

UC RIVERSIDE AUDIT & ADVISORY SERVICES

October 30, 2023

To: Jeff Talbott, Chief of Police
UC Riverside Police Department (UCPD)

Subject: Internal Audit of UCPD Complaints Process and Use of Force Reporting

Ref: R2022-08

We have completed our audit of UC Riverside Police Department's personnel complaints process and use of force reporting in accordance with the UC Riverside Audit Plan. This audit was part of a systemwide audit which was completed by internal audit departments at all UC campuses. Our report is attached for your review. We will perform audit follow-up procedures in the future to review the status of management action. This follow-up may take the form of discussion or perhaps a limited review. Audit R2022-08 will remain open until we have evaluated the actions taken.

We appreciate the cooperation and assistance provided by your staff. Should you have any questions, please do not hesitate to contact me.

Gregory Moore
Director

cc: Ethics and Compliance Risk and Audit Controls Committee
Denise Woods, Associate Vice Chancellor for Health, Well-being, and Safety

UNIVERSITY OF CALIFORNIA AT RIVERSIDE

AUDIT & ADVISORY SERVICES

INTERNAL AUDIT REPORT R2022-08

UCPD COMPLAINTS PROCESS AND USE OF FORCE REPORTING

October 30, 2023

Approved by:

Noahn Montemayor
Principal Auditor

Gregory Moore
Director

UC RIVERSIDE
UCPD COMPLAINTS PROCESS & USE OF FORCE REPORTING
AUDIT REPORT R2022-08
October 30, 2023

MANAGEMENT SUMMARY

This report includes the results of the systemwide audit and the corresponding UC Riverside Police Department (UCPD) observations and management corrective actions. The results of the systemwide audit identified opportunities to strengthen policies and procedures related to UC Police complaints and Use of Force Reporting in the following areas:

- Development of a systemwide Police Personnel Complaints Policy
- Ensuring local campus policies include all significant requirements
- Ensuring compliance with local complaints policies
- Development of a current systemwide Use of Force Reporting policy
- Reducing inconsistencies between local policies and regulations on the Use of Force Reporting

These opportunities for improvement and associated recommendations are described in detail in the full Systemwide Audit Report (see Appendix A).

During the review of UCPD, we identified some areas where UCPD policies and procedures related to personnel complaints and use of force incident reporting could be strengthened.

1. We identified areas where the UCPD personnel complaints policy could be improved and made more consistent with how complaints are handled at all UC locations. (Observation I.A)
2. We observed instances where actual UCPD practice does not always follow the local UCPD personnel complaints policy. (Observations II.A, II.B, II.C, II.D)
3. We noted that UCPD's criteria for the documentation or reporting of use of force incidents were different from the criteria used by most other UC police departments. (Observation III.A)

INTRODUCTION

PURPOSE

UC Riverside Audit and Advisory Services (A&AS) conducted a review of the UCPD's complaint process as part of a systemwide audit of this area. This review was performed under the direction of the Office of Ethics, Compliance, and Audit Services (ECAS), in coordination with the internal audit departments at all UC campuses. The audit was initiated in response to

recommendations from the 2019 Report of the Presidential Task Force on University-wide Policing.

The objectives of the review were to:

- 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 the consistency of applicable local campus police department policies and procedures and systemwide draft policy.

BACKGROUND

UCPD's complaint procedures are outlined in Section 1020 *Personnel Complaints* of the UCPD Policy Manual. The procedures include requirements related to receiving and evaluating complaints, documentation requirements, administrative investigation procedures, and disposition of the complaints.

Guidance related to the reasonable use of force is outlined in Section 300 *Use of Force* of the UCPD Policy Manual. The manual includes the documentation, reporting, and evaluation processes to determine whether the use of force was reasonable under the circumstances. Information regarding all officer-involved shootings or incidents involving use of force resulting in serious bodily injury is collected and forwarded to the Department of Justice annually.

During the period 2019 through 2021, UCPD investigated 10 complaints submitted against UCPD officers. During the same time period, there were 16 incidents that involved the use of force by a UCPD officer.

SCOPE

The scope of the review included the complaints evaluated by UCPD during 2019 through 2021 and included the assessment of the following complaint processes:

- Intake of complaints
- Handling of complaints
- Disposition and reporting of complaint investigations
- Retention of complaint records
- Annual analysis of complaints
- Use of Force reporting

The audit procedures performed were based on a common audit program that ECAS developed for this review. These audit procedures included:

- Interviews and process walkthroughs with personnel in UCPD to gain an understanding of their complaint process.
- Review of UCPD's procedures related to complaints handling.
- Comparison between UCPD's local policy with the systemwide draft policy to identify gaps.
- Identification of the different mechanisms made available for reporting of complaints.
- For a selected sample of complaints, determined whether:
 - Complaints were properly logged and written acknowledgement promptly (within 3 days) sent to the complainant;
 - An appropriate investigator was assigned to the complaint and the investigator contacted the complainant within 24 hours after being assigned;
 - Required additional procedures were followed if the complaints involved harassment or discrimination;
 - Documentation of the investigation was sufficient to show that it complied with the personnel complaints policy and procedures;
 - Investigation completed timely (within one year from the date of discovery);
 - Investigation report and associated documents were reviewed by the Chief of Police or by the appropriate supervisor;
 - Case disposition was communicated to the complainant; and,
 - Complaint records are retained in accordance with California Penal Code 832.5(b).
- Determined whether complaints resolved informally are documented on the complaint form.
- Validation of the Annual Report of complaints filed, and their disposition is posted on the Police Department's website.
- Verification that use of force incidents are documented and reviewed to ensure compliance with applicable policy and regulations.

INTERNAL CONTROLS AND COMPLIANCE

As part of the review, internal controls were examined within the scope of the audit.

Internal control is a process designed to provide reasonable, but not absolute, assurance regarding the achievement of objectives in the following categories:

- Effectiveness and efficiency of operations
- Reliability of financial reporting
- Compliance with applicable laws and regulations

Substantive audit procedures were performed during June through October 2022. Accordingly, this evaluation of internal controls is based on our knowledge as of that time and should be read with that understanding.

SUMMARY OF SYSTEMWIDE AND UCPD OBSERVATIONS

In the absence of current systemwide policies addressing requirements for handling complaints and use of force reports, A&AS evaluated the handling of complaints and use of force reporting against local UCPD policy requirements and statutory requirements.

UCR, along with the other local audit departments, summarized the results of their review and provided them to ECAS for the development of a UC systemwide report. The results of the systemwide audit identified opportunities to strengthen policies and procedures related to UC Police complaints and Use of Force Reporting in the following areas:

- Development of a systemwide Police Personnel Complaints Policy
- Ensuring local campus policies include all significant requirements
- Ensuring compliance with local complaints policies
- Development of a current systemwide Use of Force Reporting policy
- Reducing inconsistencies between local policies and regulations on the Use of Force Reporting

These opportunities for improvement and associated recommendations are described in detail in the full Systemwide Audit Report (see Appendix A).

For some opportunities identified in the systemwide report, there are corresponding local UCR campus observations and Management Corrective Actions (MCAs) with assigned target dates. These are detailed in the following section of the report.

OBSERVATIONS AND MANAGEMENT CORRECTIVE ACTIONS (MCAs)

I. Gap and Variations in Local Policy

No.	Observation	Risk/Effect	Recommendation	Management Corrective Action (MCA)
I.A	<p>UCPD local complaint policy does not address how complaints against its Chief of Police will be handled.</p> <p>Some UCPD local complaint policy and procedure details varied from policies utilized by other UC police departments.</p>	<p>Unclear and inconsistencies in guidance can lead to procedures not followed and complaints not managed appropriately.</p>	<p>UCPD should adopt the new systemwide policy (when it becomes available) and update their local policy, as necessary, to be in alignment with the directives provided in the updated systemwide police Personnel Complaints policy.</p> <p>UCPD policy should prohibit the department from investigating complaints against their own chief.</p>	<p>UCPD is awaiting the finalization and approval of the systemwide complaint policy at the UC Office of the President (UCOP). It has been approved by the Federated University Police Officers Association (FUPOA), however talks are underway with other unions whose members work inside the various police departments across the system. It is UCPD’s intent to adopt immediately that policy once it has been approved.</p> <p>The UCR Police Accountability Board (PAB) is now fully implemented, under the Vice Chancellor of Diversity, Equity, and Inclusion. The PAB has the designated responsibility for investigation of any complaints filed against the</p>

No.	Observation	Risk/Effect	Recommendation	MCA
				<p>Chief of Police. This procedure will be incorporated in the systemwide complaint policy currently under review.</p> <p>This MCA will be completed within three months after the systemwide complaint policy is issued by UCOP.</p>

II. Noncompliance with Local Complaints Policy

No.	Observation	Risk/Effect	Recommendation	MCA
II.A	<p>At the time of audit testing, the UCPD Personnel Complaint form was not accessible online. Also, the form was not readily available at the UCPD facility lobby. Blank complaint forms were locked in the secure area of the facility. Potential complainants could only obtain the complaint form by requesting it from a UCPD employee.</p> <p>UCPD Policy Manual section 1020 outlines requirements related to personnel complaints. Section 1020.4.1 <i>Complaint Forms</i> reads: “Personnel complaint forms will be maintained in a clearly visible location in the public area of the police facility and be accessible through the department website.”</p>	<p>As the personnel complaint form is not readily available, some individuals may be hesitant to report issues which should be investigated. As a result, poor behavior by an officer might not be timely identified and corrected.</p>	<p>UCPD should make the personnel complaint forms accessible on their department website and the form should be available in a clearly visible location in the UCPD facility lobby.</p>	<p>The personnel complaint form has been placed in a physical form in the front lobby in such a way that it can be accessed by a member of the public without interaction with any police department staff member. It is on the front counter, outside of the protective glass, and in an obvious place. Furthermore, there is a QR code leading the user to an online version of the complaint form above the stand holding the physical forms and is labeled as the personnel complaint form.</p> <p>Also, the personnel complaint form is now accessible on the Police & Campus Safety webpage.</p> <p>The requirements of this MCA were completed before this report was issued.</p>

No.	Observation	Risk/Effect	Recommendation	MCA
II.B	<p>UCPD did not maintain a complaints log. As a log was not maintained, UCPD also did not complete the required annual audit of the information which should have been maintained in the log.</p> <p>Section 1020.5 <i>Documentation</i> reads: “All complaints and inquiries should also be documented in a log that records and tracks complaints. The log shall include the nature of the complaint and the actions taken to address the complaint. On an annual basis, the department should audit the log and send an audit report to the Chief of Police or the authorized designee.”</p>	<p>There is a lack of transparency when all complaints are not recorded. Also, it limits the ability to analyze and identify recurring issues that may warrant further review and training.</p>	<p>UCPD should maintain a log of all personnel complaints received. Annually, the department should audit the log to verify that it includes all complaints received during the year. The results of the annual audit should be reported to the Chief of Police or to the authorized designee.</p>	<p>The department has a complaint log, maintained in digital format, which lists all complaints, use of force investigations, and pursuit reviews maintained by the department. That log has logic built into the form that will alert department command staff when the closure date for any report reaches the seven-year mark and it becomes eligible for purging. The log tracks the name of the investigation, the type, the associated file number(s), the date closed and the estimated purge date.</p> <p>The requirements of this MCA were completed before this report was issued.</p>

No.	Observation	Risk/Effect	Recommendation	MCA
II.C	<p>Written acknowledgement of complaints was not always provided to the complainant. For 2 of 5 complaints reviewed, only a phone call to the complainant was documented. A follow-up letter or email was not sent to the complainant to provide written acknowledgement of the complaint.</p> <p>Section 1040.4.2 <i>Acceptance</i> reads: “A complainant shall be provided with a copy of his/her statement at the time it is filed with the Department (Penal Code 832.7).”</p> <p>Also, the systemwide draft policy requires: “A written acknowledgement of the complaint shall be promptly sent to the complainant by the department by letter or email, except as to anonymous complaints.”</p>	<p>Without written acknowledgement of complaints, there is not sufficient evidence that required complaint procedures were followed. A complainant could later claim that their complaint was not timely or appropriately investigated.</p>	<p>UCPD should adopt the new systemwide policy (when it becomes available) and update their local policy, as necessary, to be in alignment with the directives provided in the updated systemwide police Personnel Complaints policy. This will include promptly sending a written acknowledgement of the complaint to the complainant by letter or email.</p>	<p>UCPD is awaiting the finalization of the systemwide complaints policy. Initial drafts of this policy have contained a robust and detailed procedure for communicating with the complainant and it is our expectation that the final version will maintain these details. Once that policy is in place, we intend to build into the complaint tracking log the required steps for communication, ensuring that we adhere to the policy requirements.</p> <p>UCR PD Policy 1020.6.1, states: Follow-up contact with the complainant should be made within 24 hours of the Department receiving the complaint. This procedure will be incorporated into the systemwide complaint policy currently under review.</p> <p>This MCA will be completed within three months after the</p>

No.	Observation	Risk/Effect	Recommendation	MCA
				systemwide complaint policy is issued by UCOP.
II.D	<p>Complaint records were not retained in accordance with record retention policy. Per UCPD staff, record of personnel complaints are kept in perpetuity. Files from previous years have not been deleted.</p> <p>The UC Records Retention Schedule for Public Safety Records requires UCPD to retain records of complaints filed by a member of the public against employees in police titles. UCPD should retain records for 5 years after the end of the fiscal year in which the investigation has been completed and the case closed if there was not a sustained finding of misconduct. The time period increases to 15 years if there was a sustained finding of misconduct.</p> <p>The Records Retention Schedule states “delete or destroy after the retention period has lapsed.”</p>	<p>Potentially disparaging information regarding UCPD personnel is maintained longer than required. If discovered, this information could result in poor publicity for the department.</p>	<p>UCPD should comply with UC Records Retention requirements for personnel complaints. These records should not be kept longer than required.</p>	<p>Department personnel have purged all reports that were eligible for removal based on the University’s retention schedule. The investigations log mentioned in item 3 contains a purge eligibility notification that is automated and based on the closure date of the investigation. This notification is sent to all command staff and should ensure adherence to the campus retention policy going forward.</p> <p>The requirements of this MCA were completed before this report was issued.</p>

III. Local use of force policy

No.	Observation	Risk/Effect	Recommendation	MCA
III.A	<p>Use of force criteria for documentation or reporting is inconsistent with other UC location police departments.</p> <p>UCPD Policy Manual section 300 outlines requirements related to use of force.</p> <p>Section 300.17 <i>Use of Force Reporting or Display of Weapon or Control Devices</i> includes: “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.”</p> <p>Only one other UC location includes the clause “display of a weapon or control device to gain compliance” as part of their use of force documentation or reporting section of their policy.</p>	<p>Unclear and inconsistencies in guidance can lead to different reporting by UC Police Departments. This makes it difficult to compare the reported results for difference UC campuses. As UCPD’s criteria includes the clause regarding the display of a control device, UCR may report use of force incidents which would not be reported by other campuses.</p>	<p>UCPD should adopt the new systemwide policy which addresses specific requirements for use of force reporting (when it becomes available) and update their local policy, as necessary, to be in alignment with the new systemwide policy.</p>	<p>UCPD is awaiting the finalization and approval of the systemwide complaint policy at UCOP. Early versions of this policy contain detailed descriptions of when a display of weapon report is required and we believe that the final version will also contain this language. Once the policy is approved and distributed we will notify officers and supervisors of any change to our previous procedures.</p> <p>This MCA will be completed within three months after the systemwide complaint policy is issued by UCOP.</p>