



**California State University, Los Angeles**  
**Department of Public Safety**

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NUMBER: I-32 APPROVED: \_\_\_\_\_  
Joseph Curreri, Chief of Police

EFFECTIVE: April 19, 2012

SUPERSEDES: 5/1/2010 Reviewed/Revised: \_\_\_\_\_  
April 19, 2012

SUBJECT: **Internal Affairs**

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**I. PURPOSE:**

A relationship of trust and confidence between members of the Department and the community is essential to effective law enforcement. Law enforcement officers must be free to exercise their best judgment and to initiate enforcement action in a responsible, lawful and impartial manner without fear of reprisal.

Penal Code Section 832.5 requires that any department that employs peace officers establish a procedure to investigate citizens' complaints against its personnel and make a written description of the procedure available to the public. Every person has a right to file a complaint and all alleged or suspected violations of law, ordinances, Department orders and University rules must be investigated.

The University Police Department acknowledges its responsibility to establish a complaint system and disciplinary procedures, which not only will subject the officer to corrective action when there is improper conduct, but also will protect the officer from unwarranted criticism when official duties are properly discharged.

**II. POLICY:**

- A. It is the policy of this Department to provide prompt, just, open and expeditious disposition of complaints/allegations of wrongdoing regarding the conduct of officers and employees of this Department.
- B. All complaints against the department or its employees will be investigated, including anonymous allegations.

**III. DEFINITIONS:**

- A. Complaint. A statement made alleging that a Department member (sworn or non-sworn) has engaged in an act constituting misconduct. Complaints can be made by members of the public and Departmental personnel.
- B. Complainant. The person who files a complaint with the Department alleging the commission of a major violation or infraction by a member or members of the Department, and includes any aggrieved party and any person or group who assists in filing the complaint.

- C. Conclusions/Findings. Results of an investigation of any allegation including observations and conclusions of the investigating officer.
- D. Disposition. The status assigned to a case by the Chief following the conclusion of the investigation.
- E. Infraction. A violation of departmental rules and regulations defining transgressions that are not major violations.
- F. Major Violations.
  - 1. Any violation or statutes and ordinances defining criminal activity.
  - 2. The use of unnecessary or excessive force.
  - 3. Abuse of authority.
  - 4. Conduct which violates a person's civil rights.
  - 5. The use of abusive or insulting language or conduct, which is derogatory of a person's race, religion, lifestyle, or national origin.
- G. Member. Both sworn and civilian employees of the Department (includes temporary and part-time positions).
- H. Misconduct. Under these procedures, it is shown by a preponderance of the evidence that a member of the Department has;
  - 1. Violated any rule, procedure, or lawful order of the Department.
  - 2. Violated any of the provisions of the city/county charter or of any section of State or merit plan rules relating to employee conduct in office.
  - 3. Violated any law, whether codified by city/county statute, state or federal statute, or constitutional provision.
- I. Removal. The termination or a member's employment with the Department.
- J. Rules and Regulations. The administrative acts promulgated by the Chief which are designed to regulate Departmental standards of conduct and appearance.
- K. Suspension. The temporary removal of a member from active employment for a definite period of time.
- L. Witness. A person who can produce evidence relevant to an alleged major violation or infraction.

#### IV. PROCEDURE:

- A. Classification of Complaints – complaints will be classified in one of two ways:
  - 1. Administrative Review
    - a. The review of an incident or violation of Department policy to determine what action, if any, is necessary or if a recommendation to the Chief of Police for an internal investigation is warranted.
    - b. Administrative reviews (AR) are usually initiated internally by Department personnel. (Examples include disciplinary measures and reviews that are the purview of Sergeants or a Command Officer.)

- c. Administrative Reviews are documented on a memorandum form.
  - d. Administrative Review will be maintained within the Chief of Police's office and given a numerical file number which has AR before the number. For example, AR-2004-01, which would reflect the first administrative review for the calendar year 2004.
- 2. Internal Affairs Investigation
  - a. An investigation into an allegation of misconduct initiated by a citizen's complaint or any investigation into an allegation of serious misconduct by an employee of the Department.
  - b. Internal affairs (IA) investigations will be assigned for investigation by the Chief of Police.
  - c. Internal affairs investigations are usually documented on a Citizen's Complaint Form, but may be documented on a memorandum form.
  - d. Internal affairs investigations will be maintained within the Chief of Police's office and given a numerical file number which has IA before the number. For example, IA-2004-01, which would reflect the first internal affairs investigation for the calendar year 2004.
- 3. Cases of interest of the Department/University
  - a. There are instances wherein this Department/University is advised of situations that do not meet the criteria set forth in paragraphs IV, 1 and 2 above. Instances such as pending litigation for injuries received where no officer misconduct is alleged; other law suits against the Department/University; or, other situations of substantial interest to this Department/University are a few examples.
  - b. These files will be maintained within the Chief of Police's office and given a numerical litigation file (LF) number which has LF before the number. For example, LF-2004-01, which would reflect the first litigation case received for the calendar year 2004.
- 4. Citizen comment files
  - a. These files will contain comments from citizens regarding recognition of staff; suggestions; or, other items of interest that are not concerning a complaint or litigation matter.
  - b. These files will be maintained within the Chief of Police's office and given a numerical citizen comment (CC) file number which has CC before the number. For example, CC-2004-01, which would reflect the first citizen comment for the calendar year 2004.

B. RECEIVING COMPLAINT RESPONSIBILITIES:

1. Allegations of misconduct may be received at any time of the day or night and may originate from within or outside the Department.
2. Complaints shall be accepted from any source, whether made in person, by mail or by telephone. Employees receiving complaints shall use the Cal State L.A. University Police Department Citizen Complaint Form.
  - a. Any employee receiving information alleging misconduct or inadequate service shall not attempt to dissuade the person from making the complaint, even if the employee feels the complaint is of minor importance.
  - b. A request for clarification or explanation of a particular procedure is not a complaint.
3. Complaint Origin
  - a. If a complainant will not make a written complaint, the Department member with whom the complaint was lodged will complete a written summary.
  - b. Anonymous complaints shall be investigated based on the seriousness of the reported violation. However, minor reported violations may be reviewed for administrative purposes without requiring a complete internal affairs investigation.
  - c. Third party complaints of serious allegations shall be investigated.
  - d. A parent or legal guardian can lodge a complaint on behalf of their juvenile dependent.
  - e. Complaints based on hearsay information of employee misconduct, shall be routed to the employee's immediate supervisor for determination if there exists a preponderance of evidence to warrant an investigation.
4. Employees receiving complaints should refer the complainant directly to a supervisor who will accept the complaint.
  - a. If a supervisor is not readily available, any officer will take the complaint.
  - b. It is not advisable to request a citizen come back later or telephone when a supervisor will be available.
  - c. Employees receiving complaints will:
    - 1) Screen the complaint to make sure that Department personnel are involved;

- 2) Ascertain if there is validity to the complaint, as opposed to the lack of understanding of agency procedures. Sometimes a complaint may be resolved by a simple explanation of agency procedures.
- 3) If a complaint involves an alleged infraction on the part of a Department employee(s), the supervisor shall review the complaint and make every possible effort to resolve the allegation at intake, forwarding the complaint and his/her findings to the on-duty Command Officer.
- 4) If the complaint cannot be resolved at this level, the supervisor will forward the complaint to the on-duty Command Officer who will review it and forward it to the Chief for assignment of investigation.
- 5) In the event of a major violation the shift supervisor receiving the complaint shall record all pertinent information and undertake a preliminary investigation of the incident. He/she will take whatever action is appropriate and required given the severity of the situation (arrest, suspension, temporary relief of duty, etc.), and immediately notify the on-duty Command Officer and the Chief of Police of the nature of the complaint and the action taken.

C. INVESTIGATION RESPONSIBILITY:

1. The Department does not have a designated Internal Affairs Investigator.
  - a. The primary responsibility for this function shall rest with the Deputy Chief of Police or his/her designee, who has the authority to report directly to the Chief of Police.
  - b. Complaints may be investigated by the Chief of Police, the Deputy Chief of Police, the Operations Lieutenant, Investigator or an assigned Sergeant.
    - 1) Any major violation shall be investigated by the Internal Affairs function (Deputy Chief of Police or his/her designee). Major violations include:
      - Any violation or statutes and ordinances defining criminal activity.
      - The use of unnecessary or excessive force.
      - Abuse of authority.
      - Conduct which violates a person's civil rights.
      - The use of abusive or insulting language or conduct, which is derogatory of a person's race, religion, lifestyle, or national origin.

- 2) Types of complaints investigated by line supervisors (Sergeants) shall be infractions: A violation of departmental rules and regulations defining transgressions that are not major violations.
- c. All complaints received by line personnel shall be forwarded through the duty supervisor to the Chief of Police for review.
- d. Depending on the seriousness of the complaint, the investigation may be assigned either internally or externally for investigation. Major violations shall be reported to the Chief of Police immediately, followed with a written summary of the allegations within 48 hours.
- e. Complaints received directly by the Chief may be assigned for investigation at the Chief's discretion.
- f. At no time will an investigation be assigned to an individual who is either a party in the complaint or a primary witness.

D. Notifying Parties of a Complaint

1. The Complainant

- a. The complainant will be given a copy of the completed complaint form at the time the complaint is filed, if filed in person. The process/procedure for investigating complaints may be attached to the form [flow chart, Appendix A]. A copy of this order will be provided to the complainant upon request.
- b. The assigned investigator will provide periodic status updates to the complainant by telephone, or in more involved investigations in writing.
- c. At the conclusion of the investigation, the Chief of Police (or designee) will provide the complainant with a written complaint disposition.

2. The Accused Department Member(s)

- a. Shall be notified of the complaint as soon as practical and shall either be given a copy of the complaint or a written statement of the allegations.
- b. Shall be advised of their employee rights and responsibilities relative to the investigation.

E. Employee Rights during an Investigation

1. If the complaint against a department member is both an allegation that the department rules were violated, and an allegation of criminal conduct, the investigation will be bifurcated.
2. In a criminal investigation, the officer has a right not to answer questions that would incriminate him or her, and they are entitled to all the rights of any other suspect.
3. In an administrative investigation, the officer does not have a right to refuse to answer questions when the questions relate to good order and efficiency of the agency.
4. The Public Safety Officer Procedural Bill of Rights Act, Government Code Section 3300(AB301) applies to all administrative investigations into officer misconduct.
5. The interview of any Department member shall be conducted at a reasonable hour, preferably when the member is on duty, unless the urgency of the investigation dictates otherwise. If such an interview occurs during off-duty hours of the employee being interviewed, the employee shall be compensated for his/her off-duty time.
6. The employee shall be permitted to take notes and to bring his/her own recording device and record any and all aspects of the interview.
7. Employees shall have the right to be represented by a representative of his/her choice, who may be present at all times during the interview. The representative shall not participate in the interview, except to counsel the employee. The employee may request a postponement of the initial interview to contact a representative of his/her own choice.
8. No officer of this Department shall be compelled to submit to a polygraph examination. Polygraph examinations and voice stress analysis shall be administered to employees only with their consent and upon approval of the Chief, and then only after it's application to the complainant.
9. There shall be no compelled financial disclosure except where pursuant to lawful process, conflict of interest is indicated or special assignment subject to bribes.
10. Any disciplined employees have the right to appeal.
11. Searches:
  - a. State-owned desks, lockers, storage space, rooms, offices, equipment, work areas and vehicles are the sole property of the State of California, subject to inspection deemed necessary by the Chief of Police or other authority.

- b. No officer shall have his/her locker or other space for storage that may be assigned to him/her searched except:
    - 1) In his/her presence;
    - 2) With his/her consent;
    - 3) If a valid search warrant has been obtained; or
    - 4) He/she has been notified that a search will be conducted.
- 12. An employee shall not be required (unless subject to a random test procedure) to submit to a medical, laboratory, or field sobriety examination unless specifically directed and narrowly related to a particular internal affairs investigation. This includes a blood, breath or urine test for the purposes of determining the presence of a narcotic, drug, or alcohol unless:
  - a. The employee exhibits objective symptoms of being under the influence of alcohol, and/or narcotic or drug; or
  - b. There is a reasonable and articulated suspicion that the employee ingested or absorbed by the body in any other manner an alcoholic beverage, narcotic, or drug.
- 13. Any telephone call made or received on a Department telephone is the business of the Chief of Police and not confidential. Due to the very nature of the complex problems which face law enforcement and the need for accuracy in reporting, those using police telephones shall reasonably expect monitoring and/or recording of incoming and outgoing calls.
- 14. Photographs of all employees will be maintained in their department personnel file and in a separate folder for the purposes of identifying an officer involved in a complaint. With the exception of a criminal prosecution, employees of this Department will never be compelled to participate in a line-up.

F. INVESTIGATION PROCEDURES:

- 1. All interviews concerning the investigation should be recorded and transcribed.
- 2. The complainant and all witnesses will be interviewed.
- 3. It is the responsibility of the assigned investigator to thoroughly investigate the case and submit a completed investigation report as provided under these procedures. All relevant information obtained by the investigator shall be entered in the investigation report.



4. The investigation shall not be delayed or suspended because of any concurrent civil or criminal proceeding to which the complainant is a part, unless:
  - a. The complainant requests such a delay, and there is no reason to believe that the alleged conduct of the accused member is of a serious or continuing nature.
  - b. Upon the explicit advice of the University attorney or under the direction of the Chief.
5. The investigator assigned to investigate a complaint against an employee(s) shall conduct a thorough, accurate and objective investigation within thirty days. If the investigation cannot, for good cause, be completed within this time period, the investigator may be granted an extension (upon showing of good cause) by the Chief. The extension shall not exceed 7 calendar days, although consecutive extensions may be permitted. All requests for extensions will be documented and maintained in the investigative file.
6. The investigative report shall be organized into the following four sections:
  - a. Complaint - This section of the report shall consist of a summary of the complaint as made by the complainant. Each alleged act of misconduct, as set forth in the complaint, shall be itemized. Reference shall be made to those rules, procedures, orders, statutes, or constitutional provisions that would be violated if the allegations are taken as true.
  - b. Investigation - This section shall consist of a chronological summary of the investigation. Included shall be pertinent facts obtained through interviews with the complainant, accused member(s), and all available witnesses. Summaries of written statements made by the above persons, description and analysis of physical evidence obtained, and all other information relevant to the investigation, shall be included.
  - c. Conclusions/Findings - The results (conclusion of fact) of the investigation of any allegation including the observations and conclusions of the investigator shall be placed in this section. This shall include one of the dispositions as noted below. Also the reason for the findings in connection with each allegation shall be set forth in this section.
  - d. Recommendations - This section shall include recommendations for discipline or additional training if any deficiencies were noted in the course of the investigation.
7. Each allegation in the complaint will be classified with one of the following dispositions:

- a. Not Sustained/Unfounded - When the investigation indicates the alleged action did not occur.
  - b. Not Sustained/Exonerated - When the investigation indicates the act occurred but it was justified, lawful, and proper.
  - c. Not Sustained/Inconclusive- When the investigation discloses insufficient evidence to clearly disprove or prove the allegations.
  - d. Sustained - When the investigation discloses that the allegation is supported by sufficient evidence to justify a reasonable conclusion of guilt (by a preponderance of the evidence)
  - e. Suspended - When the complaining party and/or witness fail to cooperate after the investigation has commenced and this prohibits the department from arriving at the facts.
- 8. Upon receipt of a completed investigation, the Chief of Police shall:
  - a. Order further investigation, if necessary.
  - b. Determine if any violation of law, Department policy or rules and regulations has occurred, as well determine if additional allegations exist that require further investigation. The Chief is not bound by the findings in the investigation by a subordinate, but may make new and separate findings based on the investigation results.
  - c. Make a decision for disciplinary action or other disposition, based on the findings and the employee's record of service.
  - d. Inform the accused in writing of the results of the investigation and disposition.
  - e. Direct that results and disposition concerning the investigation be preserved in the employee's personnel file.
- 9. Maintenance, Security, and Confidentiality of IA Records
  - a. Investigative reports, writings, and files of every complaint shall be maintained in a separate and secure file in the Chief's office. These records shall remain confidential.
  - b. Every sustained case which has resulted in a counseling form, letter of reprimand, suspension, loss of pay, demotion in rank, or termination shall require a written explanation of the disciplinary action taken along with a summary of the complaint to be placed in the employee's personnel file. This shall become a permanent part of the affected employee's personnel file.

- c. If there are two or more employees involved in a citizen's complaint, individual summaries shall be prepared for each employee regarding his/her involvement and the disposition, then placed in each employee's personnel file. Each employee involved in a citizen's complaint will receive a copy of the summary.
- d. Once completed and filed, only the Chief, the Deputy Chief of Police, or the Lieutenant shall have access to an IA record, except when:
  - 1) Access is required by law or court order; or
  - 2) Information contained in the file is relevant to a subsequent investigation or litigation.
- e. All citizen complaints and investigative reports concerning sworn personnel are maintained in a confidential file in the Chief's Office to protect the rights of complainants, witnesses, and departmental personnel as provided in section 832.7 of the California Penal Code. Citizen complaints and investigative reports concerning sworn personnel are retained for a period of at least five years as provided by section 832.5 of the California Penal Code, except as noted below which will be maintained indefinitely:
  - 1) Records of dismissal for cause.
  - 2) The commission of a chargeable public offense.
  - 3) Pending litigation.

Administrative reviews and other government records must be maintained for a period of two years.

Records that are maintained for exceptional circumstances beyond the five-year retention period are retained in the complaint file for as long as it is in the public interest, or as necessary for public safety. An employee of the department, who was the subject of a citizen complaint and subsequent investigation, is notified when the file(s) are purged or destroyed.

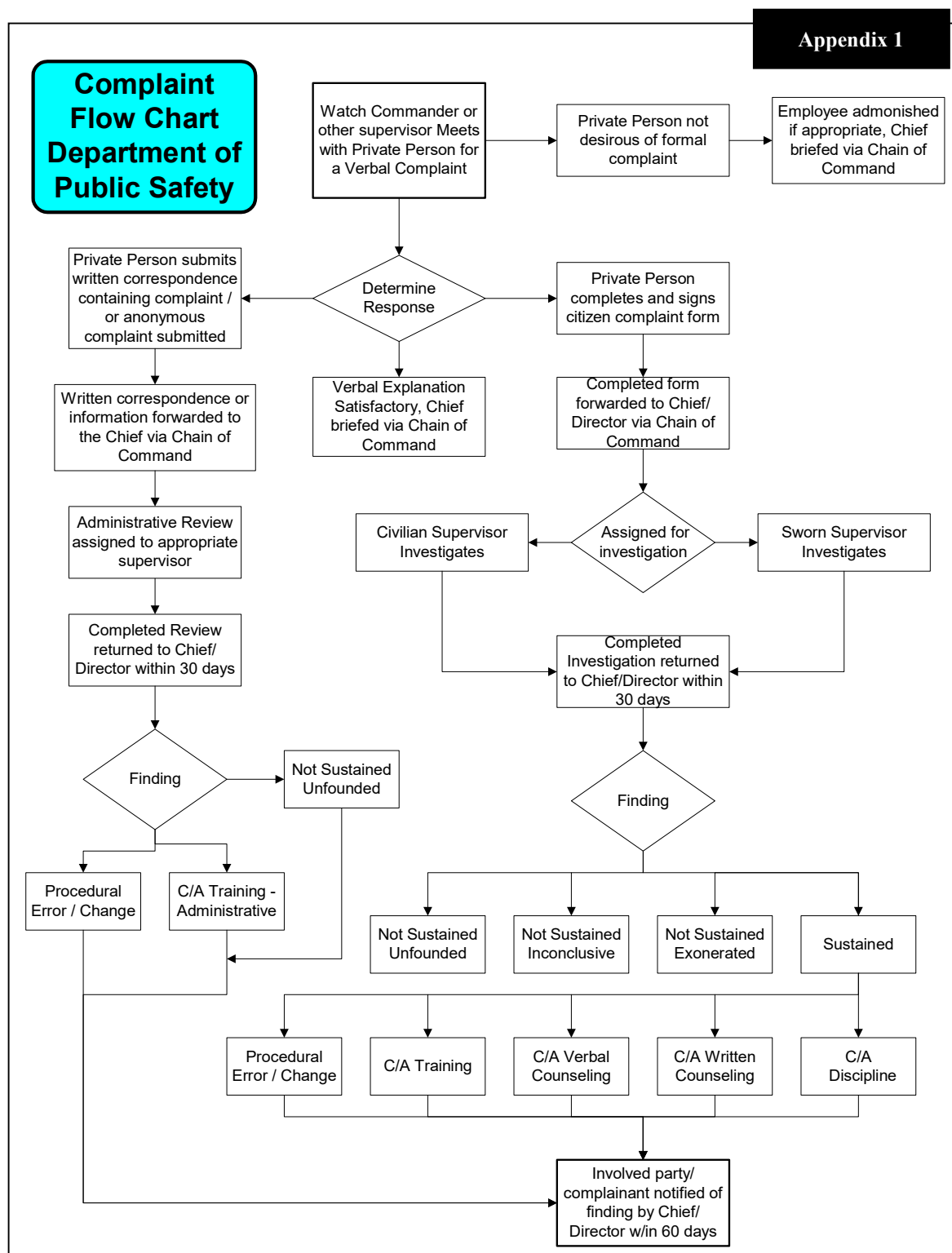
- f. The Department shall complete an annual summary of citizen complaints, which will include whether they were generated externally (citizen) or internally, and the number with the dispositions.
10. Arrests of Department Members:
- a. When a member of this Department is arrested by this Department or another jurisdiction, the Chief of Police shall be notified immediately. If the Chief is unavailable, the on-duty

Command Officer, or in his absence, the Watch Commander shall be notified.

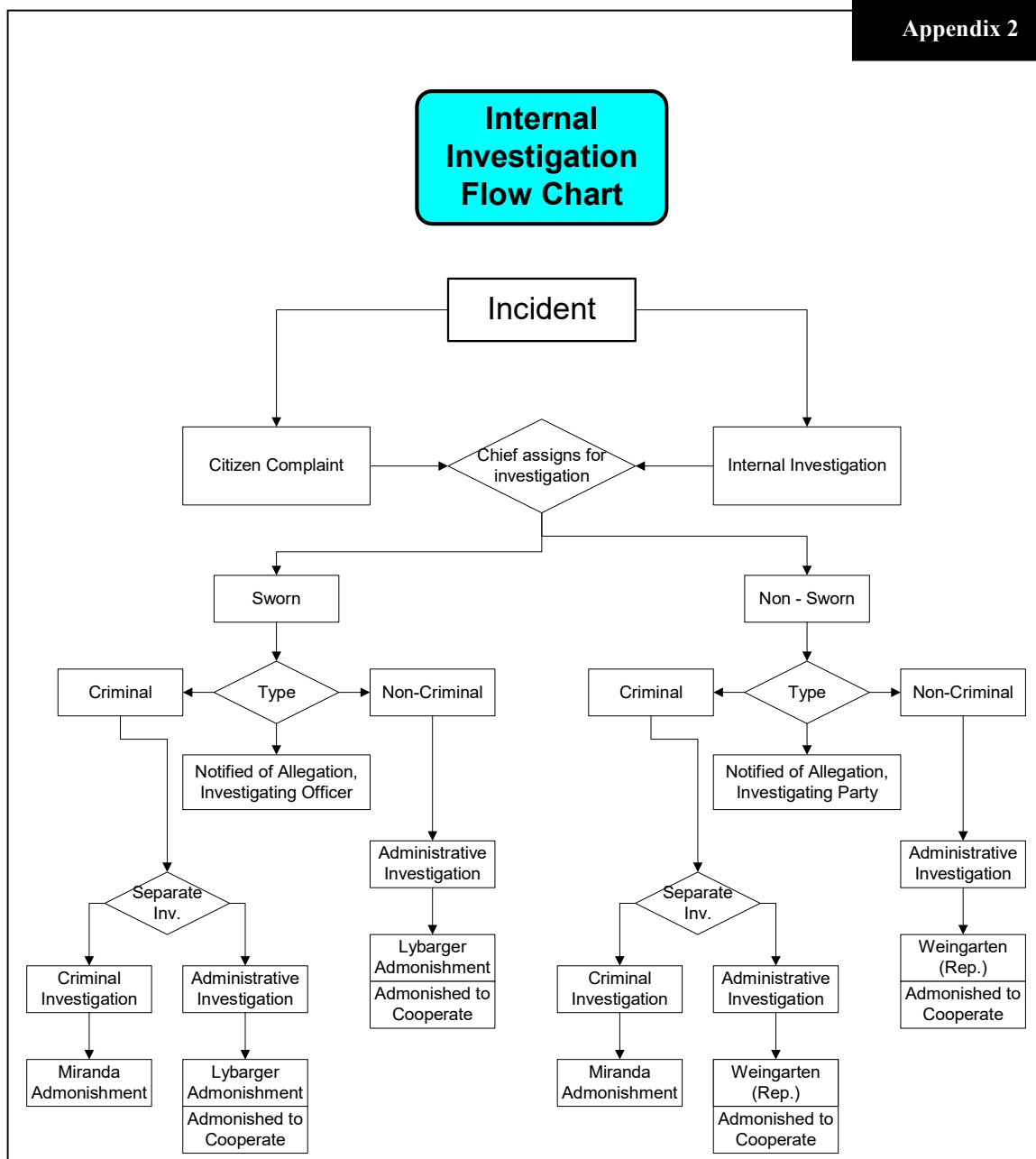
- b. The Watch Commander shall proceed to the place of confinement and if the seriousness of the charges warrants, advise the member that he/she is suspended immediately, (with pay) pending further investigation. If suspended, the employee shall be relieved of Department property in his/her immediate possession, and such property shall be delivered to the Chief. Steps will be immediately taken to obtain the departmental weapon, badge and identification card of the involved employee, if it is not in his/her possession.
- c. A preliminary investigation shall be conducted immediately and results communicated to the Chief.
- d. If the cause for arrest was serious and justified, a departmental investigation shall be instigated immediately, through the Chief.

V. APPENDICES:

- 1. Complaint Process Flow-Chart.
- 2. Internal Investigation Flow-Chart.
- 3. Citizen Complaint Form



Appendix 2



### MISSION STATEMENT

The University strives to promote understanding of and respect for racial ethnic, cultural and gender diversity and to serve the changing needs of a global society. Recognizing that true equity transcends equal access, the University provides support services, which help a diverse student population to succeed in University study.

The University is committed to providing students with a balanced educational experience including co-curricular activities, which contribute to personal enrichment such as student organizations, campus residence life, artistic events, multicultural events, intercollegiate athletics, and intramural activities. California State University, Los Angeles is committed to fostering ethical behavior among administrators, faculty, staff and students. The campus collegial governance structure, therefore, adheres to the principles of academic freedom and professional ethics consistent with the responsibilities of an academic community.

### PUBLIC SAFETY MISSION STATEMENT

The Department of Public Safety protects persons and property by providing essential and professional law enforcement and public safety services, while promoting community involvement and assistance. The overall goal of the agency is to provide the safest possible environment for the students, faculty, staff, and visitors at the University.

## COMMENT ON OUR SERVICE TODAY

\*COMMENDATIONS

\*SUGGESTIONS

\*COMPLAINTS



Chief of Police  
University Police Department  
California State University, Los Angeles  
5151 State University Drive,  
Los Angeles, California 90032

## University Police Department

California State University, Los Angeles

5151 State University Drive

Los Angeles, Ca 90032

## Appendix 3



## A Letter From the Chief of Police

Students, Faculty, Staff and Visitors  
of CSU Los Angeles,

The California State University Police Department seeks to serve you satisfactorily and the officers of this agency have the same authority and obligations as any other police department in the State of California.

In order to better serve you, we welcome all your suggestions, constructive criticism, complaints or commendations you have regarding either procedures or personnel. All suggestions will be reviewed and given consideration. All complaints will be investigated thoroughly and appropriate corrective action taken when warranted. Commendations will be included in the performance evaluation of the department member and shared with staff as appropriate.

If you wish to submit a commendation, suggestion or complaint, you may come to the University Police Department or call [323] 343-3700. If you would prefer to communicate this information directly to me, please complete this form. Provide as much detail as possible, fold and mail. You should also know that anonymous complaints will be investigated as well. We appreciate your comments as they assist us in providing the highest quality service to the members of our community.

Sincerely,

Gregory D. King

Chief of Police  
University Police Department  
California State University, Los Angeles

## University Police Department California State University, Los Angeles Commendation, Suggestion, or Complaint

Name (First, Middle, Last)	Home Phone Number	Business Phone Number
Address (street, city, zip code)		
Witness Name	Witness Address	Witness Phone Number
Witness Name	Witness Address	Witness Phone Number
Employee Involved [name or description]	Date & Time of Occurrence	
Location of Occurrence		

Description of event(s): Please attach additional pages as necessary.

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You have the right to make a complaint against a police officer for any improper police conduct. California law requires this agency to have a procedure to investigate citizen's complaints. You have the right to a written description of this procedure. This agency may find after investigation that there is not enough evidence to warrant action on your complaint. Even if that is the case, you have the right to make a complaint and have it investigated if you believe an officer behaved improperly. Citizen complaints and any reports or findings relating to complaints must be retained by this agency for at least five years. It is against the law to make a complaint that you know to be false; you can be prosecuted on a misdemeanor charge. *Penal Code 148.6*  
You should also be aware that if you knowingly and maliciously make a false complaint of misconduct against an officer, that the officer make seek money damages from you in a civil lawsuit. *Civil Code 47.5.*

I have read and understood the above statement.

Complainant (Sign Here)

Date