

A Proposal for Improving UCIPD-UCI Community Relations

A Report to the UCI Senate



Submitted: May 31, 2017

Authors:

Kavita Arora

Kaaryn Gustafson (Committee Chair)

Angela Jenks

Renee Link

James Meeker

Belinda Robnett

Rachel O'Toole

Jean-Daniel Saphores

Carroll Seron

Stephen Tucker

TABLE OF CONTENTS

EXECUTIVE SUMMARY	4
I. BACKGROUND AND INTRODUCTION	7
II. ORGANIZATION OF THE UCIPD	9
A. THE STRUCTURE OF THE UCIPD WITHIN THE UNIVERSITY STRUCTURE	11
B. UCIPD ACCOUNTABILITY AND OVERSIGHT PRACTICES	12
C. POLICE TRAINING AND POLICIES	13
D. UCIPD EFFORTS AT COMMUNITY OUTREACH AND PRACTICE OF COMMUNITY POLICING	15
E. CAMPUS EVENTS AND PROTESTS AND THE UCIPD’S RELATIONSHIPS WITH OTHER POLICE FORCES	16
F. OFFICER DISCRETION	17
G. PROCEDURES FOR FILING COMPLAINTS WITH THE UCIPD	18
H. DATA COLLECTED BY (OR TO BE COLLECTED BY) THE UCIPD	20
III. DATA GATHERED BY THE COMMITTEE ABOUT COMMUNITY EXPERIENCES WITH AND PERCEPTIONS OF THE UCIPD	21
A. INPUT FROM THE LISTENING SESSIONS	22
B. INFORMATION FROM THE CAMPUS SURVEY	26
1. <i>White and Underrepresented-Minority Interactions with the UCI Campus Police</i>	29
2. <i>Allegations of UCIPD Misconduct or Bias</i>	31
3. <i>Satisfaction and Comfort with the UCI Campus Police</i>	37
C. OTHER CONCERNS ABOUT POLICE BIAS OR INSENSITIVITY	39
D. GENERAL REFLECTIONS	41
IV. LOOKING TO OTHER UNIVERSITIES FOR BEST PRACTICES	42
A. OTHER UC SCHOOLS	42
1. <i>UC Berkeley</i>	42
2. <i>UC Davis’s Police Accountability Board</i>	44
3. <i>UC Merced’s Proposed Police Advisory Board</i>	49
4. <i>UC Santa Barbara’s Proposal to Create a Police Advisory Board</i>	50
B. OTHER UNIVERSITIES	50
1. <i>Arizona State University</i>	50
2. <i>Stanford University</i>	53
3. <i>The University of Chicago</i>	54

4. <i>The University of Southern California</i>	58
5. <i>The University of Michigan (and Other Public Universities in Michigan)</i>	59
C. GENERAL REFLECTIONS ON PRACTICES AT OTHER SCHOOLS	61
V. RECOMMENDATIONS	63
A. IMPLEMENT A MODEL OF POLICING APPROPRIATE TO A CAMPUS COMMUNITY	63
B. SHIFT ACCOUNTABILITY AND POLICY REVIEW FROM UCOP TO THE UCI CAMPUS AND ESTABLISH AN INDEPENDENT “CAMPUS PUBLIC SAFETY ADVISORY BOARD”	63
C. ESTABLISH NEW METHODS FOR FILING COMPLAINTS ABOUT POLICE OFFICERS	66
D. REGULARLY COLLECT AND ANALYZE DATA ON POLICING AND ON THE CAMPUS COMMUNITY’S EXPERIENCES WITH THE UCIPD AND PUBLISH THOSE ANALYSES	69
E. CONDUCT REGULAR TRAININGS ON IMPLICIT BIAS	70
CONCLUSION	71
APPENDICES	72
APPENDIX A. UC BERKELEY POLICE REVIEW BOARD	72
APPENDIX B. UC DAVIS POLICE ADVISORY BOARD	88
APPENDIX C. UC MERCED PROPOSED POLICE ADVISORY BOARD	101
APPENDIX D. CAMPUS SURVEY ON UCIPID-UCI COMMUNITY RELATIONS	105
APPENDIX E. NATIONAL ASSOCIATION FOR CIVILIAN OVERSIGHT OF LAW ENFORCEMENT CODE OF ETHICS	118

Executive Summary

The UCIPD-UCI Community Relations Committee was convened by the Academic Senate in the Fall Quarter of 2016 in response to requests by members of both the Council on Faculty Welfare, Diversity, and Academic Freedom (“CFW”) and the Council on Teaching, Learning, and Student Experience (“CTLSE”).¹ The assembled committee devoted the Fall and Winter Quarters to gathering data about the practices of the UCI Police Department and information that affects the relationship between the UCIPD and members of the campus community, including experiences and perceptions.²

The Committee documented some incidents that may reflect bias, but also found that most surveyed members of the campus community were satisfied with their experiences with the UCIPD. At the same time, committee members had difficulty gathering information about any negative experiences individuals may have had with members of the UCIPD. One reason for the difficulty is because avenues for documenting any problems are not clear to members of the community. Another reason is that members of the community do not trust that information provided through campus surveys will be kept anonymous

The Committee did find some level of distrust of the UCIPD, though the distrust appears to be concentrated among particular groups within the large UCI community. Some degree of this distrust may be rooted in broad social concerns about police bias and proclivities to violence, as well as in perceptions of police behavior based on isolated and highly publicized national incidents. Some distrust may be based on individual experiences off campus with officers from

¹ Memorandum from CFW Chair Jean-Daniel Saphores and CTLSE Chairs Stephen Tucker and Renee Link to UCI Academic Senate Chair William Parker (Sep. 9, 2016).

² The Committee Chairs noted in their memo: “It has come to the attention of CFW and CTLSE that a number of campus members have had adverse interactions with the UCIPD and feel very uncomfortable reporting these incidents using the current campus structure, for reasons ranging from a lack of information to a lack of trust. Their views may also have been shaped by national events that have involved shootings between police officers and African-Americans over the last couple of years. Several incidents have been reported to, but not investigated by, CFW or CTLSE. ... Due to these and other incidents shared during meetings, the Councils recommend the establishment of a joint CFW-CTLSE ad hoc committee.” *Id.* at 1.

other police departments. The Committee received sufficient information about particular incidents and about fears of bringing complaints to arouse concerns that lack of transparency and local accountability may undermine the legitimacy of the UCIPD, particularly among vulnerable groups who are part of the campus community. These groups include members of the campus community who are among racial minorities underrepresented on campus (particularly those who identify as Black); members of the campus community who identify as Lesbian, Gay, Bisexual, Transgender, or Queer (LGBTQ); members of the campus community who are immigrants, particularly undocumented immigrants; and members of the community who have mental illness or have found themselves assisting individuals in mental health crisis. The Committee also found some community concerns with the ways members of the UCIPD have responded to calls about or instances of family or partner violence and found that some of the current practices may make individuals wary of seeking police assistance in moments of crisis.

For UCI to be safe and secure for all members of the campus community, all members of the campus community must feel comfortable turning to the campus police when police are needed and not be afraid when they encounter police officers. Good relations between campus police and the campus community are critical to fostering a welcoming and inclusive campus climate. Moreover, needs on campus change, it is important for policing approaches to be responsive to those changes. It is also important for those who maintain the security of the community to be transparent in their policy decisions and accountable to the local community.

The Committee, in an effort to survey best practices across large universities, gathered information on numerous other practices. Based on all of the information the Committee gathered, we make the following recommendations for reform:

1. That the University rethink models of policing traditionally used in cities throughout the country and implement a policing model appropriate to a campus community that emphasizes public safety rather than standard policing.

-
2. That UCI establish an independent “Campus Public Safety Advisory Board” that regularly gathers and analyzes information about policing on the UCI campus, that offers responsible policy reforms, and that works with the Chief of Police to address any complaints that might be brought against members of the UCIPD. The Board should be independent of the UCIPD and its members Board should reflect the diverse constituencies of UCI and include members of minorities who have experienced problems with the UCIPD. Members of this board should be elected or selected by campus groups. Members of the UCI LGBT Resource Center, the UCI Black Student Union, the UCI Dreamers Office, and the UCI Disability Resources Center should be encouraged to serve. The Chief of Police or the Chief’s delegate would be an *ex officio* member of the board. This board would meet at least quarterly and publish annually a report summarizing its activities. The Campus Public Safety Advisory Report would report to the Vice Chancellor for Administrative & Business Services. The Office of the Vice Chancellor for Administrative & Business Services would provide administrative support.
 3. That UCI develop new methods for filing police complaints, including methods that allow for the submission of anonymous complaints and that ensure that complaints are filed with someone independent of the police department. Specifically, we recommend that complaints be filed through UCI’s Whistleblower Program and that factual investigations be conducted by staff within that program.
 4. That the University regularly collect, analyze, and publish data on policing. Reports should include not only analysis of police stops, but also analyses of experiences with and perceptions of the campus police.
 5. That the University fund and mandate regular trainings on implicit bias for members of the UCIPD.

I. Background and Introduction

This committee report marks a particular moment in police-community relations on the UC Irvine (“UCI”) campus, as well as a particular moment in police-community relations in the United States. The main campus at UC Irvine is distinct from many campuses around the country in that a large number of both students and faculty live on campus. While UCI, like many campuses in the United States, has increased racial and ethnic diversity among members of its campus community during the last half-century, the campus still does not reflect the racial and ethnic diversity of either California or the United States. The campus community includes disproportionately more White and Asian members than are in the broader community, and includes fewer Black, Latino, and Native American members than in the United States population.

Moreover, the members of the campus community who are Black, Latino, and Native American—whom we will refer to collectively as “underrepresented minorities” in this report—are not dispersed evenly throughout the campus. They are more likely to serve as staff than to be faculty or students; they are more likely to commute to campus than to live on campus; they are more likely to be associated with particular departments than others and are therefore are more likely to find themselves in particular geographic areas on campus. As a result, underrepresented minorities—particularly those who are African American and in their teens and early twenties—are hyper-visible in their day-to-day activities on the UCI campus.

For years there had been some hushed concerns expressed about relationships between visible minorities on campus, particularly Black and Latino members of the community, and the UCI Police Department (UCIPD). Those concerns came to broader attention one incident in particular raised awareness of policing on the UCI campus. The incident occurred in University Hills, the portion of the main campus in Irvine that mainly serves as the area of faculty housing.

The incident on September 1, 2015 began when a resident of University Hills called police to say that a neighbor's garage door had been open all day, a concern because the neighbor

believed the resident to be out of town on research-related travel.³ As the police dispatcher called the house and said to the resident “This is the police,” five UCIPD officers showed up at the indicated house to respond to the call. The officers observed the young African-American man through the window, talking on the phone. When they demanded that he come out of the house with his hands up, he instead withdrew away from the window.⁴ The officers then formed a perimeter around the house, with their guns drawn.⁵ Upon the second demand to come out of the house, the resident exited.

The resident was patted down by officers, told to stay sitting on the steps outside the house, and asked to prove his identity as a resident. While he produced a debit card with his name on it, he did not have a photo ID on his person.⁶

Two of the officers, claiming that there might be a hostage situation inside the house, entered the house.⁷ Only after a neighbor across the street confronted the police officers and vouched for the identity and address of the young man the police had detained did the officers put away their weapons.⁸ The officers inside the house exited with the resident’s two friends, who had hidden in the attic when they heard, the commotion involving the police officers.⁹

A formal investigation of the first incident, conducted through the University of California Office of the President (UCOP) in Oakland, was conducted. The results of the investigation are considered a confidential part of the personnel files of the officers involved and are not subject to public review.

³ Brendan Yu, *University Hills Community and UCIPD Seek to Reconcile after Black Male Mistaken for Burglar in Own Home*, NEW UNIVERSITY (UCI Campus Newspaper), Feb. 2, 2016.

⁴ *Id.*

⁵ *Id.* While the police account of the incident says that the officers did not draw their weapons until the resident refused to comply with the demand to come out of the house, neighbor who witnessed the events recalled that officers had their guns drawn before calling out their demand. *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

The incident raised concerns among some about racial bias in policing on the UCI campus and about the campus in failing to create and maintain a climate welcoming to and inclusive of underrepresented minorities. In January 2016, the university's Black Student Union wrote a letter to Chancellor Howard Gillman asking him to abolish the campus police, arguing that the police contributed to an atmosphere of "anti-blackness."¹⁰ Two months later, UCI's Asian Pacific Student Association joined the Black Student Union's call for the abolition of the campus police.¹¹

Because of these concerns and related concerns about campus climate that affect UCI's ability to attract students and faculty, the Academic Senate recommended the creation of an Ad Hoc UCIPD-UCI Community Relation Committee ("the committee") composed of three to four members of the CFW; three to four members of the CTLSE; two to three members from outside those committees, and two students.¹² Members of the Committee included Kaaryn Gustafson (Chair), James Meeker, Belinda Robnett, and Jean-Daniel Saphores from the CFW; Kavita Arora, Angela Jenks, and Renee Link from the CTLSE, and outside members Rachel O'Toole, Carroll Seron, and Stephen Tucker. The Committee failed to include two students on the committee (though sought and obtained input from students during the process of gathering information).

II. Organization of the UCIPD

To learn about the structure of the UCIPD, members of the Committee reviewed the University of California's University Police Policies and Administrative Procedures.¹³ In addition, on December 8, 2016, committee members Kaaryn Gustafson and Carroll Seron had a productive

¹⁰ Roxana Kopetman, *UC Irvine's Black Student Union Asks to Abolish Campus Police*, OC REGISTER, Jan. 28, 2016, <http://www.ocreger.com/2016/01/28/uc-irvines-black-student-union-asks-to-abolish-campus-police/>.

¹¹ APSA Statement: APSA Supports BSU Demands to Abolish the Police (Mar. 14, 2017), <http://apsauci.weebly.com/advocacy/apsa-supports-bsu-demands-to-abolish-the-police>.

¹² COUNCIL ON FACULTY WELFARE, DIVERSITY, AND ACADEMIC FREEDOM ANNUAL REPORT 2015 – 2016, <http://senate.uci.edu/files/2016/09/CFW-2015-16-Annual-Report-Final.pdf>.

¹³ University of California, Universitywide Police Policies & Administrative Procedures (Eff. Jan. 7, 2011) (hereafter "UC Police Policies and Administrative Procedures"), <http://policy.ucop.edu/doc/4000382/PoliceProceduresManual>.

meeting with Police Chief Jorge Cisneros. Chief Cisneros assumed his position as Chief of the UCIPD in September 2015.¹⁴ We think it is important to note that he assumed his position *after* the incident, referenced above, where officers drew their guns at a home in University Hills.

This is Chief Cisneros' first time serving as a member of a campus police department. Before taking the position at UCI, Chief Cisneros served for five years as Chief of Police of the Huntington Park Police Department and had served many years, including many years in leadership, at the Long Beach Police Department.¹⁵

In addition to meeting with members of the Committee, Chief Cisneros met with members of the CFW on January 17, 2017, where he provided an overview of the structure, accountability, and oversight systems in place at the UCIPD and expressed his view that independent oversight of the UCIPD would not improve police-community relations.

Chief Cisneros reported that he planned to propose a Community Advisory Board composed of fifteen individuals from various parts of the UCI community, including the Medical Center and the University Hills residential community. He envisions that the advisory board will serve as a "sounding board" and will participate in the hiring process and suggestions on future ways to improve training. The advisory group, however, would not have any policymaking or oversight powers. Chief Cisneros also reported that he is in the process of putting together a group called "Volunteers in Public Safety" for the main campus and University Hills. These volunteers will assist the police as their "eyes and ears" with the goal of improving police-community relations. This initiative emerged from suggestions by the University Hills Homeowners Representative Board ("HRB").

During his meetings with Ad Hoc Committee members and with the CFW, Chief Cisneros noted that as part of the UCIPD's outreach efforts, the department makes regular efforts to introduce

¹⁴ Cathy Lawhon, *Jorge Cisneros Named New Chief of UCI Police Department*, UCI NEWS (Sep. 8, 2015), <https://news.uci.edu/campus-life/jorge-cisneros-named-new-chief-of-uci-police-department/>.

¹⁵ *Id.*

officers to the community. These efforts include holding a Community Policing Academy, participating in UCI's Athletics Orientation, participating in Kids Career Day at UCI's Montessori School, meeting with Campus Housing staff, and meeting with other campus groups.

A. The Structure of the UCIPD within the University Structure

All of the campus police departments in the UC system report to the UC Office of the President in Oakland, California. When Chief Cisneros met with members of the committee in December 2016, he reported to Richard Coulon, Associate Vice Chancellor for Administrative and Business Services. We asked Chief Cisneros how this reporting structure compared to his experience in other departments and he noted that in the past he reported to the City Manager, the Chief Administrative Officer of the community. The Chiefs of Police of the other UC campus police departments report directly to Vice Chancellors. For example, at UC Berkeley, the Chief of Police reports to the Vice Chancellor-Administration; at UC Davis, the Chief of Police reports to the Provost & Executive Vice Chancellor.

On April 19, 2017, Ron Cortez, Vice Chancellor-Administrative & Business Services at UCI, announced in a campus-wide email that "the Police Department will now report directly to me in order to highlight our focus on a positive and inclusive campus climate."

There is a Council of Chiefs for all ten UC campuses.¹⁶ One of the Chiefs of Police serves a three-year term as Police Coordinator, a position that includes disseminating information and policy reforms throughout the UC police departments and serves as the liaison between the UC police, other law enforcement agencies, and the community.¹⁷

According to UC Policies, the Chief of Police on each campus, under the direction of the Vice Chancellor on each campus, is responsible for "establishing objectives for the department;

¹⁶ UC Police Policies and Administrative Procedures, *supra* note 13 § 301.2.

¹⁷ *Id.* at § 301.3.

developing department policies and procedures; preparing the budget; and selecting, appointing, training, disciplining, and promoting officers and employees in the department”.¹⁸

Members of the UCIPD are sworn peace officers under state law and their jurisdiction; the UCIPD holds concurrent jurisdiction with local law enforcement agencies and the county Sheriff’s department.¹⁹ Chief Cisneros reported that the UCIPD has jurisdictional authority that extends two miles beyond the boundaries of the campuses. UCI has an agreement with the Irvine Police Department that allows this extension of jurisdiction.

Policing of UCI’s Medical Center has recently changed. Before Chief Cisneros arrived in September 2015, the UCIPD was not policing the UCI Medical Center around the clock; now it does. Chief Cisneros reported that officers from other law enforcement agencies can often be found at the UCI Emergency Room because many agencies use the UCI ER as a holding room for individuals who have been taken into custody because of mental illness.

In addition to police officers, the UCIPD has Community Service Officers (CSOs) and Interns. (Although the UCIPD web site does not describe who the Community Service Officers are or what they do, and does not define the acronym CSO on the web site, the UCIPD does have a handout about the CSOs in the lobby of the police station.) The CSOs are student employees who work with the campus police officers. They provide campus patrols and safety escorts; patrol, unlock, and lock the University Hills Community Center, provide security for campus special events; and register bicycles.

B. UCIPD Accountability and Oversight Practices

We learned that the current procedures for filing a complaint with the UCI Police Department are to: (1) make an informal call, or (2) submit a formal written complaint using a form that is available in the lobby of the UCIPD office or that can be downloaded from the police

¹⁸ *Id.* at § 303.1.

¹⁹ *Id.* at § 302.

department website. Depending on the circumstance, an independent investigator with knowledge of policing may be brought in. There are four possible outcomes: sustained, non-sustained, exonerated, or not founded. If the complaint is sustained the officer will be disciplined, with the sanctions ranging from days off to dismissal. We were not able to ascertain how often this occurs.

Under these procedures, unless the Chief of Police calls for an independent investigator, no one other than the Chief of Police typically reviews complaints.

UCIPD officers are members of the Federated University Police Officers Association (FUPOA). There is one union for all ten UC campuses. Approximately 250 UC police officers belong to the union, 28 of whom work at UCI.²⁰ The union represents police officers and those ranking below them; it does not represent sergeants or lieutenants. Chief Cisneros describes his relationship with the union as generally positive.

C. Police Training and Policies

Police officers in the UCIPD receive several types of training: general training as law enforcement officers in California; specialized training as members of the UC police force; and specialized trainings determined by the Chief of Police. Members of the UCIPD are required to meet the minimum training requirements that apply to all California Peace Officers.²¹

In addition to the standard training for police officers, UCIPD officers complete several other training programs that the Chief of Police has identified as necessary for effective campus policing. The UCIPD's current officers have recently gone through trainings in conflict resolution, procedural justice, leadership, police perception, implicit bias, trauma-informed policing, and sexual assault investigation for first responders.

²⁰ University of California, About the Police Officer's Unit (updated Nov. 2016), <http://ucnet.universityofcalifornia.edu/labor/bargaining-units/pa/about.html>.

²¹ UC Police Policies and Administrative Procedures, *supra* note 13, at § 603.

Members of the UCIPD carry firearms. On-duty police officers who have trained, satisfied the proficiency requirements, and been approved by the chief of police carry and use firearms, but may only carry authorized firearms.²² Plainclothes officers who carry firearms must also carry their badges; if their firearms are displayed, their badges must also be displayed.²³

Police officer use of force is guided by the UCIPD Policy Manual.²⁴ The policy states that:

Officers shall use only that amount of force that reasonably appears necessary, given the facts and circumstances as perceived by the officer at the time of the event, to effectively bring an incident under control. “Reasonableness” of the force used must be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any interpretation of reasonableness must allow for the fact that police officers are often forced to make split-second decisions in circumstances that are tense, uncertain and rapidly evolving about the amount of force that is necessary in a particular situation.²⁵

Special rules apply when the use of force involves firearms. UC Police Procedures prohibit an officer from drawing or displaying a firearm unnecessarily.²⁶ Any officer who engages in inappropriate use of a firearm is subject to disciplinary action, including corrective action or dismissal from the department.²⁷

UC Police personnel also bear high ethical duties. This includes duties not to speak of people in particular groups disparagingly and to refrain from using disrespectful language.²⁸

²² *Id.* at § 802, 803.

²³ *Id.* at § 804.

²⁴ University of California Irvine Police Department Policy Manual §300, http://www.police.uci.edu/announcements/img/UCI_UseOfForcePolicy300.pdf.

²⁵ *Id.* at § 300.2.

²⁶ UC Police Policies and Administrative Procedures, *supra* note 13, at § 807.1.

²⁷ *Id.* at § 810.

²⁸ *Id.* at § 501.1.

D. UCIPD Efforts at Community Outreach and Practice of Community Policing

The UCIPD practices a model of community policing. The UCIPD web site describes its model of community policing, which includes being accessible to members of the community and responsive to community concerns.²⁹ While the statements on the UCIPD web page indicates that there are mechanisms for joint police-community decision making, the committee does not find that such open mechanisms are yet in place, at least formally.

This committee notes that the UCIPD engages in many community outreach activities. Those activities include the creation of a “Volunteers in Public Service” program. This program was created at the urging of the University Hills homeowners’ board and recruits volunteers to help identify problems, such as problematic parking, where officers may not be needed to address the problem. There is also a Community Police Academy that introduces youth to careers in policing. The UCIPD also participated in the annual Athletic Orientation. There, police meet with student athletes to discuss alcohol and drug use on campus and to suggest how students can avoid activities that could lead to criminal sanctions.

The UCIPD also participates in Kids Career Day at the Montessori school on campus. Members of the UCIPD also meet with Campus Housing Staff to build relationships of trust. Members of the UCIPD also participate in the Student-Parent Orientation Program for new students. The Chief of Police, Jorge Cisneros, participated in last year’s orientation for parents who speak Spanish. We also note that at least one officer has made special efforts to spend time connecting with students and staff at UCI’s Cross-Cultural Center, a home for many campus student organizations.

The Chief of Police has proposed the creation of a Community Advisory Board. We note, however, that the proposed plan would require the Chief of Police to review and select all of

²⁹ UCIPD Community-Oriented Policing Web Page, <http://www.police.uci.edu/campus-safety/community-oriented-policing/index.html>.

the members. This committee is concerned an advisory board that includes only members selected by the Chief of Police would be unlikely to reflect a cross-section of campus experiences and views.

E. Campus Events and Protests and the UCIPD's Relationships with Other Police Forces

When there are concerns about a possible student protest on campus, Chief Cisneros reported that they work closely with the Office of Student Affairs to insure that students may proceed with the protest with as little interference as possible. On March 29, 2017, committee Chair Kaaryn Gustafson conducted a phone interview with Edgar Dormitorio, Assistant Vice Chancellor & Chief of Staff, who is one of the members of the Event Management Team. Vice Chancellor Dormitorio explained that the team reviews upcoming events and developed plans when the events involve planned protests or opposing parties. The team uses a "Constructive Engagement Model" which involves meeting with campus groups throughout the year and informing them of campus policies and state and federal laws affecting time, place, and manner limits on speech and protest. They also encourage groups to reserve spaces for events ahead of time.

Administrators who serve on the Event Management Team do most of the on-the-ground interactive work with protestors and avoid having uniformed police officers be a visible presence. Team members themselves try to de-escalate situations when they become volatile and try to keep some physical distance between protesters and counter-protesters. They are also trained to document and safety or security issues that might arise. Police are trained to allow the Event Management Team to oversee campus events and to avoid intervention unless or until the physical safety of individuals is at risk.

F. Officer Discretion

As with officers in all police departments, the officers who work for the UCIPD exercise broad discretion in their responses to misdeeds. If officers observe conduct that violates campus rules or state or local laws, they have the discretion to ignore the conduct, to make stops and issue mere warnings, or, if appropriate, to make arrests. The scope of officer discretion is even more complicated on the UCI campus than in most cities and towns because in some circumstances police officers may refer students to campus misconduct proceedings rather than to the criminal justice system.

Both members of the UCIPD and campus administrators note that they try to address low-level student misconduct through campus administrative procedures. For example, if students are involved in the types of misconduct that routinely happen on college campuses such as underage drinking, public intoxication, or violations of nuisance ordinances, then the police department often investigates and resolves the incidents through internal campus proceedings rather than handing the cases over to the Orange County District Attorney for criminal prosecution. In dealing with public intoxication, how the police handle it depends on the seriousness of the situation. When public intoxication occurs at a large public event where other police departments are serving as mutual aid, there is a greater likelihood that student misconduct will be handled through the criminal justice system rather than the campus misconduct system.

While students tend to regard members of the UCIPD as they would police officers anywhere else, UCIPD officers are trained to be student caretakers and can work to insulate students from involvement in the criminal justice system.

G. Procedures for Filing Complaints with the UCIPD

The UCIDPD web site includes a link titled “Commendations and Complaints.”³⁰ That link leads a user to another page titled “Quality Service is Our Goal.”³¹ That page then includes links to two PDF documents—the first a commendation form, the second a complaint form. The complaint downloaded once a user clicks on “Complaint Form” is one that individuals can complete online.³² The completed form cannot, however, be submitted online. It must either be submitted in person at the UCI Police Station or mailed to the department.³³ The form states that complaints can be filed by telephone, but includes no information indicating to whom telephonic complaints should be directed.³⁴

In addition, the Complaint Form states that:

Our procedure for receiving and investigating such allegations shall comply with all requirements of California codes, and in compliance with UCI Police Department Policy 1020 - UCI Police Department Personnel Complaint Procedure. The investigation of allegations against peace officers shall specifically comply with the California Public Safety Officer’s Procedural Bill of Rights.³⁵

However, the Complaint Form neither indicates what those policies are nor provides information as to where an individual submitted a complaint might read those policies. The form states: “California law requires this agency to have a procedure to investigate complaints. You have a right to a written description of this procedure.”³⁶ Again, however, there is no indication how an individual would obtain a written description of the complaint procedure.

³⁰ UCI Police Department Homepage, <http://www.police.uci.edu/>.

³¹ UCI Police Department Quality Service is Our Goal Page, <http://www.police.uci.edu/services/complaint-process/index.html>.

³² UCI Police Department Complaint Form, <http://www.police.uci.edu/services/complaint-process/form/UCIPD%20Complaint%20Form.pdf>.

³³ *Id.*

³⁴ *Id.*

³⁵ *Id.*

³⁶ *Id.*

While the form states that individuals may file anonymous or confidential complaints,³⁷ it is not clear how an individual would do that. The form itself has a line for a date and a signature, with no notation indicating that signing the document is optional.

Moreover, of the three options for submitting a form—by mail, in person, or by phone—only one of those, mailing the complaint, allows for the submission of an anonymous complaint. Any complaint submitted in person will put the complainant in contact with at least the receptionist at the police department and creates the possibility that the complainant will not only encounter other members of the police department, but also any member against whom the individual may be complaining. The problem of submitting anonymous complaints by filing them in-person in the police department is called further into question by the fact that there are apparently cameras in the police station that make both video and audio recordings.³⁸ In-person filing of complaints is likely the least effective method of complaint because anyone whose complaint involves a negative interaction with a police officer is unlikely to show up at the UCI Police Station. Individuals with complaints are also unlikely to file such complaints by phone given that no organization is more likely to use caller ID than a police station and given fears that police departments may be able to trace any calls back to individuals.

The Complaint Form provides that

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 or any member of the police department behaved improperly. Civilian complaints and

³⁷ “Anonymous complaints or complaints from individuals who wish their names to be held in confidence, will also be accepted for investigation.” *Id.*

³⁸ UCIPD Police Officers themselves filed a federal civil rights suit in 2014 complaining that they had not been notified that their conversations were being recorded by police station cameras and that the recordings violated their privacy rights. Order Denying Plaintiffs’ Motion for Class Certification, *Federated University Police Officers’ Association et al. v. The Regents of the University of California et al.*, Case No. SACV 15-137-JLS (RNBx), 2016 WL 4771430 (C.D. Cal., Aug. 18, 2016).

any reports or findings related to complaints must be retained by this agency for at least five (5) years.³⁹

The Complaint Form does not describe what happens to complaints once they are filed, what the timeline might be for resolution of a complaint, or whether the complainant will be contacted again—either during investigation of the complaint or to be notified of the outcome of the complaint.

UCIPD Chief Cisneros told the committee that complaints about the UCIPD come in two ways—as informal verbal complaints or as formal complaints. When a formal, written complaint is filed, to the Chief of Police determines whether to conduct the investigation himself or to find an independent investigator.⁴⁰ Once an investigation has been done, the Chief of Police determines the disciplinary outcome. Chief Cisneros reports that complaints are rarely brought: three were filed in 2015, and only one was filed in 2016. None of those complaints were sustained. The outcomes of those complaint investigations are reported to the relevant police officer and the supervisor, but not to the party who filed the complaint.

Chief Cisneros noted that he does not handle informal complaints. It is not clear to the committee who, if anyone, reviews informal complaints.

H. Data Collected by (or to be Collected by) the UCIPD

In October 2015, California Governor Jerry Brown signed a bill requiring California law enforcements departments to collect, analyze, and report data relevant to racial profiling.⁴¹ The statute does not require any agencies to issue their first round of reports until August 2019 and pushes reporting dates back to 2023 for the smallest agencies. Though not yet required to begin

³⁹ UCI Police Department Complaint Form, <http://www.police.uci.edu/services/complaint-process/form/UCIPD%20Complaint%20Form.pdf>.

⁴⁰ It is unclear to the committee who conducts independent investigations.

⁴¹ California A.B. 953 (signed Oct. 3, 2015), enacted as Cal. Gov. Code § 12525.5 (effective Jan. 1, 2016). “Each state and local agency that employs peace officers shall annually report to the Attorney General data on all stops conducted by that agency’s peace officers for the preceding calendar year.” Cal. Gov. Code § 12525.5(a)(1).

collecting data, the UCIPD started (or will start) collecting data in 2017. The state statute requires the law enforcement agencies to collect the following data:

- (1)) The time, date, and location of the stop.
- (2) The reason for the stop.
- (3)) The result of the stop, such as, no action, warning, citation, property seizure, or arrest.
- (4) If a warning or citation was issued, the warning provided or violation cited.
- (5) If an arrest was made, the offense charged.
- (6)) The perceived race or ethnicity, gender, and approximate age of the person stopped, provided that the identification of these characteristics shall be based on the observation and perception of the peace officer making the stop, and the information shall not be requested from the person stopped.⁴²

The committee wants to make clear that not all encounters between police officers and the public are “stops” under the statute. This statute defines a stop as “any detention by a peace officer of a person, or any peace officer interaction with a person in which the peace officer conducts a search, including a consensual search, of the person’s body or property in the person’s possession or control.”⁴³

III. Data Gathered by the Committee about Community Experiences with and Perceptions of the UCIPD

The committee sought information from various sources in the course of its research. This includes review of documents; interviews with campus officials; open listening sessions for members of the campus community; and an anonymous online survey. The information that

⁴² Cal. Gov. Code § 12525.5(b)(1)-(6).

⁴³ Cal. Gov. Code § 12525.5(g)(2).

the committee gathered through the listening sessions and through the survey is summarized below:

A. Input from the Listening Sessions.

As part of our investigation into how the UCI Police Department (UCIPD) are experienced on our campus, we gave notice to the campus community and held a series of open listening sessions on December 1 and 2, 2016. The committee also conducted a pilot survey of the UCI Community in March 2017. All members of the community, including students, faculty, staff, and residents of University Hills were invited to participate.

A number of commentators raised the question of why the UCIPD carry weapons on campus; one observer pointed out that over his many years at UCI this has never proved necessary and it contributes to an “uncomfortable” climate between the police and the UCI community.

The committee concluded from the listening sessions that the UCIPD could do a lot to improve its public relations with the campus community. Some of the individuals who participated in the listening sessions offered recommendations for improving the relationship. One suggestion is that the UCIPD web page list short profiles or bios of its officers, noting their background and perhaps a quote about their reason for joining the UCIPD force. Chief Cisneros and other administrators noted that the ethnic composition of the UCIPD has changed dramatically, with more officers of color joining the department, but that this is not widely known across campus.

Several of those who attended the listening sessions noted that members of the UCI community who are undocumented immigrants fear interacting with the campus police. The committee received recommendations that the UCIPD might underscore that its officers remain committed to the guidelines announced by President Napolitano regarding cooperation with federal authorities on immigration issues. A number of people pointed out that many of UCI’s undocumented students, whose status under the DREAM Act may make them vulnerable at this

moment in politics, could feel very uncomfortable speaking directly to an officer. However, they may feel assured by UCOP's policy through its posting on the UCIPD website.

It was noted to the committee that the UCIPD is the only unit on campus that does not require regularly scheduled performance evaluations. While this person was not suggesting that there has been a problem, it is nonetheless important that this unit adhere to the same standards as the rest of the campus.

One of our commentators pointed out that there have been some reports of problematic encounters between African American students and police officers, but this person also noted that there are, like most such events, "two sides to every story." That said, this person added that the UCIPD should build more training around cultural competency into its operations.

The UCIPD seems to know who the major athletes are on campus, but they would do well to continue their outreach around campus housing. The relationship between the UCIPD and the Athletics Department raised some questions for the committee. The UCIPD does a special training for student athletes during the annual Athletic Orientation, suggesting that officers are reaching out to students who participate in athletics. At the same time, there was some question as to whether student athletes might be receiving, or might be perceived by other students to be receiving, more lenient treatment through discretionary policing.

The committee also heard that students of color who are not recognized by members of the UCIPD as student athletes have been questioned about their very presence on campus. The committee has some concerns that members of the UCIPD may be—either consciously or unconsciously—acting on stereotypes that the only members of the campus community who are Black are athletes. We note that students, staff, and faculty who are Black can be found throughout campus and that presumptions about athletic participation reinforce racial stereotypes.

It was pointed out that the introduction of the ZotALERT system, which notifies members the campus of any emergency or safety information through text and email messages, has been a

very positive initiative. At the same time, there was concern about the language that has appeared in some of the alerts, specifically references to “suspicious persons.” Those who attended the listening session encouraged the UCIPD to note that individuals’ behavior not status should be what triggers suspicion. Members of the campus community who are Black expressed concerns that because they may be more visible than other people on campus, even innocent conduct may arouse suspicion and trigger unwarranted attention, both by police and by other members of the campus community.

Several students reported some problematic encounters with police over automobile and bicycle stops, particularly stops that happened late at night or in mixed racial/ethnic groups. In some of the instances, the students reported that they did have minor vehicle code violations (such as broken automobile taillights) that could justify a police stop; in other instances, they reported having no violations. In both situations, these members of the campus community felt targeted because of their race. The committee notes that federal law allows police officers to stop drivers, bicyclists, and pedestrians for even minor infractions, even when those stops are pre-textual.⁴⁴ At the same time, the committee notes that discretionary police stops that when analyzed aggregately show racial disparities are exactly the types of policing that tend to arouse distrust of police among people of color.⁴⁵

Several of the individuals who offered input during the listening sessions recommended that the UCIPD take concrete steps to insure greater transparency of its operations, including making public information on stops by time of day and race/ethnicity. Some participants also

⁴⁴ The Supreme Court has ruled that an individual’s Fourth Amendment rights, which protect people from unreasonable search and seizure by the government, are not violated when there is an objective basis—such as an officer’s observation of a civil vehicle code—for the stop. *Whren v. United States*, 517 US 806, 813 (1996) (ruling that “Subjective intentions play no role in ordinary, probable-cause Fourth Amendment analysis.”) At the same time, officers may not intentionally engage in “selective enforcement of the law based on considerations such as race” as this runs afoul of the Equal Protection Clause of the Fourteenth Amendment. *Id.* The Ninth Circuit Court of Appeals has held that “Race or color alone is not a sufficient basis for making an investigatory stop.” *United States v. Bautista*, 684 F.2d 1286, 1289 (9th Cir.1982).

⁴⁵ CHARLES R. EPP ET AL., *PULLED OVER: HOW POLICE STOPS DEFINE RACE AND CITIZENSHIP* 157-58 (University of Chicago Press, 2014).

recommended the creation of an independent review board to oversee complaints of police misconduct.

One commentator who works through student services, noted that the students from underrepresented minorities at UCI are notably “self-segregated,” more so than this person has observed on other campuses. The commentator noted that while the Cross-Cultural Center has played an important role in providing a place for students to meet, it might be time to rethink how the center is organized. Two members of UC staff also reported to the committee that they had witnessed students expressing unprovoked hostility to members of the UCIPD.

Related to overall campus climate, the committee heard statements that all students simply need to see senior leadership, including the Chancellor and Provost/EVC drop in at student events. They need to be seen on campus in a more casual setting. The social distance between officials and administrators and students and staff may contribute to perceptions that UCI is not fully committed to racial/ethnic inclusion.

The committee heard mixed evaluations of police officers handling of sexual assault situations, from very positive to being treated in a “sexist” manner. We also heard mixed evaluations of officer conduct in responding to issues of mental health crisis. A graduate student described two very different experiences with UCIPD around issues affecting students with mental illness. In a specific encounter in a classroom with a student who was having serious problems, the graduate students described the responding officers as extremely thoughtful and effective. The same graduate student, however, expressed concerns about a meeting where representatives from the UCIPD were invited to meet with a group of teaching assistants about how to handle emergencies involving students. While the student described the training as helpful overall, the student also reported that the officers described individuals in mental health crisis as “whack-a-dos,” which the student found disrespectful to individuals with mental illness and which could discourage those present from calling the police to intervene in mental health crises.

A member of the University's professional staff, who is white, felt that it was incumbent to report that a number of her/his African American women colleagues had been stopped on multiple occasions by the police for no apparent reason.

Several members of the campus community also sent email messages to members of the committee or met with members of the committee. Several of these people noted their positive experiences with the campus police and described members of the campus police as professional and courteous. One person wrote that members of the UCIPD seem "genuinely concerned about the safety and wellbeing of our entire Anteater community." Someone who works closely with international students expressed that the UCIPD has done a good job reaching out to international students.

Those of us on the committee appreciate the time that people took from their busy schedules to share these observations with the committee. While we did hear from a few that the campus police force should be abolished, we recognize that this is neither feasible nor necessarily desirable for the two large campuses—the main campus and the medical center. That said, these thoughtful insights provide many constructive suggestions to improve the campus climate between officers and the community it serves.

B. Information from the Campus Survey

Those who participated in the listening sessions reported that others they knew did not feel safe participating in the open listening sessions. Some mentioned that underrepresented minorities and undocumented students felt unsafe or ashamed airing past encounters with the police and feared retaliation if they did. For this reason, the committee designed and implemented a pilot study to examine individuals' experiences with and perceptions of the campus police. (Even so, some members of the campus community reported to members of the committee that they were not comfortable completing and submitting the online survey because they believed that the demographic questions and the membership in visible minority communities would make their identities apparent to members of the committee.)

We do not want to give the impression that the responses to the survey represent a cross-section of views on campus. It is more likely that those who responded to the survey have unusually strong feelings—either positive or negative—about the campus police that prompted them to respond to the survey. Still, we believe that the responses may offer insight into problems that may exist.

More than half of survey respondents (52%) reported being very satisfied or satisfied with the UCIPD, and many positive interactions were reported in both the listening sessions and survey responses. In routine interactions like the issuing of traffic tickets, reporting of thefts and break-ins, or seeking assistance with parking issues, lock-outs, or noise complaints, the police were often described as polite, professional, and helpful.

1. Although our sample size of this important pilot study is quite small, 153 respondents, the findings nonetheless point to areas of concern. In interpreting the findings reported here, the reader should keep in mind that the perceptions and experiences among white respondents and respondents who are underrepresented minorities at UCI are remarkably similar to patterns that have been documented in a wide-ranging body of peer-reviewed scholarship.⁴⁶ As compared to Whites, Underrepresented Minorities appear to share different perspectives of and experiences about the UCI campus police (UCIPD). The contrasts are stark and point to, at the very least, a compelling need on the part of the UCIPD to reach out to and build trust with members of underrepresented minorities on the UCI campus. Our findings show that many underrepresented minorities feel strongly that they are victims of racial profiling, intimidation, violence

⁴⁶ See, e.g., EPP ET AL., PULLED OVER, *supra* note 45; Carroll Seron et al., *Judging Police Misconduct: "Street-level" versus Professional Policing*, 38 LAW & SOC'Y REV. 665 (2004); Carroll Seron et al., *How Citizens Assess Just Punishment for Police Misconduct*, 44 CRIMINOLOGY 925 (2006); Ronald Weitzer & Steven A. Tuch, *Perceptions of Racial Profiling: Race, Class, and Personal Experience*, 40 CRIMINOLOGY 435 (2002); Ronald Weitzer & Steven A. Tuch, *Race and Perception of Police Misconduct*, 51 SOC. PROB. 305 (2004); Ronald Weitzer & Steven A. Tuch, *Reforming the Police: Racial Differences in Public Support for Change*, 42 CRIMINOLOGY 391 (2004); Ronald Weitzer & Steven A. Tuch, *Racially Biased Policing: Determinants of Citizen Perceptions*, 83 SOC. FORCES 1009 (2005); RONALD WEITZER & STEVEN A. TUCH, *RACE AND POLICING IN AMERICA: CONFLICT AND REFORM* (Cambridge University Press, 2006).

and harassment. The finding that one-third to nearly fifty percent of the underrepresented-minority respondents reported negative experiences and/or perceptions of the UCI campus police points to a need for further study. White and Underrepresented Racial-Ethnic Minority Perceptions of the UCI Campus Police

Table 1, below, shows that underrepresented minorities on the UCI campus are far less likely than Whites to agree that the UCI campus police are concerned with their welfare (Whites 70.5% vs. Underrepresented minorities 40.7%); that they do a good job helping and protecting people (Whites 70.5% vs. Underrepresented minorities 37.6%); or that they treat people fairly regardless of race or ethnicity (Whites 36.3% vs. underrepresented minorities 25%).

Underrepresented minorities are much less comfortable calling the UCI campus police (56.3%) than are Whites (82.9%). A notable proportion of underrepresented minorities do not agree that they are treated fairly by UCIPD (31.2%); that the UCIPD care about people like them (43.8%); or that they can trust UCIPD to do the right thing (43.8%). A little over a third of underrepresented-minority respondents agreed that UCIPD are rude to people like them (34.6%), and nearly half believe that the UCIPD prejudice them based on their identity or background (46.9%).

In sum: The results of this pilot study suggest that one-third to nearly one-half of underrepresented minorities on the UCI campus do not hold a favorable view of the UCI campus police.

Table 1: Perceptions of the University of California, Irvine Campus Police by UCI Campus Underrepresented Racial-Ethnic Minorities and Whites

Percentages

	White (N=88)		URM (N=32)	
	Agree	Disagree	Agree	Disagree
UCI Police Concerned with my Welfare	70.5	14.8	40.7	31.3
I Would Feel Comfortable Calling the UCI Police	82.9	14.8	56.3	34.4
UCI Police do a Good Job Helping and Protecting People	70.5	13.7	37.6	43.8
I Have Always Been Treated Fairly by the UCI Campus Police	61.3	19.4	50.0	31.2
I Feel that the UCI Campus Police Does Not Care About People Like Me	10.3	69.3	40.6	43.8
The UCI Campus Police are Rude to People Like Me	11.4	76.1	34.6	43.8
I Think that UCI Campus Police Prejudge Me Based on Perceived Identity/Background	17.0	54.6	46.9	28.1
I think that I can Trust the UCI Campus Police to do the Right Thing	58.0	30.7	40.6	43.8
I Have Confidence in the UCI Campus Police	58.0	30.7	43.7	40.7
I Think that UCI Campus Police Officers Treat People Fairly Regardless of Race or Ethnicity	36.3	35.3	25.0	59.4

1. White and Underrepresented-Minority Interactions with the UCI Campus Police

Of those who responded to the campus survey, most underrepresented minorities and Whites did not call the police last year (66.7%; 72.9% respectively), or had never called the police (82.1%; 87.7%, respectively) (See Table 2, below). The two groups were similarly likely to have called the police one or two times in the last year, but 6.7% of Underrepresented minorities called the police three times as compared to 1.2% of Whites. However, the latter were more likely (51.9%) than were underrepresented minorities (30%) to have no personal interactions

with the police in the last year. Whites reported having one personal interaction with the police (27.2%) last year compared to 16.7% among underrepresented minorities, but this pattern shifts dramatically when two or three interactions with the UCIPD are reported. Last year, underrepresented minorities were nearly three times more likely (26.7%) than were Whites (9.9%) to have had two personal interactions with the UCIPD. While only 1.2% of Whites had three personal interactions with the police, 16.7% of underrepresented minorities report three interactions last year. A different pattern emerges when examining police interactions over time. While Underrepresented minorities similarly report ever having had one interaction with UCIPD, (17.2 and 17.3, respectively), Underrepresented minorities were less likely to have had two or three such interactions. In the last year, a larger percentage of Underrepresented minorities received more warnings from UCIPD (7.1%) than did Whites (1.2%), and they were more likely to report *ever* having received one warning compared to Whites (12% vs. 10.1%, respectively). There are no appreciable differences between the two groups in their reporting of ever having received two warnings. More Underrepresented minorities were given one formal citation (7.1%) than were whites (1.3%) last year. However, 11.1% of White respondents as compared to 7.1% of underrepresented minorities reported *ever* receiving one citation. Though 3.6% of underrepresented minorities compared to 1.2% of Whites recalled ever receiving two citations, 7.1% of underrepresented minorities compared to no Whites ever received three formal citations from UCI campus police. Both white respondents and underrepresented minorities reported similar instances of arrest.

In sum: While the results for this section are mixed, and sophisticated analyses with a larger sample are required, it appears that at least for the last year, a higher percentage of Underrepresented minorities than Whites reported formal warnings and formal citations from the UCI campus police. In the last year, as compared to Whites, Underrepresented minorities also reported a higher percentage of two or three personal interactions with the UCI campus police.

Table 2: UC Irvine Underrepresented Racial-Ethnic Minority and White Interactions with UCI Campus Police

Percentages

	White				URM				White N	URM N
	0	1	2	3	0	1	2	3		
How many times have you called the UCI campus police in the last year?	72.9	22.4	2.4	1.2	66.7	23.3	3.3	6.7	85	30
How many times have you called the UCI campus police ever?	87.7	11.1	1.2	0	82.1	7.1	3.6	7.1	81	28
How many times have you had personal interactions with the campus police in the last year?	51.9	27.2	9.9	1.2	30	16.7	26.7	16.7	81	30
How many times have you had personal interactions with the campus police ever?	13.6	17.3	17.3	9.9	13.8	17.2	13.8	6.9	81	29
How many times have you been formally warned by the UCI campus police in the last year?	98.8	1.2	0	N/A	92.9	7.1	0	N/A	82	28
How many times have you been formally warned by the UCI campus police ever?	86.1	10.1	3.8	0	84	12	4	0	79	25
How many times have you been formally cited by the UCI campus police in the last year?	97.5	1.3	0	1.3	92.9	7.1	0	0	80	28
How many times have you been formally cited by the UCI campus police ever?	87.7	11.1	1.2	0	82.1	7.1	3.6	7.1	81	28
How many times have you been formally arrested by the UCI campus police in the last year?	98.8	1.2	N/A	N/A	96.6	3.4	N/A	N/A	82	29
How many times have you been formally arrested by the UCI campus police ever?	98.8	1.2	N/A	N/A	96.4	3.6	N/A	N/A	82	28

2. Allegations of UCIPD Misconduct or Bias

Underrepresented minorities and Whites report significantly different experiences with UCI campus police regarding misconduct in the form of “exclusionary, intimidating, offensive and/or hostile conduct” (See Table 3, below). In the last year, underrepresented minority respondents were more likely than White respondents to have personally experienced this behavior (underrepresented-minority =21.9% vs. White=5.7%); observed this behavior (underrepresented-minority =21.9% vs. White=12.5%); or been told about this behavior (underrepresented-minority =65.6% vs. White=47.7%). Underrepresented minorities were also more likely than Whites to have *ever* personally experienced these types of negative behaviors by the UCIPD (28.1% vs 12.5% Whites); observed these negative behaviors by the UCIPD (40.6% vs. 18.2% Whites); or been told about these negative behaviors by the UCIPD (68.8% vs. 61.4% Whites).

Table 3: Alleged UCI Campus Police Misconduct by UCI Campus Whites and Underrepresented Racial-Ethnic Minorities (Reported as Percentages)

	White (N=88)		URM (n=32)	
	YES	NO	YES	NO
Have you personally experienced any exclusionary, intimidating, offensive and/or hostile conduct by the UCI campus police in the last year?	5.7	92.0	21.9	78.1
Have you personally experienced any exclusionary, intimidating, offensive and/or hostile conduct by the UCI campus police ever?	12.5	81.8	28.1	65.6
Have you observed the UCIPD engage in any conduct or communications directed toward a person or group of people at UCI that you believe was exclusionary, intimidating, offensive and/or hostile in the last year?	12.5	87.5	21.9	75.0
Have you observed the UCIPD engage in any conduct or communications directed toward a person or group of people at UCI that you believe was exclusionary, intimidating, offensive and/or hostile ever?	18.2	78.4	40.6	53.1
Have you been told of UCIPD interactions that were described as exclusionary, intimidating, offensive and/or hostile in the last year?	47.7	47.7	65.6	34.4
Have you been told of UCIPD interactions that were described as exclusionary, intimidating, offensive and/or hostile ever?	61.4	35.2	68.8	15.6

- a. Underrepresented minorities expressed their feelings regarding negative personal interactions with UCI campus police:

One underrepresented-minority respondent remarked:

I work in [a central campus office that handles student matters] and all my experiences except for one with UCI police have been negative. I was talked down to every time and many times the officer would not even acknowledge me even though I was the one who called for their assistance.

Another staffer commented:

I am a staff member now. But my first ticket ever, was when I was a student at UCI. The officer stated I made a rolling stop at the three-way stop sign intersection coming from athletics over to Campus Village. I know I did not make this "California Roll" as I am an African-American woman and I have been trained by my parents to count to 5 (1,1000, 2,1000, 3,1000 etc) at stop signs. There were three cars in front of me that all made this "rolling stop", but I didn't. The officer pulled me over, and it felt like it was his word against mine, and I had to pay this huge moving vehicle ticket when I was an unemployed college student. I felt profiled, I felt alone, and he was very mean and rude in his interaction. That was my first ticket, and I was 18 and terrified, and definitely knew I was Black. I was scared. I shouldn't feel scared of the people that are supposed to protect and serve me while I am a student just like the others. At the time I was a student, the head chief of police at UCI was Black. He was amazing. And don't get me wrong, he, and a couple of other officers were empathetic, warm and caring. But the officers that have racial biases, prejudices, and treat various cultural groups differently, make the whole unit look bad and should be penalized. Black students/faculty and staff already feel like a small minority on this campus and in this area, and the extra policing of us is scary and discouraging. Tons of crimes are happening, yet at moments, it seems like the focus is on the 3% Black population and not the 97% of the population actually committing the crimes. As a student, I also unfortunately, had to show my UCI ID to police officers on and off campus to prove my "story" that I was in fact a UCI Student. I am thankful that I even carried my campus ID around with me at these moments that are completely wrong and illegal to ask for such identification. I, at least on two occasions, was asked to show my UCI ID, even before my driver's license or state ID in questioning, even though I have never committed a crime or have been arrested.

She continued,

When I was a student, there were various campus events. There were some events, like concerts, where it felt like the police would stay close to the Black students and "hover" to ensure we would never get "rowdy". I have seen tons of Asians, Whites, and Middle Eastern students, drinking underage on campus, using drugs or drugged, fighting, test cheating rings, smoking in non-smoking areas, destructing [sic] campus property and committing crimes. Even being an eyewitness to this behavior (and unfortunately, never wanting to report, for somehow me receiving questioning rather than assistance) the police would tell the Black students to keep moving after a concert, campus event, or sporting event in the eyesight of a publicly intoxicated non-Black Student. I also

remember Black Greek Organizations having the guts to throw a party in the Student Center back when I was a Student. I was a very involved student on campus, and I had never seen as much on and off campus police at any other UCI function. I was floored that it seemingly felt like we weren't UCI college students as well, and there was the "thought" that a "fight" could break out. I even asked an officer during the event, that "it seems like there's more of you here today?" And he replied "It's for your safety." Mind you, I felt completely safe without them, and felt more threatened by their amplified presence. This party did not have or serve any alcohol or drugs (unlike the white frat parties). It was just Black kids dancing to hip-hop and R&B and this "required" more of a police presence for "our" safety? That felt demeaning, disrespectful, and that we are more prone to rowdy behavior than the actual illegal behavior of other students. Illegal behavior for non-Black students is just "kids having fun and being kids". Black kids dancing to Black music, that's a "call" for more police as a potential fight could break out. We were not "gang members" and thugs. We were students at a University of California campus who worked extremely hard and overcame insurmountable obstacles to get there. We didn't cheat, lie or steal our way there, we earned our way there as affirmative action was taken away a long time before our arrival. We wished that officers saw our worth, rather than our "threat".

A third underrepresented-minority respondent wrote,

I have been harassed about where I am going and stopped and forced to show that I am actually a student at this University. The UC Irvine Police Department's presence terrorizes me because of my personal encounters with law enforcement brutally mistreating my family. When the University fails to act on Black students concerns about the constant terror Police, including UCI PD, invoke, they are effectively ignoring the suffering of a whole community which is highly unethical.

- b. Several underrepresented minorities remarked about observed instances of negative police behavior.

One underrepresented-minority respondent wrote:

The UCI police dept has never apologized or issued a statement as to why they pulled a University Hills resident out of his own house and pulled a gun on him in what appeared to be an act of racial profiling. This was a terrible situation and

was mishandled not only during the event but afterward. Unfortunately, the department got cover from the incompetence of faculty who formed a committee to reflect on themselves instead of continuing to call out the department for its egregious abuse of power and trigger-happy approach to policing.

Many underrepresented-minority respondents mentioned this incident. Another respondent stated:

I am aware of an incident in University Hills in which the police pulled their gun on residents of color in their own home. As a person of color, that this happened gives me great concern for my safety and wellbeing at the hands of the police, as well as that of my family.

c. Underrepresented-minority respondents also offered stories told to them about police misconduct.

One underrepresented-minority respondent (who may be referencing the same incident described above) stated:

I have not had a personal interaction but I do know that campus police were called on a black youth who was locked out of his home. He and his friend attempted to crawl in the window or other attempt to get inside. The neighbors called campus police on the adolescents and the police, reportedly, entered the house with their guns drawn. Who are these neighbors that did not recognize the occupant of the house? What did they say to make the police respond with drawn guns?

One respondent who is an underrepresented minority explained:

The police stormed into last years (sic) Black Student Union meeting with assault rifles without regard to the trauma many have endured because of police violence against Black people. My peers have met with the Police Chief who has interrupted Black women speaking about the violence they've endured on this campus in order to invalidate their experience instead of recognizing what their presence on campus symbolizes to the Black community.

Another underrepresented-minority recounted:

Yes, I thought it was getting better, but then I hear about the University Hills incident with a young person who has lived there getting called on the police by

his neighbor. I thought it was getting better, but then I hear about students getting called the "N" word and no criminal or hate crime gets charged to the other student even though the Black Student feels threatened and scared. I thought it was getting better, but by the requests of these same frightened students, they have asked for officers to not wear their uniforms at Black functions where they are not directly serving, as the visual poses fear inside of their spirits at an event they are supposed to feel welcomed as safe at. It is no disrespect to the uniform. It is no disrespect to the officers that truly do protect and serve all. It is disrespect to the Black body that unfortunately has been disrespected or treated inhumanely by one, while in uniform. That is scary for a young person to comprehend. I am much older now, but some of these students aren't even 18, and they are frightened. Children should never be frightened by someone wearing a badge. These amazing young people, and if I could tell my younger self, should never feel scared by someone that they too, pay to protect them. This isn't right. I hope those officers that incite fear in children rather than help, re-evaluate their position, and the unit helps them to do so.

A fourth respondent who is an underrepresented minority wrote:

Generally, I have been told and heard stories that the UCI campus police (1) over police black students, (2) act aggressively towards black students, and (3) mistake black students for "intruders." This goes for black male and female students.

A fifth underrepresented-minority respondent expressed the feelings of others that members of UCIPD are hostile toward underrepresented minorities. The respondent explained: "One of the first things I learned about the UCIPD is that they are hostile to people of color. No one has ever reported a pleasant experience with an officer."

Racial profiling was also mentioned by some of the respondents who are members of underrepresented minorities. One respondent stated, "I have heard of other women colleagues being pulled over because they were 'driving while black;' though the officer cited some other reason for stopping my colleague." Another underrepresented-minority respondent adds to the view that UCIPD engage in racial profiling, stating that, "Police need re-training in how to respond to calls about suspicious people in the neighborhood. Regarding the incident in university hills, where the resident was almost arrested at his own house. He was clearly pre-judged based on his ethnicity."

According to one respondent, negative interactions with the UCIPD have been compiled in a binder by underrepresented-minority undergraduate students. The respondent stated, “The Black undergraduate community has compiled an entire binder full of grievances against the UC Irvine Police Department.”

There is a sense among the underrepresented-minority UCI campus community in University Hills that they are not welcome. One underrepresented-minority respondent clarifies this point,

I have heard (including one firsthand account from a friend) about police approaching African American men and boys in the Uni Hills neighborhood in a manner that sends a clear signal to these residents that they do not belong.

Another respondent made a similar point, but regarding underrepresented-minority students on campus. The respondent stated, “I've heard from minority students that uci (sic) campus police treat them like they don't belong on campus.”

In sum: The survey findings coupled with these extensive comments present compelling evidence that that UCI Underrepresented minorities experience, observe and are told about “exclusionary, intimidating, offensive and/or hostile conduct” on the part of UCI campus police, at higher rates than that of White members of the UCI community. Underrepresented minorities recount experiences of UCIPD racial profiling, rudeness and unfair treatment. They also have observed instances of UCIPD violence and intimidation. Many underrepresented-minority respondents expressed the feeling that the UCI campus police give a clear message that they are not welcome on the UCI campus, including University Hills. The comments here are telling: underrepresented-minority respondents used the occasion of this pilot survey to share their experiences in notable detail.

3. Satisfaction and Comfort with the UCI Campus Police

From the aforementioned data and testimonials, there is little wonder that Whites and Underrepresented minorities hold vastly different views of the UC Irvine campus police. 40.6% of underrepresented minorities reported that they are unsatisfied, and nearly that percentage,

37.5% are uncomfortable with the UCI campus police. This compares to only 20.5% of Whites who are unsatisfied and 19.3% who do not feel comfortable with the UCIPD. While the percentage of underrepresented minorities that are satisfied with the UCIPD is 37.6%, this number is much smaller than the 58% of satisfied Whites. Similarly, 61.3% of Whites are comfortable with the UCI campus police, while only 34.4% of underrepresented minorities are comfortable.

In sum: White and underrepresented-minority respondents have significantly different feelings of satisfaction and comfort with the UCI campus police. A slight majority of underrepresented minorities are unsatisfied and uncomfortable with the UCIPD, while a solid majority of Whites are satisfied and comfortable with them.

While the findings from this pilot study should be interpreted with some caution, the degree to which the patterns reported here are consistently corroborated by peer-reviewed scholarship are telling. To dismiss the findings reported here is, in fact, to dismiss a wide-ranging body of scholarship that *consistently* shows significant differences in both the experiences and the perceptions of White members of a community and Black and Brown members of a community. Whereas Whites, on balance, have positive encounters with and observations of police, underrepresented minorities report, by contrast, negative encounters and experiences.

Individuals in the academic and legal communities began commonly using the term “driving while Black” after Robert L. Wilkins, an African-American lawyer who was stopped repeatedly by the Maryland State Police and filed suit against the police.⁴⁷ In the decade between the filing of the suit and the filing of the consent decree,⁴⁸ numerous studies of police departments

⁴⁷ Complaint, *Wilkins v. Maryland State Police et al.*, Civil No. MJG-93-468, (D. Md. 1993). As an example of a scholar using the phrase, see David Harris, “*Driving while Black*” and all other Traffic Offenses: The Supreme Court and Pretextual Traffic Stops, 87 J. CRIM. LAW & CRIMINOLOGY 544 (1997).

⁴⁸ *Wilkins v. Maryland Consent Decree* (filed Apr. 22, 2003), available at <https://www.clearinghouse.net/chDocs/public/PN-MD-0003-0012.pdf>.

around the country found stark racial disparities in both vehicle stops and pedestrian stops.⁴⁹ Driving or walking while Black should not be a problem anywhere in the U.S. and certainly not in the UCI campus community. The findings reported here make clear that assessment of UCI police-community relations must be an intrinsic element to insure that the UCIPD serves the *entire* campus and its constituents, students, faculty, staff and all University Hills residents, with respect, dignity and commitment to due process and the rule of law.

C. Other Concerns about Police Bias or Insensitivity

While the call of the committee was to investigate concerns about racial and ethnic bias in policing, other concerns arose in the process of gathering information. One of those concerns had to do with the vulnerability to police mistreatment that members of the campus community who identify as LGBTQ expressed. While the committee did not receive much specific information about incidents, members of the campus LGBTQ community noted feeling highly visible to police officer. One person who called the police after being the subject of interpersonal violence from a same-sex partner noted that were police were both insensitive to the individuals involved and dismissive of the violence itself.

Another concern that arose involved the role of the UCIPD in responding to mental health crises on campus. While the committee heard descriptions of incidents where members of the campus police were helpful, considerate, and well-trained in addressing mental health crises, we also heard of incidents that were not handled as well. Chief Cisneros noted to committee members that campus services are available to students who experience mental health crisis during daytime work hours. After hours and on weekends, however, it is the police who respond to such emergencies. Staff and students who play roles in student housing expressed concerns that having uniformed officers be the first responders situations where students seem

⁴⁹ See, e.g., IAN AYRES & JONATHAN BOROWSKY, STUDY OF RACIALLY DISPARATE OUTCOMES IN THE LOS ANGELES POLICE DEPARTMENT (ACLU of Southern California, Oct. 2008), <https://www.aclusocal.org/sites/default/files/wp-content/uploads/2015/09/11837125-LAPD-Racial-Profiling-Report-ACLU.pdf>; EPP ET AL., PULLED OVER, *supra* note 45.

to be in distress might not always be the best response and even said that they had hesitated to call police in past situations. Some participants in the listening sessions recommended that the University train and assemble a mental health crisis team to respond to student mental health emergencies.

The UCIPD's Chief Cisneros shared with the committee that he has been somewhat surprised by the number of calls the department receives that involve students with mental health problems. Guidelines require that a police officer is part of the process and make every effort to arrive with a counselor. If, however, these calls occur at night, which is not unusual, and the student is in distress, then the UCIPD uses the county mental health system for support. We urge the University to find better ways to address this gap in services for distressed students.

Finally, the committee heard complaints about UCIPD's responses to domestic violence calls. The committee takes these complaints very seriously. We want to ensure that members of the campus community feel safe calling for help when they or their family members may be at risk of harm. It was also noted that the Clery Act requires the campus police to maintain a log of all violence incidents on campus, which is published on the UCIPD web site.⁵⁰ The committee learned that when the police respond to incidents of violence in student housing, the address listed for the call is simply listed as the general student housing complex, not the specific residence number. However, when the UCIPD responds to the call about violence at the homes of faculty who live on campus, the campus log includes the particular address of the faculty member. This, it seems, deters faculty members from calling the police for fear that incidents in their homes may be published on campus websites.

⁵⁰ Complaint, *Wilkins v. Maryland State Police et al.*, Civil No. MJG-93-468, (D. Md. 1993).

D. General Reflections

The data gathered by the committee through the Listening Sessions and the subsequent Survey raised three primary concerns regarding the relations between the UCI Police Department and the UCI Community: transparency, accountability, and legitimacy.

The UCI Police Department has yet to achieve a level of transparency necessary for a campus safety department. The UCIPD has a method to file complaints. However, the lack of clarity about the procedures for resolving informal complaints, the inability of community members to file anonymous complaints, and the opaque procedures for the resolution of formal complaints all point to a need to reexamine and change the complaint process.

Responses from members of the campus community indicate that officers could benefit from training regarding how to respond to domestic violence situations, as well as circumstances that involve mental illness. We urge the Chief of Police and the proposed Public Safety Advisory Board to prioritize these issues.

This committee finds that UCI Police Department has compromised legitimacy on campus among underrepresented minorities and among other groups who feel vulnerable or highly visible. The Department conducts regular outreach events and officers have some skills interacting with students with mental disabilities. Nonetheless, some members of the campus community reported that the UCIPD targets mixed ethnic groups as well as African American faculty and students, asking to see individuals' identification or stopping them for no apparent reason or for reasons that allow great room officer discretion.

Police legitimacy is crucial to a safe and welcoming community on the UCI campus. As Charles Epp, Steven Maynard-Moody, and Donald Haider-Markel, three scholars who have done extensive research on race and police stops have found:

Psychological studies demonstrate that African Americans subjected to intrusive police stops experience heightened levels of psychological stress. Much of the research finds that such personal experiences—particularly experiences of police disrespect and frequent subjection to stops—directly erode people's trust in the

police. Trust in the police is important because people who do not trust the police are less willing to call the police for help, may be more likely to turn to self-help vigilantism, and may be less willing to cooperate with the police in criminal investigations.⁵¹

Members of the UCIPD are not only entrusted with the security of persons and property on campus, but also represent UCI and serve as highly visible figures in campus efforts to achieve the Chancellor's stated goal of fostering a community that prioritizes "inclusive excellence."⁵²

IV. Looking to Other Universities for Best Practices

In assessing best practices among other universities with hope of proposing structures and practices, the committee examined the practices of a number of Universities that have developed responsive structures to facilitate good relationships between campus police and members of the campus community and to promote police accountability. Below, we describe not only the policies at other UC Schools that have taken on these issues, but also a number of other large Universities. Our committee report concludes with recommendations for which types of community-police collaborative structures and practices would best serve the UCI campus.

A. Other UC Schools

1. UC Berkeley

The UC Berkeley Police Review Board (PRB) was established in June 1990 to administer complaints by citizens against the UCBPD and to monitor and review the policies and procedures of the UCBPD (see Appendix A. UC Berkeley Police Review Board). To the best of the committee's knowledge, it is the oldest established review board in the UC system. The UC Berkeley PRB describes its mission as such:

⁵¹ EPP ET AL., *PULLED OVER*, *supra* note 45, at 135 (internal citations omitted). *See also*, Amanda Geller et al., *Aggressive Policing and the Mental Health of Young Urban Men*, 104 AM. J. PUB. HEALTH 2323 (2014).

⁵² UCI Home Page of UCI Chancellor Howard Gilman, <http://chancellor.uci.edu/about/>.

The Berkeley Campus Police Review Board exists to review appeals taken from civilian complaint investigations undertaken by the University of California Police Department. In appropriate cases, it has the power to order the department to reopen its investigation or to conduct its own independent investigation and hearings in the matter. The Board also performs an audit role, examining the overall performance of the department's complaint process and the quality of police-community interactions and making policy recommendations concerning those issues as appropriate. In both its review and audit capacities, the Board reports to the Vice Chancellor-Administration. The membership of the Board consists of UC faculty, students, and staff, as well as a retired police officer and a member of the off-campus community.⁵³

Both the UCBPD Chief and the PRB report to the Vice Chancellor-Administration (VCA). The PRB membership represents faculty, students, staff, and also includes community members and a retired UCBPD officer. The PRB reviews complaints against all members of the UCBPD except the Chief or Assistant Chief, or Captain.⁵⁴ All complaints must be in writing and signed.⁵⁵ The complaints are delivered to the UCBPD Chief who sends copies of the complaint to the chair of the PRB, the VCA, and the police officer who is the subject of the complaint.⁵⁶ For complaints not alleging excessive force, the complainant has the option of mediation before one PRB member who mediates between the complainant and the police officer who is the subject of the complaint (who has to agree to mediation).⁵⁷ If the parties do not choose mediation or if medication fails, then the Chief (or designee) conducts the investigation, interviews all relevant parties and witnesses, and makes findings in writing.⁵⁸ If the complainant is not satisfied with the Chief's findings, then an appeal can be made to the PRB.⁵⁹ A three-member panel of the PRB designated by the PRB chair reviews the findings and either affirms, remands to UCBPD for

⁵³ UC Berkeley Police Review Procedures, <http://vcaf.berkeley.edu/police-review-procedures#general>.

⁵⁴ *Id.* at § I.2.a.

⁵⁵ *Id.* at § II.1.a.

⁵⁶ *Id.* at § II.2.a

⁵⁷ *Id.* at § II.3.a-b.

⁵⁸ *Id.* at § II.4.

⁵⁹ *Id.* at § III.1.

further investigation for clarification, or refers the complaint to the full PRB for an external investigation.⁶⁰ The procedures outline possible responses to the investigation, no contest, summary dismissal, and summary affirmation.⁶¹ The procedures for PRB hearings are outlined in detail in article V. The final findings are given to the Chief via the VCA. If there is a dispute between the Chief and the PRB, the VCA decides on the validity of the complaint.⁶² Complaints against the Chief, Assistant Chiefs and Captains are handled by the VCA.⁶³ All complaints resolved by the UCBPD are given to the PRB.⁶⁴ Both the UCBPD and PRB publish annual reports on complaints.⁶⁵ In addition the PRB is required to hold public meetings at least once each academic year to receive community input concerning the UCBPD, and the PRB's annual report shall report the community input received (VIII.2.b).⁶⁶ The UCBPD designates a Liaison Officer to provide information to the PRB and to coordinate the UCBPD's efforts to respond to the PRB's questions or requests.⁶⁷

2. UC Davis's Police Accountability Board

UC Davis has an existing body called the Police Accountability Board and is now considering implementing another model through the creating of a Police Advisory Board.

The UC Davis Police Accountability Board (PAB) was created in response to a November 18, 2011 incident at UC Davis where a campus police officer pepper sprayed the faces of student protestors who were seated across and blocking a public walkway.⁶⁸ A video of the incident

⁶⁰ *Id.* at § III.3.

⁶¹ *Id.* at § IV.1-3.

⁶² *Id.* at § V. 14.c.

⁶³ *Id.* at § VI.

⁶⁴ *Id.* at § VIII.1.

⁶⁵ *Id.* at § VIII 1 & 2.

⁶⁶ *Id.* at § VIII.2.b.

⁶⁷ Annual Report of the Police Review Board, (UC Berkeley, May 25, 2016), <http://vcf.berkeley.edu/sites/default/files/PRB%20Final%20Annual%20Report%202016.pdf>.

⁶⁸ James Fallows, *Pepper-Spray Brutality at UC Davis*, THE ATLANTIC (Nov. 19, 2011), <https://www.theatlantic.com/national/archive/2011/11/pepper-spray-brutality-at-uc-davis/248764/>.

was widely circulated, attracting more than two million views on YouTube.⁶⁹ Mark G. Yudof, the University of California President at the time, subsequently established a Task Force to investigate the incident and to make recommendations for improved police procedures and oversight on the UC Davis Campus.⁷⁰ The Task Force, chaired by California Supreme Court Justice Cruz Reynoso, issued its report in 2012.⁷¹

The report made several recommendations for improved policing accountability measures, both at UC Davis and in the UC system. The system-wide recommendations included:

1. That “the University of California study, evaluate, and adopt policies involving the training, organization, and the operation of UC Police Departments to ensure that they reflect the distinct needs of a university community and utilize best practices and policing adapted to the characteristics of university communities.”
2. That “the University of California adopt a system-wide policy for inter-agency support that requires responding agencies to respect the local campus’ rules and procedures, including specifically those for the use of force.”
3. That “the Office of the President should review provisions of the Police Officers’ Bill of Rights that appear to limit independent public review of police conduct and make appropriate recommendations to the Legislature.”⁷²

On the last point, the Task Force noted that it “did not have access to the subject officers” and that the lack of access to officers and transparency of complaint procedures “does not serve the police or the public.”⁷³ The authors of the Task Force report added that “[w]hen information necessary to understand and evaluate police conduct is unavailable to the public, the public has

⁶⁹Tommy Fowler, Police pepper spraying and arresting students at UC Davis, (Nov. 18, 2011), https://www.youtube.com/watch?time_continue=44&v=WmJmmnMkuEM.

⁷⁰ UC Davis November 18, 2011 Pepper Spray Incident Task Force Report (Mar. 2012), <https://assets.documentcloud.org/documents/333454/ucd-pepper-spray-report.pdf>.

⁷¹ *Id.*

⁷² *Id.* at 28.

⁷³ *Id.*

less confidence in the police and the police cannot perform their duty without public confidence.”⁷⁴

In response to the Task Force Report, UC Davis Linda P.B. Katehi implemented a Police Accountability Board (PAB). UC Davis’s Police Accountability Board was temporarily established in April 2014 as a two-year pilot program; its existence has been extended until at least 2018. Article 1 of its bylaws for the PAB articulate its mission:

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.⁷⁵

The PAB has seven members picked by the Associate Executive Vice Chancellor (AEVC) from nominations made by organizations representing students, faculty, staff, and the health system. Unlike the UCB PRB, the UC Davis PAB does not include a community member.

All members of the PAB are trained “regarding police procedures, relevant legal issues, impartiality, the confidential nature of police misconduct investigations and discipline and the civilian oversight field.”⁷⁶ The PAB is subject to a code of ethics modelled on the National Association for Civilian Oversight of Law Enforcement (see Appendix F. National Association for Civilian Oversight of Law Enforcement Code of Ethics).

Unlike the UC Berkeley PRB procedures, the UC Davis PAB allows for the submission of anonymous complaints.⁷⁷ The Chief of Police does not investigate the complaints. Rather, the

⁷⁴ *Id.*

⁷⁵ UC Davis Police Accountability Board Bylaws, § I (Apr. 1, 2015), <http://pab.ucdavis.edu/bylaws.html>.

⁷⁶ UC Davis PAB 2015-2016 Annual Report 4 (Sep. 22, 2016), <http://pab.ucdavis.edu/PAB%20Annual%20Report%202015-16.pdf>.

⁷⁷ UC Davis Police Accountability Board Procedures, § III.E (Apr. 1, 2015), <http://pab.ucdavis.edu/procedures1.html>.

Office of Compliance conducts the investigations.⁷⁸ (Internal complaints brought by police officers are investigated by the Personnel Standards Unit.)⁷⁹ The Office of Compliance shares any complaint it receives with the Chief and reports monthly to the PAB with updates on any complaints it receives.⁸⁰ If the complaint is filed with the UCDPD and an uninvolved Watch Commander determines that the complaint only requires an explanation of law or procedure, then the complaint is labeled as resolved and the Office of Compliance follows up with the complainant to confirm early resolution was satisfactory.⁸¹

The procedures followed by the Office of Compliance must comply with the Public Safety Officers Procedural Bill of Rights.⁸² The investigator provides a confidential redacted report to the PAB, while the Chief receives an un-redacted report.⁸³ The report must result in one of the following findings: unfounded, exonerated, not sustained, or sustained.⁸⁴ The PAB meets in closed sessions and votes on its recommendation to either adopt, amend, or reject the investigator's findings. The PAB also has the authority to direct the investigator to re-open the investigation to pursue additional information requested by the PAB. The PAB may also recommend actions to the Chief, such as changes in policies and training. They PAB may not, however recommend a particular level of discipline or corrective action for the subject officer.⁸⁵ The Chief may adopt all, part, or none of the PAB's recommendations and has full authority regarding the final disposition of the matter. If the complainant is not satisfied with the Chief's ultimate disposition, then their only recourse is to contact the Chief to discuss the matter further.

⁷⁸ *Id.* at § III.A.

⁷⁹ *Id.*

⁸⁰ *Id.* at § III.F.

⁸¹ *Id.* at § III.G.

⁸² *Id.* at IV.A, citing Cal. Gov. Code § 3300 et seq.

⁸³ *Id.* at IV.B.1.

⁸⁴ *Id.* at IV.B.2

⁸⁵ *Id.* at IV.B.3.

In addition to the monthly meeting, the PAB holds quarterly meetings that are open to the public. At those meeting, the PAB answers questions about the PAB and its procedures and listens to public recommendations for modifications of police practices and procedures.⁸⁶

The PAB is required to submit an annual report giving the total number of complaints, types of complaints and note any trends, disposition of complaints, percentage of complaints that the Chief accepted, rejected or modified PAB's findings, and policy, procedure, and training recommendations.

UC Davis's PAB is also supported by a PAB Advisory Group, which includes the Chief of Police, Administrators, representatives from the Compliance Office and the Diversity Office, and counsel from an external law firm.

According to the most recent published report (July 2015-June 2016), twenty-three complaints were filed with the PAB the 2015-2016 report year.⁸⁷ The UC Davis PAB made findings in ten cases, the Chief accepted nine—disagreeing on one where the PAB found “sustained findings” and the Chief found the claims “not sustained”.⁸⁸ It was the only case that the PAB found the evidence sustained the complaint.

⁸⁶ UC Davis PAB 2015-2016 Annual Report 6 (Sep. 22, 2016), <http://pab.ucdavis.edu/PAB%20Annual%20Report%202015-16.pdf>.

⁸⁷ UC Davis Police Accountability Board Annual Report 1 (Sep. 22, 2016), http://pab.ucdavis.edu/manager_resources/PAB%20Annual%20Report%202015-16.pdf. “Of the cases brought to the PAB for review, thirty-three percent (33.3%) of cases involved allegations of discourtesy or unbecoming behavior by a UC Davis police officer. Twenty-five percent (25.0%) of cases involved allegations of intimidating and threatening conduct. Twenty-five percent (25.0%) of cases involved allegations of discrimination. Twenty-five percent (25.0%) of cases involved allegations of excessive use of force.” *Id.* at 10.

⁸⁸ UC Davis PAB 2015-2016 Annual Report, http://pab.ucdavis.edu/manager_resources/PAB%20Annual%20Report%202015-16.pdf.

3. UC Merced's Proposed Police Advisory Board

UC Merced is the most recent campus to consider a Police Advisory Board (PAB).⁸⁹ The mission and purpose state: "The University proactively seeks the advice and counsel of a diverse group of community members regarding issues that impact the safety and quality of life of the students, faculty, staff and visitors of the University of California Merced (UCM) campus and ancillary sites."⁹⁰ The Police Advisory Board is an independent body that will make recommendations related to campus issues and concerns, community outreach programs, training, policy development and ways to help support the goals and initiatives of the UC Merced Police Department.

Unlike the UC Berkeley PRB and UC Davis PAB, the UC Merced PAB is strictly a policy committee and does not review complaints against the department and/or officers. The membership at UC Davis, like the membership at UC Berkeley and UC Davis, is drawn from faculty, students and staff.⁹¹ However, unlike the UC Berkeley and UC Merced board policies, the proposed UC Merced Board proposal mentions including certain other groups such as undocumented students, recreation and athletics, the office of Ombuds Services, and non-Senate faculty.⁹² The Chief of UC Merced Police Department is an *ex officio* member.⁹³ The various groups enumerated (the proposed policy specifically states other groups that are deemed relevant can be added to the list) submit nominations to the chairperson who picks the PAB members with a limit of 15 members.⁹⁴ The PAB picks the chairperson of the committee.⁹⁵ PAB meetings will be on a quarterly, or as needed as determined by the PAB.⁹⁶ The PAB is clearly only advisory to the Chief of UCMPD, "Police Advisory Board members will have the opportunity to provide

⁸⁹Appendix C. UC Merced Proposed Police Advisory Board, *infra*.

⁹⁰ *Id.*

⁹¹ *Id.*

⁹² *Id.*

⁹³ *Id.*

⁹⁴ *Id.*

⁹⁵ *Id.*

⁹⁶ *Id.*

guidance and insight to the Chief of Police; however, the Chief of Police is ultimately responsible for all operational decisions related to police operations.”⁹⁷ Any student, staff or faculty may make proposed changes to the PAB policy and procedures, but the Chancellor’s designee may accept, reject, modify or table such suggestions. The strength of UC Merced PAB is its incorporation of the diverse perspectives of the university community served due to the wide range of groups that may nominate membership to the board. The main weakness is its limited jurisdictional scope: it does not review complaints, all recommendations are only advisory, and there is no review process if the board’s recommendations are rejected by the Chief of Police.

4. UC Santa Barbara’s Proposal to Create a Police Advisory Board

While members of this committee were informed that UC Santa Barbara is considering establishing some form of police policy or oversight body, we found no materials describing any specific proposals.

B. Other Universities

Members of the committee surveyed not only other UC schools to learn more about their practices in promoting positive police-community relations, but also other large universities outside the UC system. Below, we note some of the steps other universities have taken to promote responsive and positive policing practices.

1. Arizona State University

Arizona State University has a Public Safety Advisory Committee that works with the campus police to promote policing practices that are responsive to community needs and concerns.

⁹⁷ *Id.*

According to the Arizona State Police Department Manual, its Public Safety Advisory Committees date back to 1990, and the information was last revised in 2009.

The mission statement of the Public Safety Advisory Committees is:

The Public Safety Advisory Committee (PSAC) serves in an advisory and consultative role and is responsible to the executive vice president, treasurer, and CFO. The mission of the PSAC is to make recommendations to assist the ASU Police Department (ASU PD) to be responsive to the needs of the campuses and local communities and to provide the university administration with a vehicle to receive regular input on issues surrounding crime abatement, law enforcement, public safety, and emergency preparedness. The PSAC receives comments and suggestions from the public at large, facilitates communication, provides advice, reviews complaints against the ASU PD or its staff, and makes recommendations accordingly to the executive vice president, treasurer, and CFO and/or the ASU Chief of Police. Employee and local community representatives are appointed by the executive vice president, treasurer, and CFO and student representatives are appointed by ASASU with the approval of the executive vice president, treasurer, and CFO.⁹⁸

Documents in the Police Department Manual state that each of the Arizona State campuses shall have a local PSAC governed by a PSAC Executive Committee composed of the chairs of each campus committee and the ASU chief of police.⁹⁹ Each campus PSAC includes the ASU Police Department commander for the campus, standing members, and *ad hoc* members as deemed necessary by the campus. Each local PSAC has the authority to invite members of the campus or local communities to serve either as consultants or as members of *ad hoc* committees. No clear number of members is specified, and all members appear to be appointed rather than elected. Voting and non-voting membership varies widely by campus. The Tempe

⁹⁸ Arizona State University Public Safety Advisory Committee, <https://cfo.asu.edu/public-safety-advisory-committee>.

⁹⁹ Arizona State University Police Department Manual, <http://www.asu.edu/aad/manuals/pdp/pdp202-04.html>.

campus, which has the largest student population, is comprised of only three voting members and ten non-voting members.¹⁰⁰ The voting members include the local Police Commander, the Executive Director of Facilities Management Administration, and a senate faculty member. The non-voting members include two representatives of the ASU police, directors or associate directors of various campus student services, two undergraduate students and two representatives from Environmental Health and Safety. By contrast, the Downtown Phoenix campus, serving only approximately one-fourth the number of students as the Tempe campus, has a PSAC comprised of ten voting members and five non-voting members. The voting members of the Downtown Phoenix PSAC include representatives from the ASU Police, Parking and Transit Services, an Instructor (non-senate faculty), a clinical associate professor (senate faculty), one student representative, and several other staff representatives. The non-voting members include one additional member of the ASU Police Department, an Assistant Dean of Students, the Director of Educational Development and Disability Resources, a representative from Environmental Health and Safety, and a staff member.

The Police Department Manual states that the chair of each campus PSAC shall be the ASU PD commander for that campus.¹⁰¹ However, this appears not to be the case on at least two campuses where the PSAC chair is from Facilities Management Administration or Parking and Transit Services.

Each ASU PSAC serves the dual role of advising the Police Department and other parts of campus administration regarding matters of public safety and reviewing complaints against the Police Department.¹⁰² The committee meets only on an as-needed basis. Issues may be reported to the PSAC by referral from the administration to PSAC chair, introduction by to the

¹⁰⁰Public Safety Advisory Committee – Tempe Campus, <https://provost.asu.edu/committees/public-safety-advisory-committee-tempe-campus>.

¹⁰¹Arizona State University Police Department Manual § 203–04, <http://www.asu.edu/aad/manuals/pdp/pdp202-04.html>.

¹⁰²Arizona State University Police Department Manual § 203–01: Complaints against ASU Police Department Personnel, <http://www.asu.edu/aad/manuals/pdp/pdp203-01.html>.

committee by a PSAC member, introduction to the committee by the ASU police chief, or introduction to the committee by the public.

Complaints against the Police Department or an officer can be made either to the ASU PD directly or may be submitted to the PSAC directly and forwarded to ASU PD.¹⁰³ Complaints about officers can be submitted in person, by telephone, by letter, or by email and should be directed to the supervisor of the officer.¹⁰⁴ Complainants are encouraged to submit verbal, informal complaints to the supervisor and to file written complaints only if the original complaints do not result in a satisfactory outcome.¹⁰⁵ Recommendations from PSAC regarding any complaint brought to the committee's attention are advisory to the ASU chief of police, and the chief is responsible for all final decisions.¹⁰⁶ The committee submits an annual report to the Executive Vice President, the Treasurer, and the CFO.¹⁰⁷ There is no indication that this published.

2. Stanford University

Stanford University's Department of Public Safety provides traffic and parking, residence watch, bike safety assistance, registration for student parties, event security, and centralized lost and found. Sworn and non-sworn personnel staff Stanford University's Department of Public Safety. In coordination with the Santa Clara County Sheriff's Office, Stanford Deputy Sheriffs "have full law enforcement powers to make arrests, enforce all applicable federal, state, and local laws, and provide any other law enforcement services throughout the state of California pursuant to California Penal Code § 830.6."¹⁰⁸ Non-sworn personnel include full-time Community Service

¹⁰³ Arizona State University Police Department Manual § 201-01, <http://www.asu.edu/aad/manuals/pdp/pdp203-01.html>.

¹⁰⁴ *Id.*

¹⁰⁵ *Id.*

¹⁰⁶ Arizona State University Police Department Manual § 203-04, <http://www.asu.edu/aad/manuals/pdp/pdp202-04.html>

¹⁰⁷ *Id.*

¹⁰⁸ See, Stanford University Safety, Security, and Fire Report 5 (2016), <https://police.stanford.edu/pdf/ssfr-2016.pdf>.

Officers and Public Safety Officers who patrol by foot, bicycle, or motor vehicle to provide the campus with security, parking enforcement, and traffic control.¹⁰⁹

The Stanford University's Department of Public Safety sees itself as providing a service to the campus community, and solicits feedback in person, by mail, by email, and by phone.¹¹⁰ While encouraging mediation, a 2016 report assures that the Chief of Police will review all completed investigations and determine the outcome of "service complaints" or accusations of "alleged misconduct by employees."¹¹¹ Because the Stanford Deputy Sheriffs are Reserve Deputy Sheriffs of the Santa Clara County Sheriff's Office (SCCoSO), complaints may be made, alternatively, to any Santa Clara County Sheriff's Office station, or by calling the SCCoSO Operations Desk during normal business hours and request to speak with a supervisor or with the Internal Affairs office.¹¹² It would appear that the Santa Clara County Sheriff's Office resolves these complaints.

3. The University of Chicago

The University of Chicago established two separate committees to review and advise the University of Chicago Police Department. The Independent Review Committee (IRC), established in 2005, reviews complaints and grievances, while the Community Advisory Committee, established in 2015, provides communication and outreach to the community surrounding the University of Chicago campus.

The Independent Review Committee's charge:

The University has established the Independent Review Committee to help ensure the campus and community's confidence in UCPD is maintained. The Independent Review Committee reviews complaints brought against University police by members of the University community and the public whom UCPD

¹⁰⁹ *Id.*

¹¹⁰ *Id.* at 7-8.

¹¹¹ *Id.* at 7.

¹¹² *Id.* at 7.

serves if those complaints relate directly or indirectly to issues of excessive force, violation of rights, abusive language, or dereliction of duty.¹¹³

The Committee evaluates the actions of UCPD and, when necessary, makes recommendations regarding UCPD's policies and procedures. The Committee reports its findings and recommendations to the Provost and the Executive Vice President for Administration & Chief Financial Officer and its report is "distributed widely throughout the campus and community."¹¹⁴

The University of Chicago Police Department (PD) and the Independent Review Committee report to different administrators. The Police Department is under the Department of Safety and Security, which reports to the Vice President for Operations, while the Independent Review Committee reports to the Provost, President, and the Executive Vice President for Administration & CFO. The Independent Review Committee consists of three faculty members, three students, two staff members, and three community members. The Provost appoints all members and one of the faculty members appointed to the committee is designated by the Provost as committee chair.¹¹⁵ It IRC is independent of the UCPD; there is no representation from the police department on the committee. The campus community can propose members for appointment. The committee meets regularly to review complaints and any related issues regarding policies, procedures, or communication (no meeting schedule or details is provided), and the committee Chair may call additional meetings as needed.

Any member of the campus or surrounding community served by the police department may file a formal complaint. Complaints can be initiated through the police department, the Chair of the IRC, the Office of the Vice President for Campus and Student Life, any member of the Dean-on-Call Program, the Office for Civic Engagement, or to the Office of the Student

¹¹³The Independent Review Committee for the University of Chicago Police Department, https://d3qi0qp55mx5f5.cloudfront.net/safety-security/uploads/files/IRC_Charge_August_2013.pdf.

¹¹⁴*Id.*

¹¹⁵Independent Review Committee for the University of Chicago Police Department 2017-2018, <https://csl.uchicago.edu/node/130380>.

Ombudsperson. All complaints received are forwarded to the University of Chicago Police Department for investigation. The Complaint Process page of the Police Department website includes a statement indicating a formal complaint, including a sworn affidavit, is required to initiate a formal investigation.¹¹⁶ Initiating a formal complaint directly with the PD can be accomplished through an electronic form, by contacting the Office of Professional Standards (by phone or email), or in person. Anonymous feedback is allowed, but can only lead to limited investigation.

All investigations of complaints are conducted by the Police Department and reviewed by the Independent Review Committee.¹¹⁷ For each complaint raised, the UCPD investigation determines whether the complaints are: Unfounded (allegations are inaccurate or did not occur); Exonerated (alleged conduct occurred but was justified); Sustained (alleged conduct occurred but was not justified); Not Sustained (conflicting stories are not clearly resolved based on evidence); or Administratively Closed (no investigation was completed due to lack of cooperation by complainant).¹¹⁸ The Independent Review Committee then reviews the Police Department determination and may choose: to agree, to identify an issue not raised and ask for additional investigation, to disagree with the disposition and propose a new disposition, to suggest different or additional sanctions, to suggest that the Police Department review procedures, to request information about an officer's prior record, or to request procedures related to recurring problems relevant to the review.¹¹⁹ No specific statement is provided regarding who is responsible for the final determination, although a statement in the charge of the IRB indicates that it is an independent body that does not take the place of the PD's internal review process.

¹¹⁶ University of Chicago Safety and Security Complaint Process, https://safety-security.uchicago.edu/police/contact_the_ucpd/complaint_process/.

¹¹⁷ The Independent Review Committee for the University of Chicago Police Department, https://d3qi0qp55mx5f5.cloudfront.net/safety-security/uploads/files/IRC_Charge_August_2013.pdf

¹¹⁸ *Id.*

¹¹⁹ *Id.*

The Community Advisory Committee's mission:

The University of Chicago Police Department's Community Advisory Committee provides a way for University police to strengthen their relationship and collaborate with area residents on safety issues affecting those who live within the UCPD's extended patrol area. In addition to providing feedback from community members, the advisory committee helps promote UCPD's services through increased education on police activities and programs.¹²⁰

The Community Advisory Committee (CAC) consists of two community members from each of the four wards surrounding the campus, four at-large members, the campus police chief, and a deputy chief. Community members are chosen for the CAC in consultation with community leaders and local aldermen. The CAC serves as a conduit for information and education between the community surrounding the university campus and the University of Chicago Police Department. Minutes available from the September 2016 meeting include information for the community members regarding new PD beats, a description of a new youth engagement program, and a discussion of the community's safety concerns in a particular area adjacent to the campus.¹²¹

In 2015, the University of Chicago Police Department dramatically increased its transparency by providing information to the public in a centralized and easily accessible website. Available information includes background information for current practices, specific information on traffic stops, and specific information on field contacts.¹²² The specific details on traffic stops and field contacts include date, time location, reason for stop, disposition, whether a search was conducted, and the race and gender of the individual. Records are updated daily, and this information is above and beyond the usual daily crime and fire log. Additionally, arrest record information is available on request.

¹²⁰ Homepage, University of Chicago Safety and Security Community Advisory Committee, https://safety-security.uchicago.edu/police/community_engagement/community_advisory_committee/.

¹²¹ Minutes, University of Chicago Police Department Community Advisory Committee (Sep. 19, 2016), https://d3qi0qp55mx5f5.cloudfront.net/safety-security/uploads/files/CAC_Meeting_Minutes-9-19-16.pdf.

¹²² University of Chicago Safety and Security Web Page, http://safety-security.uchicago.edu/police/data_information/.

4. The University of Southern California

The University of Southern California has a Department of Public Safety (in place of a police department) that operates as part of USC Administrative Operations (whose other duties include fire safety, environmental health, and parking). Services of USC's Department of Public Safety includes registering visitors after hours, running airport shuttles during breaks, registering bikes on campus, operating a centralized campus lost and found service, providing electronic engravers to deter property theft, and self-defense classes. Students are urged to voluntarily register their parties with USC's Department of Public Safety, "in the spirit of mutual cooperation and safety" in order for the DPS "to have adequate measures in place to assist should the need arise."¹²³

USC's Department of Public Safety's website's provides three forms of filing a complaint. First, anyone can file a commendation, a complaint, or "other" (with a space to fill in), on the web site.¹²⁴ Second, the website explains that

community members are entitled to a transparent complaint processes and access to the DPS administration that serve them...Complaints against DPS employees may be filed by contacting a DPS watch commander or supervisor and giving details regarding the incident, or by completing the DPS complaint form above. We will promptly forward any complaint received to the Office of the Assistant Chief to review and assign for investigation...Once we complete the investigation, the Department's Assistant Chief will review the case and determine a course of disciplinary and/or training action. You will receive a written response regarding the disposition of the investigation.¹²⁵

Third, the website provides a "Silent Witness Crime Report Form" designed for students, faculty, staff, visitors, patients, non-USC affiliates, or "others" to report "criminal activity."¹²⁶

¹²³ USC Department of Public Safety Event Notification Form, <https://dps.usc.edu/services/party-notification-form/>.

¹²⁴ Department of Public Safety Feedback Form, <https://oleinik.wufoo.com/forms/mlw9ll309ztoej/>.

¹²⁵ USC Department of Public Safety Give Feedback Page, <https://dps.usc.edu/feedback/>.

¹²⁶ USC Department of Public Safety Silent Witness Feedback Form, <http://web-app.usc.edu/web/dps/silentWitness/>.

USC's Department of Public Safety's website explains that any complaint received will be forwarded to the Office of the Assistant Chief for review and for investigation. It would seem that the current Assistant Chief of the Department of Public Safety, David Carlisle, reviews the case and determines a course of disciplinary and/or training action within the department. USC's Department of Public Safety claims that it will send the complaint a written response regarding the disposition of the investigation.

This does not mean that student-police relations have at USC have been uneventful. A 2013 off-campus incident between the Los Angeles Police Department and USC students of color made its way to court. In 2013, more than seventy-nine Los Angeles Police Department police officers in riot gear responded to a noise complaint at an off-campus party attended primarily by black USC students.¹²⁷ In 2016, the Los Angeles City Council settled the lawsuit for \$450,000.¹²⁸ We hope that UCI can avoid any such incidents.

5. The University of Michigan (and Other Public Universities in Michigan)

The 1990 Michigan state statute authorizing the formation of campus police forces also required the creation of oversight committees.

The mission statement of the University of Michigan Police Department Oversight Committee:

The U-M Police Department Oversight Committee is an independent committee established to address grievances and complaints by persons against police officers or the department. The Committee may make recommendations concerning such grievances to the Executive Director, Division of Public Safety and Security, including recommendations for disciplinary action. The six-member committee is comprised of two faculty members (one Senate faculty and one non-Senate faculty), and two staff members (one union and one non-union), who are nominated and elected by their peers for two-year terms.¹²⁹

¹²⁷ Raz Nakhlawi, Black Students Settle Lawsuit Against Police, DAILY TROJAN (Aug. 24, 2016), <http://dailytrojan.com/2016/08/24/black-students-settle-lawsuit-police/>.

¹²⁸ *Id.*

¹²⁹ U-M Police Department Oversight Committee, <http://www.dpss.umich.edu/police/oversight.html>.

We note that there is conflicting information regarding student members. The mission statement indicates that student members are elected for two-year terms,¹³⁰ but other pages on the website indicate that students serve one-year terms.¹³¹

The University Police Department is one of several units under the University of Michigan Division of Public Safety. Other units under this division include Michigan Medicine Security (specifically serving the university's medical school and hospitals), Housing Security (officers designated to serve residential areas of campus specifically), Security Services (responsible for coordinating special events, infrastructure protection, and museum security), Emergency Management (responsible for emergency preparation and response), and Technology Management (responsible for coordinating, implementing, and maintaining technology used across the overall division). All units within the Division of Public Safety, including the University Police Department and its chief, report to the Executive Director of the division. The current Executive Director, who reports directly to the University President, is a former director of the Michigan State Police.

The Police Department Oversight Committee reports directly to the Executive Director of the Division of Public Safety and Security.¹³² The Committee meets twice annually to receive and discuss a semi-annual report from the Police Chief regarding grievances submitted directly to the Department.¹³³ Additional meetings occur only when a grievance is filed.¹³⁴ Grievances may be filed directly with the Committee through email, phone, or in writing delivered in person at the office of Staff HR Services.¹³⁵ This office is in a separate location from the police department and is the main office that provides administrative and communications support for the

¹³⁰ *Id.*

¹³¹ Police Department Oversight Committee Elections Schedules, <https://hr.umich.edu/working-u-m/workplace-improvement/police-department-oversight-committee>.

¹³² University of Michigan Police Oversight Committee Procedures, <https://hr.umich.edu/working-u-m/workplace-improvement/police-department-oversight-committee/committee-procedures>.

¹³³ *Id.*

¹³⁴ *Id.*

¹³⁵ *Id.*

Committee. Additionally, a grievance can be filed with the Police Chief and will be forwarded to the Committee within five business days.¹³⁶

The Police Chief conducts investigations when the Committee refers a grievance for investigation. The Committee may include specific recommendations about the investigation and can request an interim report from the Police Chief on the progress of an investigation or review of a grievance at any time.¹³⁷ The Police Chief's final investigation report to the Committee must include a summary of steps taken, findings and conclusions, actions taken, and explanation for unreasonable delays.¹³⁸ After submission of the report in either written or oral format, the Committee may accept the report as final, ask the Police Chief to investigate further and report again, or conduct its own hearing.¹³⁹ The committee procedures document provides no information regarding how the Committee conducts its own additional investigation. When the investigation is completed, the Committee may either determine that no action is warranted or report findings and recommendations, including recommendations for disciplinary actions, to the Executive Director, Division of Public Safety. The Executive Director reviews the Committee's report and advises the Committee of the "disposition of the matter."¹⁴⁰ No annual reports are provided to the campus community through the websites of either the Committee or the University Police Department, and no references to any type of reporting to the community was found in the Police Department Oversight Committee Procedures document.

C. General Reflections on Practices at Other Schools

Each of the various UC Review Boards summarized have various strengths and weaknesses. Although they vary in the level of detail in terms of timelines by which the review boards must make various decisions, most involve investigations of complaints, reports and appeal

¹³⁶ Id.

¹³⁷ Id.

¹³⁸ Id.

¹³⁹ Id.

¹⁴⁰ Id.

procedures. Of the three, when considered in total, we consider UC Berkeley's model the strongest.

A major strength is that both the PRB and the Chief report to the same Vice Chancellor of Administration, who has the review authority to settle disagreements between the PRB and the Chief when dealing with complaints. Another strength of UC Berkeley's policy is that it provides for a Liaison Officer to handle the PRB questions and requests made to UC Berkeley Police Department. The PRB membership provides for a community member, similarly we would think UCI's procedures would provide for membership from University Hills. The UC Berkeley PRB is charged both with policy review and complaint review, while UC Davis appears mainly focused on complaint review and UC Merced appears mainly focused on policy review. A major weakness of UC Berkeley's policy is that complaints are investigated by the Chief and only signed complaints signed are investigated, which means the UC Berkeley Police Department will always know the identity of the complainant. While the PRB can resubmit an investigation report it deems deficient, it appears to have limited control over how the complaint is investigated.

Both the UC Berkeley and UC Davis policies require annual public hearings to allow the university community to discuss concerns about matters concerning the police.

The major strength of the UC Davis PAB is that the investigation is not controlled by the police but is instead handled by a different administrative agency that has trained investigators. Its weakness is that it is only advisory to the Chief who is free to reject the PAB advice. Indeed, the one time the PAB found sufficient evidence of abuse of force, the Chief rejected the finding. The one strength of the UCM proposed policy is the broader scope of groups represented in the PAB's membership.

V. Recommendations

A. Implement a Model of Policing Appropriate to a Campus Community

The University of California Police Practices and Administrative Procedures manual articulates the primary mission of the campus police as “the protection of life and property.”¹⁴¹ The members of this committee believe that the role of campus police officers in a university setting includes a broader mission of safety and security than is typical of settings outside of universities. The campus police play important roles in protecting speech and ideas and in setting a model of civility—a model where all members of the UCI community, including those undocumented, identified as LGBTQT, and of color are treated with respect and care.

We note that some other major universities have shifted from “Police Departments” to “Departments of Public Safety.” USC describes its campus law enforcement officers as “Public Safety Officers.” We encourage changes in language and policy that place public safety at the core of the UCIPD mission and emphasize the broader role of the UCIPD in creating a safe, open, and welcoming environment for all groups of the UCI community while striving to implement the UC values of integrity, accountability, excellence, and respect.

B. Shift Accountability and Policy Review from UCOP to the UCI Campus and Establish an Independent “Campus Public Safety Advisory Board”

Members of this committee strongly feel that the current system of police oversight at UCI, which leaves resolution of complaints to the Chief of Police (and, as we understand, to the UC Office of the President in Oakland in special circumstances) raises two problems—one of transparency and one of accountability to the local community. To address these problems, we

¹⁴¹ UC Police Policies and Administrative Procedures, *supra* note 13, at § 901.

recommend that UCI establish an independent Campus Public Safety Advisory Board (CPSAB). The CPSAB duties shall include the following:

1. Offer a safe space for members of the campus community to provide feedback about interactions with UC PD Officers and to work with the Chief of Police;
2. Gather, analyze, and publicize information about policing on campus;
3. Provide a forum where members of the community, including members of the UCIPD, can constructively discuss policing policy and community policing with the UCIPD Chief;
4. Make recommendations to the UCIPD.

For the Campus Public Safety Advisory Board to maintain legitimacy within the campus community, the board must be truly independent of police control. This means that voting members of the CPSAB should be elected or endorsed by their peers. The proposed Campus Public Safety Advisory Board should be broadly representative of the campus community. We recommend that it consist of ten voting members—two UCI faculty, two students (ideally one undergraduate and one graduate), two UCI staff members, two University Hills residents, a retired police officer, and a member of the off-campus community. The members of the proposed CPSAB should include members from minority groups that have traditionally been concerned about the police (e.g., African Americans, LGBTQ members, undocumented students). Members of the UCI LGBT Resource Center, the UCI Black Student Union, the UCI Dreamers Office, and the UCI Disability Resources Center should be encouraged to serve. At least one member of the CPSAB should have some knowledge of policing and criminal justice. The Chief of Police (or designee) and a member of the Office of Equal Opportunity and Diversity should serve as *ex officio* and non-voting members of the CPSAB. We recommend that members of the board serve three-year terms. Terms of service should be staggered, with the goal of maintaining consistency and preserving knowledge from year to year.

The Campus Public Safety Advisory Board should report directly to the Vice Chancellor of Administrative & Business Services. The Office of the Vice Chancellor for Administrative & Business Services should also provide administrative support.

The CPSAB would monitor and review the policies and procedures of the UCIPD. UCI's Campus Public Safety Advisory Board would also perform an audit role, examining the overall performance of the department's complaint process and the quality of police-community interactions and making policy recommendations concerning those issues as appropriate.

As discussed in more detail below (*see* Section V.C., *infra*), this committee recommends that all complaints be directed to the Whistleblower Program. Any complaints sent directly to the UCIPD Chief should be copied within two days to an investigator in the Whistleblower Program, to the Chair of the Public Safety Advisory Board, and to any UCIPD member subject to the complaint. Staff in the Whistleblower Program would then log the complaint, send an acknowledgment with a notice of the option of mediation to the complainant (should any officer subject to the complaint also agree to mediation). When a complainant does not opt for mediation or where a complaint is sent anonymously, an investigation should be conducted and be completed within 45 days.

We recommend that both the Chief of Police and the Campus Public Safety Advisory Board review all complaints. The Campus Public Safety Advisory Board would hold monthly meetings to review the summary investigations of any complaints. Discussion of investigations must be conducted in closed, confidential meetings, with care to protect both the rights and privacy of any officers and any complainants. We note that our review of Police Advisory Boards on other campuses found that in almost all situations the Police Chief and the Board are in accord on the resolution of complaints. Where the Chief of Police and the Board do disagree on the outcome of a complaint, we recommend that the Vice Chancellor of Administrative and Business Services resolve the disputes. Following the UC Berkeley model, in appropriate cases, UCI's Campus Public Safety Advisory Board would have the power to order the UCI Police Department to reopen an investigation or to conduct its own independent investigation and hearings in a matter. In addition, we recommend that the UCIPD Chief share the outcomes of UCIPD officer investigations and their outcomes as allowed by agreements with the police union.

We also recommend that the Campus Public Safety Advisory Board hold one widely publicized open meeting each quarter where members of the campus community can share positive and negative feedback on campus policing and can offer recommendations for reforms in policies or practices. The Campus Public Safety Advisory Board can recommend policies to the Chief of Police. We note that the Chief of Police bears the ultimate authority for campus police policy.

The Campus Public Safety Advisory Board should submit an annual report documenting the number of investigations it has reviewed and the number of investigations still pending. It should also make any recommendations regarding policies, procedures, and training. The annual report should note any matters that the subsequent year's Public Safety Advisory Board may want to monitor or address in the future. The annual report should be submitted to 1) the Vice Chancellor of Business & Administrative Services; 2) the Chief of the UCIPD; 3) the Chair of the Advisory Council on Campus, Climate, Culture & Inclusion; 4) the Chair of the Council on Faculty Welfare, Diversity, and Academic Freedom; and 5) the Council on Teaching, Learning, and Student Experience.

C. Establish New Methods for Filing Complaints about Police Officers

The existing methods for submitting concerns or complaints about the campus police discourage reporting and raise community fears about retaliation. We find nothing to suggest that the UCIPD has produced these fears, but must recognize that the fears exist. For that reason, we recommend that UCI implement some new practices for filing complaints about police.

First, we recommend that the UCIPD and the University make it easier for individuals to file complaints. Having clear and simple procedures for filing complaints and clear explanations describing the process that follows allows for any problems that arise to come to attention immediately and be resolved quickly. It also signals that UCI and its police department are accountable and responsive to members of the community. The UCIPD website, as well as the

campus Whistleblower Program web site, should provide clear and detailed information for individuals who may want to file a police complaint.

Second, we that UCI create an online form for submission of complaints. Other university police departments around the country, and other UC police departments, allow online submission of complaints.¹⁴² We also recommend that the UCI make hardcopy Police Complaint Forms available at various offices on campus.¹⁴³ Those offices should include not only the UCIPD, but also the Office of the Ombudsman.

Third, we recommend that UCI allow for the submission of anonymous complaints. Some members of the community who offered feedback to the committee expressed that they would not feel safe filing a complaint against a police officer. Ignoring or discarding anonymous complaints when, for one reason or another, a complainant does not want to be identified creates a risk that sensitive problems will never be investigated. We recognize that an anonymous complaint raises problems for investigators and may raise due process issues should an officer be accused of misconduct that could result in disciplinary action. Anonymous complaints, however, typically carry less weight and require more substantiation to lead to any negative personnel actions against officers. We recommend that all complaints—whether they are signed or anonymously submitted—be documented and reviewed.

Finally, we recommend that UCI create a system where complainants file their complaints with a party independent of the UCIPD. The committee suggests the possibility of directing complainants to file their complaints with UCI's Whistleblower Program, now overseen by

¹⁴² See, e.g. UC Davis Police Advisory Board, File a Complaint Online form, available at http://pab.ucdavis.edu/citizen_complaint/complaint_form.cfm; UC Santa Barbara Police Department Commendation/Complaint Submission Form, <https://www.police.ucsb.edu/contact-us/employee-commendation-complaint-process>

¹⁴³ We note that UC Berkeley makes complaint forms officer through the following offices: the Office of the Vice Chancellor-Administration & Finance; the UC Berkeley Police Department, the ASUC Student Advocate's Office, the Campus Life and Leadership Office, the Campus Climate and Compliance Office, and the Office of Community Relations. UC Berkeley Police Review Procedures, II.1., <http://vcf.berkeley.edu/police-review-procedures#general>.

Kirsten Quanbeck and Kathie Allen.¹⁴⁴ As with whistleblower complaints, individuals should be able to submit police complaints either with signatures or anonymously. Any complaints that might involve claims of discrimination should be directed to the Office of Equal Opportunity and Diversity for investigation and resolution. Any complaints that might involve the Chief of Police should be investigated by Whistleblower Program investigators and be directed to the Vice Chancellor for Administrative & Business Services for resolution. All other complaints should be copied to the following—the Chief of Police, the Chair of the proposed Campus Public Safety Advisory Board, any officer who is the subject of the complaint, and either an investigator in the Whistleblower Program and an independent investigator. Within two campus workdays of a filing of a complaint, an acknowledgement of receipt of any signed complaint should be sent to the complainant. All complaint forms and websites should encourage the individual filing the report to print or photocopy the complaint and keep it on file.¹⁴⁵ Annual reports on the number of complaints filed, investigated, and resolved should be made public.

In line with UC Berkeley’s review procedures, we recommend that complainants and officers who are the subject of complaints be offered the option of mediation in complaints that do not involve the excessive use of force.¹⁴⁶ Mediation would involve unrecorded discussions between a complainant, a member of the UCIPD, and one member of the proposed Campus Public Safety Advisory Board who would be selected by the Advisory Board’s Chair. Any complaints resolved through mediation may be labeled resolved.

We note that the UC system already has a system for reporting—anonymously, if desired—conduct that displays bias or that contributes to a hostile campus climate. To the extent that

¹⁴⁴ UCI Office of the Whistleblower, <http://whistleblower.uci.edu/>. The Committee recognizes that shifting complaints to the Whistleblower Program may require an additional part-time or full-time staff investigator. We estimate that the cost of hiring a full-time investigator would be approximately \$130,000 to \$150,00 per year, inclusive of benefits.

¹⁴⁵ A member of the committee was informed by a member of the campus community that the individual filed a formal written complaint with the UCIPD, received notification that the complaint was received, and then told that the written complaint had been lost.

¹⁴⁶ UC Berkeley Berkeley Police Review Procedures, <http://vcf.berkeley.edu/police-review-procedures#general>.

some of the concerns about policing at UCI may raise issues of bias that may not rise to the level of unlawful discrimination, we note that the UC System has an “Intolerance Report Form” where members of the campus community can report incidents of bias or circumstances that contribute to a hostile climate.¹⁴⁷ This form is another way of making campus officials aware of incidents or dynamics that may be undermining UCI’s goal of creating a welcoming and inclusive campus community. Members of the UCI community may or may not be aware of the Intolerance Report form. We encourage wider publicity of this form, which may shed light on issues in the community that are creating divisions on campus.

D. Regularly Collect and Analyze Data on Policing and on the Campus Community’s Experiences with the UCIPD and Publish those Analyses

The Clery Act requires that the campus annually publish data about crime on campus. We recommend that UCI—and the UC system more broadly—regularly publish more detailed data about police complaints and make efforts to assess individuals’ experiences with and perceptions of the police on campus.

Though the UCIPD is not mandated to report stop data for several years, the committee believes it is important for the UCIPD to analyze and publish data on police stops as soon as possible. Data about police stops may help dispel speculation about policing activities. If the data show reasons for concern, such as racial or ethnic disparities in stop and search rates, then UCI can address such concerns. We note that numerous scholars on campus have experience analyzing quantitative data, even quantitative data about policing. We urge the University to commit resources to this data analysis and allow these scholars access to the data.

In addition to data about police stops, the University should regularly collect information about general experiences with and perceptions of the police on campus. This committee urges UCI

¹⁴⁷ University of California Campus Climate Reporting page, https://ucsystems.ethicspintvp.com/custom/ucs_ccc/form_data.asp.

(and the UC system more broadly) to include questions about individuals' experiences with and perceptions of the police in the regularly conducted Campus Climate Surveys. (The researchers who conduct the survey may want to consider using some of the questions this committee used in its pilot study.) This committee's investigation has revealed that the policing climate affects the overall campus climate, particularly for members of minority or vulnerable populations on campus.

The possibility that the UCIPD may begin using body cameras in the near future also raises a number of questions—both about access to data and to privacy. These privacy issues are particularly important on a campus where a high proportion of the students and faculty live on campus. We urge the UCIPD to share forthrightly any plans on use recording devices by officers and to be in conversation with members of the campus community about concerns that may arise as police officers begin recording encounters with members of the campus community.

E. Conduct Regular Trainings on Implicit Bias

A growing body of literature has highlighted the potential for implicit bias and stereotype threat to influence the ways that police officers and members of the public interact with each other.¹⁴⁸ The committee recommends that all members of the UCIPD take part in implicit bias trainings every year. In addition, all members of the proposed Campus Advisory and Policy Committee should be required to participate in implicit bias training each year. To the extent that not all implicit bias trainings are similarly effective, we recommend that the selection of a program rest on statistical data that demonstrate a reduction in bias.

¹⁴⁸ See, e.g., Jennifer L. Eberhardt, et al., *Seeing Black: Race, Representation, and Visual Processing*, 87 J. PERSONALITY & SOC. PSYCH 876 (2004); Sandra Graham & Brian S. Lowery, *Priming Unconscious Racial Stereotypes about Adolescent Offenders*, 28 LAW & HUM. BEHAV. 483 (2004); Anthony G. Greenwald & Linda Hamilton Krieger, *Implicit Bias: Scientific Foundations*, 94 CAL. L. REV. 945 (2006); Sang Hee Park, Jack Glaser, & Eric D. Knowles, *Implicit Motivation to Control Prejudice Moderates the Effect of Cognitive Depletion on Unintended Discrimination*, 28 Soc. COGNITION 401 (2008).

Finally, In the interests of transparency, we also recommend that the Chief of Police post an annual report on the trainings officers have done in the prior year, efforts the police department has made to connect to the community, and policing policy modifications that have been made.

Conclusion

This committee took seriously its charge of fostering a more open and positive relationship between the UCIPD and members of the campus community. We hope that both members of the UCIPD and members of the campus community treat these recommendations as a step forward in creating a campus safe and secure for everyone.

Appendices

Appendix A. UC Berkeley Police Review Board

UC Berkeley Police Review Board Procedures for Handling Citizen Complaints Against Sworn Members of the Police Department¹⁴⁹

The Chancellor of the University of California, Berkeley, having previously established a University of California, Berkeley, Police Review Board to administer citizen complaints against the sworn members of the University of California, Berkeley, Police Department and to monitor and review departmental policies and procedures, hereby promulgates the following revised procedures to govern the operation of the Board, effective as of August 1, 2001.

I. GENERAL

1. Application of Procedures:

The following procedures shall be employed by the University of California, Berkeley, Police Review Board (the Board) to govern the receipt and processing of citizen complaints against sworn members of the University of California, Berkeley, Police Department (UCPD) in the performance of their duties. Complaints against the Chief of Police (Chief), Assistant Chiefs of Police (Assistant Chiefs), or Captains are excepted from the Board's jurisdiction, except in such particular cases and in such limited manner as are provided for in Section VI.3, and shall be reviewed as set forth in Section VI, below. The Board shall receive and process complaints in accordance with these procedures and shall advise and make recommendations concerning its findings, through the Vice Chancellor-Administration to the Chief. These procedures shall also govern the Board in its audit and public reporting roles, as more fully spelled out in Section VIII hereto.

2. Definitions:

The following definitions shall apply in these procedures:

- a. Complaint: An allegation of improper conduct against a sworn officer of the UCPD (other than the Chief or Assistant Chief or Captain) while engaged in assigned police functions.

¹⁴⁹ UC Berkeley Office of Administration and Finance, Police Review Procedures, <http://vacf.berkeley.edu/police-review-procedures#general>.

b. Improper Conduct: Conduct that violates established practice, standards of professional behavior, departmental rules, guidelines or directives.

c. Aggrieved Person: Any person, other than a member of the UCPD, directly affected by the alleged improper police conduct.

d. Complainant: The Aggrieved Person filing the Complaint.

e. UCPD Member: A sworn officer of the UCPD. (Other UCPD employees' alleged improper conduct shall be investigated separately under UCPD's internal procedures.)

IX. Subject Officer: A sworn officer of the UCPD (Berkeley Campus) against whom a complaint is filed.

X. Board: The University of California, Berkeley, Police Review Board or, when specifically authorized under these procedures, a three-member panel of the Board.

XI. Departmental Representative: That UCPD Member designated by the Chief to appear at a Board hearing to speak on behalf of the UCPD.

XII. Investigator: An investigator hired by the Vice Chancellor Administration on a case by case basis and assigned to the Board.

XIII. Mediation: One or more informal sessions before one Board member, attended by the Complainant and the Subject Officer, to discuss the Complaint and to attempt to reach a mutually amicable resolution.

3. Composition and Training of the Board:

a. The Board will be composed of eight members appointed by the Vice Chancellor-Administration, as follows.

(1)) Two students, one an undergraduate selected by the ASUC officers and confirmed by 2/3 of the members of the Senate and the other a graduate student selected by the Graduate Assembly officers and confirmed by 2/3 of the members of the Assembly.

(2)) Two faculty members recommended by the Academic Senate (such faculty members need not be Academic Senate members).

(3) One member of the campus staff recommended by the Ombudsperson for Staff.

(4) One sworn police officer who has retired or resigned in good standing from active service as a police officer. Former UCPD police officers may serve on the Board, but shall not be eligible for service until at least five years after finishing their UCPD service.

(5) One member of the community bordering the Berkeley campus. Such member shall be selected by the Vice Chancellor-Administration from candidates nominated by relevant community organizations. In selecting a community member of the Board, the Vice Chancellor-

Administration should ordinarily give preference to community members who have demonstrated connection to, and respect for, the values of the University community.

(6) A Chair, who shall be an individual of judicial temperament and background. The Vice Chancellor-Administration shall consult with the members of the Board before making a final selection.

b. All members will initially be appointed by the Vice Chancellor-Administration for one-year terms but will serve until their successors accept appointment. The Vice Chancellor-Administration may reappoint members for one or two year terms at his/her discretion. In making appointments, the Vice Chancellor-Administration shall aim to ensure that there will be significant year-to-year continuity in the Board's membership.

c. All members of the Board shall receive regular exposure to Departmental policies and practices, which may include briefings on complaint procedures, briefings on policies governing police civilian contacts, the use of force, and crowd control, and observation of UCPD officers at work.

d. All information provided to or generated by the Board relative to individual officers is considered strictly confidential under University policies and state law. No member of the Board shall make public comment on pending complaints or disclose any confidential matters pertaining to a complaint or performance issues at any time.

II. FILING COMPLAINTS, MEDIATION AND UCPD INVESTIGATION

1. Initiation of Complaints:

a. Complaints may be made by an Aggrieved Person. No Complaint will be deemed filed until it has been reduced to writing and signed by the Complainant. Complaint forms will conclude with the following words: "I hereby certify that, to the best of my knowledge, the statements herein are true." Should a Complainant not wish to file a formal written complaint, he or she shall be advised of informal departmental review procedures.

b. All citizen complaints against the sworn members of the UCPD, except the Chief or Assistant Chiefs or Captains (see Section VI below), shall be processed under this procedure in accordance with the definitions and provisions thereof: no other campus review mechanisms or grievance procedures shall be applicable. Complaint forms may be obtained, and complaints filed, at any of the following offices:

- The Police Review Board in care of the Office of the Provost/Executive Vice Chancellor for Academic Affairs (CUT and replace with Aldrich Hall, Provost's Office -Administration & Finance, 200 California Hall, 642-3100)
- UCPD, #1 Sproul Hall, 642-6760 or police.berkeley.edu
- ASUC Student Advocate, 204 Eshleman Hall, 642-6912
- Campus Life and Leadership, 102 Sproul Hall, 642-5171

-
- Campus Climate and Compliance, 200 California Hall, 643-7985
 - Office of Community Relations, 2130 Center Street, 643-5299

All complaints shall be forwarded immediately to the Chief of Police.

The campus ombuds offices are also available to assist with informal resolution of complaints. Assistance provided by the ombuds offices is separate from the formal process.

Ombuds offices:

- Faculty, 642-4226
- Staff and non-Senate Academics, 642-7823
- Students, including Postdocs, 642-5754

c. All Complaints shall be filed within thirty (30) calendar days of the alleged improper conduct, and any complaint not filed within thirty (30) calendar days shall be dismissed; provided, however, that a Complaint may be filed within an additional thirty (30) calendar days if the Complainant demonstrates to the Chair that failure to file the Complaint within the initial thirty (30) calendar day statutory period was the result of incapacity or excusable neglect. In the case of physical incapacity, and at the discretion of the Chair, a Complaint may be filed within one year. Lack of knowledge of the existence of the Board or its Complaint Procedures shall not constitute incapacity or excusable neglect in any case.

d. Complaints must allege facts establishing a prima facie showing of improper conduct. Complaints which do not establish a prima facie case of improper conduct shall be referred by the Chief to the Board for summary dismissal. If the Board disagrees, the Board may remand it to the department for further review or conduct an external investigation on its own.

e. If no Aggrieved Person is able to initiate a Complaint alleging excessive force, or in any case involving the death of a person, the Board may, with four affirmative votes, authorize an investigation or such other action as it deems appropriate. If such an investigation results in a hearing, the Board may designate any person not a member of the Board to act in the role of Complainant.

2. Recording of Complaints and Informing Interested Parties:

a. Within two (2) working days after receiving a Complaint, the Chief shall forward a copy of the Complaint to the Complainant, the Chair of the Police Review Board, each identified Subject Officer, and the Provost/Executive Vice Chancellor for Academic Affairs, along with written notice of the filing of the complaint, the allegations of the Complaint, and that an investigation will commence by the UCPD Complaint Investigation Unit.

b. This investigation is to be completed within forty-five (45) calendar days from the filing of the complaint. At the request of the Chief of Police, the Provost/Executive Vice Chancellor for

Academic Arraignment may grant up to a seven (7) calendar day extension for just cause. Failure of the Department to comply with the timing rules for investigations does not deprive either the Department or the Board of jurisdiction.

3. Mediation:

- a. In all cases except those alleging excessive force, the Chief shall inform the Complainant of the possibility of mediation as an alternative to investigation and a possible Board hearing. Mediation is an informal process. held before one Board member, and attended by the Complainant and the Subject Officer, for the purpose of fully, thoroughly and frankly discussing the alleged improper conduct and attempting to arrive at a mutually agreeable resolution of the Complaint. During mediation the time limit for UCPD investigation is suspended.
- b. If the Complainant elects Mediation, the Chief of Police shall notify the Subject Officer of the Complaint, and of the Complainant's willingness to enter Mediation. The Subject Officer has seven (7) calendar days to accept Mediation. If the Subject Officer agrees, the Chief shall schedule a Mediation session at the earliest convenient time. If not, the Chief shall proceed with the UCPD investigation.
- c. The Mediation session will consist of the Complainant, the Subject Officer, and one Board member chosen by the Chair. No other person may be present, and no tape will be made. Witness statements may be presented in writing.
- d. Mediation sessions shall not extend beyond ten (10) calendar days from the first scheduled meeting. Within this ten (10) day period, Mediation will continue as long as the Board member and the parties feel that progress is being made in the resolution of differences between the parties.
- e. Complaints resolved through mediation to the mutual satisfaction of the parties shall be deemed withdrawn. Otherwise the Complaint will be referred back to the Chief for UCPD investigation and a possible Board hearing.

4. UCPD Investigation:

When Mediation is not elected or does not resolve the complaint, the Chief or his/her designee shall interview the Complainant, each Subject Officer, and witnesses or other persons likely to have information concerning the Complaint, shall assemble all other relevant information, complete the investigation and share the findings with the Complainant in writing. In cases where the Complainant is a student and the Department believes it is likely to complete its investigation during a quarter or semester break, the Department shall obtain an address where the student can be reached during the quarter or semester break and shall mail its notice of disposition both to the address listed on the complaint and to the student's quarter or semester break address. The notice to the Complainant shall inform the Complainant of his/her right to

appeal in writing to the Police Review Board, of the deadline for filing an appeal, and of location and address at which an appeal can be filed.

III. APPEAL TO THE BOARD AND EXTERNAL INVESTIGATION

1. Appeal:

If the Complainant is not satisfied with the UCPD findings, the Complainant can appeal to the Police Review Board. All appeals shall be filed within thirty (30) calendar days of the UCPD findings, and any appeal not filed within thirty (30) calendar days shall be dismissed, provided, however, that an appeal may be filed within an additional thirty (30) days if the Complainant demonstrates that the failure to file an appeal within the initial thirty (30) day period was the result of excusable neglect; provided further, in the case of a student complainant, if the Complainant can establish that he/she failed to receive notice due to the Department's failure to comply with the notice requirements of Section II.4 with respect to investigations concluded during a semester break, the time to appeal shall be the longer of thirty (30) days after receiving actual notice of the Department's findings or ten (10) days after the end of the semester break in which the Department notified her of the disposition.

2. Timing Rules:

Rules governing the timing of Board decisions, investigations, and hearings are designed to encourage the prompt processing of claims, but failure to comply with those rules shall not deprive the Board of jurisdiction to decide an appeal timely filed under Section III.1.

3. Panel Review:

When an appeal is filed, a three member panel of the Police Review Board designated by the Chair will review the investigative findings of the UCPD and determine whether to summarily affirm the investigation, remand to UCPD with a request for further investigation or clarification, or refer the Complaint on to the full Board for an external investigation. In the event that the panel is unable to reach agreement on a course of action, it may, in consultation with the Chair, refer the matter to the full Board for decision. The panel shall render its initial decision on those issues within twenty-one (21) calendar days after the filing of the appeal. In cases of unusual significance, the Chair may, in its discretion, direct that the initial review of an appeal be conducted by the full Board rather than by a panel thereof, in which case the same timing rules shall apply.

4. Summary Affirmance:

The Board shall summarily affirm the Department's findings when it is readily apparent that the Department's investigation was complete and its findings correct on the evidence presented, so that further investigation or hearing by the Board would be highly unlikely to lead to a different conclusion than that reached by the Department. In the event of a summary affirmance, the Board shall prepare a letter explaining its decision, which shall be provided to the Complainant, the Subject Officer, the Department, and the Vice Chancellor-Administration.

5. Remand to the Department:

a. The Board may remand to the Department for further investigation or clarification where the Department's investigation appears incomplete, where aspects of the Department's reasoning or conclusions are unclear, or where there are issues arising from the evidence gathered by the Department which have not been addressed in the Department's reasoning and conclusions.

b. When a Complaint is remanded, the Department shall have thirty (30) calendar days to forward revised findings. Upon receipt of the revised findings, the Board shall have fourteen (14) calendar days to complete its review pursuant to Section III.2.

6. External Investigation:

a. Commencement of Investigation: In cases where the Board has recommended an external investigation, the Board shall seek to retain an investigator as promptly as possible.

b. Manner of Conducting External Investigations: The investigation shall be conducted in a manner designed to produce a minimum of inconvenience and embarrassment to all parties. When possible, UCPD members shall not be contacted at home, and others should not be contacted at their place of employment.

c. Exercise of Constitutional Rights: UCPD members, including those who are identified as the Subject Officer of a Complaint, have a duty to answer questions in any investigation or hearing conducted by the Board regarding conduct and observations which arise in the course of their employment, and may be subject to discipline for failure to respond. The exercise of any or all constitutional rights shall not in any manner be considered by the Board in its deliberations. Testimony compelled by the Board may not be used in a criminal proceeding against the Subject Officer.

d. Statements of Witnesses: Whenever the investigator takes a statement from any Complainant, Subject Officer, witness, or other person likely to have information concerning the Complaint, the investigator shall commence by explaining the nature of the proceeding and the issues involved, including their right to review and correct their statement and the confidentiality provisions governing the proceeding. The statement shall be tape recorded, whenever practicable. Furthermore, a summary shall be drafted by the Investigator, and

whenever practicable, signed by the person who gave the statement. The Investigator shall make every reasonable effort to obtain the signature of each person on his or her statement. Each summary shall be mailed to the person giving the statement, who will have three (3) working days to notify the Investigator if he or she wishes to add to or modify the statement. All tape recordings, written statements or summaries, shall be kept and preserved according to established University procedures.

7. Investigation Timetable and Report:

- a. The investigator's report shall be submitted to the Board within forty-five (45) calendar days after the investigator has been retained.
- b. The investigator's report should identify the important issues in the case, set forth the evidence bearing on those issues, and aim to assist the Board in determining the need for and content of any hearing on the matter. When the evidence warrants, the Investigator may make recommendations regarding procedural issues or possibilities for summary disposition.
- c. Any supplemental report will be given to the parties at least forty-eight (48) hours before the hearing:

8. Notification to the Parties:

- a. Immediately after completion of the investigator's report, the Board shall provide to the Complainant the following:

- (1) Written notice that the Complaint will be considered by the Board.

- (2)) Any Investigator's recommendations dealing solely with summary disposition or procedural matters.

- (3) Written notice:

- (i) that the Complainant may consult an attorney if desired, and that an attorney may represent him or her at the hearing, but that an attorney will not be required;

- (ii) that the Complainant is entitled to testify and to present witnesses and other evidence at the hearing; and,

- (iii) in cases where the Complainant's testimony is deemed material to the disputed issues, that the Complainant's failure to appear and testify may be grounds for the dismissal of the Complaint.

- b. Immediately after completion of the Investigator's report, the Board shall provide to each Subject Officer and the Chief of Police the following:

- (1) Written notice that the Complaint will be considered by the Board.

- (2)) Any Investigator's recommendations dealing solely with summary disposition or procedural matters.

(3) A copy of the Investigator's report and summary, including all attachments, transcribed statements and exhibits supplied to the Board.

(4) Written notice:

(i) that the Subject Officer may consult an attorney if desired, and that an attorney may represent him or her at the hearing, but that an attorney will not be required and

(ii) that both the Subject Officer and the Department have the right to attend, to testify, and to submit witnesses and other evidence at the hearing.

IV. RESPONSES TO EXTERNAL INVESTIGATION IN LIEU OF BOARD HEARING

1. No Contest Response:

a. A Subject Officer may enter a written response of "no contest" at any time before a hearing. A response of "no contest" indicates that the Subject Officer accepts the allegations of the Complaint or the Investigator's findings as substantially true. The Subject Officer shall be bound by the terms of the no contest. response in any consideration of the Complaint by the Chief of Police.

b. Upon receipt of a "no contest" response, the Board shall refer the file and finding of no contest to the Chief of Police for appropriate action.

2. Summary Dismissal:

After reviewing the Investigator's report, the Board may summarily dismiss a Complaint which it finds clearly without merit on the recommendation of the Investigator, its own motion, or that of the Subject Officer. Parties to the Complaint shall be notified of the summary disposition.

3. Summary Affirmance:

After reviewing the Investigator's report, the Board may summarily sustain a Complaint which it finds clearly meritorious on the recommendation of the Investigator, its own motion, or that of the Complainant. Summary affirmance will not occur over the objection of the Subject Officer, who shall be notified of the summary hearing, and may appear or make a timely objection in writing.

V. BOARD HEARING

1. Function:

The Board, or any three-member panel designated to act in its stead, shall review the Investigator's report and the evidence gathered in connection therewith, hear testimony, prepare findings, and advise the Chief of Police of its conclusions. In the event that the Board does not summarily resolve the case after receiving the report of the investigator, the hearing shall be convened within thirty (30) days after submission of the report.

2. Composition of the Hearing Board:

A Board hearing shall be conducted by the Board as a whole, with a minimum of five Board members, or any three member panel designated by the Chair to act in its stead. The Chair will conduct the hearing.

3. Bias or Prejudice:

A Board member who has personal bias or prejudice in the outcome of a Complaint shall not sit on a hearing of that Complaint.

4. Confidentiality:

Hearings shall be strictly confidential in accordance with California law and University regulations.

a. Except as provided in these Procedures, no member of the Board shall discuss or listen to discussion of the facts or analysis of any matter which is the subject of a Complaint prior to its hearing.

b. No member of the Board shall make public comment on pending complaints or disclose any confidential matters pertaining to the Complaint at any time.

c. Failure to comply with this regulation shall be grounds for removing a member from the Board. Such an allegation may be brought to the Chair by a Complainant, Subject Officer or other Board members. Board members, in particular, will recognize an ethical obligation to report violations of confidentiality: Should the Chair find the allegation of breach of confidentiality to be true, the Chair shall recommend to the Vice Chancellor-Administration the removal of the offending member.

5. Presence at Hearing:

a. The Complainant, the Departmental Representative, and the Investigator shall be present and available to testify unless (a) otherwise directed by the Board, or (b) the Complainant's presence is in conflict with University rules of confidentiality. The Subject Officer has the right to be present at all sessions of the hearing and to offer testimony and evidence in his own

defense. In addition, pursuant to Section III.4.b of these procedures, the Subject Officer is obliged to answer questions at the hearing if asked to do so by the Board.

b. No person who is present at a Board hearing or Mediation session shall become the subject of harassment or personal attack. If the Chair fails to maintain reasonable order, UCPD Members shall be excused without prejudice. The burden shall be upon the UCPD Member to establish to the satisfaction of the Chief that his or her reasons for leaving were sufficient.

c. In cases where the Complainant's testimony is material to the issues raised by the Complaint, the failure of the Complainant without good cause to appear at a hearing where his/her testimony has been requested by the Board shall result in the Complaint being dismissed and preclude the matter from future consideration by the Board.

6. Evidence:

The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions. Evidence shall be taken in accordance with the following provisions:

a. The Board shall call and examine witnesses and receive exhibits on any matter relevant to the issues.

b. Oral evidence from UCPD members and other University of California employees need not be taken under oath, although such witnesses may elect to testify under oath. Testimony of other witnesses shall be taken under oath, and Complainants shall receive an admonishment substantially similar to that mandated by Penal Code §148.6.

c. Upon the request of either party, witnesses shall be excluded from the hearing until they are called to testify.

d. Irrelevant and unduly repetitious evidence shall be excluded.

e. The Subject Officer may elect to restrict questioning to no more than two Board members who shall be designated by the Chair.

7. Hearing Procedure:

a. The hearing will ordinarily proceed as follows. The Board will ask the Complainant to present the Complaint and will receive testimony from any witnesses the Complainant requests the Board to hear. The Board will then ask the Subject Officer to respond to the Complaint and will receive testimony from any witnesses the Subject Officer requests the Board to hear. The Board may vary the order of proof in its discretion for the convenience of the parties or to improve the accuracy, fairness or timeliness of the hearing process. At any time the Board may call

additional witnesses on its own motion or may ask the Departmental Representative for relevant information or commentary. After the Board has taken all relevant evidence, each party will be given an opportunity to make a closing statement.

b. The hearing may continue from day to day, if the volume or complexity of the evidence so requires. If the Board considers that additional evidence is necessary to reach its findings, it will continue the hearing to a future date unless the parties agree to allow the Board to receive such material in writing without reconvening.

c. The opinion of the Assistant Chancellor-Legal Affairs will be sought whenever the interpretation of these Procedures is contested and pivotal in the case, or when a case raises substantial legal issues of first impression and shall be binding on the Police Review Board.

8. Deliberation:

After the taking of evidence has been concluded, the Board will deliberate in closed session. During deliberations, the Board may consult the Investigator, the Departmental Representative, or the Assistant Chancellor-Legal Affairs for clarification of evidentiary or procedural matters, but such persons shall not be entitled to participate directly in deliberations. The Board shall not consider any evidence not received as part of the hearing. The Board may reconvene in the presence of all parties to ask further questions, and each party shall have the opportunity to respond to any such questions.

9. Majority Vote:

All action by the Board, including three-member panels thereof, shall be by majority vote, unless otherwise specified in these Procedures.

10. Standard of Proof:

No complaint shall be sustained unless it is proven by clear and convincing evidence presented at the hearing or otherwise contained in the record. 'Clear and convincing' is more than a 'preponderance of the evidence,' but less than "beyond a reasonable doubt."

11. Categories of Findings for Each Allegation:

a. If the investigation shows that the alleged act did not occur, the finding shall be "Unfounded."

b. If the investigation fails to support the allegation but the allegation cannot be shown as false, the finding shall be "Not Sustained."

c. If the investigation shows the alleged act did occur but was lawful, justified and proper, the finding shall be "Action Justified."

d. If the investigation supports the allegation and the action is not justified, the finding shall be "Sustained."

12. Report of Board Findings and Notification:

a. Within thirty (30) calendar days after the conclusion of the hearing, the Board shall submit written findings to the Chief of Police and the Subject Officer through the Provost/Executive Vice Chancellor for Academic Affairs. Such findings shall discuss both the conduct of the Subject Officer and any relevant reviews of Departmental practice or policy. Any dissenting Board member may set forth the reasons for dissenting in writing, and such dissent shall be circulated in the same manner as the written findings of the majority of the Board.

b. The Vice Chancellor-Administration shall provide the Subject Officer with a copy of the written findings of the Board and notify the officer of the right to petition for a rehearing. The complainant shall be provided with notice of the final disposition of the matter (consistent with the rights of privacy of the Subject Officer) and notified of the right to petition for a rehearing.

13. Petition for Rehearing:

a. Within fifteen (15) calendar days of the mailing of findings to the Subject Officer and notice of disposition to the Complainant, any party to the Complaint may petition in writing, with grounds set forth, for a rehearing. Such rehearing may be granted by the Board if it is shown that there is newly discovered evidence that is material for the party making the application which could not have been, with reasonable diligence, discovered and produced at the hearing; or that there was substantial procedural error likely to have affected the outcome.

b. Upon receipt of a petition for rehearing by either party, a decision shall be made within fifteen (15) calendar days as to whether to grant or deny it. When a rehearing is granted, it shall be held within thirty (30) calendar days of the receipt of the petition.

14. Circulation of Findings to the Chief of Police:

a. The Board shall promptly forward copies of its findings together with the investigative packet to the Chief of Police, through the Provost/Executive Vice Chancellor for Academic Affairs, for appropriate action. Within fifteen (15) calendar days of receiving the findings, the Chief of Police may notify the Board that the findings are inadequate. The Chief shall specify those matters which, in his or her opinion, require further elaboration, explanation or investigation.

b. The Board will decide whether to reopen the Complaint and any subsequent hearing shall be held within thirty (30) calendar days of the Chief's notification to the Board.

c. When there is a dispute regarding the findings of the Police Review Board and the Chief of Police, those findings will be provided to the Vice Chancellor-Administration who will then decide on the validity of the Complaint based on the information presented.

VI. COMPLAINTS AGAINST CHIEF, ASSISTANT CHIEFS AND CAPTAINS

1. Allegations alleging improper conduct on the part of the Chief or an Assistant Chief or Captain may be made by an Aggrieved Person. Such allegations shall be set forth in writing, signed by the Complainant, and submitted to the Vice Chancellor-Administration, either directly or through the Campus Police Department.

2. Such Complaint shall be filed within thirty (30) calendar days of the alleged improper conduct, and any Complaint not filed within thirty (30) calendar days shall be dismissed; provided, however, that a Complaint may be filed under this subsection within an additional thirty (30) calendar days if the Complainant demonstrates to the Provost/Executive Vice Chancellor for Academic Affairs that failure to file the Complaint within the initial thirty (30) calendar day statutory period was the result of incapacity or excusable neglect. In the case of physical incapacity, and at the discretion of the Provost/Executive Vice Chancellor for Academic Affairs, a Complaint may be filed within one year. Lack of knowledge of the existence of the Board or its Complaint Procedures shall not constitute incapacity or excusable neglect in any case.

3. Upon receipt of a Complaint under this subsection, the Provost/Executive Vice Chancellor for Academic Affairs, or his or her designee, shall interview the Complainant, each Subject Officer and witnesses or other persons likely to have information concerning the Complaint and shall assemble all other relevant information. The Provost/Executive Vice Chancellor for Academic Affairs may seek the advice of the Board regarding any policy issues raised in the course of this investigation.

4. After the review is completed, the Provost/Executive Vice Chancellor for Academic Affairs shall share the findings with the complainant and take such administrative action as may be warranted pursuant to established University and Campus Personnel Policies.

VII. OTHER ISSUES RELATING TO APPEALED COMPLAINTS

I. Authority of Internal Affairs of the Chief of Police:

Nothing in this procedure limits the investigatory authority of the Chief of Police to conduct internal review of the conduct of the UCPD and UCPD Members; provided, however, that in citizen complaints against Subject Officers, the Chief, or his designee, shall make every effort to cooperate in good faith with the Board and to avoid burdensome and duplicative investigations.

2. Exceptional Cases:

The Police Review Board may be requested by the Provost/Executive Vice Chancellor for Academic Affairs to investigate any Complaint on a priority basis if it is determined by the Vice Chancellor-Administration that the nature of the Complaint requires an external review.

3. Waiver:

Any person who is a party or witness to a proceeding before the Board may waive any provision of these rules intended for her protection. Such waiver may be express, or, in appropriate circumstances, implied from conduct.

4. Record-keeping:

The Board shall maintain records of all proceedings conducted before it. To the extent permitted by law governing the confidentiality of the proceedings, the Board will make available to the public material on appealed cases in its annual report prepared pursuant to Section VIII of these procedures.

VIII. OVERSIGHT AND REPORTING FUNCTION

1. Receipt of Information from the Department:

a. In all cases in which the Department resolves a Complaint and in which no appeal is taken, the Department shall supply to the Board, in a timely manner, a copy of the Complaint and of the Department's Sufficiency Review Board report for the case. In addition, in any such case, the Chair of the Board may request a copy of the Department's entire investigative record in the case for the Chair's use in analyzing the issues raised in the case. In appropriate cases, the Chair may request from the Vice Chancellor-Administration permission to share all or part of the Department's investigative record with other members of the Board.

b. The Department shall prepare an annual report on interaction with civilians, that discusses and summarizes civilian complaints and inquiries that were resolved without a full investigation (for example, by a work-file memorandum), describing the location of the events involved, the nature of the interaction with the department, the precise character of the civilian concern, and the department's resolution and assessment of the matter.

c. The Board shall have the right to pose questions to the Department based on the information received pursuant to subsections a. and b., and to comment on issues of policy or practice raised therein. In addition, the Board may request reasonable briefings concerning issues of Departmental policy relating to its areas of interest. Should the department believe that a

request from the Board poses an unreasonable burden and should the Board disagree, the matter will be referred to the VC-Administration for resolution.

2. Public Reports and Meetings:

a. The Board shall prepare an annual report, reporting on the cases decided on appeal and on the information forwarded by the Department outside the appeal process. Such report shall focus on the Department's complaint procedures, tracking trends over time and making policy recommendations as appropriate based upon the information supplied to the Board. Such report shall also reflect community input on the activities of the Department and the Board, as solicited through an open public hearing. The annual report will not disclose information concerning individual cases or officers that is confidential under California law.

b. The Board shall hold duly noticed public meetings at least once each academic year to receive community input concerning the Department and its activities and to disseminate the record of its own activities. The notice of such hearing should be accompanied by a draft of the Board's annual report, inviting the response of the community, the Department, and other interested parties, either orally or in writing. Following the hearing the Board shall prepare a revised version of its annual report, reflecting input from concerned communities.

c. Copies of the Board's annual report shall be submitted to the Provost/Executive Vice Chancellor for Academic Affairs, shall be distributed to interested community members and organizations, shall be published in appropriate public records (The Daily Californian), and shall be freely available to the public.

IX. Review of these Procedures

The Provost/Executive Vice Chancellor for Academic Affairs shall conduct a review of the effectiveness of these revised procedures to determine whether further amendments are warranted. The timing of such review shall be in the Vice Chancellor's discretion, but such a review shall commence no later than academic year 2004-2005. The Provost/Executive Vice Chancellor for Academic Affairs shall make determinations regarding recommendations for amendment after receiving recommendations from the Board, which recommendations shall be based on input from members of the campus community, including the Chief of Police and UCPD members.

Appendix B. UC Davis Police Advisory Board

Police Advisory Board Bylaws

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

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. Alternates will only participate and vote in meetings when the PAB member representing his or her organization is absent.

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.

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.

PAB 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 overall process, 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;
- (2) Faxing a completed complaint form to one of the fax numbers listed below;
- (3) E-mailing a completed complaint form to pab@ucdavis.edu;
- (4) Calling the UCD Office of Compliance at the telephone number listed below to schedule an appointment; or

(5) Submitting a completed complaint form to the UCD Police Department at one of the addresses listed below:

<http://pab.ucdavis.edu/procedures1.html>

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 resulting from 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 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 and the Chief of Police 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 and the Chief of Police and 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 anyone 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 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.

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.

Appendix C. UC Merced Proposed Police Advisory Board

Justification Letter

Police Advisory Boards and UC Merced

Since the 1950s, some municipalities and university campuses have employed the device of civilian Police Advisory Boards (PABs) as a way of facilitating communications between law enforcement officers and the communities that they serve. These independent boards can deal with a variety of issues. Their most routine work involves regular meetings with law enforcement officers to review issues such as police training and procedures. In doing so, they allow law enforcement officers to educate the communities they serve on the way in which they do business while also allowing citizens to make suggestions to improve cooperation and communications with the community. In cases where there are issues of controversy or complaints about policing, these boards can provide an impartial venue to discuss them rather than having such complaints tried in the media. As part of a broader effort at community engaged policing, PABs at their best can institutionalize trust, communications, and cooperation between law enforcement and the communities they serve.

Currently, UC Berkeley (<http://vcaf.berkeley.edu/police-review>) and UC Davis (<http://pab.ucdavis.edu/>) have such boards. UC Santa Barbara is apparently in the process of forming one as well. These campus PABs include faculty, staff, students, and retired police officers as representatives. Creating such a body at UCM would allow us to better understand and define the relationship between campus police and the community they serve. Doing so will be important to strategically define the course of what needs to be done in this regard as well as better assess what other programs could or should be implemented to work toward a harmonious and cooperative relationship among all campus constituencies. Creating a PAB would by necessity involve cooperation between all the various stake-holders in the police department, administration, students, faculty, and staff. While beyond the scope of the Faculty Welfare committee, I think this body is a good place to start such discussion and perhaps move it forward to DivCo in preparation for debate and, if agreed, the creation of a joint task force to explore the issue.

Sean L. Malloy

Associate Professor of History

UCFW Representative

Mission

The University proactively seeks the advice and counsel of a diverse group of community members regarding issues that impact the safety and quality of life of the students, faculty, staff and visitors of the University of California Merced (UCM) campus and ancillary sites.

Purpose

The Police Advisory Board is an independent body that will make recommendations related to campus issues and concerns, community outreach programs, training, policy development and ways to help support the goals and initiatives of the UCM Police Department.

Specific Member Representation

The Police Advisory Board is a representation of the students, faculty and staff of UCM, comprised of no more than 15 members. Members are chosen to serve on the advisory board for their commitment to serve the UCM campus community.

The Police Advisory Board may be comprised of members that represent, but are not limited to any of the following areas of UCM:

- Academic Senate
- Non-Senate Faculty
- Staff Assembly
- Graduate Students Association (GSA)
- Associated Students of UCM (ASUCM)
- Undocumented Students
- Chancellor's Designee
- Recreation and Athletics
- Student Affairs
- The Office of Ombuds Services
- General Membership
- Chief of Police (ex-officio)

Each of the above specific units will nominate a person(s) to be a representative of their area.

General membership will be selected by the Chairperson in consultation with the standing members of the Police Advisory Board. Representatives from other organizations at UCM may be selected, as recommended by members of the Police Advisory Board. Members may be removed if deemed appropriate by the Chairperson in consultation with the Police Advisory Board. The Chief of Police will serve as an ex-officio member on the Police Advisory Board.

Chairperson

The Police Advisory Board will elect a chairperson. The term of this position may be reviewed and/or modified by the Chancellor's designee. If a chairperson vacancy exists, the Police Advisory Board will select a successor.

Membership Term

The term of appointment for members on the Police Advisory Board will be reviewed and/or modified annually by the Police Advisory Board. For non-general members, if a member discontinues their affiliation with the organization they represent, their membership on the group will also conclude.

Meetings

Meetings will be held on a quarterly basis or as the need arises, as determined by the Police Advisory Board in consultation with the Chief of Police. Meeting dates and location will be determined by members to best accomplish the Police Advisory Board goals and schedules. Electronic meeting notifications will be managed by the Chancellor's designee. Police Advisory Board members will have the opportunity to provide guidance and insight to the Chief of Police; however, the Chief of Police is ultimately responsible for all operational decisions related to police operations.

Compensation

Members appointed to the Police Advisory Board will serve without compensation from UCM or the UCM Police Department.

Policy Modifications

Suggested modifications to this document may be brought to the Police Advisory Board by any UCM student, staff or faculty for review. The Chancellor's designee may accept, reject, modify or table such suggestions. The Police Advisory Board will review this charge on an annual basis.

Appendix D. Campus Survey on UCIPID-UCI Community Relations

UCIPD-UCI Community Relations Committee

The purpose of this survey is to gather information about people's experiences with the UCI Campus Police to evaluate those experiences and, if necessary, offer proposals for reforms.

The survey includes 35 questions and should take no longer than 10 minutes to complete.

Data collected through this survey will be analyzed by members of the UCIPD-UCI Community Relations Committee, a group comprised of UCI faculty members from various schools, and will be summarized in a report to the Academic Senate.

The committee report informed by the survey will not include identifying data about individuals who respond to the survey. Though the survey asks respondents to report demographic variables, the Community Relations Committee is sensitive to the possibility that some demographic data could serve to identify individuals and the Committee will therefore aggregate data to avoid identifying individual respondents. The ultimate goal of the survey is to promote an effective relationship between the UCI Campus Police and the campus community that the police force serves.

If you have any questions about the survey or about the committee conducting the survey, please contact Professor Kaaryn Gustafson, the committee chair, at (949) 824-4029 or kgustafson@law.uci.edu.

As an incentive to participate in the study, we will be holding a drawing to provide \$50 gift cards to four individuals who complete the survey. The first 500 respondents who provide their email addresses will be included in the drawing. If you would like be included in the drawing, you will need to provide your email address through a link that appears at the end of the survey. Your email address, however, will not be linked to your survey response. Moreover, you need not respond to every survey question to complete the survey. This survey closes on March 17, 2017.

The UC Irvine campuses are served by the UCI Campus Police. On occasion, officers from other police departments (such as the Irvine Police Department, Newport Beach Police Department, Tustin Police Department, or Orange Police Department) may also be on campus property. This survey seeks feedback on only the **UCI Campus Police**.

Campus Survey Questions

Set I: How strongly would you agree or disagree with the following statements:

		Strongly Agree	Agree	Disagree	Strongly Disagree	Don't Know
Q1	I think UCI campus police are genuinely concerned with my welfare.					
Q2	If I needed help, I would feel comfortable calling the UCI campus police.					
Q3	The UCI campus police department does a good job helping and protecting people like me.					
Q4	I have always been treated fairly by the UCI campus police.					
Q5	I feel that the UCI campus police does not care about people like me.					
Q6	The UCI campus police are rude to people like me.					
Q7	I think UCI campus police pre-judge me based on perceived identity/background.					
Q8	I think I can trust the UCI campus police to do the right thing.					
Q9	I have confidence in the UCI campus police.					

Q10	I think UCI campus police officers treat people fairly regardless of race or ethnicity					
-----	--	--	--	--	--	--

Set II:

		In the last year?	Ever?
Q11	How many times have you called the UCI campus police ...		
Q12	How many times have you had personal interactions with the campus police ...		
Q13	How many times have you been formally warned by the UCI campus police ...		
Q14	How many times have you been formally cited by the UCI campus police ...		
Q15	How many times have you been formally arrested by the UCI campus police ...		
Q16	Have you personally experienced any exclusionary, intimidating, offensive, and/or hostile conduct by the UCI campus police ...	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Q17	Have you observed the UCI campus police engage in any conduct or communications directed towards a person or group of people at UCI that you believe was exclusionary, intimidating, offensive and/or hostile ...	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Q18	Have you been told of UCI campus police interactions that were described as exclusionary, intimidating, offensive and/or hostile?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

Set III:

	Very comfortable	Comfortable	Neither comfortable nor uncomfortable	Uncomfortable	Very Uncomfortable	Not Applicable
Q19 Overall, how comfortable are you with the UCI campus police?						
	Very Satisfied	Satisfied	Neither Satisfied nor Unsatisfied	Unsatisfied	Very Unsatisfied	Not applicable
Q20 Overall, how satisfied are you with the campus police?						

Set IV: Open Ended Questions: (Please do not include any details that could make you or others identifiable to members of the committee.)

Q21. If you have had any **personal interactions** with UCI campus police that have been formative in your perceptions of them, please share the details.

Q22. If you have **observed any** UCI campus police interactions that have shaped your perceptions of the campus police, please share them.

Q23. If you have **been told** of UCI campus police interactions that have shaped your perceptions of the campus police, please share them.

Q24. If you experienced or observed any unjust behaviors or practices by the UCI campus police, then please indicate whether you believe any of the behaviors or practices were based on . . . (mark all that apply):

- ☐ Age
 - ☐ Ancestry
 - ☐ Country of origin
 - ☐ Discipline of study
 - ☐ Educational level
 - ☐ English language proficiency/accent
 - ☐ Ethnicity
 - ☐ Gender identity
 - ☐ Gender expression
 - ☐ Immigrant/citizen status
 - ☐ International status
-

-
- ☐ Learning disability
 - ☐ Marital status (e.g., single, married, partnered)
 - ☐ Medical condition
 - ☐ Military/veteran status
 - ☐ Parental status (e.g., having children)
 - ☐ Participation in an organization (please specify) _____
-
- ☐ Personal relationship (e.g., friend, family member)
 - ☐ Physical characteristics
 - ☐ Physical disability
 - ☐ Political views
 - ☐ Position (staff, faculty, student)
 - ☐ Pregnancy
 - ☐ Psychological condition
 - ☐ Race
 - ☐ Religious/spiritual views
 - ☐ Sexual orientation
 - ☐ Socioeconomic status
 - ☐ Other (please specify) _____
-

Set V. Demographic Questions:

Q25. What is your gender/gender identity?

☐ Man

☐ Woman

☐ Transgender (transman, transwoman, transitioning, or simply trans)

☐ Genderqueer

☐ Other: _____

Q26. What is your racial/ethnic identity? (If you are of a multi-racial/multi-ethnic/multi-cultural identity, mark all that apply)

☐ African American / African/ Black

☐ African American

☐ African

☐ Black Caribbean

☐ Other African/African American / Black (if you wish, please specify)

☐ American Indian / Alaskan Native

☐ Tribal affiliation/corporation (if you wish, please specify)

☐ Asian / Asian American

☐ Asian Indian

☐ Bangladeshi

☐ Cambodian

☐ Chinese / Chinese American (except Taiwanese)

☐ Filipino / Filipino American

☐ Hmong

☐ Indonesian

☐ Japanese / Japanese American

☐ Korean / Korean American

☐ Laotian
☐ Malaysian
☐ Pakistani
☐ Sri Lankan
☐ Taiwanese / Taiwanese American
☐ Thai
☐ Vietnamese / Vietnamese American
☐ Other Asian (not including Middle Eastern) (if you wish, please specify)

☐ Hispanic / Latino
☐ Cuban / Cuban American
☐ Latin American / Latino
☐ Mexican / Mexican American / Chicano
☐ Puerto Rican
☐ Other Hispanic, Latin American or of Spanish origin (If you wish, please specify)

☐ Middle Eastern/Southwest Asian/North African
☐ Afghan
☐ Arab/Arab American
☐ Armenian
☐ Assyrian
☐ Azerbaijani
☐ Berber
☐ Circassian
☐ Chaldean
☐ Coptic
☐ Druze
☐ Georgian
☐ Iranian
☐ Jewish

-
- ☐ Kurdish
- ☐ Maronite
- ☐ Turkish
- ☐ Other Middle Eastern/Southwest Asian/North African (if you wish please specify) _____
- ☐ Pacific Islander
- ☐ Fijian
- ☐ Guamanian/Chamorro
- ☐ Hawaiian
- ☐ Samoan
- ☐ Tongan
- ☐ Other Pacific Islander (if you wish please specify) _____
- ☐ White
- ☐ European / European descent
- ☐ North African
- ☐ Other White / Caucasian (if you wish please specify) _____
- ☐ Other (please specify) _____

Q27. Which term best describes your sexual orientation?

- ☐ Asexual
- ☐ Bisexual
- ☐ Gay
- ☐ Heterosexual
- ☐ Lesbian
- ☐ Queer
- ☐ Questioning
- ☐ Other

Q28. What is your age?

-
- ☐ Under 18
 - ☐ 18-20
 - ☐ 21-23
 - ☐ 24-29
 - ☐ 30-39
 - ☐ 40-49
 - ☐ 50-59
 - ☐ 60 or over

Q29. With which UCI campus are you primarily affiliated?

- ☐ Main Campus/University Hills
- ☐ Medical Center
- ☐ Research Park

Q30. Citizenship

- ☐ US Citizen
- ☐ Permanent US Resident
- ☐ Visa Holder ((F-1, J-1, H1-B, A, L, G, E and TN)
- ☐ Other Legally Documented Status (e.g., adjustment of status to Permanent Resident)
- ☐ Undocumented Resident

Q31. Language Spoken at Home

- ☐ English
- ☐ Language other than English
- ☐ English and other language(s)

Q32. Status at the University

- ☐ Undergraduate Student
 - ☐ Graduate/Professional Student
 - ☐ Postdoctoral Scholar
-

-
- ☐ Health Sciences Campus Trainees
 - ☐ Staff: Non-Union
 - ☐ Staff: Union
 - ☐ Faculty
 - ☐ Other Academic Series (e.g. Librarian, Continuing Educator, Reader, Research titles)
 - ☐ Co-reside with someone affiliated with the campus

Q33. What is your religious or spiritual identity?

- ☐ Agnostic
 - ☐ Ahmadi Muslim
 - ☐ African Methodist Episcopal
 - ☐ Atheist
 - ☐ Assembly of God
 - ☐ Baha'i
 - ☐ Baptist
 - ☐ Buddhist
 - ☐ Christian Orthodox
 - ☐ Confucianist
 - ☐ Christian Methodist Episcopal
 - ☐ Druid
 - ☐ Episcopalian
 - ☐ Evangelical
 - ☐ Greek Orthodox
 - ☐ Hindu
 - ☐ Jain
 - ☐ Jehovah's Witness
 - ☐ Jewish Conservative
 - ☐ Jewish Orthodox
 - ☐ Jewish Reform
 - ☐ Lutheran
 - ☐ Mennonite
 - ☐ Moravian
 - ☐ Muslim
 - ☐ Native American Traditional Practitioner or Ceremonial
 - ☐ Nondenominational Christian
 - ☐ Pagan
 - ☐ Pentecostal
-

-
- ☐ Presbyterian
 - ☐ Protestant
 - ☐ Quaker
 - ☐ Rastafarian
 - ☐ Roman Catholic
 - ☐ Russian Orthodox
 - ☐ Scientologist
 - ☐ Secular Humanist
 - ☐ Seventh Day Adventist
 - ☐ Shi'ite
 - ☐ Sufi
 - ☐ Sunni
 - ☐ Shinto
 - ☐ Sikh
 - ☐ Taoist
 - ☐ The Church of Jesus Christ of Latter-day Saints
 - ☐ United Methodist
 - ☐ Unitarian Universalist
 - ☐ United Church of Christ
 - ☐ Wiccan
 - ☐ Spiritual, but no religious affiliation
 - ☐ No affiliation
 - ☐ Other (please specify) _____

Q34. Where do you live?

- ☐ Campus Housing
- ☐ Non-Campus Housing
- ☐ Homeless (e.g. couch surfing, sleeping in car, sleeping in campus office/lab)

Q35. Please indicate any physical, mental, or emotional conditions you experience (Mark all that apply)?

- ☐ I am deaf or have serious difficulty hearing.
 - ☐ I am blind or have serious difficulty seeing, even when wearing glasses.
 - ☐ I have serious difficulty walking or climbing stairs.
 - ☐ I have a mental or emotional problem that seriously interferes with everyday activities.
 - ☐ Because of a physical, mental, or emotional problem, I have difficulty learning.
-

☐ Other. Please specify _____

☐ None of the above.

End of Survey

Appendix E. National Association for Civilian Oversight of Law Enforcement Code of Ethics¹⁵⁰

PREAMBLE Civilian oversight practitioners have a unique role as public servants overseeing law enforcement agencies. The community, government, and law enforcement have entrusted them to conduct their work in a professional, fair and impartial manner. They earn this trust through a firm commitment to the public good, the mission of their agency, and the ethical and professional standards described herein. The standards in the Code are intended to be of general application. It is recognized, however, that the practice of civilian oversight varies among jurisdictions and agencies, and additional standards may be necessary. The spirit of these ethical and professional standards should guide the civilian oversight practitioner in adapting to individual circumstances, and in promoting public trust, integrity and transparency.

PERSONAL INTEGRITY Demonstrate the highest standards of personal integrity, commitment, truthfulness, and fortitude in order to inspire trust among your stakeholders, and to set an example for others. Avoid conflicts of interest. Conduct yourself in a fair and impartial manner and recuse yourself or personnel within your agency when a significant conflict of interest arises. Do not accept gifts, gratuities or favors that could compromise your impartiality and independence.

INDEPENDENT AND THOROUGH OVERSIGHT Conduct investigations, audits, evaluations and reviews with diligence, an open and questioning mind, integrity, objectivity and fairness, in a timely manner. Rigorously test the accuracy and reliability of information from all sources. Present the facts and findings without regard to personal beliefs or concern for personal, professional, or political consequences.

TRANSPARENCY AND CONFIDENTIALITY Conduct oversight activities openly and transparently, providing regular reports and analysis of your activities, and explanations of your procedures and practices to as wide an audience as possible. 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 including, but not limited to: age, ethnicity, citizenship,

¹⁵⁰ National Association for Civilian Oversight of Law Enforcement Code of Ethics (Aug. 12, 2015), http://www.nacole.org/nacole_code_of_ethics.

color, culture, race, disability, gender, gender identity, gender expression, housing status, marriage, mental health, nationality, religion, sexual orientation, socioeconomic status, or political beliefs, and all other protected classes.

OUTREACH AND RELATIONSHIPS WITH STAKEHOLDERS Disseminate information and conduct outreach activity in the communities that you serve. Pursue open, candid, and non-defensive dialogue with your stakeholders. Educate and learn from the community.

AGENCY SELF-EXAMINATION AND COMMITMENT TO POLICY REVIEW Seek continuous improvement in the effectiveness of your oversight agency, the law enforcement agency it works with, and their relations with the communities they serve. Gauge your effectiveness through evaluation and analysis of your work product. Emphasize policy review aimed at substantive organizational reforms that advance law enforcement accountability and performance.

PROFESSIONAL EXCELLENCE Seek professional development to ensure competence. Acquire the necessary knowledge and understanding of the policies, procedures, and practices of the law enforcement agency you oversee. Keep informed of current legal, professional and social issues that affect the community, the law enforcement agency, and your oversight agency.

PRIMARY OBLIGATION TO THE COMMUNITY At all times, place your obligation to the community, duty to uphold the law and to the goals and objectives of your agency above your personal self-interest.