

Annual Report of the Independent Review Committee for the University of Chicago Police Department

January 2020

Appointed by the University of Chicago, the Independent Review Committee (IRC) for the Police Department (UCPD) examines complaints of abusive language, dereliction of duty, excessive force, or violation of rights brought against UCPD by members of the University of Chicago (University) community and the public UCPD serves.

Accordingly, the IRC includes members from the community as well as University faculty, staff, and students. This Committee reviews UCPD's internal investigations and then reports its findings and recommendations to the Provost, President, and Vice President & General Counsel and the community at large via an annual report posted on UCPD's website. Additional information about the IRC and its mission are available at https://safety-security.uchicago.edu/police/contact_the_ucpd/complaint_process/.

This Annual Report details the IRC's work and analyses regarding complaints against the UCPD for the 2018-19 academic year.

I. The Complaint Review Process

UCPD adheres to University policies and extensive departmental rules and regulations, called General Orders, stipulating professional police conduct. Decades ago, the University established the IRC to provide serious and thoughtful review of citizen complaints to improve UCPD processes and overall policing. The procedure for filing and investigating such complaints is as follows:

1. A member of the University community or other citizen who is dissatisfied with UCPD may call the dispatcher at 773.702.8181 and ask to speak with the Watch Commander or the supervisor on duty, or may make a formal complaint by completing a Citizen Complaint Form, available at https://safety-security.uchicago.edu/police/contact_the_ucpd/complaint_form/. Students at the University may seek assistance from a representative of the Office of Campus and Student Life by calling 773.702.7770. Community members needing assistance may contact the Office of Civic Engagement at 773.834.8057.
2. Each complaint is assigned to the Executive Director for Campus Safety for investigation. Once the complainant signs an affidavit concerning the factual basis of the complaint, the complainant and other relevant concerned parties will have the opportunity to be interviewed by the Executive Director in connection with the investigation.
3. After the investigation is completed, the investigation and findings are reviewed by supervisors through the chain of command within UCPD. During the 2018-19 academic year, the Associate Vice President for Safety & Security reviewed every investigation and made the final decision with respect to the investigative findings and any discipline imposed.
4. The complainant receives a written response from the Associate Vice President to explain the findings and any disciplinary action taken as a result of a sustained complaint. The possible findings are:
 - *Unfounded*: The allegations are not factually accurate, or the alleged conduct did not occur.
 - *Exonerated*: The alleged conduct did occur, but it was justified under the circumstances.
 - *Sustained*: The alleged conduct did occur, and it was not justified under the circumstances.
 - *Not Sustained*: The written record of the investigation does not support a determination of whether the alleged conduct occurred. A classification of Not Sustained is used where a case involves conflicting stories that are not clearly resolvable on the basis of evidence presented.
 - *Administratively Closed*: No investigation was completed due to the fact that the complainant: (i) did not sign an affidavit for the investigation to proceed, a requirement of the State of Illinois for a citizen complaint investigation (except in an instance of alleged serious or criminal violation) or (ii) otherwise failed to cooperate with the investigation.
5. For complaints relating directly or indirectly to issues of excessive force, violation of rights, abusive language, or dereliction of duty, the investigative report is submitted to the IRC for review.
6. As noted above, the IRC annually reports its findings and recommendations to the Provost, President,

and Vice President & General Counsel and to the public. This report, summarizing all incidents reviewed and recommending changes to policies and procedures, is available to the public via the University's website at https://safety-security.uchicago.edu/police/contact_the_ucpd/complaint_process/.

II. Complaint Summaries and IRC Case Reviews

Nine complaints were filed against UCPD officers by members of the University community and the public during the 2018-19 academic year. The IRC reviewed the five that fell within its above-described purview. (See Figure 1.) This report summarizes each case. UCPD's determination follows each summary, after which the IRC's evaluation of UCPD's determination and investigatory procedures appears. The IRC then provides the analysis or recommendation it has.

CR 2018-02

Case Summary: The complainant was driving southbound on Woodlawn Avenue. When she approached 55th Street, where a clock displays the remaining seconds before the crossing light changes, she drove through the intersection and alleged that a bicyclist darted out in front of her. While she yielded to the bicyclist the traffic light turned red. The complainant continued driving southbound on Woodlawn. At 59th & Woodlawn, a UCPD officer stopped her.

Allegation: The complainant alleged that the accused UCPD officer was rude and disrespectful to her during a traffic stop.

- **IRC Response to Allegation:**

- *UCPD deemed the Allegation Administratively Closed, and the IRC agrees. No video footage was recorded at 55th Street, but the complainant's allegations were not consistent with the UCPD officer's body-cam video. UCPD confirmed that it conducts traffic stops only in situations that pose a threat to safety.*

CR 2018-05

Case Summary: The case involved Complainant #1, who was outside talking to a group of strangers, including Complainant #2. It was approximately 2 a.m., and two UCPD officers appeared and stated that there had been a complaint about noise. Complainant #1 was talking with the officers and in close proximity to UCPD Officer #1. It appeared that Complainant #1 touched accused UCPD Officer #1, at which point accused UCPD Officer #1 pushed Complainant #1 to the ground face first and pinned him down. UCPD Officer #2 subsequently assisted in restraining and arresting Complainant #1. Complainant #2 witnessed the use of force against Complainant #1 and filed an additional complaint related to that use of force.

- **Allegation #1 of Complainant #1:** Complainant #1 alleged that accused UCPD Officer #1 verbally and physically abused him by calling him a homophobic slur and pushing his head into vomit.
- **Allegation #2 of Complainant #1:** Complainant #1 alleged that accused UCPD Officer #1 profiled him on the basis of his sexual orientation.
- **Allegation #1 of Complainant #2:** Complainant #2 alleged that accused UCPD Officer #1 failed to attempt to de-escalate the encounter.
- **Allegation #2 of Complainant #2:** Complainant #2 alleged that accused UCPD Officers #1 and #2 used excessive force while placing Complainant #1 in custody.

- **IRC Response to Allegation #1 of Complainant #1:**
 - *The IRC agrees with UCPD's finding of Unfounded. The IRC viewed the available video and did not find any evidence to support this allegation.*

- **IRC Response to Allegation #2 of Complainant #1:**
 - *The IRC agrees with UCPD's finding of Unfounded. The IRC viewed the available video and did not find any evidence to support this allegation.*

- **IRC Response to Allegation #1 of Complainant #2:**
 - *UCPD deemed Allegation 1 Sustained. The IRC agrees with this finding.*
 - *The IRC agrees that Officer #1 did not take proactive steps to de-escalate the situation, including creating distance between himself and Complainant #1.*

- **IRC Response to Allegation #2 of Complainant #2:**
 - *UCPD deemed Allegation 2 Not Sustained.*
 - *The IRC disagrees with respect to Officer #1 and agrees with respect to Officer #2.*
 - *As to the use of force against Complainant #1, the IRC viewed the incident many times from the multiple angles afforded by the body cameras worn by Officers #1 and #2. Officer #2's body camera video, which the IRC viewed repeatedly, does not show Complainant #1 striking Officer #1 in the torso or reaching for Officer #1's weapon, as Officer #1 suggested. There was no evidence in the video of Complainant #1 making any type of threatening, offensive, or aggressive gesture.*
 - *Complainant #1 was holding a slice of pizza in one hand and appeared to be gesticulating with the other hand while talking. It is possible that Complainant #1 made incidental and inadvertent contact with Officer #1 while gesticulating, and that Officer #1 interpreted this incidental contact as aggressive or threatening behavior. Or it is possible that Complainant #1's movements may have been an attempt to get Officer #1's attention because the officer had turned away.*
 - *The available video shows incidental contact at the shoulder, rather than the lower torso, where Officer #1's weapon was located. Accordingly, the IRC did not view this as a situation in which a reasonable person or a reasonable police officer would feel that battery or an attempt to grab Officer #1's weapon was imminent. The report's description of Complainant #1 as "aggressive" and as an "assailant," which the UCPD General Orders define as someone whose actions are "aggressively offensive," does not seem accurate in light of the video. For this reason, the IRC disagrees with the UCPD finding. The IRC believes that this Allegation should have been Sustained with respect to Officer #1.*
 - *Had Officer #2 witnessed the entire encounter between Complainant #1 and Officer #1, the appropriate action would have been for Officer #2 to stop Officer #1 from using excessive force and de-escalate the situation. However, Officer #2 might not have seen Complainant #1's actions that gave rise to the initial use of force. He was further away and may not have been watching Officer #1 and Complainant #1 as he was conversing with others at the scene.*
 - *Once Officer #1 moved to restrain Complainant #1, Complainant #1 appeared to resist. It was at this point that Officer #2 engaged with Complainant #1 and used additional force. Based on the available video, it is possible that Officer #2 did not observe the earlier parts of the encounter between Officer #1 and Complainant #1 and only witnessed Complainant #1 resisting. If this is the case, Officer #2's use of force would not be excessive from the perspective of a reasonable UCPD officer in his position. Accordingly, the IRC agrees with the finding of Not Sustained with respect to Officer #2.*

CR 2018-06

Case Summary: The complainant was driving away from the University of Chicago Medical Center's Emergency Department with two others when they observed a UCPD officer following them; several blocks later, the officer pulled them over, citing an expired license plate and nonfunctioning brake lights. The complainant informed the officer of an extension to her plates, which the officer verified. The officer released the complainant with a verbal warning.

- **Allegation:** The complainant alleged that the accused UCPD officer was rude, aggressive, and unreasonable during a traffic stop.
- **IRC Response to Allegation:**
 - *UCPD found the Allegation Administratively Closed, and the IRC agrees.*
 - *The IRC noted that the accused UCPD officer's calling an individual in the vehicle "my man" may have come across as disrespectful.*
 - *The IRC suggests that de-escalation training reinforce the point that officers hold a position of authority and that their mere presence may feel threatening to some members of the community.*

CR 2019-02

Case Summary: At a retail store on 53rd Street, a UCPD officer was accused of being unprofessional in his interactions with staff. He responded to a call about a person suspected of shoplifting. The complainant did not witness the incident first-hand but filed her complaint based on what store employees relayed to her afterward. Upon viewing the video of the accused officer's encounter with store employees, the complainant withdrew her complaint.

- **Allegation:** The complainant alleged that the accused UCPD officer was unprofessional to store staff when he responded to a call of a suspicious person.
- **IRC Response to Allegation:**
 - *UCPD found the Allegation Administratively Closed, and the IRC agrees. The available video displays no evidence of the UCPD officer acting unprofessionally.*

CR 2019-03

Case Summary: Two UCPD officers entered a Hyde Park bar and, after obtaining permission from the bartender, asked patrons present to volunteer for field sobriety tests as part of a training exercise. One patron who submitted to the test later filed a complaint.

- **Allegation:** The complainant alleged that the two accused UCPD officers used an informal and unconventional training method.
- **IRC Response to Allegation:**
 - *UCPD found the Allegations Administratively Closed, and the IRC agrees.*
 - *The IRC noted that consumption of alcohol may impair the ability of patrons to give consent, and that officers in uniform may make citizens feel compelled to consent.*

- *UCPD confirmed that their policies (General Orders) prohibit UCPD officers from entering a bar in uniform except in conduct of duty. Training is not an acceptable reason for a uniformed UCPD officer to enter a bar.*
- *Despite the withdrawal of the complaint, UCPD clarified its policies and expectations with the officers involved in the incident.*

III. IRC Analysis of UCPD Complaint Data

A. Since March of 2005, there have been 175 cases of complaint against UCPD. Forty-five were internal investigations outside the purview of the IRC. The number of citizen complaints totals 130. All of the following are cumulative numbers, not percentages, since March of 2005:

Gender of complainant¹:

Female	49
Male	78

Race of complainant:

Black	90
White	15
Asian	5
Hispanic	1
Unknown	14

Status of complainant:

Community	93
Students	13
Staff/Faculty/Academic Appointee/Postdoctoral Researcher	14
Alumni	5

Race of the officer²:

Black	86
White	51
Hispanic	12
Asian	1
Unknown	2

Charges³:

Violation of rights	97
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¹ The total number of complainants differs from the total number of citizen complaints because some complaints have more than 1 complainant.

² Some complaints contain allegations against multiple officers.

³ These figures reflect allegations not cases; that is, a single case may have multiple allegations. These figures represent only the allegations in cases reviewed by the IRC.

Excessive force:	38
Abusive language	43
Dereliction of duty ⁴	42
Intimidating conduct	8
Disrespectful/rude behavior	5

Findings⁵:

Not sustained	85
Unfounded	78
Sustained	67
Exonerated	15
Administratively Closed ⁶	41

Officers with multiple complaints:

6 complaints	1 officer
5 complaints	4 officers
4 complaints	2 officers
3 complaints	6 officers
2 complaints	3 officers

B. The complaints tallied here constitute complaints since 2005 against officers who were employed by UCPD for all or part of the period July 1, 2018 – November 21, 2019:

Officers with multiple complaints:

6 complaints	1 officer
5 complaints	2 officers
4 complaints	2 officers
3 complaints	5 officers
2 complaints	2 officers

Members of the IRC 2018-19

http://safetysecurity.uchicago.edu/police/contact_the_ucpd/complaint_process/)

Jonathan Masur, *John P. Wilson Professor, Law School and IRC Chair*

Erin Adams, *Joseph Regenstein Professor, Department of Biochemistry and Molecular Biology and the College*

Bennie Currie, *Community member*

Dwight Frederick, *Student in the Chicago Booth School of Business*

Grigory Gorbun, *Graduate Student in the Physical Sciences*

⁴ The following have been combined in this category: “failure to serve professionally,” “unprofessional conduct,” “failure to serve,” “bad driving,” and “sleeping on the job.”

⁵ The tabulation of findings includes internal investigations as well as citizen complaints. The data includes the outcomes of the former but not the charges. Further, some allegations refer to more than 1 accused officer, resulting in more than 1 finding.

⁶“Administratively Closed” includes findings of “Complaint Terminated.”

Ingrid Gould, *Associate Provost and staff to IRC*

Teresa Kilbane, *Community member*

Shree Mehrotra, *Student in the College*

Brian O'Neal, *Community member*

Elizabeth Shanin, *Senior Associate General Counsel, Office of Legal Counsel*

Tamara Smith, *Assistant Director and staff support*

Belinda Cortez Vazquez, *Associate Dean of Students, Office of Campus and Student Life*

Kenneth Warren, *Fairfax M. Cone Distinguished Service Professor, Department of English and the College*