

**Q & A CONCERNING UCDPD PERSONNEL ACTIONS**  
**(Revised April 27, 2012)**

**Q. What actions are being taken concerning the police officers involved in the incident on November 18?**

- Citizen complaints concerning the police officers involved in the incident on November 18, 2011, were subject to Internal Affairs (IA) investigations to determine whether the officers subject to the complaints violated any University policies governing the conduct of police officers.
- The IA investigations were conducted pursuant to University policy and California laws governing such reviews.
- The IA investigators have unrestricted access to interview all officers (including officers under review), witnesses, administrators, and to review all videos and pertinent documents (including police personnel records and files).
- These policies and laws require that any personnel actions concerning officers be based solely upon findings of the IA investigations. California law prohibits the University from basing any personnel action on the Justice Reynoso Task Force review, including the Kroll fact-finding report.

**Q: Who conducted the IA investigations?**

- The UC Davis campus retained experienced outside investigators to conduct the IA investigations:
  - **Ed McErlain**, a senior investigator for Norman A. Traub Associates, which specializes in employment investigations including complaints alleging the use of excessive force by police officers. Mr. McErlain formerly served as a California municipal police Captain, in which capacity he served as the Investigation Division Commander and the Commander of the division managing internal affairs investigations.
  - **Deborah Maddux Allison**, a partner with the Van Dermeyden Allison Law Corporation, who specializes in employment law and workplace investigations. Ms. Allison formerly served as counsel to the University of California and the California Fair Political Practices Commission.
- During the IA investigations, Mr. McErlain and Ms. Allison retained **Charles “Sid” Heal** for advice, guidance, and consultation on issues relating to police officer use of nonlethal force. Mr. Heal is a retired Captain from the Los Angeles County Sheriff’s Department, and specializes in issues relating to police officer use of nonlethal force, including use of pepper spray.

**Q: When will the IA investigations and any resulting disciplinary actions be completed?**

- The IA investigations relating to the November 18 incident were completed in March 2012. The IA reports consist of thousands of pages of testimony, evidence, and analysis.
- Upon receipt, the IA investigations were submitted to a Sufficiency Review Board (SRB), which is responsible for insuring quality and completeness. The SRB also makes recommendations as to the findings, and, if warranted, as to the range of discipline and/or corrective action.
- Any disciplinary action resulting from the IA investigations would be taken in accordance with applicable University policies and collective bargaining contract. Depending on the rank of the officer, this would involve various levels of process involving notice to any officer subject to a proposed disciplinary action, an opportunity to respond, and an administrative appeal process. If disciplinary action were initiated, it would likely require several weeks to conclude, and then an additional period of time for administrative appeal.

**Q: Are the IA's confidential?**

- Each IA report is a confidential peace officer personnel record, public disclosure of which is prohibited by California statute. (Penal Code § 832.7.)
- Similarly, any resulting personnel action that may be taken against a police officer is also confidential and not subject to public disclosure under state law. The University is prohibited by law from disclosing that it took disciplinary action, or that the employee is exercising his or her right to an appeal. (Penal Code § 832.7.)

**Q: What information can be shared?**

- The complaining parties will be notified of the disposition of their complaints, e.g., whether the complaint was "substantiated" or "not substantiated," as permitted by statute. (Penal Code § 832.7.)
- The University can disclose the employment status of the officers, e.g., current employment status and rank.