

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

November 2015

The Independent Review Committee (IRC) for the University of Chicago Police Department (UCPD) examines complaints against UCPD that allege abusive language, dereliction of duty, excessive force, or violation of rights. Committee members, drawn from the faculty, staff, students, and the community, review the internal investigations that UCPD conducts and report their conclusions and recommendations to the Provost, President, Vice President for Administration & Chief Financial Officer, Vice President for Civic Engagement, and the community at large via an annual report, posted on UCPD's website. Further information about the IRC and its mission is available at [http://safety-security.uchicago.edu/police/contact\\_the\\_ucpd/complaint\\_process/](http://safety-security.uchicago.edu/police/contact_the_ucpd/complaint_process/).

This report details the committee's work and analyses regarding complaints against the UCPD for the 2014-15 academic year.

## I. The Complaint Review Process

In addition to abiding by institution-wide policies, UCPD operates under specific departmental rules and regulations that provide for professional conduct. The University established the IRC as a serious and thoughtful means of reviewing complaints from the citizens UCPD serves. The procedure for investigation of 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 [http://safety-security.uchicago.edu/police/contact\\_the\\_ucpd/complaint\\_form/](http://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 773.702.8195.
2. Each complaint is assigned to the Director of Professional Accountability 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 UCPD 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 2014-15 academic year, the Associate Vice President for Safety, Security, and Civic Affairs, who was also the Chief of Police, reviewed every investigation and made the final decision with respect to the investigative findings and any discipline imposed.
4. The complainant will receive 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 will be submitted to the IRC for review.
6. As noted above, the committee annually reports its findings and recommendations to the Provost, President, Vice President for Administration & Chief Financial Officer, Vice President for Civic Engagement, and to the public. This report, summarizing all incidents reviewed and recommending

changes to policies and procedures, is made available to the public via the University's website at [http://safety-security.uchicago.edu/police/contact\\_the\\_ucpd/complaint\\_process/](http://safety-security.uchicago.edu/police/contact_the_ucpd/complaint_process/).

## II. Complaint Summaries and Committee Case Reviews

Twelve complaints were filed against UCPD officers during the 2014-15 academic year. Four of those complaints fell outside the IRC's purview described in the report's opening paragraph, and 8 within it. Accordingly, the IRC reviewed 8 complaints. (See Figure 1.) This report summarizes each case. UCPD's determination follows each summary and is followed in turn by the IRC's evaluation of UCPD's determination and investigatory procedures. Any further analysis or recommendation the IRC may have is also provided.

### CR 2014-02

**Case Summary:** UCPD officer responded to a call from the University of Chicago Bookstore regarding a stolen apple. The complainant did not appreciate the accused UCPD officer's treatment of his staff nor the officer's conduct during the encounter.

- **Allegation:** Complainant alleged that the accused UCPD officer was unprofessional in tone and demeanor while interacting with the clerk in the University of Chicago Bookstore.

The accused officer was never interviewed about this allegation because he was on leave; after his leave, he moved directly to retirement.

- **Committee Response:** *The Committee agrees with the finding of Not Sustained.*

### CR 2014-07

**Case Summary:** The two complainants and the other occupants of their car were stopped by the accused officers, asked to exit their vehicle, and handcuffed. Their car was searched, and they were released. Prior to this stop, the accused officers were advised that a car with several males had threatened an unidentified citizen with a possible weapon.

- **Allegation 1:** The complainants alleged that the UCPD officers racially profiled them by conducting a traffic stop on their vehicle.
- **Allegation 2:** The complainants alleged that the UCPD officers handcuffed them without cause.
- **Committee Response:** *The Committee agrees with the determination of Not Sustained for Allegation 1, and also agrees with the determination of Sustained for Allegation 2.*

### CR 2014-09

**Case Summary:** The complainant was hosting an after-hours religious event at Rockefeller Chapel. A UCPD officer, responding to a report of people on the roof of a closed facility, questioned him about the event and his identity.

- **Allegation 1:** Complainant alleged that the accused UCPD officer's posture and tone were aggressive and rude, which caused him embarrassment.
- **Allegation 2:** Complainant alleged that the accused UCPD officer shone his flashlight in the face of an event attendee and his children without just cause.

- **Allegation 3:** Complainant alleged that the accused UCPD officer lied about going through an event guest's backpack.
- **Committee Response:** *The Committee agrees with the determination of Sustained for Allegation 1. With regard to both Allegation 2 and 3, the Committee agrees with the determinations of Not Sustained. The Committee expresses concern about the tone of the interaction overall, and reaffirms the importance of civil interactions.*

## 2014-10

**Case summary:** The complainant was taking a morning walk with a four-foot stick. The accused officer stopped and questioned him about the stick he was carrying; the complainant indicated that he had it to keep dogs away.

- **Allegation:** Complainant alleged that the accused officer racially profiled him.
- **Committee Response:** *The Committee agrees with the determination of Not Sustained. However, the Committee had a difficult time rendering its decision, finding that in this case, it was challenging to draw the line between a warranted stop and a stop that was influenced by the complainant's race. The Committee notes that UCPD did provide additional training to the accused officer.*

## 2014-11

**Case summary:** The complainant was advised by hospital staff that he was discharged. The complainant would not allow the nurse to remove the IV from his arm and asked to see her supervisor. UCPD officers were called to the emergency room to assist hospital staff in the removal of the complainant's IV when the complainant became aggressive towards the hospital staff.

- **Allegation:** The complainant alleged that the accused UCPD officer tried to smother him by putting her hands over his mouth and nose while he was in the Bernard Mitchell Emergency Room.
- **Committee Response:** *The Committee agrees with the determination of Unfounded. The Committee notes the absence of a determination letter in the file, and suggests that if UCPD is not able to send such a letter, that the file document the reason for its absence.*

## 2014-12

**Case Summary:** UCPD officers were flagged down by a citizen who was recently robbed. UCPD stopped the complainant, who matched the description of the offender in that robbery. The complainant and UCPD officers conversed and disagreed.

- **Allegation 1:** Complainant alleged that four unknown white UCPD officers racially profiled him.
- **Allegation 2:** Complainant alleged that an unknown UCPD officer (later identified) completed a contact card on him for no reason.
- **Allegation 3:** Complainant alleged that an unknown UCPD officer (later identified) went through his

personal property without just cause.

- **Committee Response:** *The Committee agrees with the determinations of Not Sustained for Allegation 1, and Exonerated for Allegations 2 and 3. The Committee notes that some of the complainant's concerns could have been addressed and dispelled with better UCPD communications at the scene. In addition, it would have been helpful had the officers been re-interviewed to clarify the sequence in which events unfolded.*

#### 2014-14

**Case summary:** A student was cited for urinating on some bushes near his apartment. The student and his group became confrontational. The Chicago Police Department called UCPD to the scene to help identify the students, and UCPD called the Dean-on-Call.

- **Allegation:** Complainant alleged that the accused UCPD officer was unnecessarily confrontational and adversarial while interacting with him and other individuals.
- **Committee Response:** *The Committee agrees with the determination of Not Sustained. The Committee recommends that in cases where the Dean-on-Call is involved, UCPD interview the Dean-on-Call to gather more information as part of the investigation.*

#### 2014-16

**Case summary:** A minor was caught on security surveillance stealing a cell phone. UCPD officers went to the minor's home. The mother requested to see their warrant, which was claimed to be at the station and was not provided (it did not actually exist). She called her son's parole officer asking if there was a warrant for her son. He said there was not. The accused UCPD officer damaged the apartment's front door trying to force his way in. Her son and his friend, both minors, were taken and held.

**Allegation 1:** Complainant alleged that the accused UCPD officer displayed rude and unprofessional conduct while interacting with a community member.

**Allegation 2:** Complainant alleged that the accused UCPD officer caused criminal damage to property, specifically the door to the private residence of a community member.

**Allegation 3:** Complainant alleged that the accused UCPD officer conducted an illegal search and seizure of a residence and two juveniles.

**Committee Response:** *The Committee agrees with the determination of Sustained for all three allegations. The Committee finds a number of details in this case troubling, and appreciated learning that the accused officer is no longer employed by the UCPD. The IRC also questions why the other UCPD officers on the scene were not also subject to the same allegations and investigation process.*

### III. IRC General Comments

The committee respectfully makes the following comments for University and UCPD consideration:

- **Police Contact with the Community:** In recent years, an increased number of complaints about UCPD traffic stops was noted. This year, UCPD focused its attention on other aspects of policing, and the number of complaints about traffic stops dropped.
- **Improving Close-out Letters to Complainants:** In previous years, the IRC had flagged determination letters to complainants as needing improvement. This year only one file lacked a determination letter.
- **Clear Communications to Citizens Considering Signing an Affidavit:** With regard to last year's recommendation that UCPD simplify and clarify the language describing its complaint procedure, the IRC is pleased that the new website for Safety and Security provides clear information about the complaint process. The IRC commends UCPD for their much improved website.
- **Reorganization of UCPD:** In summer 2015, UCPD underwent a promising reorganization that will allow UCPD to devote more time and attention to its policing in the community. Marlon Lynch has been promoted to Associate Vice President for Safety, Security and Civic Affairs. The Chief of Police will again focus completely on daily operations and all aspects of community policing. The Executive Director of Security, a new position, will be second in command to the Associate Vice President and will have responsibility for accreditation, complaints, security contracted from outside agencies, emergency management, security systems, the communications center, and accountability. We are hopeful that this new arrangement will streamline processes and increase the effectiveness of UCPD.

#### IV. IRC Analysis of UCPD Complaint Data

A. Since March of 2005, there have been 142 cases of complaint against UCPD. Thirty-five were internal investigations outside the purview of the IRC. The number of citizen complaints totals 107. All of the following are cumulative numbers, not percentages, since March of 2005:

##### *Gender of complainant:*

Female	38 <sup>1</sup>
Male	72

##### *Race of complainant:*

Black	83
White	11
Asian	3
Unknown	11

##### *Status of complainant:*

Community	82
Students	8
Staff/Faculty/Academic Appointee/Postdoctoral Researcher	14

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<sup>1</sup> The total number of complainants differs from the total number of citizen complaints because some complaints have more than 1 complainant.

*Race of the officer<sup>2</sup>:*

Black	75
White	46
Hispanic	11
Unknown	2

*Charges:<sup>3</sup>*

Violation of rights	86
Excessive force:	34
Abusive language	35
Dereliction of duty <sup>4</sup>	35
Intimidating conduct	8
Disrespectful/rude behavior	5

*Findings:<sup>5</sup>*

Not sustained	81
Unfounded	74
Sustained	58
Exonerated	15
Administratively Closed	21
Complaint terminated	4

*Officers with multiple complaints:*

6 complaints	1 officer
5 complaints	2 officers
4 complaints	2 officers
3 complaints	9 officers
2 complaints	8 officers

B. Officers tallied here were employed by UCPD for all or part of the period June 1, 2014 – May 31, 2015:

*Officers with multiple complaints:*


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<sup>2</sup> Some complaints contain allegations against multiple officers.

<sup>3</sup> 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.

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

<sup>5</sup> 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 complaints	1 officer
5 complaints	1 officer
4 complaints	1 officer
3 complaints	7 officers
2 complaints	3 officers

**Members of the Committee ([http://safety-security.uchicago.edu/police/contact\\_the\\_ucpd/complaint\\_process/](http://safety-security.uchicago.edu/police/contact_the_ucpd/complaint_process/))**

Richard McAdams, *Bernard D. Meltzer Professor, Law School and Committee Chair*

Austin Blum, *Student in the Pritzker School of Medicine*

Josh Cannon, *Student in the Humanities Division*

Scott Clayton, *Community member*

Ingrid Gould, *Associate Provost and staff to Committee*

Eric Jemison, *Community member*

Veronica Portillo Heap, *Student in the College*

Venus Scott, *Community member*

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

Wendy Stock, *Professor, Department of Medicine*

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

Christopher Woods, *Associate Professor, Department of Near Eastern Languages and Civilizations, the Oriental Institute, and the College*