

Personnel Complaints and Accountability Board Procedures

1020.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation, and disposition of complaints regarding the conduct of UC Santa Barbara Police Department (UCPD) personnel. This policy shall not apply to any interrogation, counseling, instruction, informal verbal admonishment, or other routine or unplanned contact of an employee in the normal course of duty, by a supervisor or any other employee, nor shall this policy apply to an investigation concerned solely and directly with alleged criminal activities (Cal. Govt. Code § 3303(i)).

1020.2 POLICY

The UCPD takes seriously all complaints regarding the service provided by the Department and the conduct of its members. The Department will accept and address all complaints of misconduct in accordance with this policy and applicable federal, state, and local law, municipal and county rules, and the requirements of any collective bargaining agreements.

It is also the policy of this Department to ensure that the community can report misconduct without concern of reprisal or retaliation.

1020.3 PERSONNEL COMPLAINTS DEFINED

Personnel complaints consist of any allegation of misconduct or improper job performance against any UCPD employee that, if true, would constitute a violation of department policy, University policy, federal, state, or local law. Personnel complaints may be generated internally or by the public.

Personnel Complaints shall be classified in one of the following categories:

Community Complaint – A complaint initiated by a person who is not an employee of the UC Santa Barbara Police Department against a department member, of allegations that, if true, would constitute misconduct. Such complaints will be investigated under the supervision of the UCSB Ethics and Compliance. The UCSB Ethics and Compliance will share the redacted investigation report summary and findings with the Police Accountability Board (PAB) in accordance with the Investigation Report Summary Presentation Procedures provided for in this policy. The PAB will review a redacted summary of the investigator's findings and provide the Chief of Police with recommendations on the findings.

Internal Complaint – A complaint initiated by any member of the police department that, if true, would constitute misconduct, a violation of department policy, University policy, federal, state, or local law. Such complaints may be investigated by a department supervisor of a rank greater than the accused employee depending on the seriousness and complexity of the investigation, as determined by the Chief of Police or their designee. Allegations or inquiries about employee conduct which, even if true, would not constitute a violation of any of the above may be handled

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informally by a department supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures, or the response to specific incidents by the Department.

Complaints involving allegations of sexual violence, sexual harassment, or discrimination on a protected basis will be referred to the UCSB Office of Title IX and Sexual Harassment Policy Compliance and the Chief of Police for review and resolution.

If the Chief of Police is the subject of an internal or community complaint, it will be investigated by the UCSB Ethics and Compliance with the final disposition of the matter made by the Vice Chancellor of Division of Administrative Services.

1020.4 AVAILABILITY OF WRITTEN PROCEDURES

The Department shall make available to the public a written description of the investigation procedures for complaints (Penal Code § 832.5).

1020.5 POLICE ACCOUNTABILITY BOARD (PAB)

It is the intent of the UC Santa Barbara (UCSB) to develop and promote accountability, trust, and communication between the campus communities and the UCPD. To that end, UCSB established a Police Accountability Board (hereinafter referred to as "PAB") to impartially review redacted investigative reports related to allegations of police misconduct and make recommendations in a timely manner regarding Community Complaints filed against UCPD personnel.

Consistent with Penal Code sections 832.5 et seq, UCSB has established procedures to investigate Community Complaints. The complaint procedures provide oversight and investigation by the UCSB Ethics and Compliance, investigatory report review and recommendations by the PAB, and final determinations with respect to each complaint by the Chief of Police. The Chief of Police will ensure UCPD cooperation with all investigations.

1020.6 COMPLAINT FORMS

Personnel complaint forms will be made available in a clearly visible location in the public area of the police facility and be accessible through the department website. Forms may also be available at other University facilities and websites. Personnel complaint forms in languages other than English may also be provided, as determined necessary or practicable.

1020.6.1 SOURCES OF COMPLAINTS

The following applies to the source of complaints:

- (a) Individuals from the public may make complaints in any form, including in writing, by email, in person or by telephone.
- (b) Any department member becoming aware of alleged misconduct shall immediately notify a supervisor, who will notify their respective Lieutenant.
- (c) Supervisors shall initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action.

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- (d) Anonymous and third-party complaints will be accepted and investigated to the extent that sufficient information is provided.
- (e) Tort claims and lawsuits may generate a personnel complaint.

1020.6.2 COMPLAINT ACCEPTANCE

Community Complaints received by the police department will be sent over to the UCSB Ethics and Compliance within two (2) university business days for investigation. Internally generated department complaints will be directed to the appropriate supervisor within the chain of command. Although written complaints are preferred, a complaint may also be filed orally, either in person or by telephone. If a supervisor is not immediately available to take an oral complaint, the receiving member shall obtain contact information sufficient for the supervisor to contact the complainant. The supervisor, upon contact with the complainant, shall complete and submit a complaint form as appropriate.

Although not required, complainants are encouraged to file complaints in person so that proper identification, signatures, photographs, or physical evidence may be obtained as necessary. A complainant shall be provided with a copy of their statement at the time it is filed with the Department (Penal Code § 832.7).

A community complaint may also be filed using the following:

1. Accessing and submitting a complaint form online at the UCPD's website;
2. Accessing and submitting a complaint form online at the UCSB Ethics and Compliance or Police Accountability Board website;
3. Accessing and submitting a complaint form online at [UC Ethics Point](#);
4. Faxing a completed complaint form to UCPD at (805) 893-8569;
5. E-mailing a completed complaint form to Lt. Matt Bowman (Matt.Bowman@police.ucsb.edu) or Chief Alex Yao (Alex.Yao@police.ucsb.edu);
6. Submitting a completed complaint form to the UCPD at Public Safety Building 574, Santa Barbara, CA 93106.

1020.7 DOCUMENTATION

Supervisors or university personnel receiving the community complaint shall ensure that all formal and informal complaints are documented on a complaint form. The nature of the complaint should be defined as clearly as possible.

All community complaints and inquiries should also be documented in a log that records and tracks complaints. The log shall include the nature of the complaint and the actions taken to address the complaint and information sufficient to perform trend analysis. On an annual basis, the Department should audit the number of complaints and send the audit report to the Chief of Police or the authorized designee. The UCSB Ethics and Compliance and/or PAB will also submit an annual report to the Chief of Police or the authorized designee for review. These audit reports are due no later than March 31 of the following year. In an effort of transparency, both internal complaints

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and community complaints data will be shared on the systemwide data dashboard, in compliance with all data privacy laws (Government Code § 3303).

1020.8 INVESTIGATION PROCEDURES

The following investigation procedures apply to members covered by the Public Safety Officers Procedural Bill of Rights Act (POBR) (Government Code § 3303et sec.). These rights shall be afforded to all police department employees. The rights afforded under the POBR include, but are not limited to the following:

- (a) Interviews of accused employees shall be conducted during reasonable hours and, if the employee is off-duty, the employee shall be compensated (Government Code § 3303(a)).
- (b) No more than two interviewers may ask questions of an accused employee (Government Code § 3303(b)).
- (c) Prior to any interview, an employee shall be informed of the nature of the investigation (Government Code § 3303(c)).
- (d) All interviews shall be for a reasonable period and the employee's personal needs shall be accommodated (Government Code § 3303(d)).
- (e) No employee shall be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers. Any employee refusing to answer questions directly related to the investigation may be ordered to answer questions administratively or be subject to discipline for insubordination. Nothing administratively ordered may be provided to a criminal investigator (Government Code § 3303(e)).
- (f) Absent circumstances preventing it, the interviewer should record all interviews of employees and witnesses. The employee may also record the interview. If the employee has been previously interviewed, a copy of that recorded interview shall be provided to the employee prior to any subsequent interview (Government Code § 3303(g)).
- (g) If the allegations involve potential criminal conduct, the employee shall be advised of their Constitutional rights by a peace officer. In the event an employee invokes their constitutional rights they may be administratively compelled to provide a statement pursuant to Lybarger. This admonishment shall be given administratively whether or not the employee was advised of these rights during any separate criminal investigation (Government Code § 3303(h)).
- (h) Upon the filing of a formal written statement of charges, or whenever an interrogation focuses on matters that are likely to result in punitive action against any employee, that employee, at their request, shall have the right to be represented by a representative of their choice who may be present at all times during the interrogation. The representative shall not be a person subject to the same investigation. The representative shall not be required to disclose, nor be subject to any punitive action for refusing to disclose, any information received from the employee under investigation for noncriminal matters. (Government Code § 3303(i)).

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- (i) All employees shall provide complete and truthful responses to questions posed during interviews.
- (j) No employee may 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).
- (k) No public safety officer shall have their locker, or other space for storage that may be assigned to them searched except in their presence, or with their consent, or unless a valid search warrant has been obtained or where they have been notified that a search will be conducted (Government Code § 3309).

No investigation shall be undertaken against any officer solely because the officer has been placed on a prosecutor's Brady list or the name of the officer may otherwise be subject to disclosure pursuant to Brady v. Maryland. However, an investigation may be based on the underlying acts or omissions for which the officer has been placed on a Brady list or may otherwise be subject to disclosure pursuant to Brady v. Maryland (Government Code § 3305.5).

1020.8.1 FORMAT OF INVESTIGATION REPORT SUMMARIES

Investigation report summaries shall include the following:

Background Summary – Brief summary of the facts giving rise to the investigation, the initial date and source of the complaint, and the identity of the department employee(s) involved.

Investigative Actions – Summary of the actions taken by the investigator(s) assigned to the case.

Summary Of Allegations – List of the allegations and applicable policy sections.

Evidence – Each allegation should be set forth with the details of the evidence applicable to each allegation provided, including comprehensive summaries of employee and witness statements. Other evidence related to each allegation should also be detailed in this section.

Conclusion – A recommended disposition should be provided with reference to the evidence that supports each allegation.

Exhibits – A separate list of exhibits (recordings, photos, documents, etc.) should be attached to the report. Actual exhibits shall not be attached to the report.

Redactions – The following information shall be redacted from any investigation report summary.

- A. Personal data or information, such as a home address, telephone number, or identities of family members, other than the names and work-related information of peace and custodial officers.
- B. Identity of whistleblowers, complainants, victims, and witnesses.
- C. Confidential medical, financial, or other information of which disclosure is specifically prohibited by federal law or would cause an unwarranted invasion of personal privacy that clearly outweighs the strong public interest in records about possible misconduct and use of force by peace officers and custodial officers.

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- D. Where there is a specific, articulable, and particularized reason to believe that disclosure of the record would pose a significant danger to the physical safety of the peace officer, custodial officer, or another person.
- E. Any information when, on the facts of the particular case, the public interest served by not disclosing the information clearly outweighs the public interest served by disclosure of the information.

1020.8.2 INVESTIGATION REPORT SUMMARY PRESENTATION PROCEDURES

The investigation reports prepared according to the requirements of this policy constitute records generated in connection with an administrative appraisal or discipline. As such, these records are confidential and may not be disclosed except by discovery pursuant to Sections 1043 and 1046 of the Evidence Code. The information presented to the PAB shall be limited to the redacted investigation report summaries as provided in this policy. The investigation report summaries are also confidential.

The presentation of information contained in the redacted investigation summary shall be conducted in closed session and reported according to the Community Complaint Procedures contained in this policy. All redacted investigation report summaries distributed to the PAB for closed session consideration shall be individually numbered and the UCSB Ethics and Compliance shall ensure that all redacted investigation report summaries are collected and accounted for prior to conclusion of the closed session. The redacted investigation summaries shall be maintained in accordance with Department policy.

1020.8.3 DISPOSITION OF COMPLAINTS

The investigator will apply the preponderance of the evidence standard, a standard of proof that requires that a fact be found when its occurrence, based on the evidence, is more likely than not.

Each allegation shall be classified with one of the following dispositions:

Unfounded – When the investigation clearly established that the allegation is not true. Cal. Penal Code § 832.5

Frivolous means totally and completely without merit or for the sole purpose of harassing an opposing party. Cal. Civ. Proc. Code § 128.5 (West)

Exonerated – When the investigation discloses that the alleged act occurred, but the actions of the employee that formed the basis for the complaint are not violations of law or department policy. Cal. Penal Code § 832.5.

Not Sustained – When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the employee.

Sustained – When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct. If an investigation discloses misconduct or improper job performance which was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

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1020.8.4 COMMUNITY COMPLAINT PROCEDURES

Any Community Complaint received by the UCPD will be forwarded to the UCSB Ethics and Compliance for review and processing as soon as practicable or within two (2) University business days. Any Community Complaint received by the UCSB Ethics and Compliance will be shared with the Chief of Police, within two (2) University business days, or as soon as practicable.

At the initial filing of a Community Complaint with the Police Department, when an uninvolved supervisor or the Watch Commander determines that the complainant, after discussion of the matter, is satisfied that their complaint required nothing more than an explanation regarding the proper implementation of department policy, procedure, or law, the complaint shall be labeled "Resolved" and forwarded to the UCSB Ethics and Compliance within two (2) business days. The UCSB Ethics and Compliance may follow-up with the complainant to confirm that they are satisfied with the early resolution.

The UCSB Ethics and Compliance will evaluate each formal complaint not resolved via the procedure in the foregoing paragraph and all formal complaints submitted by other means, for information necessary to conduct an investigation and proceed as follows, and in accordance with the law and their bylaws:

1. If additional information is needed, the UCSB Ethics and Compliance may request information from the complainant to the extent that the identity of the complainant is known. If the complainant is anonymous and there is insufficient information to warrant conducting an investigation, the UCSB Ethics and Compliance will close the file and no investigation will be conducted.
2. If the UCSB Ethics and Compliance determines that 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, the UCSB Ethics and Compliance will notify the complainant, the Chief of Police, and the PAB of the disposition in writing citing the specific reasons for the determining that the complaint will not be investigated.
3. If the UCSB Ethics and Compliance determines there is sufficient information and cause to investigate a community complaint, they will assign the complaint to an investigator, external to the police department, to initiate an investigation and notify the complainant, and the Chief of Police in writing of the complaint's referral to investigation within 10 university business days.

Whether conducted by the UCSB Ethics and Compliance or an external investigator jointly selected by the UCSB Ethics and Compliance and the UCPD Chief of Police, the procedures in Sections 1020.8 – 1020.8.2 shall govern the investigation process. The investigation of a complaint shall consist of conducting interviews with the complainant, the subject employee(s), and any witnesses, collecting relevant evidence, including, but not limited to, UCPD reports and records, photographs, video, and audio records related to the subject of the community complaint.

The Chief of Police, or the Chief's designee, will be the investigator's point of contact for purposes of gaining access to UCPD information, documentation, and personnel. In this role, the Chief will ensure necessary access to subject employee(s), information, records, evidence, and

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documentation needed to conduct a thorough and timely investigation. If there is a question of relevancy regarding a request for information made by the investigator, the Chief of Police will review the request and determine whether the requested information is relevant to the scope of the investigation.

Barring mitigating factors, the investigation should be completed, and an investigation report submitted to the PAB within 60-90 University business days of it being assigned to an investigator, unless an extension is authorized by the UCSB Ethics and Compliance or their designee upon a showing of good cause for the delay or legitimate need for additional time to complete the investigation. The Chief of Police, complainant, and subject employee(s) will be provided written notification of the extension and reason for extension.

Upon completion of a formal investigation of a Community Complaint, a redacted investigation report shall be provided to the PAB. In closed session, the PAB will collectively review the redacted summary of the investigator's findings in accordance with the presentation procedures in this policy. The PAB will vote on its recommendations to either adopt, amend, or reject the investigator's findings. The PAB may request that the investigator 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 other actions to the Chief of Police, including, for example, modifying policies or training.

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

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

All copies of the completed investigation (including redacted and original copies) shall be submitted/returned to the police department for placement into the personnel complaint file. UCXPD will retain all copies, summaries, investigator notes, or other documentation related to the complaint and maintain the records according to the University's retention schedule.

Complaints by members of the community that are determined by the University to be frivolous, as defined in Section 128.5 of the Code of Civil Procedure, or unfounded or exonerated, or any portion of a complaint that is determined to be frivolous, unfounded, or exonerated, shall not be maintained in that officer's general personnel file. Cal. Penal Code § 832.5.

Any complainant who is not satisfied with the findings of the Department concerning their complaint may contact the UCSB Ethics and Compliance or PAB to discuss the matter further.

1020.8.5 INTERNAL COMPLAINT PROCEDURES

In general, the primary responsibility for investigation of an Internal Complaint shall rest with the Administrative Lieutenant, unless the Administrative Lieutenant is the complainant, or has any

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personal involvement regarding the alleged misconduct. The Chief of Police or the authorized designee may direct that another supervisor investigates any complaint.

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation. The supervisor would then report it up the chain of command for the Chief or Chief's designee to determine who would investigate the complaint.

In circumstances in which the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the member's supervisor, Lieutenant, or the Chief of Police, who will initiate appropriate action.

Every investigator or supervisor assigned to investigate an Internal Complaint or other alleged misconduct shall proceed with due diligence. Barring mitigating factors, the investigation should be completed, and an investigation report submitted to the Chief or Chief's designee within 60-90 University business days of it being assigned to an investigator, unless an extension is authorized by the Chief or Chief's designee upon a showing of good cause for the delay or legitimate need for additional time to complete the investigation. The Chief of Police, complainant, and employee(s) will be provided notification of the extension.

Government Code § 3304(d) requires public agencies investigating misconduct by a public officer to complete their investigation and notify the officer of any proposed discipline within one year of discovering misconduct. Certain exceptions to the one-year statute of limitations can be found in Government Code § 3508.1. If the nature of the allegations dictates that confidentiality is necessary to maintain the integrity of the investigation, the involved employee(s) need not be notified of the pending investigation unless and until the employee is interviewed or formally charged within one year of discovery.

Upon completion, the report should be forwarded through the chain of command to the commanding officer or supervisor of the involved employee(s).

Once received, the Chief of Police may accept or modify the classification and recommendation for disciplinary action contained in the report.

Within 30 business days of the final review by the Chief of Police, written notice of the findings shall be sent to the complainant. This notice shall indicate the findings, however, will not disclose the discipline, if any imposed. The complainant should also be provided with a copy of their own original complaint (Penal Code § 832.7).

Any complainant who is not satisfied with the findings of the Department concerning their complaint may contact the Chief of Police to discuss the matter further.

1020.9 DISCLOSURE OF FINANCIAL INFORMATION

An employee may be compelled to disclose personal financial information under the following circumstances (Government Code § 3308):

- (a) Pursuant to a state law or proper legal process

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- (b) Information exists that tends to indicate a conflict of interest with official duties
- (c) If the employee is assigned to or being considered for a special assignment with a potential for bribes or other improper inducements.

1020.10 REASSIGNMENT AND ADMINISTRATIVE LEAVE

When a complaint of misconduct is of a serious nature or when circumstances practically dictate that it would impose an unreasonable risk to the Department, the employee, other employees, or the public, the Chief of Police or other authorized designee may temporarily reassign an accused employee or place the accused employee on administrative leave pending review of a complaint, completion of the investigation, or the filing of administrative charges. Any reassignment or placement on administrative leave pursuant to this section shall not affect the pay or benefits of the employee who is involuntarily reassigned or placed on administrative leave. Any employee placed on administrative leave:

- (a) May be required to relinquish any department badge, identification, assigned weapons, and any other department equipment.
- (b) Shall be required to continue to comply with all policies and lawful orders of a supervisor.

If an accused employee is temporarily reassigned to an alternate shift or placed on administrative leave, they may be required to remain available for contact during such shift/leave and will report as ordered.

1020.11 CRIMINAL INVESTIGATION

Where an employee is accused of potential criminal conduct, a separate supervisor or investigator shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation. However, information obtained through administratively compelled interviews shall not be shared directly or indirectly with any personnel assigned to investigate alleged criminal activities.

The Chief of Police shall be notified as soon as practicable when an employee is accused of criminal conduct. The Chief of Police may request a criminal investigation by an outside law enforcement agency.

An employee accused of criminal conduct shall be advised of their constitutional rights (Government Code § 3303(h)). The employee shall not be administratively ordered to provide any information in the criminal investigation.

The UCPD may release information concerning the arrest or detention of any employee, including an officer, that has not led to a conviction. No disciplinary action shall be taken until an independent administrative investigation is conducted.

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1020.12 CHIEF OF POLICE RESPONSIBILITIES POST-INVESTIGATION

Upon receipt of any written recommendation, the Chief of Police shall review the recommendation and all accompanying materials and, if involving a Community Complaint, the unredacted investigation report. The Chief of Police may return the file to the investigator for further investigation or action. The Chief of Police may review the entire investigative file, the employee's personnel file, and any other relevant materials. The Chief may adopt all, part, or none of the recommendations, and retains full authority, discretion, and responsibility regarding the final disposition of the matter, including disciplinary determinations.

Once the Chief of Police is satisfied that no further investigation or action is required, the Chief of Police may forward the information to the Chief's designee who will recommend the discipline, if any, that should be imposed. The Chief of Police may accept or modify the recommendation for disciplinary action. In the event disciplinary action is proposed, the Chief of Police shall provide the employee with a pre-disciplinary procedural due process hearing (Skelly) by providing written notice of the charges, proposed action, and reasons for the proposed action. Written notice shall be provided within one year from the date of discovery of the misconduct (Government Code § 3304(d)). The Chief of Police shall also provide the employee with the following:

- (a) Access to all materials considered by the Chief of Police in recommending the proposed discipline.
- (b) An opportunity to respond orally or in writing to the Chief of Police, or designee, within five days of receiving the notice.
 - 1. Upon a showing of good cause by the employee, the Chief of Police may grant a reasonable extension of time for the employee to respond.
 - 2. If the employee elects to respond orally, the presentation may be recorded by the Department and the employee. Upon request, the employee shall be provided with a copy of the recording.

Once the employee has completed their response or if the employee has elected to waive any such response, the Chief of Police shall consider all information received regarding the recommended discipline. The Chief of Police shall render a timely written decision to the employee and specify the grounds and reasons for discipline and the effective date of the discipline. Once the Chief of Police has issued a written decision, the discipline shall become effective.

1020.13 PRE-DISCIPLINE EMPLOYEE RESPONSE

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Chief of Police, or designee, after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline. The employee shall consider the following:

- (a) The response is not intended to be an adversarial or formal hearing.
- (b) Although the employee may be represented by an uninvolved representative or legal counsel, the response is not designed to accommodate the presentation of testimony or witnesses.

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- (c) The employee may suggest that further investigation could be conducted, or the employee may offer any additional information or mitigating factors for consideration.
- (d) In the event that the Chief of Police elects to cause further investigation to be conducted, the employee shall be provided with the results prior to the imposition of any discipline.
- (e) The employee may thereafter have the opportunity to further respond orally or in writing to the Chief of Police on the limited issues of information raised in any subsequent materials.

1020.14 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that an employee tenders a written resignation or notice of retirement prior to the imposition of discipline, it shall be noted in the file. The tender of a resignation or retirement by an employee does not serve as grounds for the termination of any pending investigation or discipline (Penal Code § 13510.8).

1020.15 NOTICE OF FINAL DISPOSITION TO THE COMPLAINANT

Within 30 business days of the final review and determination, the Chief of Police or the authorized designee shall ensure that the complainant is notified of the disposition (i.e., sustained, not sustained, exonerated, unfounded) of the complaint (Penal Code § 832.7(f)). This release shall not include what discipline, if any, was imposed (Penal Code § 832.7(f)).

1020.16 NOTICE OF FINAL DISPOSITION TO THE POLICE ACCOUNTABILITY BOARD (PAB)

Within 30 business days of the final review and determination by the Chief of Police of a Community Complaint, written notice of the Chief of Police's final decision shall be provided to the PAB. If the Chief amends or rejects the finding(s), a rationale for the amendment will be provided to the PAB in the written notice. This notice shall indicate the findings, but will not disclose the discipline, if any.

1020.17 POST-DISCIPLINE APPEAL RIGHTS

Non-probationary employees have the right to appeal a written reprimand, suspension without pay, punitive transfer, demotion, reduction in pay or step, or termination from employment. The employee has the right to appeal using the procedures established by any collective bargaining agreement, Memorandum of Understanding, and/or personnel rules.

In the event of punitive action against an employee covered by the POBR, the appeal process shall be in compliance with Government Code § 3304 and Government Code § 3304.5.

During any administrative appeal, evidence that an officer has been placed on a Brady list or is otherwise subject to Brady restrictions may not be introduced unless the underlying allegations of misconduct have been independently established. Thereafter, such Brady evidence shall be limited to determining the appropriateness of the penalty (Government Code § 3305.5).

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1020.18 PROBATIONARY EMPLOYEES AND OTHER MEMBERS

At-will and probationary employees and those members other than non-probationary employees may be released from employment for non-disciplinary reasons (e.g., failure to meet standards) without adherence to the procedures set forth in this policy or any right to appeal. However, any probationary officer subjected to an investigation into allegations of misconduct shall be entitled to those procedural rights, as applicable, set forth in the POBR (Government Code § 3303; Government Code § 3304).

At-will, probationary employees, and those other than non-probationary employees subjected to discipline or termination as a result of allegations of misconduct shall not be deemed to have acquired a property interest in their position but shall be given the opportunity to appear before the Chief of Police or authorized designee for a non-evidentiary hearing for the sole purpose of attempting to clear their name or liberty interest. There shall be no further opportunity for appeal beyond the liberty interest hearing and the decision of the Chief of Police shall be final.

1020.19 RETENTION OF PERSONNEL INVESTIGATION FILES

All copies of the completed investigation (including redacted and original copies) shall be returned to the police department for appropriate filing and to maintain confidentiality within the law. UCPD will retain all copies, summaries, investigator notes, or other documentation related to sustained complaints, and maintain the records as required under Penal Code section 832.7 or the University's records retention schedule. Frivolous, unfounded, exonerated complaints shall not be kept in a personnel file and shall adhere to the University's records retention schedule and Cal. Penal Code § 832.5.

1020.20 REQUIRED REPORTING TO POST

The Chief of Police or the authorized designee shall notify POST on the appropriate POST form within 10 days of certain officer personnel events, including but not limited to (Penal Code § 13510.9):

- (a) Termination or separation from employment or appointment. Separation from employment or appointment includes any involuntary termination, resignation, or retirement.
 1. A POST affidavit-of-separation form shall be executed and maintained by the Department and submitted to POST as required by Penal Code § 13510.9.
- (b) Events that could affect an officer's POST certification, such as:
 1. Complaint, charge, or allegation of conduct against an officer that could render an officer subject to suspension or revocation of certification by POST pursuant to Penal Code § 13510.8
 2. Findings or recommendations by a civilian review board that an officer engaged in conduct that could render an officer subject to suspension or revocation of certification by POST pursuant to Penal Code § 13510.8

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3. Final dispositions of any investigations that determines an officer engaged in conduct that could render an officer subject to suspension or revocation of certification by POST pursuant to Penal Code § 13510.8, regardless of the discipline imposed
4. Civil judgments or court findings against an officer based on conduct, or settlement of a civil claim against an officer or the UCPD based on allegations of officer conduct that could render an officer subject to suspension or revocation of certification by POST pursuant to Penal Code § 13510.8

The Chief of Police or the authorized designee shall be responsible for providing POST access to or duplication of investigation documentation (e.g., physical or documentary evidence, witness statements, analysis, conclusions) for up to two years after reporting of the disposition of an investigation (Penal Code § 13510.9) or otherwise required by law.