

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

October 2013

The Independent Review Committee (IRC) for the University of Chicago Police Department (UCPD) examines complaints against UCPD that allege excessive force, violation of rights, abusive language, or dereliction of duty. Committee members, drawn from the faculty, staff, and students as well as 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 and the community at large via an annual report, posted on UCPD's Web site. Further information about the IRC and its mission is available at <http://safety-security.uchicago.edu/police/commendations.shtml>.

This report details the committee's work and analyses regarding complaints against the UCPD for the 2012–13 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 takes complaints against UCPD seriously and established the IRC as a 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/Citizen_complaint.pdf. 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 a UCPD supervisor for investigation. Complainants and other relevant concerned parties will be afforded 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. The Associate Vice President for Safety and Security & Chief of Police reviews every investigation and makes 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 & Chief of Police 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, and Vice President for Administration & Chief Financial Officer. 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://www.uchicago.edu/about/documents/irc/>.

II. Complaint Summaries and Committee Case Reviews

During the 2012-13 academic year, 19 complaints were filed against UCPD officers. Seven of those complaints fell outside the IRC's purview, and 12 within it. As a result, the IRC reviewed 12 complaints. (See Figure 1.) Each case is summarized here. UCPD's determination accompanies each summary. The IRC also provides its evaluation of UCPD's determination and investigatory procedures, in addition to any further analysis or recommendation.

CR 2011-22

Case Summary The complainant was in the Reynolds Club when the accused UCPD officer asked him to leave the building. The accused officer stated that the complainant was asleep, and the complainant avers that he was not. The situation quickly escalated, and the complainant was arrested. The city police were called and before they arrived, the complainant asked for medical attention. None was summoned for him. He himself, despite being handcuffed, managed to call 911, which sent an ambulance. The emergency medical technicians who arrived pronounced him fine and left the scene.

- **Allegation 1** The complainant alleged that the accused officer used excessive force when handcuffing him. UCPD determined that this allegation was Unfounded.
- **Allegation 2** The complainant alleged that the accused officer was rude, unprofessional, and aggressive during the arrest. UCPD determined that this allegation was Unfounded.

Allegation 3 The complainant alleged that the accused officer's superior, who arrived on the scene, failed to take action to correct the accused officer's behavior. UCPD determined that this allegation was Unfounded.

- **Committee Response** *The Committee agrees with the finding of Allegation 1.*
- *The IRC disagrees with the findings of Allegations 2 and 3, which it believes require a finer parse. Specifically, the Committee agrees with a finding of Unfounded for the allegations that the accused officer was rude and aggressive, which alleviates the need for the superior to correct the accused officer's behavior in those regards. The IRC considers the failure to call for the medical attention the complainant requested (a violation of UCPD policy) to be unprofessional conduct and believes that those portions of Allegations 2 and 3 have been Sustained.*
- *The Committee notes that the accused officer affirms that he had seen the complainant in the Reynolds Club many times using the building in ordinary ways during regular building hours. The Committee also notes that it is not uncommon for individuals to nap in the building.*
- *The IRC further observes that implicit in the complainant's account are two additional allegations that UCPD should also have investigated:*
 - **Recommended Additional Allegation A** *In the course of the investigation, the complainant alleged that the request to leave the building was based on the race of the complainant.*
 - **Recommended Additional Allegation B** *As the investigation advanced, the complainant alleged that the decision to arrest was unjustified.*
- *The Committee stresses that citizen contacts such as this damage UCPD's reputation.*

CR 2011-23

Case Summary In the course of reporting a burglary to UCPD, the victim believed he saw the burglars' getaway car, and so identified it to UCPD. UCPD immediately order the car to stop, which the surprised complainant (driver), who was not the burglar, did after a bit of delay. Because the car did not immediately comply with UCPD's order and because a car can be used as a weapon, a UCPD officer drew his gun. The complainant alleged that the accused UCPD officer waved his gun in her face because of her race and used excessive force by drawing his weapon at all.

- **Allegation 1** The complainant alleged that the accused officer pointed a weapon in her face as a result of her race. UCPD's examination of the facts led them to conclude that the allegation was Unfounded.
- **Allegation 2** The complainant alleged that the accused officer inappropriately drew his weapon and used excessive force against her for no reason. UCPD deemed this allegation Unfounded.
- **Committee Response** *The IRC agrees with UCPD's findings in this case. It also believes that the letter that UCPD sent to the complainant communicating the results of their investigation should have acknowledged that the accused officer did draw his weapon and that he did so appropriately given the situation. As it stands, the letter implies that the officer did not draw his gun at all.*

CR 2012-03

Case Summary The complainant alleged excessive force effecting his arrest following a traffic stop.

- **Allegation** The complainant alleged that the accused officer used excessive force when arresting him. Despite repeated and documented efforts on UCPD's part to contact the complainant about signing an affidavit, the complainant did not sign one. As a result, UCPD was unable to investigate and Administratively Closed the matter.
- **Committee Response** *The committee considers this decision appropriate.*

CR 2012-05

Case Summary An officer stopped a driver the second time she drove the wrong way on a one-way street. The complainant (driver) alleged that the accused officer berated her. Witnesses, both sworn officers and ordinary citizens, stated that the accused officer was consistently professional.

- **Allegation 1** The complainant alleged that the accused officer was rude, arrogant, and unprofessional while he conducted his traffic stop. Based on the evidence, UCPD determined that the allegation was Unfounded.
- **Committee Response** *The IRC concurred with this finding.*

CR 2012-07

Case Summary A third party, who was not witness to the incident, alleged that another citizen's rights had been violated in an interaction with a UCPD officer.

- **Allegation** The complainant alleged that the accused UCPD officer was unprofessional and verbally abusive to another citizen while conducting an investigatory stop of the victim. In the absence of a sworn affidavit from that citizen, the only witness to the alleged conduct, UCPD Administratively Closed this allegation.
- **Committee Response** *The committee considers this decision appropriate. The IRC concurred with*

this finding. The Committee also notes that the file did not contain a close-out letter.

CR 2012-09

Case Summary A complainant alleged that his rights were violated and excessive force was used in the course of his arrest following a traffic stop.

- **Allegation 1** The complainant alleged that the accused officers unlawfully drew their weapons during a traffic stop. In accord with the complainant's subsequent request, UCPD withdrew the complaint and Administratively Closed the case.
- **Allegation 2** The complainant also alleged that the accused officers unlawfully searched him and the other occupants of his vehicle. In accord with the complainant's subsequent request, UCPD withdrew the complaint and Administratively Closed the case.
- **Allegation 3** The complainant further alleged that the accused officers unlawfully handcuffed all vehicle occupants during the traffic stop. In accord with the complainant's subsequent request, UCPD withdrew the complaint and Administratively Closed the case.
- **Committee Response** *The committee considers this decision appropriate.*

CR 2012-10

Case Summary The complainant called UCPD to a relative's residence to help with a dispute between her and an intoxicated woman. The complainant then alleged that an unknown UCPD officer used excessive force, which resulted in her breaking an ankle.

- **Allegation** The complainant alleged that the accused UCPD officer used excessive force, causing her to break her ankle. Absent an affidavit despite numerous documented attempts to obtain one, no investigation occurred, and the allegation was Administratively Closed.
- **Committee Response** *The committee considers this decision appropriate.*

CR 2012-11

Case Summary One evening, the complainant and a friend sat in his parked car talking. A UCPD officer in a squad car asked if everything was all right and if the complainant lived in the area; then he drove away. Shortly thereafter, a UCPD vehicle parked behind him, and before long a public safety officer walked past and made what the complainant felt was pointed eye contact with him. At this point, the complainant called UCPD to ask what was going on in the neighborhood. Accused officer I explained that there was extra attention in the area due to an event, and the complainant took the opportunity to complain about being watched over and racially profiled. When his complaint was not followed up on, he posted the details on Facebook. His Facebook post prompted accused officer II to contact the complainant. The complainant met with accused officers II and III, whom he also alleged failed to accept his complaint. After getting advice from someone with whom he had once worked at the University of Chicago, he was ultimately connected to the Assistant Vice President for Police Services, who helped him carry his complaint forward.

- **Allegation 1** The complainant alleged that accused officer I engaged in an inappropriate line of questioning that was aggressive in nature. Based on the facts established in the course of its investigation, UCPD did Not Sustain this allegation.
- **Allegation 2** The complainant further alleged that accused officer II failed to file a formal complaint and/or explain the formal complaint procedures when asked to do so by the complainant. Based on its

investigation, UCPD deemed the allegation Sustained.

- **Allegation 3** The complainant also alleged that accused officers III and IV failed to file a formal complaint at the request of the complainant. UCPD's investigation deemed the allegation Sustained.
- **Allegation 4** The complainant lastly alleged that accused officer V's explanation of the officers' conduct was a justification of racial profiling and that the officers' actions were commonplace. UCPD determined that this allegation was Not Sustained.
- **Committee Response** *The IRC concurs with the findings in this case.*
- *The IRC also inquired about how complaints may be filed against public safety officers, who are not UCPD officers but are employed by Allied Barton, a firm with which the University contracts. UCPD advised that the Allied Barton account manager is available on campus five days a week. Complaints against Allied Barton may be made directly to this individual and/or via UCPD, which will forward all complaints to the account manager.*

CR 2012-12

Case Summary The complainant reported to a University employee that his rights were violated when the accused UCPD officer racially profiled him. Despite the efforts of that employee and others who became involved, the complainant declined to sign an affidavit. The office asked UCPD not to reach out to the complainant, who was upset about the prior contact, and UCPD respected that request.

- **Allegation 1** The complainant alleged to a UChicago employee outside UCPD that an unknown accused UCPD officer racially profiled him and provided false statements to justify the contact. Absent a sign affidavit, UCPD Administratively Closed the matter.
- **Committee Response** *The committee considers this decision appropriate, but is disappointed that an allegation of racial profiling went unexamined by the University.*

CR 2012-14

Case Summary This case alleging abusive language on the part of the accused officer was Administratively Closed by UCPD. The complainant, who was arrested for brandishing a saw after he fled a traffic stop, did not sign an affidavit.

- **Allegation** The complainant alleged that the accused officer directed profane and racially charged language at him while arresting him. Without a sworn affidavit, UCPD was unable to investigate this complaint, and concluded that the allegation was Unfounded.
- **Committee Response** *The committee considers this decision appropriate.*

CR 2012-15

Case Summary A traffic stop resulted in a complaint that the accused UCPD officer ignored the request to offer bond options other than surrendering a driver's license.

- **Allegation** The complainant alleged that the accused officer failed to inform him of his bond options, specifically that he could have posted a cash bond at the appropriate Chicago Police Department district. The file documents efforts to secure a sworn affidavit and contains a letter to the complainant confirming that UCPD had withdrawn his complaint as he had subsequently requested. Then UCPD

Administratively Closed the matter.

- **Committee Response** *The committee considers this decision appropriate.*

CR 2013-03

Case Summary A traffic stop concluded with a UCPD officer's alerting a motorist about a problem with his license plate. No citation was issued. The motorist (complainant) nonetheless was displeased and complained.

- **Allegation 1** The complainant alleged that the accused officer conducted an unjust traffic stop. Based on the evidence that surfaced in this investigation, UCPD classified the allegation as Exonerated.
- **Allegation 2** The complainant also alleged that the accused officer waited too long to initiate the traffic stop. UCPD's investigation determined that this allegation was Unfounded.
- **Committee Response** *The Committee concurs with UCPD's findings in this case.*

III. IRC Analysis of UCPD Complaint Data

Since March of 2005, there have been 105 cases of complaint against UCPD. Twenty-three were internal investigations outside the purview of the IRC. The number of citizen complaints totals 82. All of the following are cumulative numbers, not percentages, since March of 2005:

Gender of complainant:

Female	32 ¹
Male	51

Race of complainant:

Black	66
White	7
Asian	2
Unknown	8

Status of complainant:

Community	60
Students	7
Staff	11
Alumni	3

Officers with multiple complaints:

5 complaints	3 officers
3 complaints	3 officers
2 complaints	14 officers

¹ 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*²:

Black	60
White	34
Hispanic	8
Unknown	2

Charges:³

Violation of rights	65
Excessive force:	27
Abusive language	26
Dereliction of duty ⁴	22
Intimidating conduct	8
Disrespectful/rude behavior	5

Findings:⁵

Not sustained	61
Unfounded	59
Sustained	45
Exonerated	14
Administratively Closed	10
Complaint terminated	4

Members of the Committee (<http://safety-security.uchicago.edu/police/commendations.shtml>)

Richard McAdams, *Professor, Law School and Committee Chair*

Kevin Corlette, *Professor, Department of Mathematics and the College*

Jane Dailey, *Associate Professor, Department of History and the College*

Douglas Everson, *Student in the College*

Cesar Favila, *Student in the Humanities Division*

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.

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.

Liz Gardner, *Community member*

Ingrid Gould, *Associate Provost and staff to Committee*

Sara Beth Hoffman, *Student in the Harris School of Public Policy Studies*

Jill Riddell, *Community member*

Robert Rush, *Associate General Counsel, Office of Legal Counsel*

Ryan Priester, *Community member*

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