Audit Memorandum

UCPD Complaints Process Review (Systemwide)

March 16, 2023

Performed by:
Antonio Mañas Meléndez, Associate Director
Anne-Sophie Gatellier, Senior Auditor

Approved by:
Ashley Andersen, Audit Director   Report No. 08-22-0005

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University of California, Santa Barbara

AUDIT AND ADVISORY SERVICES
SANTA BARBARA, CALIFORNIA 93106-5140
Tel: (805) 893-2829
Fax: (805) 893-5423

March 16, 2023

To: Distribution

From: Ashley Andersen, Audit Director

Re: **UCPD Complaints Process Review (Systemwide)**
       Audit No. 08-22-0005

PURPOSE

In accordance with the fiscal year 2021-22 University of California Santa Barbara (UCSB) annual service plan, UCSB Audit and Advisory Services has conducted a review of the police personnel complaints process. This audit was performed in coordination with the systemwide Office of Ethics, Compliance and Audit Services (ECAS) and with the internal audit departments of the other nine University of California (UC) campuses. The primary purpose of this audit was to respond to recommendations from the 2019 Report of the Presidential Task Force on Universitywide Policing.

SCOPE AND OBJECTIVES

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

- Verify complaints are being taken properly by ensuring all employees are adhering to local policies, procedures, and standards.

- Verify use of force reports comply with applicable laws and local requirements.

- Evaluate consistency of applicable police department policies and procedures between campuses.

The scope of this audit included an analysis of three years of police personnel complaints data.

METHODOLOGY

UCSB Audit & Advisory Services conducted audit procedures using a common audit program that ECAS developed for this review. These audit procedures 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. Audit & Advisory Services summarized the results of these procedures and provided them to ECAS for the development of the systemwide report. ECAS then reviewed this information and requested clarification and additional information when necessary.

The review was conducted in conformance with the *International Standards for the Professional Practice of Internal Auditing*.

OBSERVATION

Our observations, findings, and recommendations were consolidated and included in the systemwide audit report, issued on February 15, 2023. This memo only consists of local recommendations and management corrective actions that have been discussed and accepted at the local level and by ECAS.

In particular, we observed that the local policy does not include language that:

- Requires that all personnel complaints be prepared, unless the allegations, if true, would result in disciplinary action. Yet state law specifies that even frivolous complaints shall be retained. 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.

- Prohibits 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.

- Specifies the time frame within which:

  o An acknowledgment of the complaint is communicated to the complainant.
  o The complainant is informed of their complaint number and the assigned investigator's name and contact information.

- Requires an annual audit of the complaint log.

In addition, our review shows that:

- Personnel complaint forms were not clearly visible in the UCPD lobby at the time of the review.

- For two complaints out of five, the complainants were not notified of the disposition in writing within the timeframe required by the local policy.

- For five complaints out of five, a copy of the original complaint was not provided to the complainant with the notice of disposition, as required by the local policy.

- One complaint out of five was not classified into one of the dispositions outlined in the local policy. This complaint was a self-report.

Appendix A includes all local recommendations and management corrective action items with estimated implementation dates.

We would like to thank the UCSB Police Department for your assistance in completing our work.

Respectfully submitted,

Ashley Andersen
Audit Director
Audit and Advisory Services

Enclosure

Distribution:

UC Police Department
Alex Yao, UCSB Chief of Police
Matt Bowman, UCSB Lieutenant of Police

cc: Chancellor Henry Yang
       Chuck Haines, Vice-Chancellor - Chief Financial Officer
       Garry Mac Pherson, Vice-Chancellor Administrative Services
       UCSB Audit Committee
       Alexander Bustamante, Senior Vice President and Chief Compliance and Audit Office

APPENDIX A

**Local Recommendations and
Management Corrective Actions**

Table 1	Systemwide UCPD complaint Process Review – Local Recommendations and Management Corrective Actions			
No	**Recommendation**	**Management Corrective Action**	**Owner**	**Target Date**
1. Complaint management policies				
1.2	We recommend the UCSB Police Department to temporarily update the local complaint policy until the systemwide policy is updated to include: - A requirement to formally document all complaints, regardless of whether the alleged activity, if true, would result in disciplinary action or constitute a legal or policy violation. - Prohibition from investigating complaints against their own chief. - Specific criteria allowing to resolve complaints without an investigation. - The time frame to notify the complainant at each step of the process (from acknowledgement of the complaint until resolution.) - An annual review of personnel complaints.	The UCSB Police Department will update the local complaint policy in compliance with the updated systemwide policy. In particular, update the local policy to include: - A requirement to formally document all complaints, regardless of whether the alleged activity, if true, would result in disciplinary action or constitute a legal or policy violation. - Prohibition from investigating complaints against their own chief. - Specific criteria allowing to resolve complaints without an investigation. - The time frame to notify the complainant at each step of the process (from acknowledgement of the complaint until resolution.) - An annual review of personnel complaints.	Police Department	June 30, 2023
2. Complaint management processes				
2.1	We recommend the UCSB Police Department (PD) either ensure procedures for complaints handling conform to local policy requirements or, where appropriate, update policy language to reflect current practice.	The UCSB Police Department will either ensure procedures for complaints handling conform to local policy requirements or, where appropriate, update policy language to reflect current practice. In particular, UCSB PD will ensure: - Availability of personnel complaint forms in a clearly visible location, at all times. - Complainants are notified of the disposition in writing, in accordance to the local policy. - A copy of the original complaint is provided to the complainant with the notice of disposition, in accordance to the local policy. - Complaints are classified into one of the dispositions outlined in the local policy.	Police Department	June 30, 2023

APPENDIX B

**Systemwide Recommendations and
Management Corrective Actions**

Table 2	Systemwide UCPD complaint Process Review – Local Recommendations and Management Corrective Actions		
No	**Recommendation**	**Management Corrective Action**	**Target Date**
	1. Complaint management policies		
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	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.	August 30, 2023
	3. Use of force policies		
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	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.	August 30, 2023
	5 Reporting		
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	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	August 30, 2023

Table 2	Systemwide UCPD complaint Process Review – Local Recommendations and Management Corrective Actions		
No	Recommendation	Management Corrective Action	Target Date
	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.	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.	
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