

UCSB Police Advisory Board Annual Report 2023-2024

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I. PAB Structure and Responsibilities

In response to the UC Presidential Task Force on University-wide Policing, Chancellor Yang formed UCSB's Police Advisory Board (PAB) in 2019.[1] As it is currently constituted, the PAB consists of two co-chairs and ten members drawn from faculty, staff and students. The PAB is accountable to Chancellor Yang and the campus community, and includes two ex-officio members: Chief Alex Yao and Vice Chancellor Garry MacPherson (see Appendix 1 for a list of current members). Chancellor Yang charged the PAB to “work collaboratively to enhance communication between the police department and the campus community, and to address issues involving the safety and well-being of our students, staff, faculty, and our community.”[2]

Community members wishing to know more about the history of the PAB and the climate and events that led to its development can find more details in the PAB's 2020/2021 report.

In 2021/2022, the Board transitioned from a Police Advisory Board to a Police Accountability Board, which entailed a shift in its primary focus. As a Police Accountability Board, the PAB focuses on responding to citizen complaints and making recommendations to UCSB PD. As part of this responsibility, however, the UCSB PAB retains its focus on the following:

- Assessing and evaluating the needs and concerns related to community safety, quality of life, and equity of experience among students, staff, and faculty at UCSB in order to identify needed changes in community safety resources to ensure equity in community safety.
- Assessing and evaluating the needs and concerns related to policing among students, staff, and faculty at UCSB in order to identify needed changes in police practices and training and to ensure equity in campus safety.
- Establishing campus community expectations for police leadership and command staff and for policing policies and practices that are consistent with the mission and values of the University and ensure a greater sense of community belonging as well as physical and psychological safety among students of color, underrepresented, non-traditional, and marginalized communities on campus (e.g., Black, Latinx, LGBTQIA+, formerly incarcerated, undocumented students, student parents, etc.).
- Promoting accessibility and accountability to the campus community and the general public by providing open meetings, multiple forums, listening sessions, and public meetings to discuss experiences of community safety and community-centered approaches to improving and/or maintaining community safety.
- Improving and strengthening systems of accountability by increasing transparency of policing policies and practices; informing community members of the various ways to submit a formal complaint; providing multiple mechanisms for submitting and responding to civilian complaints, and facilitating the development of easily accessible and transparent reporting mechanisms following interactions between UCSB PD and the campus community.

- Preparing an annual report for submission to the Chancellor and the broader campus community of board's activities, meetings, and findings. All reports will be published on the PAB's website and disseminated intentionally to impacted groups.

In pursuing these core activities, the PAB met monthly beginning in October 2022, and held two campus-wide Town Halls (in Winter and Spring). A planned open meeting in Fall was canceled due to a strike.

II. Summary of Activities

A. Meetings:

The PAB held monthly meetings between October 2022 and June 2023. Meetings were held on the following dates:

- October 13, 2023
- November 30, 2023
- January 9, 2024
- February 8, 2024
- March 7, 2024 [Open Meeting]
- April 24, 2024
- May 14, 2024 [Open Meeting]
- June 5, 2024 [Open Meeting]

As part of its core activities, PAB meetings include one or more open meeting per quarter. We publish notice of the meeting and include instructions for attendance (see Appendix 2 for examples of PAB advertisements). In these meetings, community members can express concerns or register complaints about UCSB PD, the IVFP, the PAB, or other campus and community safety matters. The PAB devoted its initial meetings to developing practices and guidelines regarding how PAB members will approach providing civilian oversight of policing organizations. These were developed in response to the UC system's first reported complaint that will reviewed by a campus PAB. In developing these practices, we consulted campus policies, California's POBAR law, and information and suggestions provided by NACOLE. After we received the report regarding the PAB's initial complaint, and two other reports regarding additional complaints regarding UCSB PD or its officers, the PAB devoted the remainder of its meetings to reviewing the reports, deliberating on its findings, and developing recommendations for UCSB PD. A discussion of these findings can be found in Section III below. In addition, the PAB developed a spreadsheet to provide a public record of the complaints it received, the PAB's findings regarding them, the recommendations adopted by the board.

B. Community Input:

In accordance with Chancellor Yang's charge, the PAB has sought input from community members regarding areas of concern for campus safety. The PAB shares the view that, "All members of the UC community should feel valued, welcomed and free from any threat of physical, psychological or emotional harm. Our campus safety system must reflect the needs and values of a diverse campus community, including those vulnerable to harm." [3] As part of its effort to understand areas of concern for the UCSB community, the PAB has and continues to invite input from a wide variety of sources at UCSB and across the UC System. The PAB is committed to providing regular opportunities for community members to share their complaints, views, and experiences. In addition to its regular meetings, the PAB held regular campus-wide Town Hall or "open" meetings. We have also invited input from the Associated Students Executive Officers, leaders of the Graduate Student Association, and leaders or members of student groups. As part of these activities, the PAB invited community input by hosting or participating in two types of public meetings.

B.1 UCSB PAB Town Hall Meetings

The PAB hosted Chief Yao and Vice-Chancellor Garry MacPherson for two campus-wide meetings open to all community members (3/7/2024, 5/14/2024, and 6/5/2024; a fourth meeting scheduled for Fall 2023 was canceled due to illness). The purpose of these meetings was to invite community members to share their questions and concerns about policing and campus safety. The meetings were sparsely attended by members of the campus community. These meetings continue a long-term, ongoing effort initiated by campus leadership, the Police Advisory Board, and Chief Yao focused on developing a new relationship between campus safety agencies and the campus communities they serve. The PAB is committed to hearing, understanding, and registering public safety concerns and working with campus leadership to develop a campus-wide response to promote reconciliation and establish a greater sense of physical and psychological safety and community belonging among campus community members.

B.2 Isla Vista Town Hall Meetings

In the Fall and Spring terms of 2023-24, Associated Students hosted community-wide meetings in Isla Vista (10/16/2023, 2/16/2024) regarding safety concerns and policing policies and practices associated with Halloween and Deltopia. Leaders from the Isla Vista Foot Patrol, UCSB Police Department, the PAB, and UCSB Student Affairs attended these meetings.

III. Complaints from Community Members and PAB Findings

In the 2023-2024 academic year, the PAB was notified that UCPD received one citizen complaints. Campus Compliance Investigator Darrel Paskett reviewed the complaint and determined that it met the criteria for proceeding to an investigation. A report regarding the complaints was received in a timely manner. In addition, the PAB received reports regarding the two complaints received by the UCSB PD in Spring 2023.

A. UCSB PD Complaint #02032023A: Complainant, a student and member of the public, alleges that UCSB police officers:

- Failed to listen to and attempt to understand Complainant during these encounters, possibly because of discrimination due to Complainant's mental health status or race.
- Made material representations about Complainant's statements and/or actions during these encounters, and communicated these misrepresentations to both hospital staff and University officials; and
- Made unnecessary use of force against Complainant during a police encounter in May 2021.

The alleged conduct, if substantiated, may violate the following sections of the UCSB Police Department Policy Manual

Allegation 1: Officer Considerations and Responsibilities for Mental Illness Commitments. The allegation that a UCSB PD Officer failed to listen to or attempt to understand Complainant and used unnecessary force during the encounter, in violation of Section 418.3 of the UCSBPD Policy Manual.

Allegation 2: Use of Force: The allegation that a UCSB PD Officer employed more force than was reasonably necessary to accomplish the legitimate law enforcement purpose of transporting Complainant to a local hospital for mental health services, in violation of Section 300.3 of the UCSBPD Policy Manual.

Allegation 3: Discourteous, Disrespectful, or Discriminatory Treatment. The allegation is that a UCSB PD Officer failed to listen to or attempt to understand the Complainant, possibly because of discrimination based on mental health status, gender, and/or race, in violation of Sections 340.3.2(k) and 340.3.315 of the UCSBPD Policy Manual.

Allegation 4: Failure to Disclose or Misrepresenting Material Facts. The allegation that a UCSB PD Officer made material misrepresentations about Complainant's statements and/or actions and communicated those misrepresentations to both hospital and University officials, in violation of Section 340.3.5(p) of the UCSBPD Policy Manual.

UC Investigator Findings:

Allegation 1: Not Sustained

Allegation 2: Unfounded

Allegation 3: Not Sustained

Allegation 4: Exonerated

UC PAB Findings:

Allegation 1: Not Sustained

Allegation 2: Unfounded

Allegation 3: Not Sustained

Allegation 4: Exonerated

Discussion and Recommendations:

Although the PAB makes no formal recommendations in response to this complaint and the investigators findings, the board nevertheless raised and discussed campus policies regarding support for students suffering from mental health crises and expulsion from campus housing with the Office of Student Life.

UCSB PD Complaint #20128: Complainant, a staff member, alleges that a UCSB police officer:

Allegation (1) The subject officer violated the terms of the supervised person's probation. CA Penal Code Section 1203.2 grants that a person released on a conditional sentence or summary probation is subject to arrest and hearing before a court based solely on a peace officer's determination that there is probable cause to find that the supervised person violated the terms of the supervised person's probation. Policy 340.3.2(z) prohibits an officer from violating any misdemeanor or felony statute.

Allegation (2) The subject officer engaged in disgraceful conduct. Policy 340.3.2 (o) prohibits an officer from engaging in criminal, dishonest, infamous or disgraceful conduct, whether on- or off-duty.

Allegation (3) The subject officer's violation of the terms of the officer's probation constitutes conduct unbecoming of a member of UCSB PD. Policy 340.3.2 (aa) Prohibits any conduct which an officer knows or reasonably should know is unbecoming a member of the Department or which is contrary to good order, efficiency, or morale, or which tends to reflect unfavorably on the Department or its members,

Allegation (4) The subject officer failed to report activities that might result in discipline. Policy 340.3.2 (f) A reasonable officer in the Respondent's position would understand that violating the terms of a court order may result in discipline.

Allegation (5) The subject officer engaged in other conduct which interfered with UCSB PD operations. Gold Book Policy 501 prohibits an officer from engaging in conduct which interferes with police operations.

Allegation (6) – Officer's violation of the terms of their probation while off-duty constituted conduct likely to bring discredit upon UCSB PD. Gold Book Policy 501.1 requires officers conduct their private and professional lives in such a manner as to avoid bringing discredit upon the University or the department.

UC Investigator Findings:

Allegation 1: Not Sustained
Allegation 2: Sustained
Allegation 3: Sustained
Allegation 4: Sustained
Allegation 5: Not Sustained
Allegation 6: Sustained

UC PAB Findings:

Allegation 1: Not Sustained
Allegation 2: Sustained
Allegation 3: Sustained
Allegation 4: Sustained
Allegation 5: Not Sustained
Allegation 6: Sustained

Discussion and Recommendations

Discussion: In its discussion of the complaint on May 15, 2024, the PAB expressed concern about the officer's apparent lack of judgment in violating probation and the officer's apparent lack of candor in responding to the investigator's queries. For example, the officer claims to have raised a cup of wine to their lips but to have refrained from consuming alcohol. The PAB expressed the view that these claims were not believable. Following the findings above, the PAB adopted two recommendations

Recommendation 1. The PAB respectfully requests a response from Chief Yao regarding his views on the Department's substance abuse training and whether this training meets the Department's needs.

Recommendation 2. The PAB requested information from Chief Yao regarding the availability of counseling, resources, or other help for UCSB PD officers who may suffer from substance abuse disorder.

UCSB PD Complaint #19608

Allegation (1) – The subject officer engaged in an unwelcome solicitation of a personal or sexual relationship. UCSB PD Mmanual 340.3.2.i prohibits unwelcome solicitation of a personal or sexual relationship while on duty.

Allegation (2) – The subject officer failed to report activities that might result in discipline. UCSB PD manual 340.3.2.f prohibits any failure to promptly and fully report activities where such activities may result in prosecution or discipline.

Allegation (3) – The subject officer misused their status as an officer when requesting contact information. UCSB PD manual 340.3.2.h prohibits using or disclosing one's status as an officer

in any that can reasonably be perceived as an attempt to gain influence or authority for non-department business or activity.

Allegation (4) – The subject officer misused their authority for the improper purpose of making an unwanted offer for a personal or sexual relationship with another officer. UCSB PD manual 340.3.5.f prohibits the wrongful or unlawful exercise of authority on the part of an officer for malicious purpose, personal gain, willful deceit or any other improper purpose.

Allegation (5) – The subject officer unwelcome invitation to a citizen for a personal or sexual relationship with another officer while on-duty was conduct unbecoming of a member of UCSB PD. UCSB PD manual 340.3.5.aa prohibits any on-duty conduct which an officer knows or should reasonably know is unbecoming a member of the Department or which is contrary to good order, efficiency or morale, or which tends to reflect unfavorably upon the Department or its members.

Allegation (6) – The subject officer engaged in other conduct which interfered with UCSB PD operations. The Gold Book 501 prohibits any conduct not otherwise specified in the instant policy manual which interferes with police operations.

Allegation (7) – The subject officer’s professional conduct was likely to discredit UCSB PD. The Gold Book requires that officers conduct their private and professional lives in such a manner as to avoid bringing discredit upon the University or the department.

Allegation (8) – The subject officer used the officer’s position within the department for the officer’s own gain or advantage. The Gold Book prohibits police officers from using their positions within the Department for personal gain or advantage.

Allegation (9) – The subject officer neglected to perform the officer’s duties and responsibilities. The Gold Book 512 requires that officers devote their entire time and energies to the performance of the duties and responsibilities of the rank or position to which they are assigned.

UC Investigator Findings:

Allegation 1: Sustained

Allegation 2: Sustained

Allegation 3: Sustained

Allegation 4: Sustained

Allegation 5: Sustained

Allegation 6: Not Sustained

Allegation 7: Sustained

Allegation 8: Not Sustained

Allegation 9: Not Sustained

UC PAB Findings:

Allegation 1: Sustained

Allegation 2: Sustained

Allegation 3: Sustained

Allegation 4: Sustained
Allegation 5: Sustained
Allegation 6: Not Sustained
Allegation 7: Sustained
Allegation 8: Sustained
Allegation 9: Not Sustained

Discussion and Recommendations

In response to these allegations and the investigation of them, the PAB unanimously arrived at the following recommendations based on the report. As a preface to these recommendations, the PAB found the officer's conduct exceptionally concerning. Students are a vital part of the UCSB community. UCSB PD officers should never contact students to pursue a personal or sexual relationship. The PAB was especially concerned about the conduct documented in this report because similar conduct by a UCSB PD officer has been documented in the past. We find it deeply concerning that the UCSB PD's interventions concerning this prior incident did not convince current officers that such conduct is unacceptable to the UCSB community. Although no senior officer was the subject of a complaint in this episode, the PAB nevertheless finds it concerning that no senior officers intervened to stop the in-progress conduct when they became aware of it. The PAB considers the officer's failure to stop the in-progress conduct a failure of leadership.

Based on the findings reported above, the PAB requests that Chief Yao consider the following possible interventions:

Recommendation 1: The PAB recommends increased training for officers and supervisors regarding sexual harassment, and the specific duties and responsibilities each group has for avoiding any possible harassment. These duties include each officer's duty to intervene if another officer appears to be engaging in prohibited conduct and report such conduct as soon as they become aware of it.

Recommendation 2: UCSB PD officers should not seek to initiate romantic or sexual relationships with students of any age while on duty. If an officer does not affirmatively know the age and/or occupational status of a UCSB community member, they should not seek to establish a personal, romantic, or sexual relationship with that person. Not knowing the age or status of a person (as a student) cannot be a defense for an officer pursuit of a personal, romantic, or sexual relationship with a UCSB student.

Recommendation 3: The PAB respectfully disagrees with the investigator's findings regarding Policy Finding (8). The investigator's report concludes they lacked sufficient evidence that the "Subject officer used the Subject Officer's position within the department for the officer's own gain or advantage." As the report indicates, however, the "Subject Officer's conduct was calculated to provide a benefit" (pg. 20) to another officer earlier identified as holding a more senior rank than the Subject Officer. Given the report's inclusion of interview-based evidence that two officers do not socialize outside of work (pg.9) it is difficult to understand what motivation the Subject Officer would have

for engaging in such an elaborate scheme to provide the senior officer with a benefit, other than the hope of gaining some such personal gain or advantage for having done so.

IV. Action Items

The PAB adopted a set of by-laws, policies and guidelines in Spring 2022, and met monthly from Fall 2022-Winter 2024 as an accountability board. The PAB conducts orientation meetings for new members and all members plans to attend additional training hosted by UC Davis in the coming academic year. As part of this process, the PAB has joined NACOLE (National Association for Civilian Oversight of Law Enforcement, see attached document), which also offers training for its member boards.

Overview:

In the 2023-2024 academic year the PAB met on a monthly basis and held two town hall meetings open to the public. In addition, in Winter 2023 we received notification of the first complaint regarding a UCSB PD officer since we transitioned to an accountability board. Prior to receiving the report from UC Davis Office of Compliance and Policy, the board met and discussed how the PAB would review and respond to the complaint, and the ethical and legal guidelines that guide our deliberations and decisions once the investigation has been completed. The process of taking in and investigating the complaint prompted some revisions to our guidelines. In Spring 2023, the committee proposed and unanimously adopted a set of revisions to these guidelines and procedures that take into account the role of UC Davis in conducting investigations regarding complaints. Following this initial complaint, the PAB has received two additional complaints. In all cases the UC Davis Office of Compliance and Policy has conveyed reports with their findings to the PAB. In Fall 2023 and Winter 2024 the committee held meetings to discuss the first two complaints and a meeting is scheduled for March to discuss the third complaint. At its meetings, the PAB engaged in a thorough discussion of the investigator's findings and conclusions. Following additional meetings and discussions, the PAB developed a set of conclusions and recommendations that were unanimously adopted by the board. The PAB is currently formulating a report conveying its conclusions regarding the complaints as well as a set of associated recommendations that will be forwarded to the Chief. As part of these proceedings, the PAB voted to establish a set of protocols regarding the handling of the investigator's reports to ensure the participants' privacy as well as a method for the PAB to record its findings and recommendations regarding complaints on the PAB website.

The PAB's action items focused on three main issues in the 2023-2024 academic year. First, developing and revising the PAB's procedures for investigating and responding to citizen complaints. Second, the PAB developed a spreadsheet that establishes a public record regarding of the complaints the PAB received, the findings of the UC Investigator and the PAB, and the PAB's recommendations. Third, the PAB worked with campus administration to maintain UCSB's compliance with UC Systemwide policies.

A. PAB Procedures:

Developed and revised the PAB's procedures for investigating and responding to citizen complaints. As part of these activities the PAB developed "best practices" designed to avoid the disclosure of private information regarding complainants and police officers.

B. Public reporting of citizen complaints and PAB's findings and recommendations

The PAB developed and published a spreadsheet that records information regarding the complaints it receives, the findings of investigators, and the findings and recommendations of the board. The PAB also revised the contents of the website to update changes to its bylaws and procedures. The website can be found [here](#).

C. Assisted in demonstrating UCSB's compliance with systemwide policies

The PAB reported on its activities as part of the campus's broader effort to demonstrate compliance with systemwide requirements.

Police Accountability Board status (Action 4-1): Implementation detail / description of actions taken

The UCSB PAB has been operational since Spring 2022. The PAB adopted a set of by-laws, policies and guidelines in Spring 2022, and met monthly from Fall 2022-Winter 2024 as an accountability board. The PAB conducts orientation meetings for new members and plans to have additional training available to all members in the coming year. We are in discussions with Chief Yao to schedule and conduct this expanded training. As part of this process, the PAB has joined NACOLE (National Association for Civilian Oversight of Law Enforcement, see attached document), which also offers training for its member boards.

The PAB established its guidelines, bylaws, and policies in Spring 2022. In the 2023-2024 academic year we met on a monthly basis and held two town hall meetings open to the public. In addition, in Winter 2023 we received notification of the first complaint regarding a UCSB PD officer since we transitioned to an accountability board. Prior to receiving the report from UC Davis Office of Compliance and Policy, the board met and discussed how the PAB would review and respond to the complaint, and the ethical and legal guidelines that guide our deliberations and decisions once the investigation has been completed. The process of taking in and investigating the complaint prompted some revisions to our guidelines. In Spring 2023, the committee proposed and unanimously adopted a set of revisions to these guidelines and procedures that take into account the role of UC Davis in conducting investigations regarding complaints. Following this initial complaint, the PAB has received two additional complaints. In all cases the UC Davis Office of Compliance and Policy has conveyed reports with their findings to the PAB. In Fall 2023 and Winter 2024 the committee held meetings to discuss the first two complaints and a meeting is scheduled for March to discuss the third complaint. At its meetings, the PAB engaged in a thorough discussion of the investigator's findings and conclusions. Following additional meetings and discussions, the PAB developed a set of conclusions and recommendations that were unanimously adopted by the board. The PAB is currently formulating a report conveying its conclusions regarding the complaints as well as a set of associated recommendations that will be forwarded to the Chief. As part of these proceedings, the PAB voted to establish a set of protocols regarding the handling of the investigator's reports to ensure the participants' privacy as well as a method for the PAB to record its findings and recommendations regarding complaints on the PAB website (see details in section 4.2 below).

Action 4-2: Links to PAB information

Please provide any links to a member roster, by-laws, procedures, and PAB website.

Links to PAB information (Action 4-2): Implementation detail / description of actions taken

All members, by-laws, and procedures are publicly available on the PAB website:

<https://www.pab.ucsb.edu/>

The PAB developed its website in the 2022/2023 academic year. The website went live in Spring 2023, and since then we have made several revisions to it. In addition to posting the PAB's membership, by-laws, policies and procedures, the PAB has posted all extant public reports composed or collected since the board's inception in 2020. As noted above, the PAB will not post or publish reports from the UC Davis Office of Compliance and Policy regarding complaints made to the UCSB PD regarding one or more of its officers however te PAB will post a document that will allow the public to remain informed the nature of the complaints and who they are from (i.e., demographic characteristics of the complainant), the investigator's conclusions regarding those complaints, the PAB's acceptance or rejection of the investigator's conclusions, the PAB's recommendations to the Chief (if any), and the Chief's response (if relevant). The PAB is currently in the process of adopting the final format for the spreadsheet that will convey this information and it will be posted as soon as it is complete.

Appendices:

Appendix 1: Board Membership 2023-2024

Geoffrey Raymond, Chair; Professor, Sociology and Linguistics

Katya Armistead, Assistant Vice Chancellor and Dean of Student Life

Rebecca Rios, Professor, Education

Osaze Osayande, the External Vice President for Local Affairs (EVPLA), Associated Students

Cecilia Aden, Undergraduate Student

Ram Seshadri, Professor, Materials

Eugene Riordan, Graduate Student Association

Melissa Martinez, Staff Representative

UCSB POLICE ACCOUNTABILITY BOARD

Open Meeting

**Wednesday April 24th 2024
3:30-4:30pm**

Join us for an open meeting of the Police Accountability Board (PAB) and share your concerns or questions regarding any aspect of community safety at UCSB.

Please join us via Zoom
Webinar ID:
827 3532 1047



UCSB POLICE ACCOUNTABILITY BOARD

MONTHLY MEETING

 **JUNE 5TH , 2024
AT 3:30PM**

**VIA ZOOM :
ID: 874 9952 3699**

The PAB will host an open meeting on June 5th. We invite all community members to share their concerns or complaints about campus safety issues and especially invites discussion of community members' experiences of the policing of protests on campus.



Appendix 3: PAB Findings and Recommendations Regarding Citizen's Complaints

[1] <https://chancellor.ucsb.edu/memos/2019-12-02-police-advisory-board>

[2] <https://chancellor.ucsb.edu/memos/2019-12-02-police-advisory-board>

[3] Presidential Safety Plan Draft for Distribution, June 3, 2021, pg. 2