

UCDAVIS

Police Accountability Board

Annual Report

July 2021 – June 2022

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November 29, 2022

INTRODUCTION

Enclosed is the UC Davis Police Accountability Board's (PAB) 2021-2022 Annual Report. From July 1, 2021 to June 30, 2022, the PAB investigated one (1) complaint after receiving seventeen (17) inquiries. The remaining sixteen (16) inquiries submitted in 2021-2022 did not proceed through investigation because:

- The concerns did not allege UCDPD misconduct or policy violation (fifteen [15] cases). Inquiries pertaining to issues outside the PAB's purview are dismissed, referred to the appropriate entity and when possible, the reporting party is notified.
- The reporting part declined investigation (one [1] case).

Consistent with the PAB's procedures, the PAB closed the seventeen (17) inquiries received between July 1, 2021 and June 30, 2022 during that time period. A complete summary of inquiries 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, both over the course of complaint review and in proactive efforts to evaluate UCDPD culture department-wide, the PAB reviews UCDPD policies, procedures, practices and trainings and makes recommendations 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

The PAB was established in May 2014, after consultation with an independent expert in police oversight and several campus forums. 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 UCD police and the campus community.

The PAB and civilian oversight of university police were key components of the 2021 report of the UC Davis Task Force on Next Generation Reforms to Advance Campus Safety and the 2021 University of California (UC) Community Safety Plan. The PAB continues to lead as one of the only active civilian oversight programs for university police nationwide, and as the model for institutionalizing civilian oversight across the University of California system. Recommendation 4.1a of the UC Community Safety Plan outlined the following: “Each campus, modeling the UC Davis Police Accountability Board’s procedures and policies as minimum standards, will establish an independent, civilian campus police accountability body and procedures to review investigation reports regarding complaints filed against UCPD.”

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 UCD Police Department staff. These recommendations are considered by the Chief of Police, who may accept, reject or modify the PAB’s findings and 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 UCDDPD policies, procedures, practices and trainings.

As of June 30, 2022, PAB representatives included:

Academic Federation

Kara Carr

Academic Senate

Daniel Potter

Associated Students, UC Davis

Megan Chung – Chair

Mallika Hari

Graduate Student Association

Jeremy Prim

Siuoneh Didarloo

Staff Assemblies

ML Farrell – Vice Chair
Marlene Freid

Student Life

Vacant
Vacant

UC Davis Health

Jacqueline Dyson
Jennifer Edwards
PC How
Eleanor McAuliffe.

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:

Mikael Villalobos, Interim Associate Vice Chancellor, Office of Campus Community Relations/Diversity, Equity and Inclusion

Megan Macklin, Associate Director of Campus Climate and Inclusion Initiatives, Office of Campus Community Relations/Diversity, Equity and Inclusion

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

Wendi Delmendo, Chief Compliance Officer, Office of Compliance and Policy

Michael Sweeney, Chief Campus Counsel, Office of Campus Counsel

Additional Administrative Support:

Mariana Galindo-Vega, Program Analyst, Office of Campus Community Relations/Diversity, Equity and Inclusion

Larisa King, Compliance Analyst, Office of Compliance and Policy

External Counsel:

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

PAB MEMBERSHIP AND TRAINING

A. Board Membership

The PAB is comprised of fourteen (14) representatives—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

UC Davis Health (Office for Health Equity, Diversity and Inclusion).

Recruitment for the PAB is staggered, with seven (7) positions filled each year. This process allows for the preservation of institutional knowledge on the board. Each organization is asked to provide at least two (2) nominees for each vacancy. When an organization nominates multiple people, the Associate Vice Chancellor (AVC) 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 can attend meetings.

PAB representatives for this report period include:

Four (4) undergraduate students

Two (2) graduate students

Two (2) faculty/academic appointees

Two (2) staff members

Four (4) UCD Health members (who can be students, faculty or staff).

Generally, PAB representatives 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.

PAB representatives generally join the board as alternates, although they may join as members depending upon the composition and current 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 AVC of Campus Community

Relations works with the various entities to maintain representation and to develop a pipeline of candidates in the event that a representative can no longer serve on the PAB.

In order to ensure independence, no representative 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 representatives were required to attend orientation sessions before joining the board. Upon selection, PAB members received information from Megan Macklin from the Office of Campus Community Relations on the history and background of the PAB. At additional, separate orientations, a representative from the UCDPD presented on search and seizure, use of force and other police procedures, and external counsel, Laura Izon, reviewed the PAB's Bylaws and Procedures.

PAB representatives also receive ongoing training and guidance from external counsel regarding police procedures, relevant legal issues, impartiality, the confidential nature of police misconduct investigations and discipline and the civilian oversight field.

In 2021-2022, PAB representatives and staff who chose to participate attended the following trainings organized by the National Association for Civilian Oversight of Law Enforcement (NACOLE), and afterwards briefed the board:

- Investigating and Analyzing Use of Force (November 16, 2021)
- Implicit Bias Training for Law Enforcement: Current State of the Field (January 19, 2022)
- Using Police Commissions to Achieve Accountability (February 7, 2022)
- Understanding Brady and Giglio: Civilian Oversight's Role (June 14, 2022).

Each year, the PAB nominates representatives to attend the NACOLE annual conference. In 2021, NACOLE hosted its annual conference in two parts: a virtual conference from August to October 2021 and an in-person conference in Tucson, Arizona in December 2021. PAB representatives and members of the PAB Administrative Advisory Group attended sessions from the virtual and in-person NACOLE conferences and afterwards briefed the board. In 2022, NACOLE will host its annual conference in two parts: an in-person conference in Fort Worth, Texas in September 2022 and virtual conference from October to November 2022.

The PAB also received the following trainings in 2021-2022 during regularly scheduled board meetings:

- Crisis Now, Karen Larsen, Yolo County Health and Human Services Agency (July 21, 2021)

- Health 34, Nathan Trauernicht, UC Davis Fire Department and Cory Vu, UC Davis Student Affairs (January 19, 2022)
- PAB Intake and Investigation Processes, Wendy Lilliedoll and Britta Pomrantz, UC Davis Office of Compliance and Policy (March 16, 2022).

PAB MEETINGS

The PAB meets monthly when there is new business or a case to review. In-person meetings alternate between the UC Davis and UC Davis Health campuses; in light of the ongoing COVID-19 pandemic, PAB meetings were held virtually via Zoom in 2021-2022. The PAB also solicits public input by holding regularly scheduled and advertised public meetings at least once quarterly during the regular academic year. Public meetings emphasize dialogue with the public and offer opportunities for public comment. PAB public meetings were held virtually via Zoom in 2021-2022. Additional PAB meetings are scheduled on an as-needed basis.

2021 – 2022 PAB Meetings:

- July 21, 2021
- August 18, 2021
- October 20, 2021 – Fall Quarterly Public Meeting
- January 19, 2022
- February 16, 2022 – Winter Quarterly Public Meeting
- March 16, 2022
- May 18, 2022 – Spring Quarterly Public Meeting
- June 15, 2022

A. Number of Decision-Making Meetings:

From July 1, 2021 to June 30, 2022, the board held eight (8) decision-making meetings. At one (1) of these meetings, the board reviewed a case 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.

Summaries of the PAB's closed meetings are available online at pab.ucdavis.edu/meeting-minutes.

B. Attendance for Decision-Making Meetings:

From July 1, 2021 to June 30, 2022, average attendance of voting members at decision-making meetings was 51.79%, and the average attendance of alternates was 73.21%. Attendance of voting members at meetings where cases were reviewed was 66.67%, and the attendance of alternates was 83.33%.

C. Public Comment Highlights

Each quarter of the academic year, the board invites public comment and questions at a public meeting. Summaries of the PAB Quarterly Public Meetings can be found online at pab.ucdavis.edu/meeting-minutes.

Topics and questions brought to the PAB during public meetings in 2021-2022 included:

- Police presence on campus and experiences of racial profiling¹
- Bicycle theft on campus
- Complaint mechanisms (for formal investigation) vs. feedback/suggestion mechanism
- How and why did current PAB members join the board?
- How does the history of the PAB relate to the 2011 pepper spray event?
- UC Davis Police Department website
- Addressing concerns of retaliation after filing an inquiry with the PAB

INVESTIGATION OF INQUIRIES AND PAB REVIEW

A. Filing an Inquiry with the PAB

There are several avenues for filing inquiries with the PAB:

- [Online Complaint Form](#) or [Online Feedback/Suggestion Form](#)
- Email to pab@ucdavis.edu
- Via telephone at (530) 752-6550
- Print the Complaint Form or Feedback/Suggestion Form and send 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

¹ When, as here, individuals describe experiences with UCDPD that, if true, could constitute policy violations, we share information about the opportunity to seek formal investigation.

- Prescheduled in person at the Office of Compliance and Policy, Mrak Hall 5th floor²
- File a complaint to the UC Davis Police Department. The UCDPD forwards all civilian and non-internally generated complaints they receive to the PAB.

The Complaint Form and Feedback/Suggestion Form 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 self-identify demographic information. Demographic information, as well as all other questions asked on the Complaint Form, are voluntary. Anonymous inquiries can be submitted to the PAB.

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

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

Inquiries that are ineligible for review under PAB procedures are closed, and the reporting party is informed. For example, the PAB only reviews complaints against UCDPD officers, and not against other campus community members or personnel employed by non-UC Davis law enforcement agencies. Complaints received regarding another law enforcement agency (e.g., City of Davis Police Department) will be referred to that agency. Complaints regarding non-UCDPD officers are therefore closed, and the complainant and other agencies are notified where appropriate. The Office of Compliance and Policy will not investigate Internal Complaints filed by UCDPD officers or other UCDPD personnel. These complaints will be handled internally by the Professional Standards Unit (PSU). The PAB will not review PSU investigatory reports regarding Internal Complaints. The Office of Compliance and Policy can investigate complaints submitted to the PAB against nonsworn UCDPD staff (e.g., front desk staff at the Police Department, security guards, or other employees connected to the Police Department who are not sworn officers) according to its process for reviewing allegations of non-police-specific University policy violations. Complaints against non-sworn UCDPD staff

² Meetings also can be scheduled virtually via Zoom or other online platforms.

that are submitted to the PAB that do not allege a policy violation (e.g., allegations of discourtesy) are referred to the appropriate manager, who can work with Human Resources to address such management issues. In the event that the Office of Compliance and Policy investigates a matter that involves a UCDPD employee who is not a sworn police officer, the PAB will not be notified of the outcome of the review.

If a matter qualifies for PAB review, a University Investigator from the Office of Compliance and Policy conducts a thorough and impartial review. The investigation process includes talking to the reporting party, the responding officer(s) 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. Parties are notified if a thorough review requires additional time. 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 caseload.

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 reporting party 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 or in person at the quarterly public meetings. The PAB also may be contacted at pab@ucdavis.edu.

B. Investigation Reports

As noted, the investigator, consistent with governing law and policies that protect identifying information, provides a confidential report to the PAB that is redacted and does not identify the individuals involved, nor does it include any demographic information, unless they are relevant to the allegations (e.g. in a discrimination case). 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
- 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 – 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 is made available prior to the closed session, and hard copies are distributed and later collected during the closed session when held in-person.

Five (5) members 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. All alternates may attend meetings and participate in case review discussions. An alternate may 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 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 reporting party and to the PAB through the Office of Compliance and Policy. This notice shall indicate the findings, but will not disclose the level 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 reporting 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, 2021 to June 30, 2022, seventeen (17) inquiries were submitted to the PAB. One (1) of those inquiries was investigated. After reviewing the investigative report for the one (1) case that proceeded through investigation, the PAB voted to adopt the investigator's 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.

The remaining sixteen (16) inquiries submitted in 2021-2022 did not proceed through investigation because:

- The concerns did not allege UCDPD misconduct or policy violation (fifteen [15] cases). Inquiries pertaining to issues outside the PAB's purview are dismissed, referred to the appropriate entity and when possible, the reporting party is notified.
- The reporting part declined investigation (one [1] case).

POLICE CHIEF'S RESPONSE TO RECOMMENDATIONS

From July 1, 2021 to June 30, 2022, the Chief of Police considered one (1) case in which the PAB recommended findings or made additional suggestions. The Chief agreed with the PAB's findings on all allegations made in this complaint. The Chief's response is summarized in the table at the end of this report.

2021-2022 TRENDS

A. Inquiries Filed Per Academic Quarter

From July 1, 2021 to June 30, 2022, seventeen (17) inquiries were filed with the PAB. One (1) inquiry (5.88%) was filed during Summer 2021, eight (8) inquiries (47.06%) were filed in Fall 2021, two (2) inquiries (11.76%) were filed in Winter 2022 and six (6) inquiries (35.29%) were filed during Spring 2022.

B. Inquiry Location

Of the seventeen (17) total inquiries received in 2021-2022, twelve (12) (70.59%) were filed to the Davis campus and five (5) (29.41%) were filed to the Sacramento UC Davis Health campus.

C. Inquiry Filing Methods

In 2021-2022, 10 (10) inquiries (58.82) were made via email to pab@ucdavis.edu, three (3) (17.65%) were made to the UCDPD, two (2) (11.76%) were made via the PAB online complaint form, two (2) (11.76%) were made via phone call to the Office of Compliance and Policy and one (1) (5.88%) was made via the PAB online feedback/suggestion form. A reporting party can submit an inquiry using multiple methods as described above.

D. Demographics

Demographics are voluntarily provided by a reporting party 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). Demographic information, as well as all other questions asked on the Complaint Form, are voluntary.

Campus affiliation: Among the seventeen (17) inquiries received in 2021-2022, two (2) (11.76%) were filed by UC Davis students, two (2) (11.76%) were filed by community members and one (1) (5.88%) was filed by UC Davis staff. Campus affiliation was not provided by the reporting party in twelve (12) inquiries (70.59%).

Age: Among the seventeen (17) inquiries received in 2021-2022, the reporting party in one (1) inquiry (5.88%) included their age as 23, the reporting party in one (1) inquiry (5.88%) included their age as 32 and the reporting party in one (1) inquiry (5.88%) included their age as 62. The reporting party's age in fourteen (14) inquiries (82.35%) was unknown.

Gender: Among the seventeen (17) inquiries received in 2021-2022, the reporting party in two (2) inquiries (11.76%) identified as a man and the reporting party in one (1) inquiry (5.88%) identified as female. The reporting party's gender in fourteen (14) inquiries (82.35%) was unknown.

Race/ethnicity: Among the seventeen (17) inquiries received in 2021-2022, the reporting party in two (2) inquiries (11.76%) identified as White and the reporting party in one (1)

inquiry (5.88%) identified as Native American. The reporting party's race/ethnicity in fourteen (14) inquiries (82.35%) was unknown.

E. Allegations

The one (1) inquiry closed in 2021-2022 that proceeded through the process of investigation and review by the PAB involved the following allegations:

- Improper use of force.

PAB cases often involve multiple allegations.

RECOMMENDATIONS, QUESTIONS AND COMMENTS TO THE CHIEF OF POLICE

From July 1, 2021 to June 30, 2022, the PAB had 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, 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. January 2022: In addition to its findings, the PAB submitted the following recommendations and questions to the Chief of Police in response to a case reviewed by the board:
 - a. Language Service: The PAB would like to know what foreign language services and tools are available to UCD Officers to aid in communicating with non-English speaking populations. If no such formalized service/tools are implemented, the PAB recommends that the UCDPD engage in such services and utilize such tools.

Chief's response: In the UCDPD's 2022 contract with the police officers' union (Federated University Police Officers' Union, FUPOA), any officer who conversationally speaks any language other than English may be approved to receive a bilingual stipend. The intent of this pay is to encourage officers who work with our campus to utilize their skills in assisting and supporting the community. Additionally, the UCDPD contracts with the AT&T Language Line for phone interpretation in over 150 languages. Lexipol Policy 368 governs officers' response to people with limited English proficiency. UCDPD will renew efforts to ensure employees are familiar and compliant with that policy.
 - b. Mental Health Crisis and De-escalation Training: The PAB recommends continued focus on training aimed at (1) assisting those in mental health crisis and (2) de-escalation techniques.

Chief's response: The Chief concurred with the recommendation for continued mental health crisis and de-escalation training.

- c. **Composition and Size of Responding Team:** The PAB recommends that the UCDPD be mindful of both the number and gender of responding officers, as a larger responding team (particularly if all male) may needlessly escalate a matter.

Chief's response: The Chief concurred with the recommendation re: composition and size of responding team and plans to incorporate this into future applicable training.

- d. **Proactive Communication:** While the PAB agreed uniformly with the Investigator's findings, the PAB recommends that UCDPD officers be proactive in explaining to a subject what is happening and why. Here, for example, telling the Complainant early in the interaction both what was happening and why could have diffused the matter. Responding to a subject that the officers are following "policy" is not meaningful to a subject and could aggravate and escalate the matter.

Chief's response: The Chief concurred with the recommendation re: proactive communication and plans to incorporate this into future applicable training.

Full summaries of the PAB's meetings with the Chief of Police are included in the meeting minutes available online at pab.ucdavis.edu/meeting-minutes.

Police Accountability Board Inquiries, July 1, 2021 – June 30, 2022						
Case Number, Date Filed, Location	Filing Method	Demographic Information from Reporting Party ¹	Allegations	Case Status	Outcome ^{3, 4}	Police Chief's Response to PAB Findings
<ul style="list-style-type: none"> • 21-094 • 9/1/21 • UC Davis 	Complaint filed to UCDPD	<ul style="list-style-type: none"> • Campus affiliation: Not provided • Age: Not provided • Gender: Not provided • Race/ethnicity: Not provided 	Improper use of force	Closed	Formal investigation: Investigation completed 12/20/2021, PAB review 1/19/2022 1. Improper use of force count 1: Unfounded 2. Improper use of force count 2: Exonerated 3. Improper use of force count 3: Exonerated	All findings accepted
<ul style="list-style-type: none"> • 21-095 • 10/1/21 • UC Davis 	Email to pab@ucdavis.edu	<ul style="list-style-type: none"> • Campus affiliation: Student • Age: Not provided • Gender: Not provided • Race/ethnicity: Not provided 	Concerns about construction and fire hydrant access at off-campus housing facility that did not note UCDPD involvement	Closed	Dismissed and referred: Concerns did not allege UCDPD sworn officer misconduct or policy violation	N/A
<ul style="list-style-type: none"> • 21-096 • 10/6/22 • UC Davis 	PAB online complaint form	<ul style="list-style-type: none"> • Campus affiliation: Not provided • Age: 62 • Gender: Female • Race/ethnicity: White 	Inquiry about police vehicle parked at campus parking structure	Closed	Dismissed and referred: Concerns did not allege UCDPD sworn officer misconduct or policy violation	N/A
<ul style="list-style-type: none"> • 21-097 • 10/8/21 • UC Davis 	Email to pab@ucdavis.edu	<ul style="list-style-type: none"> • Campus affiliation: Not provided • Age: Not provided • Gender: Not provided • Race/ethnicity: Not provided 	Complaint about staff at the Activities and Recreation Center that did not note UCDPD involvement	Closed	Dismissed and referred: Concerns did not allege UCDPD sworn officer misconduct or policy violation	N/A

¹ Demographics of all reporting parties 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).

³ Per its Procedures, the PAB shares all inquiries it receives with the UC Davis Police Department. This includes inquiries that are dismissed for any of the following reasons: the reporting party did not allege UCDPD misconduct or policy violation, the reporting party declines investigation, insufficient information, or lack of jurisdiction. PAB Procedures state: "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."

⁴ 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 recommending training. A complete record of the PAB's additional recommendations can be accessed in the full text of the PAB Annual Report and through the PAB database: pab.ucdavis.edu/database.

Police Accountability Board Inquiries, July 1, 2021 – June 30, 2022						
Case Number, Date Filed, Location	Filing Method	Demographic Information from Reporting Party [†]	Allegations	Case Status	Outcome ^{5, 6}	Police Chief's Response to PAB Findings
• 21-098 • 10/13/21 • UC Davis	Email to pab@ucdavis.edu	• Campus affiliation: Not provided • Age: Not provided • Gender: Not provided • Race/ethnicity: Not provided	Inquiry directed to the Harassment and Discrimination Assistance and Prevention Program that did not note UCDPD involvement	Closed	Dismissed and referred: Concerns did not allege UCDPD sworn officer misconduct or policy violation	N/A
• 21-099 • 11/12/21 • UC Davis	Email to pab@ucdavis.edu & phone call to Office of Compliance and Policy	• Campus affiliation: Not provided • Age: Not provided • Gender: Not provided • Race/ethnicity: Not provided	Complaint about power outage procedures at off-campus housing facility that did not note UCDPD involvement	Closed	Dismissed and referred: Concerns did not allege UCDPD sworn officer misconduct or policy violation	N/A
• 21-100 • 12/11/22 • UC Davis Health	Email to pab@ucdavis.edu	• Campus affiliation: Community member • Age: Not provided • Gender: Not provided • Race/ethnicity: Native American	Complaint against UC Davis Health provider that did not note UCDPD involvement	Closed	Dismissed and referred: Concerns did not allege UCDPD sworn officer misconduct or policy violation	N/A
• 21-101 • 12/12/21 • UC Davis Health	Phone call to Office of Compliance and Policy	• Campus affiliation: Community member • Age: 33 • Gender: Man • Race/ethnicity: White	Discourtesy	Closed	Concerned party declined investigation	N/A

[†] Demographics of all reporting parties 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).

⁵ Per its Procedures, the PAB shares all inquiries it receives with the UC Davis Police Department. This includes inquiries that are dismissed for any of the following reasons: the reporting party did not allege UCDPD misconduct or policy violation, the reporting party declines investigation, insufficient information, or lack of jurisdiction. PAB Procedures state: "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."

⁶ 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 recommending training. A complete record of the PAB's additional recommendations can be accessed in the full text of the PAB Annual Report and through the PAB database: pab.ucdavis.edu/database.

Police Accountability Board Inquiries, July 1, 2021 – June 30, 2022						
Case Number, Date Filed, Location	Filing Method	Demographic Information from Reporting Party [†]	Allegations	Case Status	Outcome ^{7, 8}	Police Chief's Response to PAB Findings
• 21-102 • 12/18/21 • UC Davis	Email to pab@ucdavis.edu	• Campus affiliation: Not provided • Age: Not provided • Gender: Not provided • Race/ethnicity: Not provided	Complaint alleging theft that did not note UCDPD involvement	Closed	Dismissed and referred: Concerns did not allege UCDPD sworn officer misconduct or policy violation	N/A
• 22-103 • 1/24/22 • UC Davis	PAB online feedback form	• Campus affiliation: Not provided • Age: Not provided • Gender: Not provided • Race/ethnicity: Not provided	Complaint alleging theft that did not note UCDPD involvement	Closed	Dismissed and referred: Concerns did not allege UCDPD sworn officer misconduct or policy violation	N/A
• 22-104 • 3/11/22 • UC Davis	Email to pab@ucdavis.edu	• Campus affiliation: Community member • Age: Not provided • Gender: Not provided • Race/ethnicity: Not provided	Complaint about damage to vehicle after receiving a parking ticket that did not note UCDPD involvement	Closed	Dismissed and referred: Concerns did not allege UCDPD sworn officer misconduct or policy violation	N/A
• 22-105 • 3/28/22 • UC Davis Health	PAB online complaint form	• Campus affiliation: Not provided • Age: 23 • Gender: Man • Race/ethnicity: Not provided	Complaint against UC Davis Health provider that did not note UCDPD involvement	Closed	Dismissed and referred: Concerns did not allege UCDPD sworn officer misconduct or policy violation	N/A
• 22-106 • 4/2/22 • UC Davis	Email to pab@ucdavis.edu	• Campus affiliation: Student • Age: Not provided • Gender: Not provided • Race/ethnicity: Not provided	Noise complaint at off-campus location that did not note UCDPD involvement	Closed	Dismissed and referred: Concerns did not allege UCDPD sworn officer misconduct or policy violation	N/A

[†] Demographics of all reporting parties 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).

⁷ Per its Procedures, the PAB shares all inquiries it receives with the UC Davis Police Department. This includes inquiries that are dismissed for any of the following reasons: the reporting party did not allege UCDPD misconduct or policy violation, the reporting party declines investigation, insufficient information, or lack of jurisdiction. PAB Procedures state: "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."

⁸ 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 recommending training. A complete record of the PAB's additional recommendations can be accessed in the full text of the PAB Annual Report and through the PAB database: pab.ucdavis.edu/database.

Police Accountability Board Inquiries, July 1, 2021 – June 30, 2022						
Case Number, Date Filed, Location	Filing Method	Demographic Information from Reporting Party ⁷	Allegations	Case Status	Outcome ^{9, 10}	Police Chief's Response to PAB Findings
• 22-107 • 4/21/22 • UC Davis	Complaint filed to UCDPD	• Campus affiliation: Not provided • Age: Not provided • Gender: Not provided • Race/ethnicity: Not provided	Complaint against UCDPD dispatcher	Closed	Dismissed and referred: Concerns did not allege UCDPD sworn officer misconduct or policy violation	N/A
• 22-108 • 5/9/22 • UC Davis	Email to pab@ucdavis.edu	• Campus affiliation: Not provided • Age: Not provided • Gender: Not provided • Race/ethnicity: Not provided	Complaint related to Whole Earth Festival staff	Closed	Dismissed and referred: Concerns did not allege UCDPD sworn officer misconduct or policy violation	N/A
• 22-109 • 6/6/22 • UC Davis Health	Email to pab@ucdavis.edu	• Campus affiliation: Staff • Age: Not provided • Gender: Not provided • Race/ethnicity: Not provided	Inquiry about vehicle stolen from campus parking structure	Closed	Dismissed and referred: Concerns did not allege UCDPD sworn officer misconduct or policy violation	N/A
• 22-110 • 5/28/22 • UC Davis Health	Complaint filed to UCDPD	• Campus affiliation: Not provided • Age: Not provided • Gender: Not provided • Race/ethnicity: Not provided	Improper enforcement of mask requirement	Closed	Dismissed and referred: Concerns did not allege UCDPD sworn officer misconduct or policy violation	N/A

⁷ Demographics of all reporting parties 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).

⁹ Per its Procedures, the PAB shares all inquiries it receives with the UC Davis Police Department. This includes inquiries that are dismissed for any of the following reasons: the reporting party did not allege UCDPD misconduct or policy violation, the reporting party declines investigation, insufficient information, or lack of jurisdiction. PAB Procedures state: "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."

¹⁰ 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 recommending training. A complete record of the PAB's additional recommendations can be accessed in the full text of the PAB Annual Report and through the PAB database: pab.ucdavis.edu/database.

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;
- (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 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