
Internal Audit Report

UC Santa Cruz Police Department Complaints Process

Report No. SC-22-11
April 2023

Steve Architzel
Auditor in Charge

Approved
James Dougherty, Director
Audit & Management Advisory Services

Table of Contents

I. EXECUTIVE SUMMARY2

II. INTRODUCTION

Purpose 3

Background 3

Scope 4

III. Systemwide Results.....5

IV. Local Results7

I. EXECUTIVE SUMMARY

Audit and Management Advisory Services has completed a review of UC Santa Cruz Police Department Complaint Process. This review was required as the local portion of a systemwide audit of UC Police Department complaint process. The systemwide audit was developed in order to address recommendations 7 and 22 of the 2019 Report of the Presidential Task Force on University wide Policing:

- Recommendation 7. Ethics Compliance and Audit Services 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 22. ECAS should audit UCPD complaint investigations and use of force reports.

Using these recommendations as the baseline, the systemwide audit covered three objectives:

- Verify complaints are being taken properly by ensuring all employees are adhering to UC policies and procedures and individual departments' standards
- Verify use of force reports comply with applicable requirements
- Evaluate consistency of applicable police department policies and procedures between campuses

These two reviews resulted in a total of four recommendations, two from the systemwide report and two from this local audit.

The February 2023 "Systemwide Police Personnel Complaints Process and Use of Force Reporting Audit" included two recommendations which were directed at local police departments:

MCA A.1. (Systemwide MCA 2.1) Location police departments should either ensure procedures for complaint handling conform to local policy requirements or, where appropriate, update policy language to reflect current practice.

MCA A.2 (Systemwide MCA 4.1) Location police departments should 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

Additionally, locally we found two areas of potential improvement to the UC Santa Cruz Police Department's handling of the complaint process.

MCA B.1. The UC Santa Cruz police department should take steps to ensure they are providing complainant's copies of their complaints within 30 days from when the case is resolved. The police department should ensure they are signing and dating these reports in order to track compliance with this policy.

MCA B.2. The UC Santa Cruz police department should take steps to ensure they are documenting complaint reports in the proper format. We highly recommend the police department create a template document to use for all these documents moving forward to ensure the proper report elements are used.

Management agreed to these Management Corrective Actions.

II. INTRODUCTION

Purpose / Background

This review was required as the local portion of a systemwide audit of UC Police Department complaint processes. The system wide audit was developed in order to address recommendations 7 and 22 of the 2019 Report of the Presidential Task Force on University Wide Policing:

- Recommendation 7. Ethics Compliance and Audit Services 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 22. ECAS should audit UCPD complaint investigations and use of force reports.

Using these recommendations as the baseline, the systemwide audit covered three objectives:

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

The purpose of this local audit was to address objective 1 and 2, above, for UC Santa Cruz which will be consolidated for a UC systemwide audit report. Objective 3 will not be addressed in this local report, though again the results of this audit will contribute to the systemwide audit report.

The systemwide Office of Ethics, Compliance and Audit Services (ECAS) oversaw a systemwide audit in which they consolidated the work of the campuses to identify a consolidation of the systemwide findings culminating in a systemwide report released in February 2023. As a result of this work, ECAS provided a set of recommendations to each of the locations police departments. This local report includes the systemwide recommendations.

Scope

This scope of the audit was narrowly defined to cover two local policies from the UC Santa Cruz Police Department:

- UC Santa Cruz Police Department Personnel Complaint Policy. Using this local policy we identified criteria that could be tested for compliance in how these complaints were addressed. In total we reviewed the five most recently completed complaints from 2020 and 2021 to test compliance with these identified criteria. Five complaints represents a majority of the total complaints for these years. For example there were fewer than five total completed complaint reports to review in all of 2021.
- UC Santa Cruz Police Department Use of Force Policy. Using this local policy, we identified criteria that could be tested for compliance in how these use of force incidents were addressed. In total we reviewed the five most recently completed use of force reports from 2020-2022 to test compliance with these identified criteria. Again, this represents a sizeable number of the total use of force reports as we had to go back multiple years to get to a sample of five.

The scope of the systemwide audit was described in the systemwide report:

"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.”

III. Systemwide Results

A.	Systemwide Findings	
The systemwide report gave two Management Corrective Actions to implement at the local police department level across the system.		
Risk Statement/Effect		
These issues need to be corrected in order for the UC Police Department to be in compliance with systemwide and local policy.		
Agreements		
A.1	Systemwide MCA 2.1.	Implementation Date
	[The UC Santa Cruz] police department should either ensure procedures for complaint handling conform to local policy requirements or, where appropriate, update policy language to reflect current practice.	August 30, 2023
		Responsible Manager
		Clement Stokes
		Associate Vice Chancellor, Risk and Safety Services
A.2	Systemwide MCA 4.1.	Implementation Date
	[The UC Santa Cruz] police department should 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.	August 30, 2023
		Responsible Manager
		Clement Stokes
		Associate Vice Chancellor, Risk and Safety Services

The overall conclusion of ECAS’s systemwide report was:

“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.”

The systemwide report also noted a number of opportunities for improvement and associated recommendations within Appendix B of that report. In total, 4 recommendations were made for implementation at the systemwide level, all with a due date of August 30, 2023. Of these, two were made for implementation at the local police department level (identified in the summary on the previous page).

IV. Local Results

B.	Local Findings	
<p>Overall, we found two areas of non-compliance with local policy within audit steps 6 and 7 regarding the complaint process (see page 8). Specifically step 6 relates to the requirement that complaint reports are sent to the complaining parties within 30 days of review by the Chief of Police. Step 7 relates to the requirement that complaint reports should follow a particular format.</p>		
Risk Statement/Effect		
<p>These issues need to be corrected in order for the UC Police Department to be in compliance with its own local policy.</p>		
Agreements		
B.1	<p>The UC Santa Cruz police department should/will take steps to ensure they are providing complainant’s copies of their complaints within 30 days from when the case is resolved. The police department should ensure they are signing and dating these reports in order to track compliance with this policy.</p>	Implementation Date
		August 30, 2023
		Responsible Manager
		<p>Clement Stokes</p> <p>Associate Vice Chancellor, Risk and Safety Services</p>
B.2	<p>The UC Santa Cruz police department should/will take steps to ensure they are documenting complaint reports in the proper format. We highly recommend the police department create a template document to use for all these documents moving forward to ensure the proper report elements are used.</p>	Implementation Date
		August 30, 2023
		Responsible Manager
		<p>Clement Stokes</p> <p>Associate Vice Chancellor, Risk and Safety Services</p>

Compliance with local policy specific to UC Santa Cruz was determined and is documented in this section. There were a few instances where compliance could not be determined and are marked with a question mark as indicated in the legend below:

Legend	
Yes	In Compliance with local policy
No	Out of Compliance with local policy
?	Compliance could not be determined. Reason provided in notes.

UC Santa Cruz Police Department Personnel Complaint Policy

Step	Text in Local Policy	21-01	21-03	20-04	21-05	21-02
1	(1020.2.4, para 3) ... The complainant should be provided with a copy of his/her own original complaint per Penal Code § 832.7.	Yes	Yes	?	?	Yes
2	(1020.3, para 2) In general, the primary responsibility for the investigation of a personnel complaint shall rest with the employee's immediate supervisor. The Chief of Police or authorized designee may, however, direct that another supervisor investigate it.	Yes	Yes	Yes	Yes	Yes
3	(1020.3, para 2d) When the nature of a personnel complaint relates to sexual, racial, ethnic, or other forms of prohibited harassment or discrimination, the supervisor receiving the complaint shall promptly contact the Department of Human Resources and the Chief of Police for direction regarding their role in investigation and/or addressing the complaint	?	?	Yes	Yes	Yes
4	(1020.8 para 1) Every investigator or supervisor assigned to investigate a personnel complaint or other alleged misconduct shall proceed with due diligence in an effort to complete the investigation within one year from the date of discovery by an individual authorized to initiate an investigation. In the event that an investigation cannot be completed within one year of discovery, the assigned investigator or supervisor shall ensure that an extension or delay is warranted within the exceptions set forth in Government Code § 3304(d) or Government Code § 3508.1.	Yes	Yes	Yes	Yes	Yes
5	(1020.2.3 para 1a and b) (a) Complaints shall not be prepared unless the alleged misconduct or job performance is of a nature which, if true, would normally result in disciplinary action (b) When an uninvolved supervisor or the Shift Supervisor determines that the reporting person is satisfied that their complaint required nothing more than an explanation regarding the proper/improper implementation of department policy or procedure, a complaint need not be taken	Yes	Yes	Yes	Yes	Yes
6	(1020.8, para 4) Within 30 days of the final review by the Chief of Police, written notice of the findings shall be sent to the complaining party. This notice shall indicate the findings, however, will not disclose the amount of discipline, if any imposed.	?	Yes	?	?	No
7	(1020.6.2) Investigations of personnel complaints shall be detailed, complete and essentially follow this format: Introduction - Include the identity of the employee(s), the identity of the assigned investigator(s), the initial date and source of the complaint. Synopsis - Provide a very brief summary of the facts giving rise to the investigation. Summary Of Allegations - List the allegations separately (including applicable policy sections) with a very brief summary of the evidence relevant to each allegation. A separate recommended finding should be provided for each allegation. Evidence As To Each Allegation - Each allegation should be set forth with the details of the evidence applicable to each allegation provided, including comprehensive summaries of employee and witness statements. Other evidence related to each allegation should also be detailed in this section. Conclusion - A recommendation regarding further action or disposition should be provided. Exhibits - A separate list of exhibits (recordings, photos, documents, etc.) should be attached to the report.	Yes	Yes	Yes	No	No
8	(1020.7) Each allegation shall be classified with one of the following dispositions: 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 (Penal Code § 832.5(c)). Exonerated - When the investigation discloses that the alleged act occurred, but that the act was justified, lawful and/or proper. Not Sustained - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the employee. Sustained - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct. If an investigation discloses misconduct or improper job performance which was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.	Yes	Yes	Yes	Yes	Yes
9	(1020.8) Every investigator or supervisor assigned to investigate a personnel complaint or other alleged misconduct shall proceed with due diligence in an effort to complete the investigation within one year from the date of discovery by an individual authorized to initiate an investigation. In the event that an investigation cannot be completed within one year of discovery, the assigned investigator or supervisor shall ensure that an extension or delay is warranted within the exceptions set forth in Government Code § 3304(d) or Government Code § 3508.1. If the nature of the allegations dictate that confidentiality is necessary to maintain the integrity of the investigation, the involved employee(s) need not be notified of the pending investigation unless and until the employee is interviewed or formally charged within one year of discovery.	Yes	Yes	Yes	Yes	Yes
10	(1020.8) Upon completion, the report should be forwarded through the chain of command to the commanding officer of the involved employee(s). Once received, the Chief of Police may accept or modify the classification and recommendation for disciplinary action contained in the report.	Yes	Yes	Yes	Yes	Yes
11	(1020.8.1, para 3) All sustained citizen's complaints shall be maintained for a period of at least five years (Penal Code § 832.5). All internally initiated complaints shall be maintained at least two years (Government Code § 34090 et seq.).	Yes	Yes	Yes	Yes	Yes

Notes on areas where compliance could not be determined:

- For step #1, I could not track down the correspondence showing where the complainant received a copy of their initial complaint in two cases. However, these are somewhat ambiguous cases – for example in one of the cases the complainant was originally anonymous. Later documentation seemed to identify an individual representing those who may have made the complaint, but generally it was difficult to identify with certainty if that individual was the one who should have received a copy of the complaint.
- For step #3, these two cases which I have identified as ambiguous are related. One complaint was made by the same individual and is very closely related to the other case. In the overall sequence of events for these cases, it was clear that appropriate university officials including those involved in equity and equal protection were made aware of the incidents. However, it was unclear how these individuals were initially made aware of the incidents – whether it be via the official complaint process, from the complaining party themselves, or some other method. The documentation contained in the case files simply did not contain the information necessary to make this determination.
- For step #6, the one ambiguous case is due to the fact that the report is dated with a particular month, but does not give the specific day the report was issued. Meanwhile the complainant was provided the findings near the end of the following month. Depending on the specific day the report was finalized, the requirement to provide findings to the complainant within 30 days of the completion of the report may or may not be in compliance, but without a date listed we could not determine this. ***Moving forward the police department should sign and date these reports in order to track compliance with policy.***

We also verified two items of criteria that were not tied to specific cases:

Step	Text in Local Policy	In compliance?
12	(1020.2.1) Personnel complaint forms will be maintained in a clearly visible location in the public lobby. Forms may also be available at other government facilities.	Yes
13	Formal complaints of alleged misconduct shall be documented by a supervisor on a personnel complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible. A supervisor may elect to document informal complaints as a supervisor or Shift Supervisor log entry.	Yes

UC Santa Cruz Police Department Use of Force Policy

Step	Text in Local Policy	20-692	22-049	21-081	21-146	21-352
14	817. Documentation. Any use of force or display of a weapon or control device to gain compliance by a member of this department shall be documented promptly, completely and accurately in an appropriate report, depending on the nature of the incident. The officer should articulate the factors perceived and why they believed the use of force was reasonable under the circumstances.	Yes	Yes	Yes	Yes	Yes
15	818. Supervisory Notification. Supervisory notification shall be made as soon as practicable following any of the following circumstances: (a) Any use of force as defined in Section 802 of this Chapter; (b) Any display of weapons or control devices in order to gain compliance; (c) Any person alleges any use of force; (d) The individual indicates intent to pursue litigation with allegations of use of force; (e) Any application of a restraint device to a non-compliant subject; (f) A non-Injury or Property Damage Intentional Discharge of a Firearm Incident (which includes an intentional discharge at anything other than a person, such as a dog); (g) Unintentional discharge of a firearm or control device; 818.1 Supervisor’s Administrative Reporting. Once notified, the supervisor shall respond to the scene in a timely manner in every instance described in Section 818 of this Chapter. The supervisor will investigate the incident and complete a Supervisor’s Use of Force Review form. In the event that a supervisor is unable to respond to the scene of an incident involving the reported application of force, the supervisor is still expected to complete as much of the Supervisor’s Use of Force Review form as circumstances permit.	Yes	Yes	Yes	Yes	?
16	818.2 Supervisor’s Responsibilities. The supervisor is expected to: (a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties; (b) Ensure that any injured parties are examined and treated; (c) When possible, separately obtain a recorded interview with the subject upon whom force was applied. A determination must be made if Miranda rights are applicable. If Miranda rights are not applicable, the following shall apply: (1) The content of the interview shall be summarized or included in any related criminal charges; (2) The fact that a recorded interview was conducted shall be documented in the appropriate report(s); (3) The recording of the interview shall be distinctly marked for retention until all potential for civil litigation has expired. (d) If Miranda rights are applicable, then no interview with the subject upon whom the force was applied shall be conducted unless the subject waives his/her rights; (e) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas. These photographs should be retained until all potential for civil litigation has expired; (f) Identify any witnesses not already included in related reports;	Yes	Yes	Yes	Yes	Yes
17	819. The Chief of Police or designee shall assign a member of his or her command staff to review each use of force by any personnel within his or her command to ensure compliance with this policy and to address any training issues. The assigned command staff member is responsible to review the Use of Force Report package (e.g. Supervisor’s Use of Force Review, crime and arrest reports, photographs, and/or other pertinent information). After final review, the Office of the Chief of Police will ensure that custody and storage of the Use of Force Report package complies with legal statutes and policies.	Yes	Yes	Yes	Yes	Yes

For step 15 there was one case that was somewhat ambiguous. In this case the written notification report took three days to complete. However, when the event occurred, there was an officer in a supervisory role present and it appears likely that higher supervisors were also informally made aware of this incident quite rapidly. The written report delay was apparently caused by some confusion in who specifically was the proper individual to complete the notification form given that a supervisory officer was also present. Complicating matters further, local policy is somewhat ambiguous in regards to what “counts” as a notification.” The policy says “Supervisory notification shall be made as soon as practicable...”, but it is a bit unclear if orally informing supervisors immediately “counts” as making that notification for this time requirement or if the formal report must also be completed as soon as practicable. **The police department may wish to clarify this one point of ambiguity within local policy.**

In summary, the two primary areas of improvement for the UC Santa Cruz Police Department deal with steps regarding the complaint process. Specifically, we suggest the UC Santa Cruz Police department takes steps to ensure:

- They are providing complainant’s copies of their complaints within 30 days from when the case is resolved. Also, the police department should ensure they are signing and dating these reports in order to track compliance with this policy.
- They are documenting these reports in the proper format. We highly recommend the Police Department create a template document to use for all these documents moving forward to ensure the proper report elements are used.
