



1314.00 Complaints

Responsible Officer:	EVP-COO UC Operations								
Responsible Office:	Systemwide Community Safety								
Issuance Date:	[The date of issuance by the President]								
Effective Date:	[The date that the Policy is first enforceable]								
Scope:	The policies and procedures contained within constitute a directive for members of the University of California Police Department (UCPD). They were created to provide direction and guidance to the members of the UCPD and provide the framework of coordination for the protection of the population and resources of the University of California.								
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I. POLICY SUMMARY

This policy describes the process for reporting, investigation, and disposition of complaints regarding the conduct of UC Police Department (UCPD) personnel.

This policy shall not apply to any interrogation, counseling, instruction, informal verbal admonishment, or other routine or unplanned contact of an employee in the normal course of duty, by a supervisor or any other employee, nor shall this policy apply to an investigation concerned solely and directly with alleged criminal activities (Cal. Govt. Code § 3303(i)).

II. POLICY TEXT

General

The UCPD takes seriously all complaints regarding the service provided by the Department and the conduct of its members. The Department will accept and address all complaints of misconduct in accordance with this policy and applicable federal and state laws, and collective bargaining agreements.

It is the policy of this Department to ensure that the community can report Misconduct without concern of reprisal or retaliation.

Anonymous and third-party complaints will be accepted and investigated to the extent that sufficient information is provided.

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent further potential misconduct and notify the appropriate chain of command for assessment of appropriate action.

Nothing in this policy alters an employee's obligation to comply with the University's Sexual Violence and Sexual Harassment Policy, and/or the Anti-Discrimination Policy, including its reporting requirements. Complaints involving allegations of sexual violence, sexual harassment, or discrimination on a protected basis will be referred to [campus-specific office for implementing or investigating these policies].

At-will and probationary employees and those members other than non-probationary employees may be released from employment for non-disciplinary reasons (e.g., failure to meet standards) without adherence to the procedures set forth in this policy or any right to appeal. However, any probationary officer subjected to an investigation into allegations of misconduct shall be entitled to those procedural rights, as applicable, set forth in the POBR (Cal. Government Code § 3303 and Cal. Government Code § 3304).

Community Complaints

Community complaints will be investigated under the supervision of [the UC Campus Specific office]. The [UC Campus Specific] will share the redacted investigation report and recommended findings with the Police Accountability Board (PAB). The PAB, after a review of the investigation report, will provide the Chief of Police with recommendations on the findings. If the Chief of Police is the subject of the complaint, the recommendation will be made to the appropriate Vice Chancellor for the Division which oversees the police department and who will provide the final disposition of matters regarding the Chief of Police.

Internal Complaints

Internal complaints shall be investigated by a Department supervisor of a rank greater than the accused employee depending on the seriousness and complexity of the investigation, as determined by the Chief of Police or their designee.

If the Chief of Police is the subject of the complaint, the complaint will be escalated to the Systemwide Office of Ethics, Compliance and Audit Services for handling to ensure that the investigations are performed by an independent entity. The outcome of the investigation will be forwarded to the Chief's supervisor to determine appropriate action.

Complaint During Mutual Aid or Systemwide Response Team Event

Any complaint received during a mutual aid or Systemwide Response Team event shall be promptly reported to the involved employee's home campus as soon as practicable. The home campus of the involved employee is responsible for conducting the investigation. The investigation should be conducted in coordination and cooperation with the host campus, which may provide relevant information, access, or support as needed. A joint investigation may be warranted if multiple personnel from different campuses are involved. The disposition and recommendations for each individual will be provided to that employee's campus for resolution.

Allegations or Inquiries of Employee Conduct

Non-complaint allegations or inquiries of employee conduct which, even if true, would not constitute misconduct may be handled informally by a Department supervisor and shall not be considered a Personnel Complaint. Such inquiries generally include clarification regarding policy, procedures, or the response to specific incidents by the Department supervisor.

Police Accountability Board

It is the intent of the University of California, [X (UCX)] to develop and promote accountability, trust, and communication between the UCX, UCPD, and campus communities. To that end, UCX established a Police Accountability Board (PAB) to impartially review redacted investigative reports related to allegations of police

misconduct and make recommendations in a timely manner regarding Community Complaints filed against UCPD sworn personnel. The Chief of Police will ensure UCPD cooperation with all investigations.

Disclosure of Financial Information

Sworn personnel may be compelled to disclose personal financial information under the following circumstances (Cal. Government Code § 3308):

- (a) Pursuant to a state law or proper legal process, or
- (b) Information exists that tends to indicate a conflict of interest with official duties.

III. COMPLIANCE / RESPONSIBILITIES

A. Implementation of the Policy

The Office of Systemwide Community Safety is the Responsible Officer for this policy and has the authority to implement the policy. The Responsible Officer in coordination with the Council of Chiefs may develop procedures or other supplementary information to support the implementation of this policy. Such supporting documentation does not require the approval of the President. The Responsible Officer may apply appropriate interpretations to clarify the policy provided that the interpretations do not result in substantive changes to the underlying policy. The Chief of Police is authorized to establish and is responsible for local procedures necessary to implement the policy.

Revisions to the Policy

The President is the Policy Approver and has the authority to approve policy revisions upon recommendation by [the Responsible Officer].

Approval of Actions

Actions within this policy must be approved in accordance with local procedures.

[The Chief of Police and Council of Chiefs] are authorized to determine responsibilities and authorities at secondary administrative levels in order to establish local procedures necessary to implement this policy.

Compliance with the Policy

The following roles are designated at each location to implement compliance monitoring responsibility for this policy:

[Campus – Specific Position] responsible for the ongoing reporting of policy compliance.

[Campus – Specific Position] accountable for monitoring and enforcing compliance mechanisms and ensuring that monitoring procedures and reporting capabilities are established.

[Campus – Specific Position] accountable for reviewing the administration of this policy.

Noncompliance with the Policy

Noncompliance with this policy is handled in accordance with applicable police policies, CBA's, PPSM-62 – [Corrective Action](#), PPSM-64 [Termination and Job Abandonment](#), and PPSM-70: [Complaint Resolution](#).

IV. PROCEDURES

A. General

1. Complaint Forms

Personnel complaint forms will be made available in a clearly visible location in the public area of the UCX police facility and be accessible through the Department website. Forms may also be available at other University facilities and websites. Personnel complaint forms in languages other than English may also be provided, as determined necessary or practicable.

2. Requirement to Notify

Any department member who becomes aware of alleged misconduct shall immediately notify a supervisor, who will notify their respective Lieutenant.

3. Supervisor Responsibility

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent further potential misconduct, initiate a complaint and notify the appropriate chain of command for assessment of appropriate action and to ensure notification to the Chief of Police of the complaint.

4. Documentation

Supervisors or University personnel who receive complaints or inquiries shall

ensure that all complaints and inquiries received are documented, regardless of the severity of the allegation or whether the allegation, if found to be true, would constitute misconduct. The nature of the complaint or inquiry should be defined as clearly as possible.

A complainant shall be provided with a copy of their statement at the time it is filed with the Department (Cal. Penal Code § 832.7).

All such complaints and inquiries received 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 shall audit the number of internally investigated complaints and send an audit report to the Chief of Police or authorized designee no later than January 31 of the subsequent year. [UCX Campus Specific and/or the PAB] will also submit an annual report to the Chief of Police or authorized designee for review.

5. Complaint Data Transparency

Data from Community Complaints against sworn personnel will be shared on the systemwide data dashboard, in compliance with all data privacy laws (Cal. Government Code § 3303).

6. Reassignment and Investigatory Leave

When a complaint of misconduct is of a serious nature or when circumstances practically dictate that it would impose an unreasonable risk to the Department, the employee, other employees, or the public, the Chief of Police or other authorized designee may temporarily reassign an accused employee or place the accused employee on investigatory leave pending review of a complaint, completion of the investigation, or the filing of administrative charges. Any reassignment or placement on investigatory leave pursuant to this section shall not affect the pay or benefits of the employee who is involuntarily reassigned or placed on investigatory leave. Any employee placed on investigatory leave:

- (a) May be required to relinquish any department badge, identification, assigned weapons, and any other department equipment; and
- (b) Shall be required to continue to comply with all policies and lawful orders of a supervisor.
- (c) Any accused employee who is temporarily reassigned to an alternate shift or placed on investigatory leave may be required to remain available for contact during such shift/leave and will report as ordered.

7. Public Safety Officers Procedural Bill of Rights

The following investigation procedures apply to members covered by the Public Safety Officers Procedural Bill of Rights Act (POBR) (Cal. Gov Code § 3303et. sec.). The rights afforded under the POBR include, but are not limited to the following:

- (a) Interviews of an accused employee(s) shall be conducted during reasonable hours and preferably when the member is on duty. If the employee is off-duty, the employee shall be compensated
- (b) No more than two interviewers may ask questions of an accused employee.
- (c) Prior to any interview, an employee shall be informed of the nature of the investigation, the name, rank and command of the investigator in charge of the investigation, the interviewing investigators, any other persons to be present during the interview, and their rights and responsibilities relative to the investigation.
- (d) All interviews shall be for a reasonable period and the employee's personal needs shall be accommodated.
- (e) No employee shall be subjected to offensive or threatening language, nor shall any promises, rewards, or other inducements be used to obtain answers. Any employee refusing to answer questions directly related to the investigation may be ordered to answer questions administratively or be subject to discipline for failure to do so.
- (f) The interviewer should record all interviews of employees and witnesses. The employee may also record the interview. If the employee has been previously interviewed, a copy of that recorded interview shall be provided to the employee prior to any subsequent interview.
- (g) If the allegations involve potential criminal conduct, the employee shall be advised of their Constitutional rights pursuant to "*Lybarger*." This admonishment shall be given administratively whether or not the employee was advised of these rights during any separate criminal investigation. No statement that is provided after being administratively ordered may be provided to anyone involved in conducting the criminal investigation.
- (h) Upon the filing of a formal written statement of charges, or whenever an interview focuses on matters that are likely to result in punitive action against any public safety officer, that officer, at his or her request, shall have the right to be represented by a representative of his or her choice who may be present at all times during the interview. The representative shall not be the person subject to the same investigation. The representative shall not be required to disclose, nor be subject to any punitive action for refusing to

disclose, any information received from the officer under investigation for non-criminal matters.

- (i) All employees shall provide complete and truthful responses to questions posed during interviews.
- (j) No employee may be compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation.
- (k) No public safety officer shall have their locker, or other space for storage that may be assigned to them searched except in their presence, or with their consent, or unless a valid search warrant has been obtained or where they have been notified that a search will be conducted.

No investigation shall be undertaken against any officer solely because the officer has been placed on a prosecutor's "Brady list" or the name of the officer may otherwise be subject to disclosure pursuant to Brady v. Maryland, 373 U.S. 83 (1963). However, an investigation may be based on the underlying acts or omissions for which the officer has been placed on a Brady list or may otherwise be subject to disclosure pursuant to Brady v. Maryland (Cal. Gov Code § 3305.5).

8. Employees Not Covered by the POBR

Police Department members not covered by the Public Safety Officers Procedural Bill of Rights (POBR) shall be afforded the rights provided by the applicable collective bargaining agreement(s), Personnel Policies for Staff Members, or other applicable policy. When members not covered by POBR become the subject of a complaint investigation, they shall be provided with written notice of the allegations and the employee's applicable rights and responsibilities relative to the investigation.

B. Community Complaints

1. General

Consistent with Cal. Penal Code sections 832.5 et seq, UCX has established procedures to investigate Community Complaints against sworn personnel. The complaint procedures provide oversight and investigation by the [UCX Campus Specific], investigatory report review, recommendations by the PAB, and final determinations with respect to each complaint by the Chief of Police. If the Chief of Police is the subject of the complaint, the final determination will be made by the Vice Chancellor for the Division which oversees the police department.

2. Filing

A Community Complaint may be filed:

- in writing, by submitting a complaint form to [the UCX Campus Specific and/or] the PAB or UCPD
- orally (in person or by calling [the UCX Campus Specific at (xxx) xxx-xxxx and/or] the PAB at (xxx) xxx-xxxx)
- via an online complaint form at the UCPD's website; [the UCX Campus Specific website;] the PAB website; or UC Ethics Point;

If a supervisor is not immediately available to receive an oral complaint, the receiving Department member shall obtain contact information sufficient for the supervisor to contact the complainant. The supervisor, upon contact with the complainant, shall complete and submit a complaint form as appropriate.

Informal/Early Resolution of Inquiries or Allegations

At the initial filing of a Community Complaint against sworn personnel with the Police Department, when an uninvolved supervisor of a greater rank than the accused employee or the Watch Commander determines that the complainant, after discussion of the matter, is satisfied that their complaint required nothing more than an explanation regarding the proper implementation of Department policy, procedure, or law, the complaint shall be labeled “Resolved” and forwarded to the [UCX Campus Specific and/or the PAB] within two (2) business days. The [UCX Campus Specific and/or the PAB] may follow up with the complainant to confirm that they are satisfied with the informal/early resolution.

Logging and Tracking

Any Community Complaint received by the police department or any member of the police department will be accepted and promptly referred to the [Administrative Lieutenant] with a response to the complainant as soon as practicable. Any Community Complaint against sworn personnel received by the UCPD will be forwarded to the [UCX Campus Specific and/or the PAB] for review and processing as soon as practicable or within two (2) University business days. If a Community Complaint involves both sworn personnel and a non-sworn Department employee(s), it will follow the procedures outlined in this section. Any Community Complaint received by the [UCX Campus Specific and/or the PAB] will be shared with the Chief of Police within two (2) University business days or as soon as practicable.

Supervisors or university personnel who receive a Community Complaint shall ensure that all complaints are documented on a complaint form. The nature of the complaint should be defined as clearly as possible.

All Community 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 review the number of internally investigated complaints and send this report to the Chief of Police or the authorized designee. [UCX Campus Specific and/or] the PAB will also submit an annual report to the Chief of Police or the authorized designee for review.

3. Evaluation

The [UCX Campus Specific Investigative Office] will evaluate each formal complaint against sworn personnel not resolved via informal/early resolution for information necessary to conduct an investigation and proceed as follows, and in accordance with the law.

- If additional information is needed, the [UCX Campus Specific] may request information from the complainant to the extent that the identity of the complainant is known. If the complainant is anonymous or there is insufficient information to warrant conducting an investigation, the [UCX Campus Specific] will close the file and no investigation will be conducted.
- If the [UCX Campus Specific] determines there is insufficient information to conduct an investigation, the allegations themselves demonstrate on their face that the acts complained of were proper, or the nature of the complaint is not suitable for investigation and review by the body, the [UCX Campus Specific] will notify the complainant, the Chief of Police, and the PAB of the disposition in writing citing the specific reasons for the determining that the complaint will not be investigated.

In all instances, [UCX Campus Specific] retains the prerogative to determine when circumstances warrant an investigation and, in conformity with this policy and applicable laws and regulations, the appropriate investigative process to be employed.

4. Preliminary Review

[UCX Campus Specific] has the authority and discretion to conduct a preliminary review into any complaint and recommend to [Campus specific authority over the investigation of community complaints against sworn personnel] that a formal investigation not be conducted.

The decision not to conduct a formal investigation may be based on information such as the complainant's preferences, a review of evidence and/or audio/video materials that provide sufficient factual information to make an unfounded or exonerated finding, or evidence of a frivolous complaint.

When the [Campus specific authority over the investigation of community complaints against sworn personnel] decides to not conduct a formal investigation, [UCX Campus Specific] will notify the complainant and the Chief of Police of the disposition in writing citing the specific reasons for closing the complaint based on the preliminary review within 30 calendar days of receipt of the complaint (Cal. Penal Code § 832.7(f)).

5. Formal Investigation

a. General

If the [UCX Campus Specific] determines there is sufficient information and cause to investigate a Community Complaint, they will assign the complaint to an investigator, external to the police department, to initiate an investigation and notify the complainant and the Chief of Police in writing of the complaint's referral to investigation.

The procedures set forth in this policy shall govern the investigation process. The investigation of a complaint should consist of: (1) conducting interviews with the complainant, the subject employee(s), and any witnesses; and (2) collecting relevant evidence, including, but not limited to, UCPD reports and records, photographs, video, and audio records related to the subject Community Complaint.

The Chief of Police, or the Chief's designee, will be the investigator's point of contact for purposes of gaining access to UCPD information, documentation, and personnel. In this role, the Chief will ensure necessary access to subject employee(s), information, records, evidence, and documentation needed to conduct a thorough and timely investigation. If there is a question of relevancy regarding a request for information made by the investigator, the Chief of Police or their designee will be provided with the investigator's rationale for the need of the requested information to conduct the investigation, review the request and determine whether the requested information is relevant to the scope of the investigation. If the Chief of Police determines that it is not relevant, or shall not be released, the Chief of Police or designee they shall provide a response to the investigator in writing.

b. Timeline

Barring mitigating factors, the investigation should be completed, and an investigation report submitted to the PAB within 90 calendar days of it being assigned to an investigator unless an extension is authorized by the [UCX Campus Specific or their designee] upon a showing of good cause for the delay or legitimate need for additional time to complete the investigation. The Chief of Police, complainant, and subject employee(s) will be provided notification of the

extension.

Every effort shall be made to complete the investigation and provide notice to the employee of proposed discipline 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, and approved in writing by the Chief of Police, within the exceptions set forth in Cal. Gov Code § 3304(d) or Cal. Gov Code § 3508.1.

c. PAB Review and Recommendations

Upon completion of a formal investigation of a community complaint against sworn personnel, the PAB shall be provided with an investigation report where the identification of the parties involved is redacted. In a closed session, the PAB will collectively review the redacted report. The PAB will vote on its recommendation to either adopt, amend, or reject the investigator's findings. The PAB has the authority to direct the investigator to re-open the investigation to pursue additional information requested by the PAB. In addition to its recommendation with respect to whether the investigator's findings are sustained, the PAB may also recommend other actions to the Chief of Police, including, for example, modifying policies or training.

The PAB, however, will not recommend a particular level of discipline or a specific corrective action, as the Chief of Police retains the responsibility of and discretion to impose discipline. The PAB's policy recommendations may result from issues related to a specific complaint or from a general policy review and analysis.

The PAB's recommendations regarding the investigative findings shall be in writing and forwarded to the Chief of Police within five (5) University business days after the PAB has voted in closed session. Local procedures should define who sends this information.

Within 30 days of the final review and determination by the Chief of Police, written notice of the finding will be sent to the complaining party and to the PAB.

d. Recordkeeping

All copies of the completed investigation (including redacted and original copies) as well as summaries, investigator notes, or other documentation related to the complaint shall be submitted/returned to the police department for retention consistent with the retention portion of this policy.

C. Internal Complaints

a. General

All Internal Complaints should 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.

In general, the primary responsibility for assigning and overseeing the investigation of an Internal Complaint shall rest with the [UCX Campus Specific Rank], unless the [UCX Campus Specific Rank] is the complainant, or has any personal involvement regarding the alleged misconduct. The Chief of Police or the authorized designee may direct that another supervisor or an external investigator investigate any internal complaint.

Every investigator or supervisor assigned to investigate an Internal Complaint or other alleged Misconduct shall proceed with due diligence.

b. Timeline

Barring mitigating factors, the investigation should be completed, and an investigation report submitted to the Chief of Police or designee within (90) calendar days of it being assigned to an investigator unless an extension is authorized by the Chief of police or their designee upon a showing of good cause for the delay or legitimate need for additional time to complete the investigation. Specifically, if the investigation is likely to (or does) extend beyond (90) calendar days from the date of assignment, and for every subsequent (30) day extension so required, the complainant shall be notified of the extension and investigation status until the investigation is completed.

Every effort shall be made to complete the investigation and notify the officer of the intent to impose discipline 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 and approved by the Chief of Police within the exceptions set forth in Cal. Gov Code § 3304(d) or Cal. Gov Code § 3508.1.

c. Resolution

Upon completion, the report should be forwarded through the chain of command to the commanding officer or supervisor of the involved employee(s). Any written recommendations from the chain of command should be submitted to the Chief of Police for review. [Can be more specific to each campus.] Once received, the Chief of Police may accept or modify the findings and recommendation for disciplinary action contained in the report.

D. Investigation Reports

1. Report Requirements

Investigation reports shall include the following:

- **Synopsis:** Brief summary of the facts giving rise to the investigation, the initial date and source of the complaint, and the identity of the department employee(s) involved
- **Investigative Actions:** Summary of the actions taken by the investigator(s) assigned to the case
- **Summary of Allegations:** List of the allegations and applicable policy sections
- **Evidence:** 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.

2. Disposition of Complaints

The investigator will apply the preponderance of the evidence standard, a standard of proof that requires that a fact be found when its occurrence, based on the evidence, is more likely than not.

Each allegation shall be classified with one of the following dispositions:

- **Unfounded:** When the investigation clearly establishes that the allegation is not true or did not involve department personnel. (Penal Code § 832.8)
Complaints that are determined to be frivolous (totally and completely without merit or for the sole purpose of harassing an opposing party. Cal. Civ. Proc. Code § 128.5) will fall within the classification of unfounded.
- **Exonerated:** When the investigation clearly established that the actions of the peace or custodial officer that formed the basis for the complaint are not violations of law or department policy (Penal Code § 832.5(d)).
- **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 which was not alleged in the original complaint, the investigator shall

take appropriate action with regard to any additional allegations.

E. Criminal Investigation

When an employee is accused of potential criminal conduct, a separate supervisor or investigator shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation. However, information obtained through administratively compelled interviews shall not be shared directly or indirectly with any personnel assigned to investigate alleged criminal activities.

The Chief of Police shall be notified as soon as practicable when an employee is accused of criminal conduct. The Chief of Police may request a criminal investigation by an outside law enforcement agency.

An employee accused of criminal conduct shall be advised of their constitutional rights consistent with Gov't Code § 3303(h). The administrative investigation and the criminal investigation will be conducted consistent with *Lybarger v. City of Los Angeles*, 40 Cal. 3d 822 (1985).

The University of California X Police Department may release information concerning the arrest or detention of any employee, including an officer, whether or not that arrest or detention led to a conviction. Any action taken by the University based on the arrest of an employee will be consistent with California Labor Code §432.7.

F. Resolution

1. Chief of Police Review

The Chief of Police shall review the recommendation and all accompanying materials and, if involving a Community Complaint against sworn personnel, the unredacted investigation report. The Chief of Police may return the file to the investigator for further investigation or action. The Chief of Police may review the entire investigative file, the employee's personnel file, and any other relevant materials. The Chief may adopt all, part, or none of the recommendations, and retains full authority, discretion, and responsibility regarding the final disposition of the matter, including disciplinary determinations.

Once the Chief of Police is satisfied that no further investigation or action is required, the Chief of Police may forward the information to the Chief's designee who will recommend the discipline, if any, that should be imposed. The Chief of Police may accept or modify the recommendation for disciplinary action.

2. Pre-Discipline Process

a. Procedural Due Process

In the event disciplinary action is proposed and when required by the applicable collective bargaining agreement(s) or Personnel Policies for Staff Members, the Chief of Police shall provide the employee with a pre-disciplinary procedural due process hearing (Skelly) by providing written notice of the charges, proposed action, and reasons for the proposed action. For sworn personnel, written notice of intent to take disciplinary action shall be provided within one year from the date of discovery of the misconduct (Cal. Government Code § 3304(d)).

The Chief of Police shall also provide the employee with the following:

- (a) A copy of the charge(s) and all materials considered by the Chief of Police in recommending the proposed discipline.
- (b) An opportunity to respond orally or in writing to the Chief of Police or designee within a specific number of days of receiving the notice. The specific number of days is dictated by the respective collective bargaining agreement(s) or Personnel Policies for Staff Members (PPSM-64 and PPSM-62).

b. Employee Response

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Chief of Police, or designee, after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline.

The employee response may include:

- Denying or explaining the charges
- Pointing out factual errors or missing information
- Challenging whether the evidence supports the charges
- Presenting mitigating factors
- Arguing the level of discipline is excessive or inappropriate

c. Other Notice

When a pre-disciplinary procedural due process hearing is not required by the applicable collective bargaining agreement(s) or Personnel Policies for Staff Members, the affected employee(s) shall, prior to the implementation of such discipline, be informed in writing of the action to be taken, the reason(s) for the disciplinary action including material upon which the discipline is based, and the effective date of the disciplinary action.

3. Resignation or Retirement Prior to Discipline

In the event that an employee tenders a written resignation or notice of retirement prior to the imposition of discipline, it shall be noted in the file. The tender of a resignation or retirement by itself shall not serve as grounds for the termination of any pending investigation or discipline (Cal. Penal Code § 13510.8).

4. Discipline

When applicable, once the employee has completed their response or if the employee has elected to waive any such response, the Chief of Police shall consider all information received regarding the recommended discipline. The Chief of Police shall render a timely written decision to the employee and specify the grounds and reasons for discipline and the effective date of the discipline. Pursuant to Gov't Code § 3304(f), if a department decides to impose discipline, the Department shall notify the officer in writing of its decision within 30 days of its decision for personnel covered by POBR. Once the Chief of Police has issued a written decision, the discipline shall become effective.

5. Post-Discipline Appeal Rights

A non-probationary employee has the right to appeal a written reprimand, suspension without pay, punitive transfer, punitive demotion or reduction in pay or step, or termination from employment. The employee may appeal using the procedures established by any applicable collective bargaining agreement, Memorandum of Understanding, and/or personnel rules.

In the event of punitive action against an employee covered by the POBR, the appeal process shall be in compliance with Gov't Code § 3304 and Gov't Code § 3304.5.

During any administrative appeal, evidence that an officer has been placed on a Brady list or is otherwise subject to Brady restrictions may not be introduced unless the underlying allegations of Misconduct have been

independently established. Thereafter, such Brady evidence shall be limited to determining the appropriateness of the penalty (Gov't Code § 3305.5).

At-will, probationary employees, and those other than non-probationary employees subjected to discipline or termination as a result of allegations of Misconduct shall not be deemed to have acquired a property interest in their position but shall be given the opportunity to appear before the Chief of Police or authorized designee for a non-evidentiary hearing for the sole purpose of attempting to clear their name or liberty interest. There shall be no further opportunity for appeal beyond the liberty interest hearing and the decision of the Chief of Police shall be final.

G. Final Disposition

1. Notice of Final Disposition to Complainant

Within 30 days of disposition of the complaint, the Chief of Police or their authorized designee shall ensure that the complainant is notified of the disposition (i.e., sustained, not sustained, exonerated, unfounded) of the complaint (Cal. Penal Code § 832.7(f)). This release shall not include what discipline, if any, was imposed (Cal. Penal Code § 832.7(f)).

2. Notice of Final Disposition to the PAB for Community Complaints

Within 30 business days of the final review and determination by the Chief of Police of a Community Complaint, written notice of the Chief of Police's final decision shall be provided to the [UCX Campus Specific and/or PAB]. If the Chief amends or rejects a [UCX Campus Specific and/or PAB] finding, a rationale for the amendment will be provided to the [UCX Campus Specific and/or PAB] in the written notice. This notice shall indicate the findings, but will not disclose the discipline, if any.

3. Reporting to Peace Officer Standards and Training (POST)

a. Required Reporting

The Chief of Police or the authorized designee shall notify POST on the appropriate POST form within 10 days of certain officer personnel events, including but not limited to (Cal. Penal Code § 13510.9):

- (a) Termination or separation from employment or appointment.
Separation from employment or appointment includes any involuntary termination, resignation, or retirement.

A POST affidavit-of-separation form shall be executed and maintained by the Department and submitted to POST as required by Cal. Penal

Code § 13510.9.

(b) Events that could affect an officer's POST certification, such as:

1. Complaint, charge, or allegation of conduct against an officer that could render an officer subject to suspension or revocation of certification by POST pursuant to Cal. Penal Code § 13510.8
2. Findings or recommendations by a civilian review board that an officer engaged in conduct that could render an officer subject to suspension or revocation of certification by POST pursuant to Cal. Penal Code § 13510.8
3. Final dispositions of any investigations that determines an officer engaged in conduct that could render an officer subject to suspension or revocation of certification by POST pursuant to Cal. Penal Code § 13510.8, regardless of the discipline imposed
4. Civil judgments or court findings against an officer based on conduct, or settlement of a civil claim against an officer or the University of California XX Police Department based on allegations of officer conduct that could render an officer subject to suspension or revocation of certification by POST pursuant to Cal. Penal Code § 13510.8

The Chief of Police or authorized designee shall be responsible for providing POST access to or duplication of investigation documentation (e.g., physical or documentary evidence, witness statements, analysis, conclusions) for up to two years after reporting of the disposition of an investigation (Cal. Penal Code § 13510.9) or otherwise required by law.

(b) Notifications of Serious Misconduct

Serious Misconduct is defined as any act that could lead to the decertification of a peace officer. Some examples of serious misconduct include: dishonesty, such as making false statements, filing false reports, or tampering with evidence; abuse of power; physical abuse; sexual assault; demonstrating bias; violating the law; participating in a law enforcement gang; failing to cooperate with an investigation; and failing to intervene when another officer uses excessive force.

The Chief of Police or the authorized designee shall report allegations of serious misconduct by an officer to POST and the report shall include the following (11 CCR 1207):

(a) Name of the Department

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- (b) Administrative case number
- (c) Name, current address, and phone number of the complainant, if available
- (d) Name, POST ID, current address, and phone number of the involved officer
- (e) A summary of the alleged misconduct including:
 - (1) A narrative of the allegations
 - (2) Date and time of incidents
 - (3) Location of occurrence
 - (4) Any witness information, if available
 - (5) Summary of arrest or indictment of involved officer
 - (6) A change in employment status of the involved officer (e.g., investigatory leave, suspension, termination)
- (f) Name and contact information of the assigned investigator

The Chief of Police or the authorized designee shall provide updates of the investigation to POST every 90 days until the final disposition in the method designated by POST (11 CCR 1207).

Upon completion of the investigation, the Chief of Police or the authorized designee shall submit to POST the final disposition of the investigation as well as investigation materials and the officer's service record as provided by 11 CCR 1207.

(c) Additional notification shall be made to POST (11 CCR 1207):

- (a) If the imposed disciplinary action is pending appeal or other review through an administrative or judicial proceeding:
 - (1) The Department shall provide the name of the body conducting the proceeding.
 - (2) The status of the proceeding, if known.
- (b) If criminal charges are pending:
 - (1) The name of the court having jurisdiction over the criminal charges against the officer.
 - (2) The status of the criminal case, if known.

4. Retention of Personnel Investigation Files

All copies of the completed investigation (including redacted and original copies) shall be submitted/returned to the police department for placement into the personnel complaint file. UCPD will retain all copies, summaries, investigator notes, or other documentation related to the complaint and maintain the records as described in Cal. Penal Code § 832.5(b) and in the UCOP Records Retention Schedule.

V. RELATED INFORMATION

- Cal. Govt. Code § 3303(i) (referenced in Section I)
- Cal. Government Code § 3308 (referenced in Section III.E)
- Cal. Penal Code sections 832.5 et seq (referenced in Section V.A)
- Cal. Government Code § 3303 (referenced in Section V.C.1)
- Cal. Penal Code § 832.7 (referenced in Section V.D.2.a)

VI. FREQUENTLY ASKED QUESTIONS

Not applicable

VII. REVISION HISTORY

February 20, 2026: Updated to reflect the Office of Systemwide Community Safety and name change from Universitywide Police Policies and Administrative Procedures. This Policy is also reformatted to meet Web Content Accessibility Guidelines (WCAG) 2.0

January 7, 2011: Revised