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
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University of California

Ethics, Compliance and Audit Services

Systemwide Police Personnel Complaints Process and Use of Force Reporting Audit

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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 behavior[1] or use of force[2] 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.

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[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 personnel[4] 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.

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[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.

<u>Recommendations:</u>

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	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
3.1	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
5.1	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.	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.	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