

The logo for UC Irvine, featuring the letters "UC" in a large, bold, serif font, followed by "IRVINE" in a smaller, all-caps, serif font. A vertical line separates the "UC" from "IRVINE".

UCIRVINE

The logo for Internal Audit Services, featuring the words "INTERNAL" and "AUDIT SERVICES" stacked vertically in an all-caps, serif font.

INTERNAL
AUDIT SERVICES

UC Police Personnel Complaints Process and Use of Force Reporting

Internal Audit Report No. I2022-109
March 31, 2023

Prepared By

William Simonian, Senior Auditor

Reviewed By

Niran Joshi, Associate Director

Approved By

Mike Bathke, Director

March 31, 2023

**ELIZABETH GRIFFIN
CHIEF
UC IRVINE POLICE DEPARTMENT**

**RE: UC Police Personnel Complaints Process and Use of Force Reporting Systemwide
Audit/UC Irvine Police Department Local Audit Report
Report No. I2022-109**

Internal Audit Services (IAS) has completed the UC Police Personnel Complaints and Use of Force Reporting audit and the related UC Irvine Police Department (UCI PD) final audit report is attached. The systemwide final report prepared by the Office of Ethics, Compliance and Audit Services (ECAS) of the UC Office of the President (UCOP) in coordination with the internal audit departments at each of the ten UC campuses is appended to the end of this report.

We extend our gratitude and appreciation to all personnel with whom we had contact while conducting our review. If you have any questions or require additional assistance, please do not hesitate to contact me.

Sincerely,



Mike Bathke
Director

Attachment

C: Audit Committee
Paul Cooper, Assistant Chief of Police – UCI PD
Jody Stiger, Director of the Office of Systemwide Community Safety – UCOP

I. MANAGEMENT SUMMARY

In accordance with the fiscal year (FY) 2021-2022 University of California (UC) audit plan, ECAS oversaw a systemwide audit of the police personnel complaints process and use of force reporting in response to the recommendations from the *2019 Report of the Presidential Task Force on Universitywide Policing*¹. ECAS performed this audit in coordination with the internal audit departments at all UC campuses using a common systemwide audit program.

In addition to the ECAS systemwide audit report issued on February 15, 2023, which consolidated observations from all campus police departments, internal audit departments at each campus were asked to prepare audit reports specifically addressing observations noted at their respective campus police departments.

Based on the audit work performed by IAS, some internal controls need improvement and should be strengthened to minimize risks and ensure adherence to policies, procedures, regulations, and best practices. Specifically, the following improvement opportunities were noted.

State Laws Regarding Use of Force and Records Retention – UCI PD use of force policy should be updated to reflect use of force requirements in Assembly Bill 71, California Government Code Section 12525.2, and California Commission on Peace Officer Standards & Training. Both UCI PD personnel complaints policy and use of force policy should be revised to include Senate Bill 16 requirements for records retention. This issue is discussed in Section V.1.

UCI Policy on Investigations of Chief of Police - UCI policy prohibiting UCI PD from conducting an investigation of its own Chief of Police should be enacted. This observation is discussed in Section V.2.

Timely Completion and Assignment of Investigation - UCI PD policy should require investigators who need extra time to complete investigations to submit written requests for an extension to the Assistant Chief. Furthermore, the completion date of the investigation should be written on the investigation report for tracking, monitoring, and auditing purposes.

On a related issue, UCI PD policy should be revised to accurately reflect who assigns the investigation to the investigator. Currently, the local policy states that the watch commander is the one to assign investigations, however, standard practice at UCI PD has the Assistant Chief completing this function. These issues are discussed in Section V.3.

¹ UC Presidential Task Force. *2019 Report of the Presidential Task Force on Universitywide Policing*. University of California, 2019. www.ucop.edu/policing-task-force/policing-task-force-report-2019.pdf, PDF file.

Annual Audit Report of Complaint Logs - To comply with UCI PD local policy requirements, UCI PD should complete an annual audit report of complaint logs that includes total number of complaints submitted, disposition of these complaints, along with an analysis of trends, patterns, or “red flags.” This audit report should be sent to the Chief or authorized designee. Local policy should specify a due date that this audit report should be prepared by on an annual basis. Further details are provided in Section V.4.

Investigation of Complaints Format – UCI PD local policy should be revised to reflect the current investigation format being used rather than the prior format that is referenced. This issue is discussed in detail in Section V.5.

II. BACKGROUND

ECAS oversaw a systemwide audit of the police personnel complaints process and use of force reporting in response to recommendations from the Presidential Task Force on Universitywide Policing.

The ECAS systemwide audit report provides a consolidation of the observations from all ten campuses with a set of corresponding recommendations and management action plans to address these observations.

Subsequent to the issuance of the systemwide audit report, each individual campus internal audit department was instructed to issue their own local campus police department audit report identifying significant observations or noted gaps in their campus police department’s local policies on personnel complaints and use of force reporting. This approach was decided upon due to local campus police departments relying on their local policies to dictate how complaints and use of force incidents are handled. Even though there is a UC systemwide police policy, referred to as the *Universitywide Police Policies and Administrative Procedures Gold Book manual*², it is considered outdated by campus police departments. This manual will eventually be updated, but first, an interim systemwide draft policy is currently being updated based on the recommendations outlined in the systemwide report and best practices being used at each campus police department. Furthermore, according to UCI PD, this interim systemwide draft policy has been awaiting UC systemwide approval since 2019 when the report from the Presidential Task Force on Universitywide Policing was released. Once this interim UC systemwide policy is issued, tentatively scheduled for August 30, 2023, it will replace all local police policies being used at the campus police departments. However, as there may be delays with the issuance of this interim policy and there is no definitive date as to when the Gold Book systemwide policy manual will be revised, approved, and issued, it was decided that the internal audit departments should still prepare local audit reports of observations and identified gaps at their local campus police department level since their local policies

² *Universitywide Police Policies and Administrative Procedures*. University of California Office of the President, 07/01/2011. <https://policy.ucop.edu/doc/4000382/PoliceProceduresManual> PDF file.

may be relied upon for some time until the interim systemwide policy is issued, and then at a later unspecified date, the Gold Book manual is revised. The local audit reports will include internal audit's recommendations and provide management action plans with target implementation dates prepared by campus police departments in coordination with internal audit to resolve observations and gaps in campus police department's policies on personnel complaints and use of force.

UCI PD provides public safety and professional policing services to ensure a safe and secure academic environment for the entire UCI community. This UCI community consists of approximately 37,000 students as well as approximately 14,000 faculty, staff, and administrators within the Irvine main campus, which encompasses over 1,400 acres. In addition to the main campus, UCI PD also provides safety and policing services to UCI Medical Center located in the City of Orange, consisting of over 6,000 medical center staff. These figures do not include all the visitors visiting the main campus and all the patients and visitors that the medical center encounters. As an example, during FY 2019, the medical center had over 834,000 outpatient visits, 55,000 emergency department visits, 18,600 surgery patients, and over 4,000 trauma patients.

Each year, UCI PD officers respond to thousands of incidents. For instance, in 2022, UCI PD responded to nearly 56,000 service calls, officer-initiated and otherwise, between the campus and medical center. Some of these interactions between officers and civilians, through unfortunate and sometimes even unavoidable circumstances, may result in complaints of misconduct and/or use of force situations.

III. PURPOSE, SCOPE, AND OBJECTIVES

The purpose of the audit of the police personnel complaints process and use of force reporting is to ensure systemwide and local policies are being adhered to by campus police department staff.

The basis for the scope of the audit included recommendations related to handling of complaints and use of force reporting which was outlined in the *2019 Report of the Presidential Task Force on Universitywide Policing* and described in the systemwide audit report issued by ECAS.

As stated in the systemwide audit report, the scope of the audit included all ten UC campus police departments. Internal audit departments at each of the ten UC campuses developed and conducted testing on audit procedure steps based on a common audit program that ECAS developed for this review.

The audit procedures at UCI consisted of interviews with police department personnel, walkthroughs, and sample testing of documents to evaluate compliance with local policy requirements and applicable laws. The primary documents used to assess compliance were the UC PD systemwide policy, local campus personnel

complaints policy, local campus use of force policy, and state law. As part of this audit, IAS conducted analysis of case files of police personnel complaints data and use of force reports data by sample testing data from January 2021 through December 2021, as long as there were at least five or more case files to review during that period. If not, then the methodology required IAS to look back up to three years from calendar year 2021 until there were five case files that could be reviewed. IAS's sample testing for personnel complaints consisted of two complaint investigation case files from 2021 and three from 2020. For use of force reports, IAS's sample testing consisted of five files all from 2021.

The audit was focused on adherence to procedural requirements and did not attempt to re-investigate complaints or provide an assessment of investigation results. IAS summarized the results of these procedures and provided them to ECAS for the development of their systemwide audit report.

Campus internal audit departments were instructed to issue a separate local audit report that addressed any systemwide issues that pertain to the local campus police department, and if applicable, any specific local issues not already addressed in the systemwide report. See section V. below for agreed-upon management action plans and assigned target dates for each of IAS's observations and recommendations.

With oversight from ECAS, IAS will track these management action plans to ensure completion.

The objectives of this audit were as follows:

1. Verify complaints are being taken properly by ensuring all employees are adhering to local policies, procedures, and standards.
2. Verify use of force reports comply with applicable laws and local requirements.
3. Evaluate consistency of applicable police department policies and procedures between campuses.

IV. CONCLUSION

Many of UCI PD's internal controls pertaining to personnel complaints and use of force reporting appear to be functioning satisfactorily.

For instance, UCI PD has much stricter investigation completion timeframe guidelines in their local policy than the systemwide policy, which only requires investigations to be completed as soon as practicable but no later than 11 months. The UCI PD local policy has much more defined and specific guidelines, such as requiring simple investigations to be completed within 30 days of the investigation being assigned with more complex investigations taking up to 60 days. This local policy holds the department to a much higher standard and degree of accountability to effectively and efficiently complete investigations.

Another internal control strength observed during the audit pertained to the Assistant Chief separately logging and documenting, for record keeping purposes, informal complaints where the complainant may have only requested to verbally discuss a complaint with a UCI PD supervisor but refused to file a formally written complaint. The Assistant Chief explained that separately documenting these types of non-filed informal complaints was necessary to avoid the possibility of a complainant coming back at a later date and stating that they did file a formal complaint and that it was never resolved and that they were never contacted. To avoid this situation, the Assistant Chief requests that all supervisors provide him with the information from the non-filed complaints so he can document them in a log separate from the formal written complaints log. Logging such informal complaints may also assist with identifying and/or tracking trends or patterns, such as if one specific officer were receiving multiple informal complaints from various individuals, the Assistant Chief would be alerted to the situation and could resolve it before it became more problematic.

However, concerns were noted in the areas of state laws regarding use of force and records retention, UCI policy on investigations of the Chief of Police, timely completion and assignment of investigations, an annual audit report of complaint logs, and the investigation of complaints report format.

V. OBSERVATIONS AND MANAGEMENT ACTION PLANS

1. State Laws Regarding Use of Force and Records Retention

Background

Assembly Bill (AB) 71, Government Code (GC) section 12525.2, and California Commission on Peace Officer Standards and Training (POST) require that any officer-involved serious injury or death be reported to the Department of Justice (DOJ) along with certain demographics and other related information.

Senate Bill (SB) 16 requires complaints and any reports or findings relating to those complaints to be retained for a certain period of time, as described below.

These state laws should be adhered to and incorporated into UCI PD local policy to ensure these laws are applied and enforced.

Observation

AB 71, GC section 12525.2, and California Commission on POST requires that use of force data consisting of certain demographics and other related information be reported to the DOJ annually when an officer-involved serious injury or death occurs. The type of demographic information required are gender, race, age of shot/injured/deceased victims. In addition, a brief description of the

circumstances surrounding the incident, which if applicable, may include the nature of the injuries to officers and civilians and perceptions on behavior or mental disorders. Also noted is whether the civilians were armed, and if so, the type of weapon used or type of force used. And lastly, the date, time, and location of the incident should also be included.

The UCI PD Use of Force policy should be updated to require that these demographics and other related information be included and documented in the use of force data being maintained so if there was a serious injury or death that needed to be reported to the DOJ, the required information would be readily available.

IAS conducted testing of five samples of use of force reports and the review concluded that all pertinent demographics and information mentioned above were included in the reports.

In addition, UCI PD management stated that there were no use of force incidents within at least the last five years that included serious bodily harm or death. Therefore, no incidents have been reported to the DOJ in at least the last five years.

SB 16 is a fairly recent bill enacted in 2021 requiring complaints and any reports or findings relating to those complaints be retained for a required length of time for record-keeping purposes. More specifically, this bill requires that complaints and related reports or findings, for which there was a sustained finding of misconduct, be retained for 15 years, and for all other records where there was not a sustained finding of misconduct be retained for no less than five years.

Based on IAS's review, all use of force records that were tested had been retained for a minimum of two years, which conforms to UCI records retention policy, but not SB 16.

Recommendation

Although UCI PD use of force policy does include a section regarding reporting to the California DOJ, the policy should be updated to include requirements from AB 71, GC section 12525.2, and California Commission on POST as it relates to specific demographics and other related data that must be submitted to the DOJ whenever there is an officer-involved serious injury or death. Moreover, UCI PD policies on personnel complaints and use of force should be updated to include SB 16 records retention requirements for complaints and any related reports or findings.

Management Action Plan

UCI PD use of force policy will be updated to include state law required demographics and related data that must be included and reported to the DOJ when use of force officer-involved incidents result in serious bodily injury or

death. These state laws include AB 71, GC section 12525.2, and California Commission on Peace Officer Standards and Training.

UCI PD does not have a records retention policy in our policy manual, but rather, we follow the UCOP records retention schedule. We do not believe we should have a records retention policy in addition to or separate from the one maintained by UCOP. The UCOP policy would take precedence over ours. Having policies in two places lends itself to the policies not always being in sync.

Since eventually this audit is supposed to impact all ten campuses, it makes sense for everyone to follow UCOP. Therefore, we believe the recommendation regarding SB 16 should be directed at UCOP's Records Manager to make the necessary changes and stay current with any changes in the law.

UCI PD will continue to follow UCOP systemwide policy on records retention. Moreover, when the interim systemwide draft policy is implemented by August 30th, and then the Gold Book, at a later unspecified date, these systemwide policies will address SB 16 state law, and as such, will become the new requirement for UCI PD and all campus police departments to follow.

Due date: October 31, 2023

2. UCI Policy on Investigations of the Chief of Police

Background

UC systemwide policy, currently being revised and updated, will state that "No department may conduct an investigation of its own Chief of Police. If the accused member is the Chief of Police, then the Chancellor or designee shall be provided the complaint through the proper chain of command. The Chancellor or designee shall assign an investigator outside of the local campus UCPD to handle the submitted complaint. Any outside investigator will be trained and have experience investigating high level law enforcement command staff, and must comply with this Chapter."

Observation

UCI PD personnel complaints policy does not address procedures and protocols in circumstances where an investigation of its own Chief of Police is required. Since the Chief of Police is the highest level of authority and chain of command in the UC police department, investigations of the Chief of Police over allegations of misconduct or other complaints should not be left to a lower ranking officer who may feel pressured to conclude favorably and may not be able to perform the investigation impartially and without bias.

Recommendation

UCI PD personnel complaints policy should address procedures in circumstances where an investigation of the Chief of Police is required. This policy addition should state that it is prohibited for UCI police department personnel to conduct an investigation of its own Chief of Police. It should also state that in these circumstances, the Chancellor or designee shall be provided the complaint through the proper chain of command and shall assign an investigator outside of the local campus UCPD to handle the submitted complaint.

Management Action Plan

UCI PD personnel complaints policy will be updated to address procedures in circumstances where an investigation of the Chief of Police is required. Similar to the systemwide draft policy, this addition to our policy will indicate that it is prohibited for UCI PD personnel to conduct an investigation of its own Chief of Police. The policy will also mention that in these circumstances, the Chancellor or designee shall be provided the complaint through the proper chain of command and shall assign an investigator outside of the local campus UCPD to handle the submitted complaint.

Due date: July 31, 2023

3. Timely Completion and Assignment of Investigation

Background

UCI PD personnel complaints policy provides guidance on how long an investigation should take to complete. For example, a simple investigation should be completed within 30 days from the date the investigation was assigned to an investigator. More complex investigations should be completed within 60 days of assignment date. However, the policy also states that if an investigator needs more time than 30 days to complete a simple investigation, the investigator can request additional time from the Assistant Chief, outlining the reason why the investigation will take longer to complete, and providing an estimated date of completion.

The policy also states that if an investigation will take longer than 60 days to complete, from its onset, the assigned investigator will be required to provide monthly updates to the Assistant Chief.

Moreover, the policy states that every effort shall be made to complete the investigation within one year from the date of discovery and if it cannot be completed within one year, the assigned investigator will ensure that an extension or delay is warranted.

IAS conducted sample testing of five investigation case files from 2020 and 2021.

Observation

Three of the five investigation case files IAS reviewed were completed by investigators much later than the 30- and 60-day timeframes. One investigation was completed in 105 days, another was completed in 150 days, and the third was completed in 110 days. However, this third investigation involved a discrimination complaint that was initially completed by UCI PD within one day of being assigned to an investigator, but a month later, it was subsequently re-assigned to ECAS where the investigation took nearly 110 days to complete.

Systemwide draft policy requires that investigation extension requests be made in writing. IAS conducted a further review of these files to determine whether the investigators requested more time to complete the investigations from the Assistant Chief or whether they provided monthly updates to the Assistant Chief. However, IAS could not locate any documentation to provide explanations for the delays.

UCI PD personnel complaints policy indicates that investigators may request more time to complete investigations from the Assistant Chief, but it does not require that this request be submitted in writing and maintained as supporting documentation in the case file. The policy also does not specifically state that the monthly updates the investigator provides the Assistant Chief for investigations expected to exceed over 60-days must be in writing and must be maintained in the case file as supporting documentation.

IAS acknowledges that UCI PD has much stricter investigation completion timeframe guidelines (30 days for simple investigations and 60 days for complex investigations) in their local policy than the systemwide policy, which is less defined and only requires investigations to be completed as soon as practicable but no later than 11 months. Therefore, the UCI PD local policy has much more specific and stricter guidelines which holds the department to a much higher standard and higher degree of accountability. These stricter completion timeframes provide a more efficient service experience and better deliverable to the complainant, but only if the department is consistently achieving these timeframe standards. Otherwise, if the complainant expects the investigation to be completed within 30 to 60 days but it ends up taking much longer, as in the examples of the three case files reviewed above, this could actually result in a negative customer experience for the complainant.

Incidentally, regarding completion of investigations, the investigation reports should include the completion date on the cover of the report for reference purposes. Currently, there is no date listed on the report to signify the completion date of the investigation, and as such, it is difficult to discern if the investigations were completed in a timely manner in accordance with the specified investigation completion timeframes mentioned above.

On a related topic regarding investigators, the personnel complaint policy incorrectly states that the watch commander of the accused officer determines who will have responsibility for the investigation. However, in actuality, the Assistant Chief is the one who assigns the investigation to the investigator. During testing and review of case files, four of the five files were assigned to an investigator by the Assistant Chief.

Recommendation

UCI PD personnel complaints policy should be revised to address that investigation extension requests from investigators to the Assistant Chief should be made in writing so that there is an audit trail in the case file of the extension request and approval. For accountability purposes, this additional internal control measure will ensure that the investigations are either being completed timely or that additional time is being requested and approved.

Furthermore, UCI PD policy should include that the monthly updates investigators provide to the Assistant Chief, for investigations expected to exceed the 60-day timeframe, should be submitted in writing and included in the case file as supporting documentation.

Investigation reports should include a date of completion on the front of the report for tracking and monitoring purposes to ensure investigations are being completed on a timely basis in accordance with policy guidelines.

Lastly, the personnel complaints policy should be revised to state that the Assistant Chief assigns the investigation to an investigator and that this is not the watch commander's responsibility. UCI PD policy should be revised accordingly to accurately reflect this step in the workflow process.

Management Action Plan

We will revise our personnel complaints policy to be consistent with the systemwide draft policy to include that all investigation report extension requests should be submitted in writing, including approval from the Assistant Chief. This information should be maintained in the case file to provide support when determining whether investigation reports were completed on a timely basis. Staff will be briefed on this new process update.

In addition, UCI PD policy will be updated to include that the monthly updates provided by investigators for investigations expected to exceed 60 days should be submitted to the Assistant Chief in writing and maintained in the case file as support documentation. Staff will be briefed on this new update as well.

Going forward, investigation reports will include a completion date on the front cover of the report for reference purposes. This new requirement will be added to policy, if necessary, and all staff will be apprised of this report format update.

The personnel complaints policy will be revised to reflect that the Assistant Chief assigns investigations to an investigator, rather than this being the watch commander's responsibility.

Due date: July 31, 2023

4. Annual Audit Report of Complaint Logs

Background

UCI PD completes monthly and annual audits of complaint and use of force logs. For complaint logs, this includes ensuring that each case file has been tracked on the log, that the logs are complete, the investigation reports and files are complete, complaint dispositions were sent to the complainant within 30 days, the alleged officer was sent a memo notifying said officer of the allegations and next steps, among other audit steps performed.

UCI PD personnel complaints policy requires audit reports of complaint logs to be completed on an annual basis and sent to the Chief of Police or authorized designee. The systemwide draft policy mentions that the annual audit report should include total number of complaints submitted, disposition of these complaints, along with an analysis of the trends, patterns, or "red flags." The systemwide draft policy also requires that the audit report be submitted to the Chief of Police by January 31st of the subsequent year.

Observation

Although UCI PD completes monthly and annual audits of complaint logs, they are not completing an annual audit report of their findings that is submitted to the Chief of Police, as required by policy.

To comply with UC systemwide draft policy and UCI PD local policy requirements, UCI PD should complete audit reports of complaint logs on an annual basis. These audit reports should indicate the total number of complaints submitted, disposition of these complaints, along with an analysis of trends, patterns, or "red flags." The local policy should also specify an annual date that this audit report will be completed by every year.

Recommendation

UCI PD should complete annual audit reports of complaint logs as required by UCI PD policy and systemwide draft policy.

UCI PD personnel complaints policy should indicate the type of information that will be included in the audit report as outlined in the systemwide draft policy. Moreover, similar to the systemwide draft policy, UCI PD policy should also specify a date that the annual audit report should be completed by every year.

Incidentally, since UCI PD completes monthly and annual audits of complaint logs, they should revise their policy to reflect current practices.

Management Action Plan

We will complete annual audit reports of complaint logs as required by UCI PD policy and systemwide policy.

The personnel complaints policy will be revised to address the type of information that will be included in the audit report, as outlined in the systemwide draft policy. Moreover, similar to the systemwide policy, our policy will also specify a date that the annual audit report should be completed by every year.

Our policy will also be revised from stating that an annual audit of complaint logs is required, to mentioning that complaint logs should be completed on a monthly and annual basis.

Due date: July 31, 2023

5. Investigation of Complaints Format

Background

The investigation of personnel complaints format used in investigation reports was modified to improve processes after the new Chief of Police was hired in 2019. UCI PD management decided to change the following format of the investigation reports.

- Added a “Statements” section to the investigation report. This section includes the statements from each alleged officer, complainant(s), and, if applicable, anyone else involved or was witness to the allegations. This “Statements” section replaced the “Conclusions” and “Recommendations” sections mentioned below.
- Removed the “Conclusions” and “Recommendations” sections from the investigation report. UCI PD decided to omit these two sections of the report since the report is completed by an investigator and submitted to the Assistant Chief to review. If the Assistant Chief and/or Chief of Police disagree with the investigator’s conclusion and recommendations, they would need to go through the tedious and inefficient task of revising both sections of the already completed report.
 - Currently, the investigator will state the disposition or findings decided for each allegation of a complaint under the “Evidence to Each Allegation” section of the report.

- Added a “Summary and Recommendations” interdepartmental memo, apart from the investigation report. In place of the above mentioned “Conclusion” and “Recommendations” sections of the report, the Assistant Chief now sends the Chief a memo that is completely separate from the investigation report. This memo includes the following sections: “Summary,” “Investigative Actions,” “Conclusion,” and “Recommendations.” In the “Recommendations” section of the memo, the Assistant Chief will state whether they agree with the findings made by the investigator in the “Evidence to Each Allegation” section of the investigation report. The Chief then reviews the Assistant Chief’s conclusions and recommendations, in addition to the investigation report, and responds to the Assistant Chief as to whether they agree or disagree.

Observation

The UCI PD personnel complaints policy should be updated to reflect the current investigation format being used for personnel complaints in the investigation reports. This current format differs from the prior format that was used which is still reflected in the policy.

UCI PD personnel complaints policy still lists the following as the format being used for investigations of personnel complaints:

1. Introduction
2. Synopsis
3. Summary of Allegations
4. Evidence As to Each Allegation
5. Conclusion
6. Exhibits

Also, a “Summary and Recommendations” interdepartmental memo is now being sent from the Assistant Chief to the Chief instead of using the “Conclusion” and/or “Recommendations” section in the investigation report.

Recommendation

UCI PD personnel complaints policy should be updated to reflect the current format being used for investigations of personnel complaints in investigation reports. UCI PD policy should be updated to replace “5. Conclusion” section with a “Statements” section instead.

Furthermore, the policy should also address that a “Summary and Recommendations” interdepartmental memo is now being sent from the Assistant Chief to the Chief.

Management Action Plan

Our personnel complaints policy will be updated to reflect the current format being used for investigations of personnel complaints. This current format replaces the “Conclusion” and/or “Recommendations” section with a “Statements” section.

Our policy will also address that in lieu of a “Conclusion” section in the investigation report, a “Summary and Recommendations” interdepartmental memo is now being sent from the Assistant Chief to the Chief.

Due date: July 31, 2023

UNIVERSITY OF CALIFORNIA
ETHICS, COMPLIANCE AND AUDIT SERVICES
INTERNAL AUDIT SERVICES

SYSTEMWIDE POLICE PERSONNEL COMPLAINTS PROCESS AND
USE OF FORCE REPORTING AUDIT

Project No. P22A006

February 2023

University of California
Ethics, Compliance and Audit Services
Systemwide Police Personnel Complaints Process and
Use of Force Reporting Audit

Table of Contents

I. Executive Summary.....	4
II. Background	7
III. Opportunities for Improvement and Recommendations.....	10
1. Lack of Current Systemwide Police Personnel Complaints Policy.....	10
2. Noncompliance with Local Complaint Policies	11
3. Lack of Current Systemwide Policy on Use of Force Reporting.....	13
4. Noncompliance with Local Policies and Opportunities for Improvement on Use of Force Reporting	14
5. Opportunities for Improvement in Public Reporting on Complaints.....	15
Appendix A: Complaints Data Analysis.....	17
Appendix B: Management Corrective Actions for Recommendations to Office of Systemwide Community Safety.....	19

I. Executive Summary

Introduction

In accordance with the fiscal year 2021-22 University of California (UC) audit plan, the systemwide Office of Ethics, Compliance and Audit Services (ECAS) oversaw a systemwide audit of the police personnel complaints process. This audit was included in the plan in response to recommendations from the 2019 Report of the Presidential Task Force on Universitywide Policing. ECAS performed this audit in coordination with the internal audit departments at all UC campuses using a standard systemwide audit program.

ECAS developed this summary report based on information gathered by each location's internal audit department. It provides a consolidation of the systemwide findings and a set of corresponding recommendations to address these findings. These recommendations include a set of recommendations to the Office of Systemwide Community Safety and a separate set of recommendations to the location police departments. Each campus's internal audit department will issue a separate report presenting management corrective actions to address each of this report's recommendations to the local police departments.

Objectives and Scope

The objectives of the systemwide audit of the police personnel complaints process and use of force reporting were as follows:

1. Verify complaints are being taken properly by ensuring all employees are adhering to local policies, procedures, and standards.
2. Verify use of force reports comply with applicable laws and local requirements.
3. Evaluate consistency of applicable police department policies and procedures between campuses.

The [2019 Report of the Presidential Task Force on Universitywide Policing](#) included the following recommendations related to handling of complaints and use of force reporting, which served as the basis for the scope of this systemwide audit:

- *Recommendation 1:* UCPD Council of Chiefs should collaboratively create a uniform complaint process for all UC locations and ensure that complaints regarding police officers can be submitted in writing, by email, in person, online or by telephone and that those complaints are appropriately investigated.
- *Recommendation 6:* Every complaint should be tracked from intake through final disposition. The tracking system should be capable of capturing information regarding the complaint sufficient to perform trend analysis.
- *Recommendation 7:* ECAS should conduct audits to verify complaints are being taken properly and to ensure all employees are adhering to UC policies and procedures and individual departments' standards.
- *Recommendation 8:* UCPD and all campuses should identify review criteria for complex complaint cases and determine the appropriate investigative entity to handle such cases.

- *Recommendation 9:* No individual UC police department should be permitted to investigate allegations of misconduct directed at its chief.
- *Recommendation 12:* Departments shall document and review each use of force to determine whether the force used was in compliance with applicable policy and law.
- *Recommendation 22:* ECAS should audit UCPD complaint investigations and use of force reports.

The scope of the audit included all 10 UC campus police departments. Internal audit departments at each of the 10 UC campuses conducted audit procedures using a common audit program that ECAS developed for this review. These audit procedures generally consisted of interviews, process walkthroughs with location police department personnel, and sample testing to evaluate compliance with local policy requirements and applicable laws. The primary documents used to assess compliance were local personnel complaints and use of force policies and state law. The audit was focused on adherence to procedural requirements and did not attempt to re-investigate complaints or provide an assessment of investigation results. The local internal audit departments summarized the results of these procedures and provided them to ECAS for the development of this report. ECAS then reviewed this information and requested clarification and additional information when necessary.

As part of this audit, Internal Audit conducted an analysis of three years of police personnel complaints data. This analysis is included in Appendix A.

The observations that we list in this report represent a summary of the issues noted in local audit fieldwork. As noted above, each campus will issue a separate audit report that addresses these systemwide issues as well as any specific local issues not already addressed in this report. See Appendix B for agreed-upon management corrective actions for each of the recommendations to the Office of Systemwide Community Safety. For each recommendation to the locations, the locations will identify management corrective actions with assigned target dates. ECAS will review the campuses' management corrective actions to ensure that they appropriately address the systemwide recommendations. Ultimately, the campus internal audit departments, with oversight from ECAS, will track these management corrective actions to ensure completion.

Overall Conclusion

In the absence of current systemwide policies addressing requirements for handling complaints and use of force reporting, Internal Audit evaluated the handling of complaints and use of force reporting against local policy requirements and statutory requirements. Internal Audit noted several instances of noncompliance with local policy requirements and some opportunities for improvement of use of force reporting. Additionally, Internal Audit found that local policies lacked important requirements regarding handling personnel complaints. Internal Audit recommends that the Office of Systemwide Community Safety update systemwide policies to address requirements for handling police department complaints and use of force reporting to ensure that complaints and use of force reports are handled appropriately and consistently at all UC campuses.

In our review of the University's recently implemented public reporting on police personnel complaints, Internal Audit noted opportunities for improvement in classifying complaints based on allegation category.

These opportunities for improvement and associated recommendations are described in detail in this report. See Appendix B for agreed-upon management corrective actions for each of the recommendations to the Office of Systemwide Community Safety.

II. Background

Introduction

University of California police departments serve nearly 500,000 students, faculty, and staff across the University's ten campuses and five medical centers. Each year their officers respond to hundreds of incidents across the system, some of which result in complaints of misconduct or unprofessional behavior¹ or use of force² when interacting with the public. Personnel complaints consist of any allegation of misconduct or improper job performance against any employee and may be generated by staff as well as the public.

Though ostensibly governed by the *Universitywide Police Policies and Administrative Procedures*, the campus police departments consider this document to be outdated and the University is in the process of revising this systemwide policy document. Currently, each University of California campus police department is following its own policies and procedures for reporting, handling, and communicating about internal and external complaints alleging misconduct or improper job performance by an employee (personnel complaints) and use of force reporting. These policies and procedures vary by campus, both in breadth and depth, and apply to administrative (commonly known as internal affairs) but not criminal investigations.

The following sections describe the requirements generally found in local police department policies for complaint handling and use of force reporting.

Complaints

Reporting

To facilitate the reporting of a complaint, obtain necessary information for its investigation, and maintain consistency of the information collected, most departments require that complaint forms be available in the public area of the police department's facility, and most of them also require that the form be available on the department's website. As noted above, personnel complaints may be generated internally and indeed, several departments require members to report misconduct that they become aware of. However, certain departments' policies state that complaints shall not be prepared unless the allegations, if true, would result in disciplinary action, which, as we note in our observations, is inconsistent with the statutory requirement that they shall retain even frivolous complaints.³

In addition, not all departments require all complaints to be documented in a log. Some of those departments that do require it provide the option for supervisors to document informal complaints solely as log entries, rather than formally documenting them on a complaint form. Logging of complaints facilitates annual audits of complaint logs, which the majority of departments' policies encourage.

¹ 2019 *Report of the Presidential Task Force on Universitywide Policing* (p. 5).

² Generally, use of force is defined as the application of physical force, chemical agents, or weapons to another person.

³ California Penal Code 832.5(c)

Handling

Almost all individual departments' policies require that they provide their chief with complaints, but none of them address to whom they should provide complaints for which the chief is the subject. Most campus policies also require that an investigator notify the chief when the potential for criminal charges against an accused member exists.

Another role that the chief plays in complaint handling is assignment of the investigator, whom most departments' policies require be of greater rank than the accused member unless the department refers the investigation to an external entity, although none of them limit the authority to initiate an investigation to their chief or chief's designee. Despite the common requirement that an investigator be of higher rank than an accused member, almost none of the departments' policies prohibit them from investigating their own chief. For allegations of sexual, racial, ethnic, or other forms of prohibited harassment or discrimination, all departments' policies require that specified police department personnel⁴ seek direction from certain internal or external parties,⁵ which vary by department. In cases of potential criminal conduct, most departments' policies require a separate criminal investigation apart from any administrative investigation.

Most departments' policies encourage completion of investigations within one year, although exceptions include requiring completion within 45 days with a potential extension to 60 days and expecting completion within either 30 or 60 days depending upon complexity. Ultimately the investigator will complete a report on the complaint, and while the report elements specified in departments' policies vary, all address the investigation report format.

Complainant Communications

Departments' policies require that they communicate with complainants at a number of points in the complaint process. To begin, departments' policies vary in their treatment of complaint acknowledgment, with some not addressing written notification, several not specifying the number of days within which complainants are to be notified, a few allowing three days, and another allowing seven. Next, the majority of the departments' policies encourage the assigned investigator to follow up with the complainant following receipt of the complaint; a number of these specify either 24 hours or "immediately." Another communication that departments may send early in the complaint process involves informing the complainant of their complaint number and the assigned investigator's name and contact information. The time frames prescribed by departments' policies for this communication are inconsistent or absent, with several specifying three days, another seven days, and half not addressing it. All but a few departments' policies require that they provide notification of disposition to the complainant within 30 days of the end of the complaint process. Similarly, all but a few departments' policies require that they provide the complainant with written notification of the complaint investigation's findings within 30 days of disposition, with some of those not specifying a time frame and another not addressing this communication.

⁴ These personnel vary by campus and include the watch commander or shift supervisor, assistant chief, and chief.

⁵ These parties vary by campus and include the watch commander or shift supervisor, chief, human resources office, and Title IX or equal opportunity office.

Analysis and Transparency

Some departments' policies state that they should perform an annual audit of personnel complaints that is to include the total number of complaints submitted and their disposition along with an analysis of trends and patterns, but most of those do not specify a due date. One department's policy states that they will annually publish aggregated data regarding the previous year's complaints, including the number of complaints filed and their disposition.

Use of Force Reporting

Definition of Use of Force

In the context of policing, use of force generally refers to the application of physical force, chemical agents, or weapons to another person. Most local use of force policies include their own definition of use of force for the purposes of local reporting requirements, and several of them contain similar language.

Departmental Use of Force Reporting

Generally, local policies require that any use of force by a member of their police department be documented promptly, completely, and accurately in an appropriate report, depending on the nature of the incident. This is referred to as "use of force reporting" throughout this report.

Statutory Use of Force Reporting

Pursuant to Government Code (GC) §12525.2, California law enforcement agencies must collect data on certain use of force incidents beginning January 1, 2016, for submission to the California Department of Justice (DOJ) beginning January 1, 2017. Specifically, GC §12525.2 directs law enforcement agencies to report incidents involving:

- The shooting of a civilian by a peace officer
- The shooting of a peace officer by a civilian
- A use of force by a peace officer against a civilian that results in serious bodily injury or death
- A use of force by a civilian against a peace officer that results in serious bodily injury or death

Information reported should include the following elements:

1. The gender, race, and age of each individual who was shot, injured, or killed
2. The date, time, and location of the incident
3. Whether the civilian was armed, and, if so, the type of weapon
4. The type of force used against the officer, the civilian, or both, including the types of weapons used
5. The number of officers involved in the incident
6. The number of civilians involved in the incident
7. A brief description regarding the circumstances surrounding the incident, which may include the nature of injuries to officers and civilians and perceptions on behavior or mental disorders

III. Opportunities for Improvement and Recommendations

1. Lack of Current Systemwide Police Personnel Complaints Policy

The University does not have a current systemwide policy addressing the requirements for handling complaints submitted to local police departments, local policy requirements vary, and local policies do not include significant requirements.

As noted above, although ostensibly governed by the *Universitywide Police Policies and Administrative Procedures*, the campus police departments consider this document to be outdated and so are following their own individual policies and procedures for reporting, handling, and communicating about internal and external complaints alleging misconduct or improper job performance by an employee. This variation in policies and procedures results in inconsistent complaint handling across campus police departments, as illustrated by the following, which constitute only a few of numerous examples:

- Not all departments' policies require that each complaint they receive be documented in a log, and some of those that do may use their complaint log as the only documentation of informal complaints.
- Some departments' policies do not address whether they are to communicate acknowledgment of complaints in writing, others do address the matter but do not specify the time frame within which they are to do so, and those that do specify a time frame vary in the number of days allotted for the communication to occur. Similarly, the time frames prescribed by departments' policies for informing the complainant of their complaint number and the assigned investigator's name and contact information are inconsistent or absent.
- The expected time frame for investigation completion specified in departments' policies is generally one year for most departments, but as low as 30 to 60 days for some of them.

In addition, even in policy areas where police departments are generally consistent, typically at least some campus policies diverge from those of their peers. For example, most, but not all, departments' policies require that complaint forms be available in the public area of the police department's facility. Similarly, most, but not all, departments' policies also require that complaint forms be available on the department's website.

Importantly, Internal Audit observed that some local policies do not include certain significant requirements:

- Several departments' policies do not include language requiring that they both log and follow up on all personnel complaints. Certain departments' policies state that complaints shall not be prepared unless the allegations, if true, would result in disciplinary action, yet as noted above, state law specifies that they shall retain even frivolous complaints. Beyond this legal requirement, the interests of all stakeholders would be best served by fully documenting the receipt and handling of all complaints, regardless of their severity.
- Only one of the departments' policies includes language prohibiting a member of the department from investigating its own chief, yet the inherent conflict of interest present in

such an investigation would result in a lack of independence that undermines its credibility.

- Not all departments' policies require that a complaint investigator be of greater rank than the accused member unless the department refers the investigation to an external entity.
- Not all departments' policies require a separate criminal investigation apart from any administrative investigation when the accused member may be subject to criminal liability.

Recommendations:

The Office of Systemwide Community Safety should:

1.1 Finalize and implement a systemwide policy addressing specific requirements for handling police department complaints. The policy should:

- Include all relevant statutory requirements
- Incorporate best practices that currently exist in local policies and procedures
- Require that departments log all complaints, regardless of the severity of the alleged activity
- Require that departments formally document all complaints, regardless of whether the alleged activity, if true, would result in disciplinary action or constitute a legal or policy violation
- Prohibit departments from investigating complaints against their own chief
- Require that a complaint investigator be of greater rank than the accused member unless the department refers the investigation to an external entity
- Require a separate criminal investigation apart from any administrative investigation when the accused member may be subject to criminal liability

2. Noncompliance with Local Complaint Policies

Testing identified instances of noncompliance with local policies on complaint handling.

Internal Audit evaluated complaint handling procedures and documentation by testing a sample of complaint documentation against local policy requirements. The following instances of noncompliance were observed (number of campuses noting each observation is indicated in parentheses):

Acceptance of Complaints

- Complaint forms were not maintained in a clearly visible location (three campuses)
- Complaint form was not available online (one campus)
- Department did not maintain a complaints log (one campus)
- Department complaints log was incomplete (three campuses)

Communication with Complainants

- Late or missing written acknowledgement of complaint to complainant (two campuses)

- Late or missing communication to the complainant of investigation information (two campuses)
- Notice to the complainant of the disposition of the complaint was late (four campuses), not available/retained (three campuses), or indeterminable based on available evidence (one campus)
- Written notification of the completion of the investigation to the complainant was late (four campuses), not available/retained (three campuses), undeterminable based on available evidence (one campus), or incomplete (location did not provide a copy of the original complaint with the notification) (one campus)

Complaints Involving Prohibited Harassment or Discrimination

- Complaints involving prohibited harassment or discrimination were not appropriately forwarded to the designated campus office (one campus)

Timeliness of Investigation

- Investigations were completed late per local policy requirements (three campuses, including one where investigations were completed late without documented chief approval for the delay as required by local policy)

Investigation Reporting/Resolution

- Investigation report did not follow the required format (one campus)
- Evidence of required report distribution not available (two campuses)
- Department did not maintain a log of complaints not constituting misconduct (two campuses)

Auditing

- Department did not complete the required annual audit of the complaints log (three campuses)
- Department did complete periodic audits of the complaints log, but they did not complete an annual audit report (one campus)
- Department did not complete the required annual audit of the personnel complaint process (one campus)

Retention of Personnel Complaint Records

- Two case files could not be located (one campus)
- Complaint records were not retained in accordance with policy (two campuses)

Recommendations:

Location police departments should:

- 2.1 Either ensure procedures for complaint handling conform to local policy requirements or, where appropriate, update policy language to reflect current practice.

3. Lack of Current Systemwide Policy on Use of Force Reporting

The University does not have a current systemwide policy addressing the requirements for handling use of force reporting, and local policies are inconsistent.

UC does not have a current systemwide policy covering police department use of force reporting. And while all location police departments have local use of force policies, they are inconsistent across locations and do not address important requirements.

For example, one location notes that their local use of force policy should be updated to reflect Senate Bill 16 requirements, and two locations note that local policies do not address elements required by California Government Code §12525.2.

Each local policy in most cases includes its own definition of use of force, several of which contain similar language. However, use of force definitions are inconsistent between local UC police departments. For example:

- Some local policies define use of force generally as “the application of physical force, chemical agents or weapons to another person.”
- One location uses the words “techniques and tactics” in place of “physical force” in the prior definition.
- One location qualifies reportable use of force as “The application of physical techniques/tactics, chemical agents or weapons *to effect an arrest, to prevent escape or to overcome resistance by another person.*” (Italics added.)

Use of force criteria for documentation or reporting are inconsistent between local UC police departments. For example:

- Some local policies explicitly state, “Any use of force by a member of this department shall be documented promptly, completely and accurately in an appropriate report, depending on the nature of the incident.”
- Some locations include the clause “display of a weapon or control device to gain compliance” as part of their use of force documentation or the reporting section of their policy.
- Some local policies do not require documentation or reporting of all use of force events. For example, one local use of force policy has a section titled “Non-Reportable Use of Force Defined,” which states, “It is not a reportable use of force when a person allows themselves to be searched, escorted, handcuffed, or restrained. Pain compliance, joint locks or control holds that only cause temporary discomfort to restrain a subject are not a reportable use of force.”

There is also a disparity in the number of reported use of force cases across locations even taking into account the size of the location. For example, one location had 61 use of force reports in 2021 and three locations had zero reported for the same time period. Although these differences alone do not establish that locations have inaccurately reported their use of force cases, absent a systemwide definition of use of force and consistent documentation requirements, locations may not properly or completely log use of force actions.

Recommendations:

The Office of Systemwide Community Safety should:

- 3.1 Develop and implement a systemwide policy addressing specific requirements for use of force reporting. At a minimum, the policy should:
 - Establish a consistent definition of use of force for internal reporting purposes
 - Clarify that all use of force should be documented and reported
 - Specify how instances of use of force should be documented and reported
 - Incorporate best practices that currently exist in local policies and procedures

4. Noncompliance with Local Policies and Opportunities for Improvement on Use of Force Reporting

Testing identified instances of noncompliance with local policies and opportunities to improve protocols to reduce the risk of noncompliance with statutory requirements.

Internal audit evaluated compliance with selected reporting requirements in local use of force policies and state law and noted opportunities for improvement.

At one location, the chief of police or designate did not regularly prepare an annual analytical report on use of force incidents as required by local policy.

Although not statutorily required by the circumstances of these cases, the following data elements were not captured for certain use of force cases selected for review:

- a. Age of individual subject to the use of force was not recorded in all cases tested for one location
- b. Gender and age of individual subject to the use of force was not recorded in all cases tested for one location
- c. Whether the civilian was armed was not recorded for some cases tested for one location

As a best practice, routinely capturing the elements required by California Government Code §12525.2 for all reported use of force instances would avoid the risk of noncompliance with this statute.

Recommendations:

Location police departments should:

- 4.1 Ensure procedures for use of force reporting conform to local policy requirements and implement review procedures to ensure that all elements of California Government Code §12525.2 requirements are met. Specifically, the age of individuals shot, injured, or killed and whether they were armed should be recorded on use of force reports.

5. Opportunities for Improvement in Public Reporting on Complaints

The allegation categories used for public reporting on police personnel complaints are insufficient to cover the nature of all complaint allegations received and some categories appear to be partially redundant.

In July 2022, the University launched a public-facing Civilian Complaints Dashboard which reports monthly data on civilian complaints involving UC police departments. The dashboard breaks down civilian complaints by circumstances, allegations, and results, along with UC affiliation of complainants.

For our complaints data analysis presented in Appendix A, Internal Audit collected data from campus police departments. The departments were asked to use the categories and category definitions developed by the UC police departments for the initial deployment of the Civilian Complaints Dashboard. Internal Audit did not validate data to source documentation as part of this data collection effort. While preparing this analysis, Internal Audit noted a significant number of complaint allegations that the campus police departments did not assign to one of the defined categories developed by the UC police departments. Specifically, over the three years covered by this analysis, 53 of the 208 total allegations, or 25%, were categorized as “other.” This observation indicates that the allegation categories used for the Civilian Complaints Dashboard are insufficient to cover the nature of all complaint allegations received by UC police departments. Further, based on comments provided by the police departments on the nature of complaints categorized as “other,” ECAS found that some of those complaints could potentially be reclassified into one of the existing categories.

Upon subsequent review of the Civilian Complaints Dashboard in December 2022, Internal Audit noted that three additional allegation categories were added, but definitions were not provided for these additional categories. To provide the most transparency to the public on the nature of complaints received by UC police departments, the departments should seek to minimize the number of complaints classified in the “other” category.

Additionally, in our analysis of the category descriptions and definitions used for the Civilian Complaints Dashboard, Internal Audit noted that there is some overlap in the descriptions and definitions for two categories: “Unprofessional Conduct” and “Unethical Behavior or Unprofessional Conduct” (see Appendix A for the descriptions and definitions for these categories). To reduce the risk of confusion or lack of clarity among those responsible for collecting data for the Civilian Complaints Dashboard and the users of the dashboard, the University should ensure that each category is clearly distinguishable from other categories based on its description and definition.

Recommendations:

The Office of Systemwide Community Safety should:

- 5.1 Establish an ongoing process to review allegations that fall into the “other” category to identify potential additional categories of complaint allegations for the Civilian Complaints Dashboard. All new categories should have clear definitions that are communicated to all parties responsible for data collection and to the public. As new

allegation categories are added, historical complaints should be reassessed to determine if they should be reclassified into the newly added categories.

5.2 Review allegation categories used for the Civilian Complaints Dashboard and update them to remove any overlap in category descriptions and definitions. Update historical data to ensure allegation categories conform to updated category descriptions and definitions.

Appendix A: Complaints Data Analysis

The Office of Ethics, Compliance and Audit Services (ECAS) performed an analysis of three years of UC police department complaints. As some complaints involved multiple allegations, they are broken down by each individual allegation. Each total represented in the tables below reflects the total allegations in that category. Each table shows the number of allegations received in each year across the UC system by allegation category and result/outcome.

This data was collected by UC internal auditors from each local UC police department. Internal Audit did not validate data to source documentation. Internal Audit collected the data using the categories and category definitions developed by the UC police departments for the [UC Community Safety: Civilian Complaints Dashboard](#).

2019

	Complaint Withdrawn	No Finding	Not Sustained	Exonerated	Unfounded	Sustained	Investigation in Process	Total
Discourtesy	3	0	3	3	4	2	0	15
False Detention	0	0	0	1	1	0	0	2
Harassment	0	0	1	0	1	1	0	3
Improper Search and Seizure	0	0	2	1	6	1	0	10
Racial Profiling	0	0	0	0	2	0	0	2
Unethical Behavior or Unprofessional Conduct	0	0	3	1	1	14	0	19
Unprofessional Conduct	2	0	5	0	6	4	0	17
Unreasonable Use of Force	0	1	0	5	5	1	0	12
Other	3	2	1	4	10	2	0	22
Total	8	3	15	15	36	25	0	102

2020

	Complaint Withdrawn	No Finding	Not Sustained	Exonerated	Unfounded	Sustained	Investigation in Process	Total
Discourtesy	0	0	4	2	7	1	0	14
False Detention	0	0	0	1	0	0	1	2
Harassment	0	0	0	2	0	0	0	2
Improper Search and Seizure	0	0	0	2	0	0	0	2
Racial Profiling	0	0	1	0	3	0	0	4
Unethical Behavior or Unprofessional Conduct	0	2	1	1	2	3	0	9
Unprofessional Conduct	1	1	2	2	1	4	2	13
Unreasonable Use of Force	0	0	0	0	1	2	1	4
Other	1	3	2	2	4	3	2	17
Total	2	6	10	12	18	13	6	67

2021

	Complaint Withdrawn	No Finding	Not Sustained	Exonerated	Unfounded	Sustained	Investigation in Process	Total
Discourtesy	2	0	0	0	2	0	0	4
False Detention	0	0	0	1	0	0	0	1
Harassment	0	0	1	0	0	0	0	1
Improper Search and Seizure	0	0	0	0	0	0	0	0
Racial Profiling	0	0	0	0	1	0	1	2
Unethical Behavior or Unprofessional Conduct	0	0	0	1	2	5	0	8
Unprofessional Conduct	1	0	2	0	2	2	1	8
Unreasonable Use of Force	0	0	0	3	1	0	0	4
Other	0	0	0	1	11	2	2	16
Total	3	0	3	6	19	9	4	44

Allegation Category Definitions

Discourtesy is rude or impolite behavior exhibited by a law enforcement agent.

False detention occurs when a person intentionally and unlawfully restrains, confines or detains another person and compels them to stay or go somewhere and the person did not consent to the restraint, confinement or detention.

Harassment is defined as violence or credible threat of violence intended to seriously scare, annoy someone and there is no valid reason for it.

Improper search and seizure occur when an officer conducts a search without a warrant or without probable cause to believe that evidence of a crime is present.

Racial profiling involves the discriminatory practice by law enforcement officials to target individuals for suspicion of crime based on the individual's ethnicity, race, religion or national origin.

Unethical behavior or unprofessional conduct can involve any of the following:

- a) A violation of law
- b) A violation of a person's civil rights
- c) A violation of agency policies and procedures
- d) A breach of ethical behavior or professional responsibility.

Unprofessional conduct occurs when a law enforcement officer fails to maintain a professional standard of performance, exercises that degree of skill, care, diligence and expertise, or manifest that professional demeanor and attitude which is ordinarily exercised and possessed by other persons in similar positions.

Unreasonable use of force refers to force in excess of what a police officer reasonably believes is necessary, given the circumstances of the interaction.

Other is used when the allegation cannot be assigned to one of the defined allegation categories.

Result/Outcome Categories

Complaint Withdrawn: The complainant affirmatively indicates the desire to withdraw their complaint.

No Finding: The complainant failed to provide additional information needed to complete the investigation.

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

Exonerated: When the investigation discloses that the alleged act occurred but that the act was justified, lawful and/or proper.

Unfounded: When the investigation discloses that the alleged act(s) did not occur or did not involve Department personnel. Complaints, which are determined to be frivolous, will fall within the classification of unfounded.

Sustained: When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

Investigation in Process: At the time of data collection, no outcome had been identified as the investigation was still in process.

Appendix B: Management Corrective Actions for Recommendations to Office of Systemwide Community Safety

#	Recommendation	Management Corrective Action	Target Date
1.1	<p>Finalize and implement a systemwide policy addressing specific requirements for handling police department complaints. The policy should:</p> <ul style="list-style-type: none"> • Include all relevant statutory requirements • Incorporate best practices that currently exist in local policies and procedures • Require that departments log all complaints, regardless of the severity of the alleged activity • Require that departments formally document all complaints, regardless of whether the alleged activity, if true, would result in disciplinary action or constitute a legal or policy violation • Prohibit departments from investigating complaints against their own chief • Require that a complaint investigator be of greater rank than the accused member unless the department refers the investigation to an external entity • Require a separate criminal investigation apart from any administrative investigation when the accused member may be subject to criminal liability 	<p>The Office of Systemwide Community Safety, in coordination with the Council of Chiefs, will finalize and implement an interim systemwide policy addressing specific requirements for handling police department complaints. The policy will incorporate best practices currently performed by location police departments and will include all of the requirements listed in recommendation 1.1. This policy will remain in place until a revision of the Universitywide Police Policies and Administrative Procedures (Gold Book) is completed.</p>	August 30, 2023
3.1	<p>Develop and implement a systemwide policy addressing specific requirements for use of force reporting. At a minimum, the policy should:</p> <ul style="list-style-type: none"> • Establish a consistent definition of use of force for internal reporting purposes • Clarify that all use of force should be documented and reported • Specify how instances of use of force should be documented and reported • Incorporate best practices that currently exist in local policies and procedures 	<p>The Office of Systemwide Community Safety, in coordination with the Council of Chiefs, will develop and implement an interim systemwide policy addressing specific requirements for use of force reporting. The policy will incorporate best practices currently performed by location police departments and will include all of the requirements listed in recommendation 3.1. This policy will remain in place until a revision of the Universitywide Police Policies and Administrative Procedures (Gold Book) is completed.</p>	August 30, 2023
5.1	<p>Establish an ongoing process to review allegations that fall into the “other” category to identify potential additional categories of complaint allegations for the Civilian Complaints Dashboard. All new categories should have clear definitions that are communicated to all parties responsible for data collection and to the public. As new allegation categories are added, historical complaints should be reassessed to determine if they should be reclassified into the newly added categories.</p>	<p>The Office of Systemwide Community Safety, in coordination with the UC Davis Director of Investigations and Institutional Research and Academic Planning, will establish an ongoing process to review allegations that fall into the “other” category to identify potential additional categories of complaint allegations for the Civilian Complaints Dashboard. All new categories will have clear definitions that are communicated to all parties responsible for data collection and to the public. As new allegation categories are added, historical complaints will be reassessed to determine if they should be reclassified into the newly added categories.</p>	August 30, 2023

#	Recommendation	Management Corrective Action	Target Date
5.2	Review allegation categories used for the Civilian Complaints Dashboard and update them to remove any overlap in category descriptions and definitions. Update historical data to ensure allegation categories conform to updated category descriptions and definitions.	The Office of Systemwide Community Safety, in coordination with the UC Davis Director of Investigations and Institutional Research and Academic Planning, will review allegation categories used for the Civilian Complaints Dashboard and update them to remove any overlap in category descriptions and definitions and update historical data in the dashboard to ensure allegation categories conform to updated category descriptions and definitions.	August 30, 2023