UC SAN DIEGO POLICE ACCOUNTABILITY BOARD PROCEDURES
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I. INTRODUCTION

The University of California San Diego (UC San Diego) aspires to develop and promote accountability, trust, and communication between the campus community and the UC San Diego Police Department (UCSDPD). To support this goal, UC San Diego established a Police Accountability Board (PAB) to impartially review investigative reports of alleged police misconduct filed by members of the public and make timely recommendations. UC San Diego encourages the campus community and the public to submit complaints for review. The PAB may also make policy, procedure, and training recommendations to the Chief of Police.

Consistent with Penal Code sections 832.5 et seq, UC San Diego established procedures to investigate public complaints against the UCSDPD and its officers. While details of the UCSDPD complaint process are available on the UCSDPD webpage, relevant sections of the process are described in these procedures to ensure that PAB members and alternates understand the process and their specific roles.

General roles and responsibilities of those involved with the complaint process:

- The Complaint Intake Review Team (CIRT) - Consists of the Chair, Administrative Coordinator and two (2) PAB Representatives. Receives complaints and determines whether they should be advanced for further investigation by UC Davis investigators.
- UC Davis investigators - Neutral fact-finders who do not represent the interests of any party.
- The PAB - Reviews investigatory reports and can make recommendations to the Chief of Police.
- The Chief of Police - Ensures cooperation of the UCSDPD with all complaint reviews and investigations, and makes the final determination for each complaint.

The PAB will produce an annual report, summarizing statistical data of the number and types of complaints received, case trends and patterns, disposition of complaints, and percentage of recommendations of the PAB that the Chief of Police accepted, rejected, or modified. In addition, the PAB may submit policy, procedure, or training recommendations.

II. POLICE ACCOUNTABILITY BOARD BYLAWS

The PAB Bylaws govern the following subjects:

- The name and purpose of the PAB
- PAB member expectations
- PAB composition
- Nomination, selection, and alternate process
- Terms of service
- Administrative roles

- Ethics
- Removal of representatives
- Quorum and majority vote
- Recusal
- Training and confidentiality commitments
- Powers and duties
- Reporting
- Bylaw amendment.

III. COMPLAINT INTAKE PROCEDURES

A. Nature of Complaint

UC San Diego students, faculty, and staff, and members of the public, have the right to submit complaints about the UCSDPD or its sworn officers if they believe misconduct or violation 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
2. Internal Complaints

The CIRT will only review Member of the Public or Civilian complaints. If a complaint warrants an investigation by UC Davis and those findings require a review by the PAB, the PAB may make recommendations to the Chief of Police. If a civilian complaint is submitted about the Chief of Police, the PAB will make its recommendations to the Vice Chancellor for Operations Management and Capital Planning (OMCP).

The CIRT will not review or facilitate investigation of Internal Complaints filed by UCSDPD officers or other police department personnel. Complaints received about another law enforcement agency (e.g., City of San Diego Police Department) will be referred to that agency.

B. Filing Locations

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

- Visiting the PAB webpage where they can submit a completed PAB complaint form or email the PAB
- Visiting the UCSDPD Commendations and Complaints webpage where they can submit a completed UCSDPD complaint form

C. Filing Deadline

UC San Diego encourages the prompt filing of complaints, as it provides the best opportunity for thorough and timely investigation. Complaints must be filed in writing no later than one hundred and eighty (180) days following the date of the alleged misconduct or violation. The filing period will be suspended when a complainant is incapacitated and unable to file.

D. Complaint Information

The complaint form should include:

- Complainant's contact information and signature

- A detailed narrative, including:
    - Nature of the complaint
    - Date/Time/Place of the alleged misconduct
    - Injuries resulting from the alleged misconduct (if any).
    - Description of the alleged misconduct
    - Relevant evidence

The complainant will be provided with a copy of their complaint and any supporting documentation when they file their complaint.

E. Anonymous Complaints

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

F. Sharing of Complaints

Complaints received by UCSDPD will be shared with the CIRT for review and processing within five (5) business days of receipt. Any complaint received by the CIRT will be shared with the Chief of Police, also within five (5) business days of receipt. The CIRT will update the PAB monthly about any complaints.

G. Early Resolution of Complaints

When a complaint is filed in person at the Police Department, and an uninvolved supervisor or the Watch Commander determines that the complainant, after discussion of the matter, is satisfied receiving an explanation about proper implementation of department policy, procedure or law, the complaint will be labelled “Resolved” and forwarded to the CIRT within five (5) business days. The CIRT will confirm with the complainant that they are satisfied with the early resolution.

H. Initial Determination and Information Gathering by the CIRT

All complaints made by members of the public will be received by the CIRT. Each complaint will be stored in a confidential digital file with access restricted to the CIRT. These files will be stored and maintained for at least five (5) years from the date of the report. The CIRT will evaluate each complaint for information necessary to determine whether it warrants further investigation.

Additionally:

1. The CIRT may 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 CIRT will close the file and no investigation will be conducted.
2. If the CIRT determines that the complaint is untimely, there is insufficient information to conduct an investigation, the allegations 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, they 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 CIRT determines there is sufficient information and valid 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

The following procedures will govern the investigation process, including the Public Safety Officers Procedural Bill of Rights (POBR) at Government Code section 3300 et seq. When there is inconsistency between these Procedures and POBR, POBR controls.

1. The Chief of Police will be the investigator's point of contact for access to UCSDPD information, documentation, and personnel. The Chief of Police will ensure necessary access to officer(s), information, and documentation needed to conduct a thorough and timely investigation. The investigator will have access to all UCSDPD information the investigator or the PAB deems relevant to the complaint.
2. The investigation of a complaint consists of conducting interviews with the complainant, the subject officer(s), and any witnesses, collecting relevant evidence, including, but not limited to, UCSDPD 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. If they have been previously interviewed, a copy of the recorded interview will be provided to them prior to any subsequent interview. (Government Code section 3303(g)).
3. Officers will be provided with reasonable notice prior to being interviewed and interviews of subject officers will be conducted during reasonable hours. (Government Code section 3303(a)).
4. If the subject officer is off duty, they will be compensated for the interview time. (Government Code section 3303(a)).
5. No more than two (2) interviewers may ask questions of a subject officer. (Government Code section 3303(b)).
6. Prior to any interview, the subject 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 subject officer's personal needs will be accommodated during the interview. (Government Code section 3303(d)).
8. Subject officers will not be subjected to offensive or threatening language, nor will any promises, rewards or other inducements be used to obtain answers. (Government Code § 3303(e)).
9. Subject officers will be informed of their constitutional rights irrespective of whether they may be charged with a criminal offense. (Government Code § 3303(h))

10. Subject officers subjected to interviews that may result in punitive action will have the right to have an uninvolved representative present during the interview. (Government Code § 3303(i)).
11. Subject officers will 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. Subject officers will not be compelled to submit to a polygraph examination, nor will 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 UCSDPD's control related to the incident in question will be preserved and maintained by the Chief of Police during the duration of the stay to ensure evidence is not 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 CIRT upon a showing of good cause for the delay or legitimate need for additional time to complete the investigation. The CIRT 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 will be considered confidential peace officer personnel files. The contents of such files will not be revealed to anyone other than involved employee or authorized personnel except pursuant to lawful process.
18. If the alleged subject peace officer or representative knowingly makes a false representation regarding any investigation or discipline publicly, the UCSDPD 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 will 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 from UC Davis will provide a confidential redacted report to the CIRT that 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
- 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 UC Davis 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 that the allegations of misconduct occurred as described.

- **Unfounded -** The investigator found that the alleged act(s) did not occur or did not involve Police 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 investigator found that the conduct was justified, lawful or proper, and in accordance with UC San Diego's Mission and Community Standards.
- **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, or by not being in accordance with UC San Diego's Mission or Community Standards).

3. PAB Review and Recommendation(s)

The CIRT will make electronic copies of reports available to the PAB via a password protected website at least three (3) business days prior to the in-person review meeting. The PAB will meet in-person in a closed session to discuss the investigative report(s). Only PAB members in attendance, or their appropriate alternate, will vote to adopt, amend, or reject the investigator's findings. The PAB may also vote to direct the investigator to re-open the investigation to address additional information requested by the PAB.

Where appropriate, the PAB may also recommend various actions to the Chief of Police, including, modifying policies or training. The PAB's policy recommendations may originate from issues related to a specific investigation or general policy review and analysis. The PAB's recommendations will be in writing and, may be forwarded by the CIRT to the Chief of Police within five (5) business days after the PAB meeting. The PAB may also request progress reports from the Chief of Police about policy and training recommendations.

C. Role of Chief of Police and Record Keeping

During an investigation, and prior to making a final determination, the Chief of Police may request additional investigation. 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, CIRT will provide written notice of the finding

via email to the complainant and the PAB. This notice will indicate the findings but will not disclose the specific discipline imposed (if any). The complainant will also be provided with a copy of their original complaint if one has not already been provided. Upon final determination, all information and documents related to the complaint will be consolidated and maintained by UCSDPD.

D. ANNUAL REPORTING PROCEDURES

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

1. 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 the recommendations submitted by the PAB that the Chief of Police accepted, rejected, or modified
5. Policy, procedure, and training recommendations

The PAB's annual report will be made available to the California Reporting Project and will be maintained online at pab.ucsd.edu.

V. UPDATES

These procedures may be regularly updated by UC San Diego in consultation with UC Davis.