Assemblies; Student Life; UCD Health.

Recruitment for the PAB is staggered, with seven (7) positions being filled each year. This allows for the preservation of institutional knowledge on the board. Each organization provides at least one (1) nominee for each vacancy. When there are multiple nominees provided, the Associate Executive Vice Chancellor of Campus Community Relations selects one (1) PAB representative from the organizations' nominees. All fourteen (14) PAB representatives participate in training during the onboarding process, and each has access to the confidential investigation reports and attends meetings.

PAB members include:

Two (2) undergraduate students;

One (1) graduate student;

One (1) faculty member;

One (1) staff member; and

Two (2) UCD Health members (who can be students, faculty or staff).

Generally, PAB members and alternates serve two- (2) year terms. Some served shorter terms when they were not qualifying representatives of their organization for the entire period of their appointment, while others served longer terms if their appointments began mid-year. Nominating entities may re-nominate PAB representatives to multiple terms.

After the first year of their term, members will become alternates and alternates will become members, thereby allowing full participation on the PAB during the two-year term. The AEVC of Campus Community Relations will work with the various entities to maintain both a member and an alternate representative and to develop a pipeline of candidates in the event that a member or alternate can no longer serve on the PAB.

In order to ensure independence, no member or alternate of the PAB can be a current or former UC Davis Police Department employee, or a current employee of Campus Counsel or the Compliance and Policy Unit of the Offices of the Chancellor and Provost.

B. Training

All PAB members and alternates were required to attend orientation sessions before joining the board. At the first orientation, PAB members received information from the Office of Campus Community Relations on the history and background of the PAB. At the second orientation, a representative from the UCDDPD presented on search and seizure, use of force and other police procedures. External counsel, Laura Izon, reviewed the PAB's Bylaws and Procedures at the final orientation.

PAB members and alternates also receive training developed by the Office of Campus Community Relations regarding police procedures, relevant legal issues, impartiality, the confidential nature of police misconduct investigations and discipline and the civilian oversight field. In 2017-2018, the PAB received trainings on the following topics:

- Hate crimes, presented in August 2017 by Nancy Appel, Anti-Defamation League and Jonathan Raven, Yolo County Chief Deputy District Attorney

- Freedom of expression, presented in February 2018 by UC Davis Law School professor Alan Brownstein
- Use of force, presented in May 2018 by the UC Davis Police Department

Each year, the PAB has nominated members to attend the National Association for Civilian Oversight of Law Enforcement (NACOLE) annual conference. In September 2017, PAB representative Peter Blando attended the NACOLE conference in Spokane, Washington and afterwards briefed the board on the conference. At least one PAB representative will attend the upcoming NACOLE conference in September 2018 in St. Petersburg, Florida.

PAB MEETINGS

The PAB meets monthly in the event that there is new business or a case to review. Meetings alternate between the UC Davis and UC Davis Health campuses. The PAB also solicits public input by holding regularly scheduled and advertised meetings at least once quarterly, which include time for public comment. These quarterly public meetings are denoted below (*). Additional meetings are scheduled on an as-needed basis.

2017 – 2018 PAB Meetings:

- July 19, 2017
- August 16, 2017
- October 18, 2017 – Fall Quarterly Public Meeting, Memorial Union Garrison Room (UC Davis) & Education Building Room 3103 (UC Davis Health)*
- January 17, 2018
- February 21, 2017 – Winter Quarterly Public Meeting, Memorial Union Garrison Room (UC Davis) & Education Building Room 3103 (UC Davis Health)*
- March 21, 2018
- April 18, 2018
- May 16, 2018 – Spring Quarterly Public Meeting, Memorial Union Garrison Room (UC Davis) & Education Building Room 4203 (UC Davis Health)*

A. Number of Decision-Making Meetings:

From July 1, 2017 to June 30, 2018, the board held eight (8) decision-making meetings. At two (2) of these meetings, the board reviewed cases resulting in recommended

findings to the Chief of Police. The PAB makes recommendations regarding each allegation finding contained in the report, the number of which may vary depending upon the complaint.

B. Attendance for Decision-Making Meetings:

From July 1, 2017 to June 30, 2018, average attendance of voting members at decision-making meetings was 53.57%, and the average attendance of alternates was 66.67%. Average attendance of voting members at meetings where cases were reviewed was 50.00%, and the average attendance of alternates was 53.85%.

C. Public Comment Highlights

Each quarter of the academic year, the board invites public comment and questions at a public meeting. Questions brought to the PAB during public comment included:

- Overview of the PAB's charge
- The PAB complaint, investigation and review processes
- Historical data from the PAB Annual Report on the number of complaints received by the PAB and the percentage of PAB findings accepted by the Chief of Police
- PAB membership and nomination process
- Student participation on the PAB
- Officer anonymity during PAB case review
- Recommendations made to the City of Davis in spring 2018 to create a civilian oversight body for its police department
- PAB promotion strategies

PAB members answered questions and advised participants that resource information, including the PAB Procedures, Bylaws and Annual Report, is available online at pab.ucdavis.edu.

Full summaries of the PAB Quarterly Public Meetings can be found online at pab.ucdavis.edu/pab_minutes.html.

INVESTIGATION OF CASES AND PAB REVIEW

A. Filing a Complaint with the PAB

Complainants have several avenues for filing complaints with the PAB:

- Using the online form at pab.ucdavis.edu
- Email to pab@ucdavis.edu
- Via telephone at (530) 752-6550
- Printing the complaint form and sending it via fax to (530) 752-0853, or via mail to the Office of Compliance and Policy, Attn: Police Accountability Board, UC Davis, Mrak Hall 5th floor, Davis, CA 95616
- In person at the Office of Compliance and Policy, Mrak Hall 5th floor

Complaint forms are available in English, Chinese, Hmong, Spanish, Russian and Vietnamese.

A current copy of the complaint form in English is included in the Appendix.

All complaints are received and reviewed by the Office of Compliance and Policy, which is independent from the Police Department. The Office of Compliance and Policy may receive complaints or inquiries forwarded by other campus or community stakeholders; in this event, the Office of Compliance and Policy contacts the complainant with information regarding the PAB and the PAB complaint process. The Office of Compliance and Policy determines whether a complaint is appropriate for investigation (e.g., timely, states sufficient facts, etc.). Complaints that are ineligible for review under PAB procedures are dismissed, and the complainant is informed. The PAB only reviews complaints against UCDPD officers, and not against other campus community members or personnel employed by other law enforcement agencies. The process can generally take up to 90 calendar days from the time the complaint is received, assigned to an investigator, evidence is gathered and an investigation report is completed. The amount of time however can vary according to factors such as: the number of complainants, witnesses and officers involved in each case; availability of witnesses; and investigator case load.

The investigator prepares an investigation report with factual findings that is provided to the PAB in redacted form to protect the identity of the complainant and involved officer(s).

The PAB also welcomes inquiries, feedback and suggestions outside of the formal complaint process. The PAB may be contacted at pab@ucdavis.edu. In Fall 2018, the PAB website (pab.ucdavis.edu) will include a Suggestion/Feedback form for this purpose.

B. Investigation Reports

As noted, the investigator provides a confidential report to the PAB that is redacted and does not identify the individuals involved, nor does it include any complainant

demographic information. The Chief of Police receives an unredacted version of the investigation report. Both reports include:

An Introduction;

A Summary of Allegations (including applicable policies);

Evidence Regarding Each Allegation (including comprehensive summaries of interviews or statements and identification of relevant documentary and electronic evidence);

Conclusions and Findings; and

Exhibit Listing.

The investigator's conclusions are based upon a preponderance of the evidence. The "preponderance of the evidence" standard is met when the evidence presented during the investigation supports that it is *more likely than not* that the allegations of misconduct occurred as described. The investigation report contains findings regarding each allegation. The possible findings are:

Unfounded – When the investigation discloses that the alleged act(s) did not occur or did not involve department personnel. Complaints that are determined to be frivolous will be treated as unfounded (Code of Civil Procedure section 128.5 and Penal Code section 832.5(c)).

Exonerated – The evidence supports a finding that the alleged acts occurred; however, the conduct was justified, lawful, or proper.

Not Sustained – The evidence is insufficient to support a finding that the alleged conduct occurred or violated department policy or procedure.

Sustained – The evidence supports a finding that the alleged conduct occurred and that the conduct was improper (e.g., violated department policy or procedure).

C. PAB Review and Recommendation(s)

In closed session, the PAB collectively reviews the investigative report(s), votes on its recommendation to adopt, amend or reject the investigator's findings and renders its own findings of whether an allegation is unfounded, exonerated, not sustained or sustained. Online access to the investigative reports via a password protected website are made

available prior to the closed session, and hard copies are distributed during the closed session.

Five (5) members physically present constitutes a meeting quorum. Decisions of the PAB are made by a vote of a majority of the members in attendance provided that a quorum exists. Alternates participate and vote in meetings when the PAB member representing their entity is absent.

The PAB has the authority to direct the investigator to re-open the investigation to pursue additional information requested by the PAB.

In addition to its recommendations with respect to the investigator's findings, the PAB may also recommend a wide spectrum of actions to the Chief of Police, including, for example, modifying policies or training. The PAB however will not recommend a particular level of discipline or a specific corrective action, as only the Chief of Police retains the responsibility for and discretion to impose discipline. The PAB's policy recommendations may result from issues related to a specific complaint investigation or from a general policy review and analysis.

The PAB's recommendations regarding the investigative findings shall be in writing and, through the Office of Compliance and Policy, forwarded to the Chief of Police within one (1) week after the PAB has voted in closed session.

D. Role of Chief of Police and Ultimate Record Keeping

During the course of an investigation, and prior to making a final determination, the Chief of Police may ask for additional investigation. Ultimately, the Chief may adopt all, part or none of the PAB's recommendations and retains full authority, discretion and responsibility regarding the final disposition of the matter, including disciplinary determinations. Within thirty (30) days of the final review and determination by the Chief of Police, written notice of the finding is sent to the complaining party and to the PAB through the Office of Compliance and Policy. This notice shall indicate the findings, but will not disclose the amount of discipline, if any, that is imposed. Upon final determination, all information and documents related to the underlying complaint shall be consolidated and maintained by the UCDPD.

Any complaining party who is not satisfied with the Chief of Police's ultimate disposition of the complaint may contact the Chief to discuss the matter further. Chief of Police Joseph Farrow can be reached at (530) 752-3113 or jafarrow@ucdavis.edu.

CASES REVIEWED, PAB FINDINGS AND STATUS OF CURRENT PAB CASES

From July 1, 2017 to June 30, 2018, sixteen (16) complaints were submitted to the PAB. Fourteen (14) cases did not proceed through investigation, either because the PAB received insufficient information¹ to proceed (eight [8] cases), or because they were dismissed² as outside of the PAB's purview (six [6] cases). The PAB completed its review of one (1) case. One (1) case remains under investigation and will be reviewed by the PAB in the future.

After reviewing the investigative report for the one (1) case that proceeded through investigation, the PAB voted to adopt, amend or reject the investigator's findings and rendered its own findings of unfounded, exonerated, not sustained or sustained for each allegation. The PAB's findings are summarized in the table at the end of this report.

POLICE CHIEF'S RESPONSE TO RECOMMENDATIONS

The PAB's recommendations regarding the investigative findings are in writing and are forwarded to the Chief of Police after the PAB has voted in closed session. The Chief may adopt all, part or none of the PAB's recommendations and retains full authority, discretion and responsibility regarding the final disposition of the matter, including disciplinary determinations. PAB procedures require the Chief of Police to provide written notice of the finding to the complaining party and the PAB within thirty (30) days of his final review and determination.

From July 1, 2017 to June 30, 2018, the Chief of Police adjudicated one (1) case in which the PAB recommended findings or made additional suggestions. With respect to this one (1) case, the Chief agreed with all (100.00%) of the PAB's findings. The Chief's responses are summarized in the table at the end of this report.

¹ The Office of Compliance and Policy has not received sufficient information regarding the matter—such as the events alleged or the parties involved—to determine if the matter falls under PAB purview and/or to conduct a reasonable investigation. In such circumstances, if the complainant has provided contact information, Compliance contacts the complainant to request the needed information. If it is provided, the matter will be revisited. Compliance also passes along the nature of the complaint to the PAB and to the Chief of Police with the understanding that additional information could result in an investigation being charged in the future.

² The information provided by the complainant reflects that the matter does not fall within the PAB purview. For example, the complaint does not allege a violation of police policy or does not address the actions of UCDPD officers. This category also may include circumstances where the complainant expressly requests that the matter not be investigated. (In cases involving allegations of serious violations or multiple allegations against the same officer, the matter may be investigated even if the complainant requests no investigation.)

2017-2018 TRENDS

A. Complaints Filed Per Academic Quarter

From July 1, 2017 to June 30, 2018, sixteen (16) complaints were filed with the PAB. Three (3) complaints (18.75%) were filed during Summer 2017, four (4) complaints (25.00%) were filed during Fall 2017, four (4) complaints (25.00%) were filed during Winter 2018 and five (5) complaints (31.25%) were filed during Spring 2018.

B. Complaint Location

Of the total complaints received, eleven (11) (68.75%) were filed to the Davis campus, and five (5) (31.25%) were filed to the Sacramento UC Davis Health campus.

Of the two (2) cases that proceeded through or are in the process of investigation and review by the PAB, one (1) (50.00%) was filed to the Davis campus, and one (1) (50.00%) was filed to the Sacramento UC Davis Health campus.

C. Complaint Filing Methods

The most popular method of filing a complaint was emailing the PAB at pab@ucdavis.edu (seven [7] complaints, 43.75%), followed by complaints filed via the online form on the PAB website (five [5] complaints, 31.25%). Other filing methods included complaints to the Office of Compliance and Policy (one [1] complaint, 6.25%), complaints submitted to the PAB Administrative Advisory Group (one [1] complaint, 6.25%), complaints submitted to Risk Management (one [1] complaint, 6.25%) and complaints submitted to the City of Davis Fire Department (one [1] complaint, 6.25%).

D. Complainant Demographics

Complainant demographics are voluntarily provided and are not known to the PAB at any point during case review.

Campus affiliation: Three (3) complainants (18.75%) were students and three (3) complainants (18.75%) were community members. Two (2) complainants (12.50%) were staff and one (1) complainant (6.25%) was faculty. The campus affiliation of seven (7) of complainants (43.75%) was unknown.

Age: Five (5) complainants (31.25%) were 24 years old or under, one (1) complainant (6.25%) was 25-34 years old and one (1) complainant (6.25%) was between 45 and 54 years of age. No complainants reported being between 35 and 44 years of age, or 55 years old or over. The age of nine (9) complainants (56.25%) was unknown.

Gender: Seven (7) complainants (43.75%) identified as women, two (2) complainants (12.50%) identified as men and the gender of seven (7) complainants (43.75%) was unknown.

Race/ethnicity: Three (3) complainants (18.75%) identified as Caucasian or White, one (1) complainant (6.25%) identified as American Indian, one (1) complainant (6.25%) identified as Hispanic and one (1) complainant (6.25%) identified as Asian American. The race/ethnicity of twelve (12) complainants (75.00%) was unknown. Complainants had the option to indicate more than one race or ethnicity.

E. Allegations

Of the two (2) cases that proceeded through or are in the process of investigation and review by the PAB, one (1) case (50.00%) involved allegations of discourtesy, discrimination and improper search. One (1) case (50.00%) involved allegations of improper use of force.

In 2017-2018, the PAB received a number of complaints with insufficient information to proceed through investigation after complainants did not respond to requests for additional information or clarification. Additionally, continuing a trend noted in 2015-2016 and in 2016-2017, complaints were received in 2017-2018 that involved issues not related to the PAB's purview of reviewing allegations of police or UCDPD misconduct or infraction of rules, policies or law. These trends suggest that citizens continue to be more aware of the PAB, however important work still needs to be done to clarify the PAB's scope and the complaint and investigation process.

POLICY, PROCEDURE AND TRAINING RECOMMENDATIONS

The PAB is charged with making recommended findings to the Chief of Police. The PAB however will not recommend a particular level of discipline or a specific corrective action, as the Chief of Police retains the responsibility for and discretion to impose discipline. The PAB's policy recommendations may result from issues related to a specific complaint investigation or from general policy review and analysis.

From July 1, 2017 to June 30, 2018, the PAB made two (2) recommendations, and the Chief of Police provided the following responses:

- In July 2017, the PAB raised concerns about community building, de-escalation practices and officer training on the Medical Center campus.

- In March 2018, the Chief noted that de-escalation practices are an ongoing training priority for the UCDPD. The Chief also clarified that UCDPD officers use both the Medical Center and the Davis campus as their training grounds. However, the nature and frequency of calls and interactions differ between the two campuses. When asked about contacts for low-level infractions that occur during officer training, it was noted that POST (Peace Officer Standards and Training) standards require that an officer satisfy a list of contacts in order to progress through training. The Chief did express that it is necessary to always consider how stopping a civilian affects their freedom, and also to consider the initial reason for the contact or pursuit. Here, de-escalation techniques would be important.
- In March 2018, the PAB recommended a policy review and training for officers regarding the restrictions on frisks for weapons.
 - In May 2018, Interim Captain Jennifer Garcia, as the Chief of Police's representative, noted that the Chief could bring this concern to the UCDPD training unit.
 - In July 2018, the Chief accepted the PAB's recommendation to do a policy review and provide additional training regarding frisks. The policy review currently is underway as the UCDPD undergoes its accreditation process, and the Chief has directed that all officers will receive training on search and seizure in the future.
 - The PAB will have an opportunity to follow up again with the Chief regarding this matter in Fall 2018.

In 2017-2018, the Chief provided the following responses to recommendations submitted by the PAB in previous years:

- In response to a May 2017 recommendation that there be discussions or further training both within the Police Department and at the Medical Center regarding role clarification of police officers and Medical Center staff: In March 2018, the Chief shared that the Medical Center recently hired a Chief Security Officer, whose position will help bridge the work of the Police Department and Medical Center staff.
- In response to questions raised in February 2017 and in May 2017 regarding body cameras: In March 2018, the Chief noted that a new policy is being written at the level of the University of California Office of the President (UCOP), and it will specify for police departments system-wide who must use body cameras and when they must

be turned on. In a follow-up response in May 2018, Interim Captain Jennifer Garcia, as the Chief of Police's representative, shared that the UCDPD still is waiting for systemwide guidance. Regardless of the UCOP policy, UCDPD plans to get body cameras for its officers soon. The UCDPD shared a draft body camera policy with the PAB for their review and invited their comments as the policy continues to be finalized.

- In response to a January 2017 recommendation of additional training in cultural competence and community policing strategies: In March 2018, the Chief shared that the following training topics currently are priorities: de-escalation, cultural competency, mental illness and use of force. The Chief emphasized that these trainings would be instituted as professional development opportunities beyond the minimum requirements for accreditation. The Chief previously responded to this recommendation in July 2017, and noted then that peace officers are required by POST to pass recurrent perishable skills training, including communications training, racial profiling, response to persons with mental and developmental disabilities, hate crimes and investigation.
- In response to a June 2016 recommendation about retaining/storing surveillance footage at the UC Davis Medical Center for a longer period of time: In March 2018, the Chief stated that the 30-day storage period would be extremely expensive to change. The UCDPD does have the option to pull tapes, and the department will consider drafting a policy to pull surveillance footage for threshold incidents that may result in review or a complaint. The Chief previously responded to this recommendation in 2016, when it was noted then that Medical Center surveillance footage is maintained by the Medical Center administration, and that the current retention period is 30 days due to storage constraints.

Police Accountability Board Complaints, July 1, 2017 – June 30, 2018								
Month Filed/ Location	Filing Method	Complainant's Campus Affiliation, Age, Gender, Race/Ethnicity*	Allegations	Status	Report Date to Close	Investigation Charge Date to Completion	Outcome (Allegation & Disposition)	Outcome Accepted by Police Chief
August 2017/ Davis	Email to pab@ ucdavis.edu	<ul style="list-style-type: none"> • Student • 23 • Woman • Caucasian 	Improper conduct	Dismissed ¹	N/A	N/A	N/A	N/A
August 2017/ Sacramento	Submitted to Risk Management	<ul style="list-style-type: none"> • Community member • Not provided • Not provided • Not provided 	Improper use of force	Insufficient information ²	N/A	N/A	N/A	N/A
September 2017/ Davis	Email to pab@ ucdavis.edu	<ul style="list-style-type: none"> • Community member • Unknown • Unknown • Unknown 	Alleged an individual is an undocumented immigrant and may pose a threat	Dismissed	N/A	N/A	N/A	N/A
September 2017/ Sacramento	Phone call to Office of Compliance and Policy	<ul style="list-style-type: none"> • Community member • Not provided • Man • Not provided 	Improper use of force	Under investigation ^{3,4}	N/A	N/A	N/A	N/A

* Complainant demographics are voluntarily provided and are not known to the PAB at any point during case review.

¹ The information provided by the complainant reflects that the matter does not fall within the PAB purview. For example, the complaint does not allege a violation of police policy or does not address the actions of UCDPD officers. This category also may include circumstances where the complainant expressly requests that the matter not be investigated. (In cases involving allegations of serious violations or multiple allegations against the same officer, the matter may be investigated even if the complainant requests no investigation.)

² The Office of Compliance and Policy has not received sufficient information regarding the matter—such as the events alleged or the parties involved—to determine if the matter falls under PAB purview and/or to conduct a reasonable investigation. In such circumstances, if the complainant has provided contact information, Compliance contacts the complainant to request the needed information. If it is provided, the matter will be revisited. Compliance also passes along the nature of the complaint to the PAB and to the Chief of Police with the understanding that additional information could result in an investigation being charged in the future.

³ The matter falls within the PAB purview and an investigation has been conducted or is ongoing.

⁴ In this case, the respondent is on leave and police procedures do not authorize an interview until an officer returns to work.

Quarter Filed/ Location	Filing Method	Complainant's Campus Affiliation, Age, Gender, Race/Ethnicity	Allegations	Status	Report Date to Close	Investigation Charge Date to Completion	Outcome (Allegations & Disposition)	Outcome Accepted by Police Chief
September 2017/ Davis	Email to pab@ ucdavis.edu	<ul style="list-style-type: none"> • Not provided • 21 • Woman • American Indian, Hispanic, Caucasian 	<ul style="list-style-type: none"> • Discrimination • Discourteous conduct • Improper search 	Investigation complete ¹	294 days ²	270 days ²	<ul style="list-style-type: none"> • Discrimination: not sustained • Discourteous conduct: sustained • Improper search: not sustained 	All findings accepted
October 2017/ Davis	Email to pab@ ucdavis.edu	<ul style="list-style-type: none"> • Student • 19 • Woman • Not provided 	Safe Ride never arrived after being called	Dismissed	N/A	N/A	N/A	N/A
November 2017/ Sacramento	Email to pab@ ucdavis.edu	<ul style="list-style-type: none"> • Staff • Not provided • Not provided • Not provided 	Complaint about unsafe crosswalks at the Medical Center	Dismissed	N/A	N/A	N/A	N/A
January 2018/ Sacramento	Online form on PAB website	<ul style="list-style-type: none"> • Not provided • 22 • Woman • Not provided 	Ongoing monitoring by the Police Department	Insufficient information	N/A	N/A	N/A	N/A
February 2018/ Davis	Online form on PAB website	<ul style="list-style-type: none"> • Student • 21 • Woman • Asian American 	Police dismissed Complainant's report of sexual harassment against third party	Insufficient information	N/A	N/A	N/A	N/A

¹ The matter falls within the PAB purview and an investigation has been conducted and completed.

² An error resulted in the PAB's recommended findings being sent to the Chief of Police at a significant delay.

Quarter Filed/ Location	Filing Method	Complainant's Campus Affiliation, Age, Gender, Race/Ethnicity	Allegations	Status	Report Date to Close	Investigation Charge Date to Completion	Outcome (Allegations & Disposition)	Outcome Accepted by Police Chief
February 2018/ Davis	Online form on PAB website	<ul style="list-style-type: none"> • Not provided • 28 • Woman • Not provided 	Police went to Complainant's home after police report about neighbors despite request to remain anonymous	Insufficient information	N/A	N/A	N/A	N/A
March 2018/ Sacramento	Online form on PAB website	<ul style="list-style-type: none"> • Staff • 50 • Woman • White 	Discrimination	Insufficient information	N/A	N/A	N/A	N/A
April 2018/ Davis	Email to pab@ ucdavis.edu	<ul style="list-style-type: none"> • Not provided • Not provided • Man • Not provided 	UCDPD officers may have followed Complainant. No stop or arrest.	Insufficient information	N/A	N/A	N/A	N/A
April 2018/ Davis	Online form on PAB website	<ul style="list-style-type: none"> • Not provided • Not provided • Not provided • Not provided 	Reckless driving by a University vehicle	Dismissed	N/A	N/A	N/A	N/A
April 2018/ Davis	Email to City of Davis Fire Web	<ul style="list-style-type: none"> • Not provided • Not provided • Not provided • Not provided 	Discrimination	Insufficient information	N/A	N/A	N/A	N/A
May 2018/ Davis	Email to PAB Administrative Advisory Group member	<ul style="list-style-type: none"> • Not provided • Not provided • Not provided • Not provided 	Concerns regarding UCD community and UCDPD's treatment of homeless. Compliance has offered to meet to discuss specific instances.	Insufficient information	N/A	N/A	N/A	N/A

Quarter Filed/ Location	Filing Method	Complainant's Campus Affiliation, Age, Gender, Race/Ethnicity	Allegations	Status	Report Date to Close	Investigation Charge Date to Completion	Outcome (Allegations & Disposition)	Outcome Accepted by Police Chief
May 2018/ Davis	Email to pab@ ucdavis.edu	<ul style="list-style-type: none"> • Faculty • Not provided • Not provided • Not provided 	Forwarded student concern regarding failure to send Clery notice. Event cited was not within Clery geography.	Dismissed	N/A	N/A	N/A	N/A

APPENDIX

TABLE OF CONTENTS

UC Davis PAB Bylaws	1
UC Davis PAB Code of Ethics	6
UC Davis PAB Procedures	7
UC Davis PAB Complaint Form	17

**BYLAWS
OF THE UNIVERSITY OF CALIFORNIA, DAVIS
POLICE ACCOUNTABILITY BOARD**

ARTICLE 1 – NAME AND PURPOSE

The Police Accountability Board (PAB) was established in 2014 whose purpose is to promote accountability, trust, and communication between the University of California, Davis (UCD) community and the UCD Police Department (UCDPD) by independently reviewing and making recommendations regarding investigations of complaints made by members of the campus community and the general public (also referred to as civilian complaints) in a fair and unbiased manner.

ARTICLE 2 – QUALIFICATIONS

PAB members and alternates must: (1) commit the necessary time throughout the year for PAB training and meetings; (2) prepare and read the appropriate materials in connection with making recommendations; and (3) maintain ethical standards, including confidentiality. Other than mandatory quarterly meetings, alternates need not attend meetings or review investigation materials if the PAB member will be in attendance.

In order to ensure independence, no member or alternate of the PAB can be a current or former UC Davis Police Department employee, or a current employee of Campus Counsel or the Compliance and Policy Unit of the Offices of the Chancellor and Provost.

ARTICLE 3 – COMPOSITION

The PAB shall be comprised of seven (7) members who broadly represent the diversity of the UCD community. The PAB shall include:

- Two (2) undergraduate students;
- One (1) graduate student;
- One (1) faculty member;
- One (1) staff member; and
- Two (2) UCD Health members (who can be students, faculty or staff).

The following entities may submit nominations for representation on the PAB:

- Academic Federation
- Academic Senate
- Associated Students of UCD
- Graduate Student Association
- Staff Assemblies
- Student Life
- UCD Health

ARTICLE 4 – NOMINATIONS, SELECTION AND ALTERNATES

The entities identified in Article 3 may nominate a representative to the PAB, utilizing each entity's respective nomination process. Each entity will provide at least two (2) nominees. The Associate Executive Vice Chancellor (AEVC) of Campus Community Relations will select one (1) PAB representative and one (1) alternate from the entities' nominees, which will result in seven (7) PAB members and seven (7) alternates and maintain the composition identified above. All fourteen (14) representatives will participate in training and each can have access to the confidential investigation reports and attend meetings.

ARTICLE 5 – TERMS

Initially, the inaugural PAB members and alternates served two- (2) year terms. In order to maintain institutional knowledge at the conclusion of the pilot, some members' and alternates' terms were extended, and former alternates were given the opportunity to serve as members. Beginning in 2016, new members and alternates generally serve two (2) year terms except in circumstances where the member or alternate will not be a qualifying representative of his or her entity for the entire term. For example, a senior graduating mid-term or a faculty member retiring mid-term would not be eligible to serve for the entire two- (2) year term. To the extent possible, after the first year of the term, members will become alternates and alternates will become members, thereby allowing full participation on the PAB during the two-year term. The AEVC of Campus Community Relations will work with the various entities to maintain both a member and an alternate representative and develop a pipeline of candidates in the event that a member or alternate can no longer serve on the PAB.

ARTICLE 6 – OFFICERS

As needed, the PAB shall elect one (1) of its members as the Chairperson and one (1) as the Vice-Chairperson (who shall preside only in the Chairperson's absence). Officers shall be elected annually and hold office for one (1) year terms. Officers, however, may be reelected to serve consecutive terms.

ARTICLE 7 – ETHICS

The PAB will be governed by the attached Code of Ethics, which is modeled on the Code of Ethics developed by the National Association for Civilian Oversight of Law Enforcement (NACOLE).

ARTICLE 8 – REMOVAL

The appointment of any PAB member who has been absent from three (3) consecutive regular or special meetings shall automatically terminate effective on the third such absence.

Any breach of the PAB's Code of Ethics will be cause for review. The AEVC of Campus Community Relations may remove a PAB member or alternate for cause, including transgressions of policy, confidentiality, or ethical standards.

ARTICLE 9 – QUORUM AND VOTING

Five (5) members physically present shall constitute a meeting quorum. Decisions of the PAB shall be made by vote of a majority of the members in attendance provided that a quorum exists. Alternates will only participate and vote in meetings when the PAB member representing their entity is absent.

ARTICLE 10 – RECUSAL

PAB members must recuse themselves from a matter when (1) an actual conflict of interest exists; (2) there is an appearance of impropriety; or (3) a member is concerned with whether he or she can participate objectively and in an unbiased manner.

ARTICLE 11 – TRAINING AND CONFIDENTIALITY COMMITMENTS

PAB members and alternates shall receive training developed by the Office of Campus Community Relations regarding police procedures, relevant legal issues, impartiality, the confidential nature of police misconduct investigations and discipline, and the civilian oversight field. PAB members will also have the opportunity to accompany members of the UCDPD on a ride along.

Each member shall execute a confidentiality agreement.

ARTICLE 12 – PAB POWERS AND DUTIES

The PAB will:

- (1) Review relevant UCDPD policies and procedures and all investigation reports submitted regarding complaints made by members of campus community and the general public against the UCDPD. The PAB will not review any complaints filed by UCDPD employees.
- (2) Solicit public input by holding regularly scheduled and advertised meetings at least quarterly, which shall include time for public comment. Additional meetings shall be scheduled on an as-needed basis.

- (3) Run its meetings utilizing Roberts Rules of Order as a guide.
- (4) Review and deliberate in closed session, consistent with applicable law, to protect the confidential nature of the complaints and investigation reports.
- (5) Submit advisory recommendations to the Chief of Police regarding (1) UCDPD policies and procedures/training and (2) the findings of investigation reports. The PAB may also solicit progress reports from the Chief of Police regarding policy and training recommendations. The Chief of Police, however, retains full and final authority, discretion, and responsibility regarding the ultimate disposition of the matter, including disciplinary determinations and whether to accept, reject or modify the PAB's recommendations.
- (6) Prepare an annual public report for the UCD community and the public as detailed further in Article 13.

ARTICLE 13 – REPORTING

In the interests of transparency and accountability, and in conformity with Penal Code section 832.7, the PAB shall issue an annual, public report detailing summary information and statistical data regarding the number of complaints filed, the type of complaints filed, analysis of trends or patterns, the ultimate disposition of the complaints (sustained, not sustained, exonerated or unfounded) and the percentage of complaints in which the recommendations of the PAB were either accepted, rejected or modified by the Chief of Police.

ARTICLE 14 – AMENDMENT

After consultation with the PAB, these bylaws and any amendments or supplements thereto may be adopted, amended, altered, supplemented or repealed by UCD.

**UNIVERSITY OF CALIFORNIA, DAVIS
POLICE ACCOUNTABILITY BOARD
CODE OF ETHICS**

Introduction: Members of civilian oversight groups have a unique role as public servants reviewing law enforcement agencies. The community entrusts us to conduct our work in a professional, fair and impartial manner. We earn this trust through a firm commitment to the public good, our mission, and to the ethical and professional standards described below. The University of California, Davis, Police Accountability Board shall operate in accordance with the following code:

Personal Integrity: Demonstrate the highest standards of personal integrity, commitment to truthfulness, and dedication to building trust by our stakeholders. Avoid conflicts of interest. Conduct ourselves in a fair and impartial manner and recuse ourselves when conflicts of interest arise. Do not accept gifts, gratuities or favors that could compromise our impartiality and independence.

Independent and Thorough Review: Conduct reviews with diligence, an open and questioning mind, integrity, objectivity and fairness, in a timely manner. Test the accuracy and reliability of information from all sources. Review facts and present recommendations without regard to personal beliefs or concern for personal, professional or political consequences.

Transparency and Confidentiality: Conduct reviews openly and transparently and report out. Maintain the confidentiality of information that cannot be disclosed and protect the security of confidential records.

Respectful and Unbiased Treatment: Treat all individuals with dignity and respect, and without preference or discrimination.

Outreach and Relationships with Stakeholders: Pursue open, candid and non-defensive dialogue with stakeholders during public meetings with an eye toward educating and learning from the community.

Agency Self-examination and Commitment to Policy Review: Seek improvement in the effectiveness of our board, the UCDPD, and our relations with the communities we serve. Evaluate and analyze work product. Emphasize policy review and reform that advance UCD law enforcement accountability and performance.

Professional Excellence: Strive to acquire knowledge and understanding of the policies, procedures and practices of the UCDPD. Keep informed of current legal, professional and social issues that affect the UCD community, the UCDPD and our board.

Primary Obligation to the Community: At all times, place our obligation to the community, duty to uphold the law and to the goals and objectives of the board above our personal self-interest.

**PROCEDURES
OF THE UNIVERSITY OF CALIFORNIA, DAVIS
POLICE ACCOUNTABILITY BOARD**

I. Introduction

It is the intent of the University of California, Davis (UCD) to develop and promote accountability, trust, and communication between the Davis and Sacramento campus communities and the UCD Police Department (UCDPD). To that end, UCD established a Police Accountability Board (PAB) to impartially review investigative reports related to allegations of police misconduct and make recommendations in a timely manner regarding complaints filed by members of the public against the UCDPD. UCD encourages its community and the public to bring forward such complaints. Through various public forums, the PAB also solicits information and input from the public and its constituent groups. The PAB may also make policy, procedure and training recommendations.

Consistent with Penal Code sections 832.5 *et seq*, UCD has established a procedure to investigate complaints made by the public against the UCDPD and its officers. While the complaint process is detailed in UCDPD's Policy 1020, much of that process is also described in the PAB's Procedures to ensure that PAB members and alternates understand the process generally, as well as their specific role. The complaint procedure involves the Office of Compliance who will generally provide administrative support and investigatory personnel, the PAB who will review the investigatory reports and make findings and recommendations to the Chief of the UCDPD, and the Chief who will make the final determination with respect to each complaint. The Chief will ensure cooperation of the UCDPD with all investigations.

The PAB will produce an annual report auditing and identifying summary information and statistical data regarding the number and types of complaints received, analysis of trends or patterns, the disposition of those complaints and the percentage of complaints in which the recommendations of the PAB were either accepted, rejected or modified by the Chief of Police. In addition, the PAB may report on other matters, such as policy, procedure or training recommendations.

II. Police Accountability Board Bylaws

The PAB Bylaws, which are included in the Appendix, govern the following subjects:

- The purpose of the PAB;
- PAB member qualifications;
- Composition of the PAB;
- The nomination, selection and alternate process;
- Terms;
- Officers;
- Ethics;
- Removal of board members;
- Quorum and majority vote;
- Recusal;
- Training and confidentiality commitments;
- Powers and duties;
- Reporting; and

- Bylaw amendment.

III. Complaint Intake Procedures

A. Nature of Complaint

UCD students, faculty and staff, as well as members of the general public, have the right to lodge complaints against the UCDPD or its officers if they believe misconduct or infraction of rules, policy or law (e.g., excessive force, false arrest, false imprisonment, abusive language, harassment/discrimination, etc.) has occurred. These complaints are referred to as “Personnel Complaints” and are divided into two categories: (1) Member of the Public or Civilian Complaints and (2) Internal Complaints. The Office of Compliance will investigate Member of the Public or Civilian complaints. The PAB will review the investigation reports and findings and make recommendations to the UCDPD Chief.

The Office of Compliance will not investigate Internal Complaints filed by UCDPD officers or other personnel. These complaints will be handled internally by the Professional Standards Unit (PSU). The PAB will not review PSU investigatory reports regarding Internal Complaints. Complaints received regarding another law enforcement agency (e.g., City of Davis Police Department) will be referred to that agency.

B. Filing Locations

A member of either the campus community or general public may file a complaint by:

- (1) Accessing and submitting a complaint form online at www.pab.ucdavis.edu;
- (2) Faxing a completed complaint form to one of the fax numbers listed below;
- (3) Calling the UCD Office of Compliance at the telephone number listed below to schedule an appointment; or
- (4) Submitting a completed complaint form to the UCD Police Department at one of the address listed below:

UC Davis Office of Compliance
 Chief Compliance Officer
 1 Shields Avenue
 Davis, CA 95616
 (530) 752-6550
 (530) 752-0853 (FAX)

UC Davis Police Department

Davis Campus
625 Kleiber Hall Drive
Davis, CA 95616
(530) 754-COPS
(530) 752-0176 (FAX)

Sacramento Campus
4200 V Street
Sacramento, CA 95817
(916) 734-2555
(530) 752-0176 (FAX)

A current copy of the complaint form is included in the Appendix of these Procedures. The Chancellor or the Chief of Police may also refer issues to the Office of Compliance for investigation and the PAB for review and recommendation.

C. Filing Deadline

The prompt filing of complaints is strongly encouraged, as it provides the best opportunity for thorough and timely investigation. Complaints shall be filed in writing no later than one hundred and eighty (180) days following the date of the alleged misconduct or infraction, except that the filing period shall be tolled when a complainant is incapacitated and unable to file.

D. Complaint Information

The complaint form should include:

- Contact information for the complainant;
- A detailed narrative, including:
 - the nature of the complaint;
 - the timing of the alleged misconduct;
 - any injuries as a result of the alleged misconduct;
 - a description of the alleged misconduct; and
- The signature of the complainant.

The complainant will be provided with a copy of his or her complaint and any statement at the time the complaint is filed. All complaints filed by a member of the public with the UC Davis Police Department (UCDPD) will be forwarded to the UC Davis Office of Compliance within two (2) business days.

E. Anonymous Complaints

Anonymous complaints made by a member of the public will be accepted and may be investigated depending upon the sufficiency of the information provided. Anonymous complaints should provide as much detail as possible in order to enable appropriate review and investigation.

F. Sharing of Complaints

Any complaint received by the UCDPD will be shared with the Office of Compliance for review and processing within two (2) business days. Any complaint received by the Office of

Compliance will be shared with the Chief of Police, also within two (2) business days. At least monthly, the Office of Compliance will report to the PAB on any complaints that have been received since the previous monthly report was forwarded to the PAB by the Office of Compliance.

If, through the intake process (or subsequently during the investigation) additional allegations surface that were not contained in the original complaint but relate to the original complaint, the additional allegations being investigated by the Office of Compliance will be forwarded to the Chief of Police.

G. Early Resolution of Complaints

At the time of filing a complaint in person at the Police Department, when an uninvolved supervisor or the Watch Commander determines that the complainant, after discussion of the matter, is satisfied that his or her complaint required nothing more than an explanation regarding the proper implementation of department policy, procedure or law, the complaint shall be labelled "Resolved" and forwarded to the Office of Compliance within two (2) business days. The Office of Compliance will follow-up with the complainant to confirm that he or she is satisfied with the early resolution.

H. Initial Determination and Information Gathering by Chief Compliance Officer

All complaints made by members of the public will be logged by the Chief Compliance Officer or designee. A confidential file will be established for each complaint received and access restricted to the Office of Compliance. These files will be stored in a secure location and maintained for at least five (5) years. The Chief Compliance Officer/designee will evaluate each complaint for information necessary to conduct an investigation and proceed as follows:

- (1) If additional information is needed, the Chief Compliance Officer/designee will request additional information from the complainant to the extent that the identity of the complainant is known. If the complainant is anonymous and there is insufficient information to warrant conducting an investigation, the Chief Compliance Officer/designee will close the file and no investigation shall be conducted.
- (2) If the Chief Compliance Officer/designee determines that the complaint is untimely, there is insufficient information to conduct an investigation, the allegations themselves demonstrate on their face that the acts complained of were proper, or the nature of the complaint is not suitable for investigation and review by the PAB, the Chief Compliance Officer/designee will notify the complainant, the Chief of Police and the PAB of the disposition in writing citing the specific reasons for the determining that the complaint will not be investigated.
- (3) If the Chief Compliance Officer/designee determines there is sufficient information and cause to investigate, they will assign the complaint to an

investigator to initiate an investigation and notify the complainant, the Chief of Police and the PAB in writing of the complaint's referral to investigation.

IV. Complaint Investigation Procedures

A. General

Whether conducted by the Office of Compliance or an outside investigator jointly selected by the Office of Compliance and the UCDPD Chief of Police, the following procedures shall govern the investigation process, which include complying with the Public Safety Officers Procedural Bill of Rights (POBR) at Government Code section 3300 *et seq.* To the extent that there is any inconsistency between these Procedures and POBR, POBR controls. A current copy of the POBR shall be maintained in the Appendix of these Procedures.

1. The Chief of Police will be the investigator's point of contact for purposes of gaining access to UCDPD information, documentation, and personnel. In this role, the Chief will ensure necessary access to officer, information, and documentation needed to conduct a thorough and timely investigation. The investigator will have access to any and all UCDPD information the investigator or the PAB deems relevant to the complaint, including access to the UCDPD's "IA PRO" software and electronic files.
2. The investigation of a complaint shall consist of conducting interviews with the complainant, the subject officer(s), and any witnesses, collecting relevant evidence, including, but not limited to, UCDPD reports and records, photographs, video, and audio records. Interviews with subject officer(s) will be recorded, as will other interviews to the extent that the complainant and witnesses agree. Subject officers may also record the interview and if he or she has been previously interviewed, a copy of that recorded interview shall be provided to him or her prior to any subsequent interview. (Government Code section 3303(g)).
3. Officers shall be provided with reasonable notice prior to being interviewed and interviews of accused peace officers shall be conducted during reasonable hours. (Government Code section 3303(a)).
4. If the peace officer is off duty, he or she will be compensated for the interview time. (Government Code section 3303(a)).
5. No more than two (2) interviewers may ask questions of an accused peace officer. (Government Code section 3303(b)).
6. Prior to any interview, the peace officer will be informed of the nature of the investigation. (Government Code section 3303(c)).
7. All interviews will be for a reasonable period and the peace officer's personal needs will be accommodated during the interview. (Government Code section 3303(d)).

8. No peace officer shall be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers. (Government Code § 3303(e)).
9. Peace officers shall be informed of their constitutional rights irrespective of whether the subject officer may be charged with a criminal offense. (Government Code § 3303(h))
10. Peace officers subjected to interviews that could result in punitive action shall have the right to have an uninvolved representative present during the interview. (Government Code § 3303(i)).
11. All peace officers shall provide complete and truthful responses to questions posed during interviews. Failure to do so will result in discipline, up to and including termination of employment.
12. No peace officer shall be compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation. (Government Code § 3307).
13. Interviews should be conducted with minimal interference to police operations and in conformity with the POBR. Any documentary evidence received during the investigation by the investigator will be included in the investigative file even if the investigator determines the document later to be irrelevant to the investigation.
14. If there is pending criminal prosecution regarding the same operative facts and circumstances surrounding the complaint, the investigation will be stayed until criminal proceedings are concluded.
15. If an investigation is stayed, all documents and information under UCDPD's control related to the incident in question will be preserved and maintained by the Chief of Police during the pendency of the stay to ensure no evidence is destroyed.
16. Barring mitigating factors, the investigation should be completed and an investigation report submitted to the PAB within ninety (90) days of it being assigned to an investigator, unless an extension is authorized by the Office of Compliance upon a showing of good cause for the delay or legitimate need for additional time to complete the investigation. The Office of Compliance will provide notification of the extension of time to the Chief of Police and the complainant.
17. All investigation reports of complaints made by members of the public shall be considered confidential peace officer personnel files. The contents of such files shall not be revealed to other than involved employee or authorized personnel except pursuant to lawful process.

18. In the event that the alleged accused peace officer or representative knowingly makes a false representation regarding any investigation or discipline publicly, the UCDPD may release factual information concerning the disciplinary investigation. (Penal Code section 832.7(d)).
19. Complaints and any report or finding relating to the complaint shall be retained for a period of at least five (5) years. (Penal Code section 832.5(b)).

B. Investigation Reports and PAB Review Procedures

1. Report Format

The investigator shall provide a confidential report to the PAB that is redacted and does not identify the individuals involved. The Chief of Police will receive an unredacted version of the investigation report. Both reports will include:

- An Introduction;
- A Summary of Allegations (including applicable policies);
- Evidence Regarding Each Allegation (including comprehensive summaries of interviews or statements and identification of relevant documentary and electronic evidence);
- Conclusions and Findings; and
- Exhibit Listing.

2. Findings

The investigator's report, based upon a preponderance of the evidence, should include one or more of the following findings in response to each of the allegations made by the complainant. The "preponderance of the evidence" standard is met when it appears more likely than not the allegations of misconduct occurred as described.

Unfounded – When the investigation discloses that the alleged act(s) did not occur or did not involve department personnel. Complaints that are determined to be frivolous will be treated as unfounded (Code of Civil Procedure section 128.5 and Penal Code section 832.5(c)).

Exonerated - The evidence supports a finding that the alleged acts occurred; however, the conduct was justified, lawful or proper.

Not Sustained - The evidence is insufficient to support a finding that the alleged conduct occurred or violated department policy or procedure.

Sustained – The evidence supports a finding that the alleged conduct occurred and that the conduct was improper (e.g., violated department policy or procedure).

3. PAB Review and Recommendation(s)

In closed session, the PAB (both members and alternates in attendance) will collectively review the investigative report(s). PAB members and only alternates in attendance whose entity's PAB member is absent will vote on its recommendations to either adopt, amend, or reject the investigator's findings. Hard copies of reports or on-line access via a password protected website to the reports will be made available prior to the closed session.

The PAB has the authority to direct the investigator to re-open the investigation to pursue additional information requested by the PAB.

In addition to its recommendations with respect to whether the investigator's findings are sustained, the PAB may also recommend a wide spectrum of actions to the Chief of Police, including, for example, modifying policies or training. The PAB, however, will not recommend a particular level of discipline or a specific corrective action, as the Chief of Police retains the responsibility of and discretion to impose discipline. The PAB's policy recommendations may result from issues related to a specific complaint investigation or from a general policy review and analysis.

The PAB's recommendations regarding the investigative findings shall be in writing and, through the Office of Compliance, forwarded to the Chief of Police within one (1) week after the PAB has voted in closed session.

The PAB may also solicit progress reports from the Chief of Police regarding policy and training recommendations.

C. Role of Chief of Police and Ultimate Record Keeping

During the course of an investigation, and prior to making a final determination, the Chief of Police may ask for additional investigation. Ultimately, the Chief may adopt all, part, or none of the PAB's recommendations and retains full authority, discretion, and responsibility regarding the final disposition of the matter, including disciplinary determinations. Within thirty (30) days of the final review and determination by the Chief of Police, written notice of the finding will be sent to the complaining party and to the PAB through the Office of Compliance. This notice shall indicate the findings, but will not disclose the amount of discipline, if any, is imposed. The complainant will also be provided with a copy of his or her original complaint if one has not already been provided. Upon final determination, all information and documents related to the underlying complaint shall be consolidated and maintained by the UCDPD.

Any complaining party who is not satisfied with the Chief of Police's ultimate disposition of the complaint may contact the Chief of Police to discuss the matter further.

V. Suggestions to the PAB

For those who do not wish to file a formal complaint, the PAB will also accept, review and track suggestions received on-line via its Suggestion/Awareness Form.

VI. Annual Reporting Procedures

The complaint and PAB review processes are subject to annual audit, review and reporting. The PAB will submit an audit and analysis of complaints directly to the UCDPD Chief of Police each year. The PAB's annual public report will include the following information:

- (1) Total number of complaints filed;
- (2) Types of complaints filed and analysis of trends or patterns;
- (3) Disposition of complaints (e.g., not investigated, sustained, not sustained, exonerated, or unfounded);
- (4) Percentage of complaints in which the Chief of Police accepted, rejected or modified the PAB's findings; and
- (5) Policy, procedure and training recommendations.

The PAB's report shall be made available to members of the public at their request and shall be maintained online at www.pab.ucdavis.edu.

POLICE ACCOUNTABILITY BOARD

Complaint Form*

This form is intended for use by those who wish to file a complaint against a UC Davis Police Officer(s) for misconduct and who seek formal investigation of the matter by the Office of Compliance and Policy. If you are not such a complainant and do not seek formal investigation, you may instead want to fill out the PAB's Suggestion/Awareness Form.

Complainant Information

Last Name

First Name

Mailing address

Primary phone number

Alt. phone number

E-mail address

Age

Gender

Ethnicity

If you received any injuries as a result of this incident, please describe them here. (If filling out this form by hand, please attach additional pages as necessary.)

Incident Narrative

Date of incident

Time of incident

At which UC Davis location did the alleged violation occur?

- UC Davis – Davis campus
- UCD Health – Medical Center

Where specifically on either the Davis campus or the UCD Health Campus (Medical Center) did the alleged violation occur?

Please describe the incident that forms the basis of your complaint. It is important that you include a detailed factual description of the events that gave rise to your complaint.* (If filling out this form by hand, please attach additional pages as necessary.)

Allegations: Please check the allegation(s) that you think apply (allegations will ultimately be determined by PAB staff).

- Discourtesy (abusive or obscene language, failure to provide information, failure to respond)
- Discrimination (prejudicial treatment based on disability, gender, nationality, race or ethnicity, and/or religion, etc.)
- Harassment (consistent, deliberate annoyance through repeated contacts)
- Improper Police Tow
- Improper Search (of home, person, or vehicle)
- Improper Seizure (of person, property, or vehicle)

Improper Arrest

Improper Use of Force (improper physical contact; use of baton, firearm, handcuffs, mace, pepper spray, etc.); unnecessary display of firearm

Improper Citation

Inadequate or Improper Investigation (Failure to investigate or make police report; false or improper police report)

Improper Detention

Other/Unsure

Improper Police Procedures (damage to, confiscation of, or failure to return property; failure to identify oneself or no badge visible, and/or making false statements)

Police Officer Information

Badge information (if known)

Name of Police Officer (if known)

Gender of police officer: _____

Identifying characteristics of police officer (if badge number and/or name are not known):

Witness 1 Information

Witness Name

Witness Address (if applicable)

Witness e-mail

Witness phone (if applicable)

Witness 2 Information

Witness Name

Witness Address (if applicable)

Witness e-mail

Witness phone (if applicable)

Witness 3 Information

Witness Name

Witness Address (if applicable)

Witness e-mail

Witness phone (if applicable)

Certification

Please check that you have read, understand, and agree to the following statement and sign and date below:

YOU HAVE THE RIGHT TO MAKE A COMPLAINT AGAINST A POLICE OFFICER FOR ANY IMPROPER POLICE CONDUCT. CALIFORNIA LAW REQUIRES A PROCEDURE TO INVESTIGATE CITIZENS' COMPLAINTS. YOU HAVE A RIGHT TO A WRITTEN DESCRIPTION OF THIS PROCEDURE. CITIZEN COMPLAINTS AND ANY REPORTS OR FINDINGS RELATING TO COMPLAINTS MUST BE RETAINED BY THE OFFICE OF COMPLIANCE FOR AT LEAST FIVE YEARS.*

* This complaint form is in accordance with the process set forth under Penal Code Section 832.5

Signature

Date