

**UCDAVIS**

Police Accountability Board

Annual Report

July 2018 – June 2019

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September 20, 2019

## **INTRODUCTION**

Enclosed is the UC Davis Police Accountability Board's (PAB) 2018-2019 Annual Report. From July 1, 2018 to June 30, 2019, the PAB received seven (7) complaints. Consistent with the PAB's procedures, the PAB closed five (5) of those complaints between July 1, 2018 and June 30, 2019; a sixth complaint was closed in July 2019 before this report was completed, and its outcome is included herein. One (1) complaint received in 2018-2019 continues to be under investigation and will be reviewed by the PAB in late summer/early fall 2019. In addition, the PAB in 2018-2019 closed one (1) complaint submitted during the 2017-2018 reporting period. 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, which is a civilian oversight committee comprised of diverse campus representatives, was established in 2014 to promote accountability, trust and communication between the University of California, Davis (UCD) community and the UCD Police Department (UCDPD). Two functions are central to the PAB's work. First, the PAB independently reviews investigation reports and makes recommendations to the Chief of Police following investigations of complaints from the campus community or general public (also referred to as civilian complaints). Second, the PAB makes recommendations regarding UCDPD policies, procedures, practices and trainings when the PAB identifies possible improvements or blind spots. The PAB is committed to a fair and unbiased approach throughout its work.

## **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 that incident, provided the background and context that led to the recommended establishment of a police accountability program for the UCDPD. It was founded to restore trust between the police and the campus community.

See Appendix for PAB Bylaws and Procedures.

## **PAB MEMBERS AND ALTERNATES**

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 submits advisory recommendations to the Chief about UCDPD policies, procedures, practices and trainings.

As of June 30, 2019, PAB members and alternates included:

### **Academic Federation**

Kara Carr (member) – Vice Chair

### **Academic Senate**

Jack Chin (alternate)

### **Associated Students, UC Davis**

Davares Robinson (member)

Jayse Morris (alternate)

### **Graduate Student Association**

Kevin Griffin (member)

Jeremy Prim (alternate)

### **Staff Assemblies**

Lisa Feldmann (member) – Chair

Eleanor McAuliffe (alternate)

### **Student Life**

Ales Lee (member)

Mina Acebu (alternate)

### **UC Davis Health**

Charron Andrus (member)

Antionette Caruso (member)

PC How (alternate)

Khoban Kochai (alternate)

## **PAB ADMINISTRATIVE ADVISORY GROUP**

The PAB is supported by the Office of Diversity, Equity and Inclusion and the Office of Compliance and Policy.

### **PAB Administrative Advisory Group:**

Rahim Reed, Associate Executive Vice Chancellor, Campus Community Relations, Office of Diversity, Equity and Inclusion

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 Diversity, Equity and Inclusion

Megan Macklin, Program Manager, Office of Diversity, Equity and Inclusion

Sunny Dosanjh, Program Assistant, Office of Diversity, Equity and Inclusion

Larisa King, Compliance Analyst, Office of Compliance and Policy

### **External Counsel:**

Laura Izon, Atkinson, Andelson, Loya, Ruud & Romo

## **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; and

UCD Health Office for Equity, Diversity and Inclusion.

Recruitment for the PAB is staggered, with seven (7) positions 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 an organization nominates multiple people, the Associate Executive Vice Chancellor (AEVC) of Campus Community

Relations selects one (1) PAB representative from that organization's nominees. All fourteen (14) PAB representatives participate in training during the onboarding process. 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-year (2) 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 become alternates and alternates become members, thereby allowing full participation on the PAB during the two-year term. The AEVC of Campus Community Relations works 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 Megan Macklin from the Office of Diversity, Equity and Inclusion on the history and background of the PAB. At the second orientation, a representative from the UCDPD 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 ongoing training regarding police procedures, relevant legal issues, impartiality, the confidential nature of police misconduct investigations and discipline and the civilian oversight field. In 2018-2019, PAB representatives who chose to participate attended the following trainings organized by the National Association for Civilian Oversight of Law Enforcement (NACOLE):

- Policing Our Classrooms: Safety, Discipline, and Bias in the School Setting (July 2018)
- Best Practices When Dealing with the Media (March 2019)

- Bay Area Law Enforcement Oversight Forum (May 2019)

Each year, the PAB nominates representatives to attend the NACOLE annual conference. In September 2018, PAB representatives Charron Andrus and Lisa Feldmann attended the NACOLE conference in St. Petersburg, Florida and afterwards briefed the board on the conference. At least one PAB representative will attend the upcoming NACOLE conference in September 2019 in Detroit, Michigan.

## **PAB MEETINGS**

The PAB meets monthly when 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 during the regular academic year. Public meetings emphasize dialogue with the public and offer opportunities for public comment. These quarterly public meetings are denoted below (\*). Additional PAB meetings are scheduled on an as-needed basis.

### **2018 – 2019 PAB Meetings:**

- July 18, 2018
- October 17, 2018 – Fall Quarterly Public Meeting, Memorial Union Garrison Room (UC Davis) & Education Building Room 3103 (UC Davis Health)\*
- November 28, 2018
- January 16, 2019
- February 20, 2019 – Winter Quarterly Public Meeting, Memorial Union Garrison Room (UC Davis) & Education Building Room 3103 (UC Davis Health)\*
- May 15, 2019 – 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, 2018 to June 30, 2019, the board held six (6) decision-making meetings. At two (2) of these meetings, the board reviewed cases resulting in recommended findings to the Chief of Police. During case review, the PAB makes recommendations regarding each allegation finding contained in the report, the number of which may vary depending upon the complaint.

Public summaries of the PAB's closed meetings are available online at [pab.ucdavis.edu/meeting-minutes](http://pab.ucdavis.edu/meeting-minutes).

### **B. Attendance for Decision-Making Meetings:**

From July 1, 2018 to June 30, 2019, average attendance of voting members at decision-making meetings was 46.94%, and the average attendance of alternates was 62.45%.

Average attendance of voting members at meetings where cases were reviewed was 61.90%, and the average attendance of alternates was 54.76%.

### **C. Public Comment Highlights**

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

- Overview of the PAB's charge
- Independence of the PAB from the UCDPD
- PAB membership and nomination process
- The PAB complaint, investigation and review processes
- Methods for contacting and providing feedback to the PAB
- UCDPD body-worn camera policy and practices
- Questions regarding the differences and relationship between UCDPD officers and Private Security Officers at UC Davis Health
- Format of PAB public meetings
- City of Davis Police Accountability Commission
- PAB promotion strategies

PAB members advised participants that resource information, including the PAB Procedures, Bylaws and Annual Report, is available online at [pab.ucdavis.edu](http://pab.ucdavis.edu).

Full summaries of the PAB Quarterly Public Meetings can be found online at [pab.ucdavis.edu/meeting-minutes](http://pab.ucdavis.edu/meeting-minutes).

## **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](http://pab.ucdavis.edu)
- Email to [pab@ucdavis.edu](mailto: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 5<sup>th</sup> floor, Davis, CA 95616
- Prescheduled in person at the Office of Compliance and Policy, Mrak Hall 5<sup>th</sup> floor



- Filing a complaint to the UC Davis Police Department. UCDPD forwards the civilian complaints they receive to the PAB.

PAB 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.

The complaint form includes fields for the complainant to identify demographic information. Demographic information, as well as all other questions asked on the complaint form, are voluntary. Anonymous complaints can be submitted to the PAB.

All complaints are received and reviewed by the Office of Compliance and Policy, which is independent from the Police Department. In addition to receiving complaints directly from the complainant, the Office of Compliance and Policy may receive complaints or inquiries forwarded by other campus or community stakeholders. Regardless of the format of a complaint or method of filing, the Office of Compliance and Policy contacts the complainant (when the complainant provides contact information) with information regarding the PAB and the PAB investigation process. Considering all available information, the Office of Compliance and Policy determines whether a complaint is appropriate for investigation (e.g., timely, states sufficient facts, etc.).

If a complaint is eligible for review, the Office of Compliance and Policy considers whether the complaining party wants a formal investigation or another resolution. In rare cases, a formal investigation may be necessary even if the complaining party would prefer another resolution. However, strong consideration is given to the complaining party's preference if known. To date, the Office of Compliance and Policy has not formally investigated any matters in which the complaining party stated that they did not want a formal investigation.

Complaints that are ineligible for review under PAB procedures are dismissed, and the complainant is informed. For example, the PAB only reviews complaints against UCDPD officers, and not against other campus community members or personnel employed by other law enforcement agencies. Complaints regarding non-UCDPD officers are therefore dismissed, and the complainant and other agencies are notified where appropriate.

If a matter qualifies for review, a University Investigator from the Office of Compliance and Policy conducts a thorough and impartial review. The investigation process includes talking to the complainant, the responding officer and relevant witnesses, as well as reviewing evidence such as documents and video footage where it is available. PAB procedures establish that the investigation process will generally be completed within ninety (90) calendar days from the date on which the investigation is charged. If a thorough review requires additional time, the parties are notified. The amount of time required to complete an investigation can vary according to factors such as: the number of parties involved in a case and their availability; availability of witnesses; and investigator case load.

The investigator prepares an investigation report with factual findings. The investigation report 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. These can be submitted using the PAB's online feedback/suggestion form at [pab.ucdavis.edu/feedback](http://pab.ucdavis.edu/feedback) or in person at the quarterly public meetings. The PAB also may be contacted at [pab@ucdavis.edu](mailto:pab@ucdavis.edu).

## **B. Investigation Reports**

As noted, the investigator, consistent with governing law that protects identifying information, 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 what is known as the "preponderance of the evidence" standard. That 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 recommendations 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 and later collected 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's policy, procedure or practice recommendations may result from issues related to a specific complaint investigation or from a general policy review and analysis. 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. It is the Chief's responsibility in determining appropriate remediation, corrective action or discipline to review an officer's entire performance and discipline history, taking into consideration both the sustaining of a single PAB complaint, as well as how like circumstances have been treated historically to ensure consistency and non-discriminatory practices.

The PAB's recommendations regarding the investigative findings are issued in writing. The PAB, through the Office of Compliance and Policy, forwards its recommendations 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. The Chief 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](mailto:jafarrow@ucdavis.edu).

### **CASES REVIEWED, PAB FINDINGS AND STATUS OF CURRENT PAB CASES**

From July 1, 2018 to June 30, 2019, seven (7) complaints were submitted to the PAB. Three (3) of those complaints were investigated. The remaining four (4) complaints did not proceed through investigation, either because the PAB received insufficient information to proceed (two [2] complaints), the complainant expressed they did not want the matter to be investigated (one [1] complaint) or because they were dismissed as outside of the PAB's purview (one [1] complaint).

The PAB completed its review of one (1) case that proceeded through investigation between July 1, 2018 and June 30, 2019; the PAB completed its review of one (1) additional case in July 2019, before this report was completed. One (1) case remains under investigation and will be reviewed by the PAB upon completion. In addition, the PAB in 2018-2019 closed one (1) case submitted during the 2017-2018 reporting period.

After reviewing the investigative report for the cases 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**

From July 1, 2018 to June 30, 2019, the Chief of Police considered two (2) cases in which the PAB recommended findings or made additional suggestions. In July 2019, before this report was completed, the Chief of Police reviewed one (1) additional case submitted during the 2018-2019 reporting period. With respect to these cases, 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.

### **2018-2019 TRENDS**

#### **A. Complaints Filed Per Academic Quarter**

From July 1, 2018 to June 30, 2019, seven (7) complaints were filed with the PAB. One (1) complaint (14.29%) was filed during Summer 2018, one (1) complaint (14.29%) during Fall 2018, three (3) complaints (42.86 %) were filed during Winter 2019 and two (2) complaints (28.57%) were filed during Spring 2019.

#### **B. Complaint Location**

Of the seven total complaints received, five (5) (71.43%) were filed to the Davis campus and two (2) (28.57%) were filed to the Sacramento UC Davis Health campus.

Of the (3) three cases that proceeded through or are in the process of investigation and review by the PAB, one (1) (33.33%) was filed to the Davis campus and two (2) (66.67%) were filed to the Sacramento Health campus.

### **C. Complaint Filing Methods**

The most popular method of filing a complaint was via the online form on the PAB website (five [5] complaints, 71.43%), followed by emailing the PAB at [pab@ucdavis.edu](mailto:pab@ucdavis.edu) (two [2] complaints, 28.57%); one (1) of these complaints was submitted both via the online form and via email to the PAB. One (1) matter (14.29%) was submitted by the Chief of Police to the Director of Investigations in the Office of Compliance and Policy. This final matter was not the subject of a civilian complaint to the PAB. Instead, Chief Farrow asked the PAB to engage its typical procedure to review his officers' conduct in a particular incident and to provide recommendations.

### **D. Complainant Demographics**

Complainant demographics are voluntarily provided and are not known to the PAB at any point during case review. Demographic information, as well as all other questions asked on the complaint form, are voluntary.

Campus affiliation: Two (2) complainants (28.57%) were community members, one (1) complainant (14.29%) was a UC Davis student and one (1) complainant (14.29%) was UC Davis staff. The campus affiliation of three (3) complainants (42.86%) was unknown.

Age: One (1) complainant (14.29%) was under the age of 24. The age of six (6) complainants (85.71%) was unknown.

Gender: Two (2) complainants (28.57%) identified as women and one (1) complainant (14.29%) identified as a man. The gender of four (4) complainants (57.14%) was unknown.

Race/ethnicity: Two (2) complainants (28.57%) identified as black. The race/ethnicity of five (5) complainants (71.43%) was unknown. Complainants had the option to indicate more than one race or ethnicity.

### **E. Allegations**

Of the three (3) cases submitted in 2018-2019 that proceeded through or are in the process of investigation and review by the PAB, two (2) cases (66.67%) involved allegations of discourtesy, two (2) cases (66.67%) involved allegations of improper use of force and one (1) case (33.33%) involved allegations of discrimination. PAB cases can involve multiple allegations.

In 2018-2019, 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 since 2015-2016, complaints were received in 2018-2019 that involved issues not related to the PAB's purview of reviewing allegations of UCDPD misconduct or infraction of rules, policies or law. These trends suggest that while citizens may continue to be more aware

of the PAB, important work still needs to be done to clarify the PAB's scope and the complaint and investigation process.

### **RECOMMENDATIONS, QUESTIONS AND COMMENTS TO THE CHIEF OF POLICE**

From July 1, 2018 to June 30, 2019, the PAB shared several opportunities to engage the Chief of Police in direct dialogue regarding policy or training recommendations previously submitted by the PAB, in addition to questions and comments from PAB representatives and their communities. In reporting the following detailed summaries of the PAB's recommendations along with its questions and comments to the Chief—new to this year's PAB Annual Report—the PAB aims to increase the transparency of its work and to provide timely follow-up on issues important to the UC Davis and broader communities.

1. **May 2019:** On May 6, 2019, an incident at the UC Davis Bookstore resulted in UC Davis police officers using force in order to affect an arrest. The PAB voiced concern over the lack of details included in Chief Farrow's message to the campus community following the incident and discussed the need to continue to provide timely follow-up to the community in the aftermath. Given the community interest in this incident, especially from students, the PAB Administrative Advisory Group consulted with leadership from the Community Resource and Retention Centers and decided to engage in conversation with the directors of the student centers after the Office of Compliance and Policy's investigation into the matter is completed. The directors can then assist in providing accurate information given their roles and access to students.

Chief's response: Chief Farrow formally requested that the Office of Compliance and Policy launch an independent investigation into the incident. Regarding the campus message in response to the incident, the Chief shared that it was necessary for the message and other communications regarding the matter to be vague about details, as the incident currently is under investigation. Chief Farrow said he is open to and welcomes input from the PAB regarding future communications. The Chief reached out to Sheri Atkinson, Associate Vice Chancellor for Student Life, Campus Community and Retention Services and shared information about the charge and launch of the investigation, so that this information would then be shared with AVC Atkinson's staff. Following the conclusion of the investigation, the Chief will join members of the PAB Administrative Advisory Group in following up with leaders from the Community Resource and Retention Centers.

1. **May 2019:** The board provided feedback on the Police Department's active shooter training, in particular as it is presented to student audiences. In its current format, the training is unsettling for some and as a result is not entirely effective in making participants feel prepared for a shooter incident.

Chief's response: Chief Farrow expressed that he would attend future trainings presented to students. After attending a number of training sessions, the Chief

advised revisions to the active shooter training. These revisions included adding three new instructors, and revising course content and facilitation protocol in order to attune the training to sensitivities among the campus community and to deliver a training that is meaningful for all campus constituents.

2. January 2019: In the aftermath of the shooting of Davis Police Department Officer Natalie Corona just blocks away from the UC Davis campus, a memorial service was planned on campus. In a message to Chancellor May and Chief Farrow, the PAB voiced concern, especially from student scholars, over the campus location for the memorial for Officer Corona given that the event would draw an unprecedented number of uniformed officers to campus. At that time, the only campus communications regarding the memorial service were limited to parking information, and no mention was made of the service's potential impact on campus climate. The PAB urged campus leadership to release a statement emphasizing that campus safety remains a priority, and that we all, including our guests, should be respectful and peaceful and abide by our Principles of Community. The PAB recommended that the message also included information on mental health resources.

Campus leadership's response: Campus leadership responded by reaching out directly to the students who raised these concerns with information on mental health resources.

Chief's response: Chief Farrow clarified that the decision to host the memorial on the UC Davis campus was made by numerous campus and community entities, and that UCDPD's role was to ensure the safety of the venue as well as campus community members and visitors in attendance. The event drew thousands of supporters and went off without incident. Chief Farrow agreed that the University could have done a better job of keeping our community informed about the memorial.

3. January 2019: PAB requested an update on where the Police Department is with respect to increased training or updated policies regarding de-escalation techniques, cultural competency/sensitivity, use of force and implicit bias.

Chief's delegates' response: Since 2018, UCDPD has required its officers to complete training courses in the areas of de-escalation, implicit bias, mental health awareness and non-violent intervention. Continued trainings are planned in these areas as well as in the area of cultural competency.

4. October 2018: The PAB asked if UC Davis Police Department policies could be made publicly available online.

Chief's response: Chief Farrow advised he would look into making policies available online. While UCDPD policies were available online in the past, they were removed due to the frequent need to update individual policies. If UCDPD policies were made publicly available online, some information would need to be redacted, such as tactical and strategic policies. UCDPD has since made their policy manual

available online at [police.ucdavis.edu/policies](http://police.ucdavis.edu/policies).

5. October 2018: The PAB engaged the Chief in conversation about a use of force training the board received from UCDPD in May 2018. The PAB raised questions about how bias might influence how officers respond to calls for service, and how a focus on officer safety influences community safety.

Chief's response: The Chief spoke about the culture of law enforcement needing to transition from one centered on police safety to a service mindset. A service-oriented model would focus beyond physical safety on the emotional and psychological safety of the community as well. In order to affect this shift, UCDPD now includes an intentional focus on de-escalation, procedural justice and bias in their officer training. Another shift is to focus on education rather than strict enforcement. To this end, all officers have received trainings on the following topics: procedural justice, implicit bias and de-escalation.

6. October 2018: The PAB asked the Chief about the status of a body-worn camera policy for UCDPD.

Chief's response: UCDPD has procured new devices and is awaiting guidance from the University of California Office of the President (UCOP) on a systemwide policy enforcing the use of body-worn cameras. UCDPD will adopt this policy once it is released. Body-worn camera footage will be retained for at least one year, and officers can review the footage before writing their initial reports.

### **PAB PILOT PROGRAM REVIEW AND RECOMMENDATIONS**

In 2018-2019 the PAB Administrative Advisory Group, led by the Office of Diversity, Equity and Inclusion, completed a review of the PAB's four-year pilot program from 2014 to 2018. The review was informed by a campus-wide survey conducted by the office. Also considered was feedback from campus and community constituents at the PAB's quarterly public meetings, along with the recommendations made by the Report of the Presidential Task Force on University-wide Policing ([ucop.edu/policing-task-force/policing-task-force-report\\_2019.pdf](http://ucop.edu/policing-task-force/policing-task-force-report_2019.pdf)). Together, these elements inform the PAB Pilot Program Review and Recommendations, which includes ten recommendations for the future of the board. The report was submitted to UC Davis Chancellor Gary May in July 2019. Chancellor May responded to accept the report's recommendations and to ask that a proposal be submitted to implement those recommendations. The PAB Administrative Advisory Group plans to submit this implementation plan to the Chancellor in Fall 2019. A summary of the report, implementation plan, and the Chancellor's response will be made publicly available in Fall 2019 on the PAB website at [pab.ucdavis.edu](http://pab.ucdavis.edu).



| Police Accountability Board Complaints, July 1, 2018 – June 30, 2019 |   |  |  |   |                         |  |   |  |
|--|---|--|--|---|-------------------------|--|---|--|
| Month Filed/<br>Location   | Filing Method   | Complainant's<br>Campus<br>Affiliation, Age,<br>Gender,<br>Race/Ethnicity <sup>*</sup>   | Allegations  | Case Status   | Report Date<br>to Close | Investigation<br>Charge Date<br>to<br>Completion | Outcome<br>(Allegation & Disposition)   | Outcome<br>Accepted by<br>Police Chief |
| September<br>2017/<br>Sacramento                                     | Phone call to<br>Office of<br>Compliance<br>and Policy  | <ul style="list-style-type: none"> <li>•Community member</li> <li>•Not provided</li> <li>•Man</li> <li>•Not provided</li> </ul>          | <ul style="list-style-type: none"> <li>•Improper use of force</li> <li>•Unlawful detention</li> <li>•Improper maintenance of personal property</li> </ul>          | Investigation complete <sup>2</sup>                                       | 479 days                | 341 days   | <ul style="list-style-type: none"> <li>•Improper use of force: not sustained</li> <li>•Unlawful detention: exonerated</li> <li>•Improper maintenance of personal property: not sustained</li> </ul>                 | All findings accepted                  |
| September<br>2018/<br>Sacramento                                     | Online form on PAB website                              | <ul style="list-style-type: none"> <li>•Staff</li> <li>•Not provided</li> <li>•Woman</li> <li>•Black</li> </ul>                          | <ul style="list-style-type: none"> <li>•Discourtesy</li> <li>•Discrimination</li> </ul>  | Investigation complete  | 141 days                | 115 days   | <ul style="list-style-type: none"> <li>•Discourtesy: not sustained</li> <li>•Discrimination: not sustained</li> </ul>   | All findings accepted                  |
| October<br>2018/<br>Davis  | Email to pab@ucdavis.edu                                | <ul style="list-style-type: none"> <li>•Community member</li> <li>•Not provided</li> <li>•Not provided</li> <li>•Not provided</li> </ul> | Improper conduct by UC Davis residence hall residents  | Dismissed <sup>3</sup> – referred to Student Support and Judicial Affairs | N/A                     | N/A  | N/A   | N/A                                    |
| February<br>2019/<br>Sacramento                                      | Online form on PAB website and email to pab@ucdavis.edu | <ul style="list-style-type: none"> <li>•Community member</li> <li>•Not provided</li> <li>•Woman</li> <li>•Black</li> </ul>               | <ul style="list-style-type: none"> <li>•Discourtesy count 1</li> <li>•Discourtesy count 2</li> <li>•Improper use of force</li> <li>•Discourtesy count 3</li> </ul> | Investigation complete  | 171 days                | 143 days <sup>4</sup>                            | <ul style="list-style-type: none"> <li>•Discourtesy count 1: not sustained</li> <li>•Discourtesy count 2: sustained</li> <li>•Improper use of force: unfounded</li> <li>•Discourtesy count 3: exonerated</li> </ul> | All findings accepted                  |

<sup>\*</sup> Complainant demographics are provided voluntarily and are not known to the PAB at any point during case review unless they are relevant to the allegations (e.g. in a discrimination case).

<sup>1</sup> This complaint was reviewed by the PAB in November 2018. The investigation was delayed because the respondent was on an unrelated leave for a significant time, and police procedures do not require an officer to participate in an interview while on leave.

<sup>2</sup> The matter falls within the PAB purview and an investigation has been conducted and completed.

<sup>3</sup> 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.)

<sup>4</sup> The original investigator assigned to this investigation left the Office of Compliance and Policy, so the investigation had to be re-assigned. The complainant scheduled but did not appear for two interviews, also contributing to the delay in this matter. The investigation was completed within ninety days of the charge to the investigator who completed the review.

| Quarter Filed/<br>Location | Filing Method  | Complainant's Campus Affiliation, Age, Gender, Race/Ethnicity  | Allegations  | Case Status                                    | Report Date to Close                        | Investigation Charge Date to Completion     | Outcome (Allegations & Disposition)         | Outcome Accepted by Police Chief            |
|----------------------------|--|--|--|--|---|---|---|---|
| March 2019/<br>Davis       | Online form on PAB website   | <ul style="list-style-type: none"> <li>• Student</li> <li>• Not provided</li> <li>• Not provided</li> <li>• Not provided</li> </ul>      | Discourtesy  | Dismissed – complainant declined investigation | N/A   | N/A   | N/A   | N/A   |
| March 2019/<br>Davis       | Online form on PAB website   | <ul style="list-style-type: none"> <li>• Not provided</li> <li>• Not provided</li> <li>• Not provided</li> <li>• Not provided</li> </ul> | Improper stop  | Insufficient information <sup>5</sup>          | N/A   | N/A   | N/A   | N/A   |
| April 2019/<br>Davis       | Online form on PAB website   | <ul style="list-style-type: none"> <li>• Not provided</li> <li>• 20</li> <li>• Man</li> <li>• Not provided</li> </ul>                    | <ul style="list-style-type: none"> <li>• Discourtesy</li> <li>• Improper stop</li> </ul>   | Dismissed – complainant declined investigation | N/A   | N/A   | N/A   | N/A   |
| May 2019/<br>Davis         | Letter to Director of Investigations from Chief of Police <sup>6</sup> | <ul style="list-style-type: none"> <li>• Not provided</li> <li>• Not provided</li> <li>• Not provided</li> <li>• Not provided</li> </ul> | <ul style="list-style-type: none"> <li>• Discourteous, disrespectful or discriminatory treatment</li> <li>• Improper use of force</li> </ul> | Under investigation <sup>7</sup>               | Pending investigation and review by the PAB | Pending investigation and review by the PAB | Pending investigation and review by the PAB | Pending investigation and review by the PAB |

<sup>5</sup> 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.

<sup>6</sup> On May 6, 2019, an incident at the UC Davis Bookstore resulting in UC Davis police officers using force in order to affect an arrest. The Chief of Police formally requested that the Office of Compliance and Policy launch an independent investigation into the incident. After consultation with the PAB and in line with PAB procedures, the Office of Compliance and Policy identified an external police practices expert to contract with as a co-investigator. Due to contracting issues outside of the PAB's, Compliance's and UCDPD's control, the start of investigative interviews in this matter were delayed, although documents were collected during this period.

<sup>7</sup> The matter falls within the PAB purview and an investigation has been conducted or is ongoing.

# APPENDIX

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**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](http://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](http://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**

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Last Name

First Name

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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.)

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**Incident Narrative**

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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?

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**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.)**

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**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**

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Witness Name

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Witness Address (if applicable)

Witness e-mail

Witness phone (if applicable)

**Witness 3 Information**

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Witness Name

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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

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\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date