

UC Davis  
Police Accountability Board

Annual Report  
May 2014 - June 2015

September 8, 2015

## **INTRODUCTION**

Enclosed is the UC Davis Police Accountability Board's ("PAB") 2014-15 Annual Report. From May 2014 to June 2015, the PAB received fourteen (14) complaints and, consistent with the PAB's procedures, closed six (6) complaints of police misconduct.

## **MISSION OF THE PAB**

Pursuant to direction from Chancellor Linda P.B. Katehi, a Police Accountability Board (PAB) has been established whose purpose is to promote accountability, trust, and communication between the University of California, Davis (UCD) community and the UCD Police Department (UCDPD) by independently reviewing and making recommendations regarding investigations of complaints made by members of the campus community and the general public (also referred to as civilian complaints) in a fair and unbiased manner.

## **HISTORY AND FUNCTIONS OF THE PAB**

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

The PAB is an independent board composed of representatives 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 complaints of misconduct filed against UC Davis police 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 may submit advisory recommendations to the Chief about UC Davis Police Department policies and procedures.

See Appendix for PAB Bylaws and Procedures.

## **PAB MEMBERS AND ALTERNATES**

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

As of June 2015, PAB members and alternates include:

### **Academic Senate**

Jack Chin (member)-Vice Chair

David Howitt (alternate)

### **Academic Federation**

Leon Jones (member)

Beth Slutsky (alternate)

### **Associated Students of UCD**

Awais Khalid (member)

Gabriel Johnson (alternate)

### **Graduate Student Association**

Abram Jones (member)-Chair

Ralph Washington (alternate)

### **UCD Health System**

Tamara Cole (member)

Jacob (JP) Eres (alternate)

### **Staff Assembly**

Amy Young (member)

Paul Cody (alternate)

### **Student Life**

Hazel G. Quintanilla (member)

Jhamere Howard (alternate)

## **PAB ADVISORY GROUP**

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

### **The PAB Advisory Group:**

Rahim Reed, Associate Executive Vice Chancellor of Campus Community Relations

Chief Matthew Carmichael, UC Davis Police Department

Wendi Delmendo, Chief Compliance Officer

Mikael Villalobos, Office of Campus Community Relations

#### External Counsel:

Laura Izon Powell, KMTG

## **PAB MEMBERSHIP AND TRAINING**

### **A. Board Membership**

The PAB is comprised of seven (7) members who broadly represent the diversity of the UCD community. Generally, the inaugural PAB members and alternates shall serve two- (2) year terms that will expire at the conclusion of this pilot, except in circumstances where the member or alternate will not be a qualifying representative of his or her organization for the entire period of the pilot. The PAB includes:

Two (2) undergraduate students;

One (1) graduate student;

One (1) faculty member;

One (1) staff member; and

Two (2) health system members (who can be students, faculty or staff).

The following organizations nominate individuals for representation on the PAB:

Academic Federation, Academic Senate, Associated Students of UCD, Graduate Student Association, Staff Assembly, Student Life, UCD Health System.

Each organization 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 organizations' nominees, which will result in seven (7) PAB members and seven (7) alternates. All fourteen (14) representatives will participate in training and each can have access to the confidential investigation reports and attend meetings.

In order to ensure independence, no member of the PAB can be a current or former UC Davis police employee or employee of the Offices of the Chancellor, or Office of the Provost.

## **B. Training**

All PAB members and alternates 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.

Before the board publically launched in May 2014, all PAB members and alternates were required to attend three (3) orientation sessions. At the first orientation, PAB members received information on the history and background of PAB. Police Chief Matthew Carmichael also presented on the Police Bill of Rights, police practice and ethics, and confidentiality and impartiality. At the second orientation, Sergeant Jennifer Garcia presented on search and seizure, use of force, and other police procedures. External counsel, Laura Izon Powell, reviewed the PAB's bylaws and procedures at the final orientation. After consultation and input from the PAB, the bylaws and procedures were finalized.

Training continued through July and August 2014. California Inspector General, Robert Barton, presented at July's PAB meeting and discussed keys to effective oversight. At the August PAB Meeting, Civil Rights attorney Jim Chanin spoke on his background and shared his thoughts and experiences with civilian oversight.

PAB members were also encouraged to schedule a ride-along with the UC Davis Police Department as part of their training.

Throughout the year, the PAB has nominated members to attend the National Association for Civilian Oversight of Law Enforcement (NACOLE) annual conference. In October 2014, PAB Chair Abram Jones attended the NACOLE annual conference in Kansas City, Missouri and briefed the board on the conference. Two PAB members will attend the upcoming NACOLE annual conference in October 2015 held in Riverside, California.

## **MEETINGS**

The PAB meets monthly in the event that there is new business or a case to review. Meetings alternate between the UC Davis Campus and UC Davis Health Systems. The PAB also solicits public input by holding regularly scheduled and advertised meetings at

least quarterly, which include time for public comment. These quarterly public meetings are denoted below (\*). Additional meetings are scheduled on an as-needed basis.

### **2014-2015 PAB Meetings:**

May 28, 2014- Public Launch, UC Davis Conference Center, Ballroom B\*

July 23, 2014

August 27, 2014

October 22, 2014- Fall Quarterly Meeting, Student Community Center, Room D\*

January 28, 2015-Winter Quarterly Meeting, UC Davis Cancer Center Auditorium\*

February 25, 2015

March 3, 2015

April 1, 2015

April 22, 2015-Spring Quarterly Meeting, MU II, Memorial Union\*

May 27, 2015

### **A. Number of Decision Making Meetings:**

From the board's public launch in May 2014 to June 2015, the board has held ten (10) decision making meetings. At three (3) of these meetings, the board has reviewed cases.

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

Between May 2014 and June 2015, average attendance of members and alternates at decision-making meetings was 78%.

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

At each quarterly meeting, the board invites public comment. Questions brought to the PAB during public comment included: membership selection and nomination process, procedural information regarding complaint review, the availability of PAB meeting minutes to the public and the status of current cases. Members of the public also provided suggestions for publicizing future quarterly meetings, such as using *Aggie Reader*, targeting department listservs and creating a public PAB listserv that provides updates and public meeting information. PAB members answered questions and advised participants that resource information is available in the PAB procedures and bylaws at [pab.ucdavis.edu](http://pab.ucdavis.edu).

## **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 <http://www.pab.ucdavis.edu>
- Via telephone at 530-752-6550
- Printing the complaint form and sending it via fax at 530-752-0853 or mail to the Office of Compliance and Policy, attn: Wendi Delmendo, UC Davis, Mrak Hall 428, Davis, CA 95616
- In person at the Office of Compliance and Policy

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

All complaints are received and reviewed by the Office of Compliance, which is independent from the Police Department. The Office of Compliance determines whether a complaint is appropriate for investigation (e.g. timely, sufficient facts, etc.). The process can generally take up to 90 calendar days from the time the complaint is received, assigned to an investigator, evidence is gathered, and an investigation report is completed. The amount of time, however, can vary according to factors such as the number of complainants, witnesses, and officers involved in each case.

The investigator prepares an investigation report with factual findings that will be provided to the PAB.

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

### **B. Investigation Reports**

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

An Introduction;

A Summary of Allegations (including applicable policies);

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

Conclusions and Findings; and

Exhibit Listing.

The investigator's conclusions are based upon a preponderance of the evidence. The "preponderance of the evidence" standard is met when it appears more likely than not 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) and votes on its recommendation to adopt, amend, or reject the investigator's findings. Hard copies of reports or on-line access via a password protected website to the reports are 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 for and discretion to impose discipline. The PAB's policy



recommendations may result from issues related to a specific complaint investigation or from a general policy review and analysis.

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

#### **D. Role of Chief of Police and Ultimate Record Keeping**

During the course of an investigation, and prior to making a final determination, the Chief of Police may ask for additional investigation. Ultimately, the Chief may adopt all, part, or none of the PAB's recommendations and retains full authority, discretion, and responsibility regarding the final disposition of the matter, including disciplinary determinations. Within thirty (30) days of the final review and determination by the Chief of Police, written notice of the finding is sent to the complaining party and to the PAB through the Office of Compliance. 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.

## Police Accountability Data: May 2014-June 2015

Complainant	Quarter Filed	Filing Method	Allegations	Status	Outcome	Outcome Accepted by Police Chief
Staff member	Fall 2014	Police Department	Rude treatment during a traffic stop	Investigation in progress	N/A	N/A
Faculty member	Fall 2014	Compliance Office/PAB website	Rude and unsafe treatment during a traffic stop	Investigation complete	Officer exonerated	Yes
Community member	Fall 2014	Police Department	Disagreement with traffic citation	Dismissed – complaint not eligible for review under PAB procedures	N/A	N/A
Community member	Fall 2014	Police Department	Ineffective response to call for service	Dismissed – untimely; complaint not eligible for review under PAB procedures	N/A	N/A
Community member	Fall 2014	Police Department	Rude behavior by officer	Dismissed – insufficient information provided by complainant after request for clarification by Compliance	N/A	N/A
Staff member	Fall 2014	Human Resources	Rude treatment; inappropriately detained and intimidated	Investigation complete	Allegation of conduct unbecoming an officer was sustained. Allegation of	Training recommendation not adopted. Will reinforce message to refrain generally

					inappropriate detention/ intimidation was not sustained	from conducting personal business while on duty.
Student	Winter 2015	Police Department	Harassed for using medical marijuana	Investigation in progress	N/A	N/A
Community member	Winter 2015	Police Department	Property mishandled	Investigation in progress	N/A	N/A
Student	Winter 2015	Compliance Office	Rude treatment during a traffic stop; excessive use of force	Investigation in progress	N/A	N/A
Community member	Winter 2015	UC Office of the President	Nonspecific allegation of unconstitutional activity	Request for clarification sent to the complainant but response has not been received	N/A	N/A
Community member	Winter 2015	Chancellor's office	Failure to record criminal activity on daily log	Request for clarification sent to the complainant but response has not been received	N/A	N/A
Community member	Spring 2015	Chancellor's office	Unidentified police officer made a false report to complainant's probation officer	Dismissed – untimely; complaint not eligible for review under PAB procedures	N/A	N/A
Student	Spring 2015	Police Department	Rude treatment following a bicycle accident	Investigation in progress	N/A	N/A
Student	Spring 2015	Police Department	Inappropriate directive to leave campus location	Preliminary review underway	N/A	N/A

## TRENDS

### A. Complaint Filing Methods

The most popular method of filing a complaint with the PAB was through the UC Davis Police Department (57.1%), followed by the Office of Compliance (14.3%) and the Office of the Chancellor (14.3%).

### B. Complaint Filing Per Academic Quarter

From May 2014 to June 2015, fourteen (14) complaints were filed with the PAB. Of those filed, 42.9% were filed during Fall 2014, 35.7% during Winter 2015 and 21.4% during Spring 2015.

### C. Complainants

Half (50%) of complainants were community members, while 28.6% were students, 14.3% were staff, and 7.1% were faculty members.

### D. Allegations

Forty two percent (42.9%) of allegations involved discourtesy by a UC Davis Police Officer.

## CASES REVIEWED AND PAB FINDINGS

From May 2014 to June 2015, the PAB reviewed two (2) cases and closed six (6) cases, four (4) of which were dismissed pursuant to PAB procedures. After reviewing the investigative reports for the two cases that proceeded through investigation, the PAB voted to adopt, amend, or reject the investigator's findings.

Upon reviewing a case involving allegations of discourtesy and intimidation from a UC Davis police officer, the PAB voted to adopt the investigator's findings of detention and intimidation as "not sustained." The PAB also voted to sustain the findings that the officer violated policy by acting disrespectfully and with discourtesy toward the complainant.

Upon reviewing a case involving allegations of discourteous and potentially harmful behavior by a UC Davis police officer during a campus traffic stop, the PAB voted to adopt the investigator's "exonerated" findings.

## **POLICY, PROCEDURE AND TRAINING RECOMMENDATIONS**

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

From May 2014 to June 2015, the PAB made the following recommendations:

The PAB recommends that training be provided on the dangers of police officers addressing personal matters while on campus because of the inherent power disparity (real or perceived) between an officer and a civilian. The PAB also suggests the need for better definitions of discourtesy and disrespect in the policy.

The PAB also unanimously agreed that it is important for the Chief of Police to review the potential impact of one exchange that transpired during an on-campus traffic stop. During this stop, the Respondent/Officer asked the Complainant whether s/he worked on campus and what his/her business on campus was. The Respondent/Officer indicated that s/he was just "making small talk" to establish a "rapport" with the Complainant. It is the PAB's opinion that many people, particularly those in various protected classes, would not perceive such questions as "building rapport" and, in fact, such questions would have the opposite effect of destroying rapport.

## **POLICE CHIEF'S RESPONSE TO RECOMMENDATIONS**

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 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.

From May 2014-June 2015, the Chief of Police adjudicated two (2) cases in which the PAB rendered findings and provided recommendations. With respect to these two (2) cases, the Chief accepted all of the PAB's findings. As for to the recommendations, the Chief adopted one and did not adopt another regarding training, although he committed

to reinforcing to staff not to conduct personal business while on duty, unless absolutely necessary.

### **STATUS OF CURRENT PAB CASES**

By the end of June 2015, the PAB closed six (6) cases. Five (5) cases are currently under investigation and will be reviewed by the PAB during Summer and Fall 2015, two (2) cases are pending follow up information from the complainant and one (1) is currently under review for a determination of whether there is sufficient information to assign for investigation.

# APPENDIX

**TABLE OF CONTENTS**

UC Davis PAB Bylaws	2
UC Davis PAB Code of Ethics	7
UC Davis PAB Procedures	8
UC Davis PAB Complaint Form	17



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

## **ARTICLE 1 – NAME AND PURPOSE**

Pursuant to direction from Chancellor Linda P.B. Katehi, a Police Accountability Board (PAB) has been established 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. Alternates need not attend meetings or review investigation materials if the PAB member will be in attendance.

## **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) health system members (who can be students, faculty or staff).

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

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

## **ARTICLE 4 – NOMINATIONS, SELECTION AND ALTERNATES**

The organizations identified in Article 3 may nominate a representative to the PAB, utilizing each organization's respective nomination process. Each organization 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 organizations' nominees, which will result in seven (7) PAB members and seven (7) alternates. All fourteen

(14) representatives will participate in training and each can have access to the confidential investigation reports and attend meetings.

#### **ARTICLE 5 – TERMS**

Generally, the inaugural PAB members and alternates shall serve two- (2) year terms that will expire at the conclusion of this pilot, except in circumstances where the member or alternate will not be a qualifying representative of his or her organization for the entire period of the pilot. For example, a senior graduating in 2014 or a faculty member retiring in early 2015 would not be eligible to serve for the entire two- (2) year term. The AEVC of Campus Community Relations will work with the various organizations to maintain both a member and an alternate representative.

#### **ARTICLE 6 – OFFICERS**

At its inaugural meeting, 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.

#### **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 shall constitute a 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 vote in meetings when the PAB member representing his or her organization 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 and (2) the findings of investigation reports. 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 – PILOT**

The term of this two- (2) year pilot PAB shall sunset on June 30, 2016.

**ARTICLE 15 – AMENDMENT**

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

**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.

# UC Davis Police Accountability Board Procedures

## I. Introduction

It is the intent of the University of California, Davis (UCD) to develop and promote accountability, trust, and communication between the campus community and the UCD Police Department (UCDPD). To that end, UCD has established a pilot 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. 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 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;

- Pilot term; 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 or discrimination) 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 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.

**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.

**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. The Office of Compliance will report at least monthly to the PAB regarding any complaints that have

been received since the previous was 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, when an uninvolved supervisor or the Watch Commander determines that the complainant 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. These will be stored in a secure location. The Chief Compliance Officer 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 or designee will request additional information from the complainant to the extent that the identity of the complainant is known.
- (2) If the Chief Compliance Officer 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 will notify the complainant, the Chief of Police and the PAB of the disposition in writing citing the specific reasons for the determination.
- (3) If the Chief Compliance Officer determines there is sufficient information and cause to investigate, the Chief Compliance Officer 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 officers 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 the employee 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 employees 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)).

20. The Chancellor or the Chief of Police may refer issues to the Office of Compliance for investigation and the PAB for review and recommendation, including issues that arose prior to the formation of the PAB.

**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 organization'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.

#### **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. 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., 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).

# PAB Complaint Form\*

All submitted complaints are received by the Office of Compliance and Policy

## Complainant Information

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Last Name

First Name

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Mailing address

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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:

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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 – main campus
- UC Davis – Medical Center

At or near which location on either the main campus or the 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\***

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

- |   |  |
|---|--|
| <input type="checkbox"/> Discourtesy (abusive or obscene language, failure to provide information, failure to respond)  | <input type="checkbox"/> Improper Police Tow   |
| <input type="checkbox"/> Discrimination (prejudicial treatment based on disability, gender, nationality, race or ethnicity, and/or religion)  | <input type="checkbox"/> Improper Search (of home, person, or vehicle)   |
| <input type="checkbox"/> Harassment (consistent, deliberate annoyance through repeated contacts)  | <input type="checkbox"/> Improper Seizure (of person, property, or vehicle)  |
| <input type="checkbox"/> Improper Arrest  | <input type="checkbox"/> Improper Use of Force (improper physical contact; use of baton, firearm, handcuffs, mace, pepper spray, etc.); unnecessary display of firearm |
| <input type="checkbox"/> Improper Citation  | <input type="checkbox"/> Inadequate or Improper Investigation (Failure to investigate or make police report; false or improper police report)                          |
| <input type="checkbox"/> Improper Detention   | <input type="checkbox"/> Other   |
| <input type="checkbox"/> 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 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 THIS AGENCY TO HAVE A PROCEDURE TO INVESTIGATE CITIZENS' COMPLAINTS. YOU HAVE A RIGHT TO A WRITTEN DESCRIPTION OF THIS PROCEDURE. THIS AGENCY MAY FIND AFTER INVESTIGATION THAT THERE IS NOT ENOUGH EVIDENCE TO WARRANT ACTION ON YOUR COMPLAINT; EVEN IF THAT IS THE CASE, YOU HAVE THE RIGHT TO MAKE THE COMPLAINT AND HAVE IT INVESTIGATED IF YOU BELIEVE AN OFFICER BEHAVED IMPROPERLY. CITIZEN COMPLAINTS AND ANY REPORTS OR FINDINGS RELATING TO COMPLAINTS MUST BE RETAINED BY THIS AGENCY FOR AT LEAST FIVE YEARS. \***

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

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date