

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

November 2014

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, Executive Vice President for Administration & Chief Financial Officer, and the community at large via an annual report, posted on UCPD's website. This year, while the University searches for a new Executive Vice President for Administration & Chief Financial Officer, the IRC sent its report instead to the Executive Vice President, to whom UCPD currently reports. 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 2013–14 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/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. 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. 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

Twenty-four complaints were filed against UCPD officers during the 2013-14 academic year. Seven of those complaints fell outside the IRC's purview described in the report's opening paragraph, and 17 within it. Accordingly, the IRC reviewed 17 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 2013-04

Case Summary: The complainant, who had rented a car with expired license plates, alleged that the accused UCPD officer who stopped her and issued her a ticket was rude, threatened to have her rental car towed, and was not forthcoming in answering her questions.

- **Allegation 1:** The complainant alleged that the accused officer's tone was rude and overbearing while he explained the citation. UCPD determined that this allegation was Not Sustained.
- **Allegation 2:** The complainant alleged that the accused officer improperly stated, "I should get your car towed, but I'm not going to do that." UCPD found this allegation was Not Sustained.

Allegation 3: The complainant alleged that the accused officer failed to explain properly the court diversion envelop process, only commenting, "You just need to pay the \$120.00 fine, or get the car rental place to pay it." UCPD concluded that this allegation was Not Sustained.

- **Committee Response:** *The Committee agrees with the finding of Not Sustained for Allegations 1 and 2. It considers Sustained the finding that best conforms to the facts of Allegation 3.*

CR 2013-06

Case Summary: A motorist, who became the complainant, was in a hurry, honked to pass a UCPD patrol car, and was soon pulled over by the accused UCPD officer in that patrol car for allegedly playing the car stereo too loudly, for which the officer issued the complainant a ticket. A UCPD sergeant who later arrived on the scene advised that he did not consider the complainant's music too loud when the car stereo was turned all the way up.

- **Allegation 1:** The complainant alleged that the accused officer had an unprofessional demeanor during the traffic stop. UCPD's examination of the facts led them to conclude that the allegation was Sustained.
- **Allegation 2:** The complainant alleged that the accused officer failed to introduce himself and explain the traffic stop. UCPD determined that this allegation was Sustained.
- **Committee Response:** *The Committee concurs with both findings in this case.*
- *The IRC considers it problematic that the close-out letter to the complainant informing him of the outcome of UCPD's investigation did not contain the date, time or location of the incident, potentially making it more difficult for the complainant to contest in court the ticket he received.*

CR 2013-08

Case Summary: The complainant was driving with three friends when the accused UCPD officer approached and conducted a traffic stop.

- **Allegation 1:** The complainant alleged that the accused officer racially profiled him by stopping him and issuing him a failure to wear a seatbelt citation. UCPD's examination of the facts determined that this allegation was Unfounded.
- **Allegation 2:** The complainant alleged that the accused officer threw the citation in the back window of his car. After reviewing the evidence, UCPD concluded that this allegation was Unfounded.
- **Committee Response:** *The committee considers a finding of Not Sustained for Allegation 1 more aligned with the facts of this case.*
- *The IRC agrees with UCPD that Allegation 2 is Unfounded.*

CR 2013-10

Case Summary: UCPD received a report of an armed robbery. Shortly thereafter and near the scene of reported armed robbery, UCPD officers spotted two people fitting the descriptions of the robbers. The officers approached the two individuals, who were uncooperative.

- **Allegation:** The complainant alleged that the accused officer used excessive force by pointing a weapon at him, ordering him to get down on the ground, grabbing the hair on the back of his head, throwing him to the ground, and handcuffing him. Based on the facts of the case and that the accused officers had acted in accord with their training for high-risk incidents, UCPD determined that the accused officer was Exonerated.
- **Committee Response** *The IRC concurs with this finding.*

CR 2013-11

Case Summary: Three blocks from the Mitchell Emergency Room, the accused UCPD officer stopped the complainant for driving after dark without her headlights illuminated. At the time, the complainant was taking her friend, who was experiencing worrisome chest pain, to the emergency room. The accused officer offered to call an ambulance.

- **Allegation:** The complainant alleged that the accused UCPD officer used poor judgment when she failed to render aid and assist him to the nearest hospital when he requested it during the traffic stop. UCPD concluded that this allegation was Unfounded.
- **Committee Response:** *While the committee the committee accepts the determination of Unfounded, it also wonders why the officer did not request the complainant's driver's license and invite him to follow her to the emergency room.*

CR 2013-12

Case Summary: The accused UCPD officer responded to a report of a disturbance involving the complainant.

- **Allegation:** The complainant alleged that the accused officer used profane and unprofessional language toward him. UCPD's contract with the police officers' union requires an affidavit for all but the most serious criminal allegations. Because the complainant did not sign an affidavit, UCPD was unable to investigate this matter, and Administratively Closed the case.

- **Committee Response:** *The committee considers this decision appropriate. The IRC notes that the complainant expressed reservations about speaking with the Deputy Chief assigned as the investigator; a more senior UCPD official contacted the complainant to offer an alternative investigator, but the complainant did not respond.*

CR 2013-14

Case Summary: The accused UCPD officer stopped the complainant, who was driving her vehicle after dark without the headlights on. The complainant's driver's license was suspended, she did not have auto insurance, and her name check showed an outstanding arrest warrant.

- **Allegation 1:** The complainant alleged that the accused UCPD officer placed the handcuffs on her too tight, causing pain and numbness for two weeks. Because the complainant did not sign an affidavit, no investigation occurred, and the allegation was Administratively Closed.
- **Allegation 2:** The complainant alleged that the accused UCPD officer allowed her bra and breast to be exposed during her arrest. Absent an affidavit, no investigation occurred, and the allegation was Administratively Closed.
- **Committee Response:** *The committee considers these findings appropriate. To assist future investigations, the IRC further observes that implicit in the complainant's account is one additional allegation that UCPD should added for the record:*
 - **Recommended Additional Allegation:** *In the complainant's initial report of the incident, she alleged that the accused officer was rude and swore at her and her friend.*

CR 2013-15

Case Summary: The complainant reported that he was riding his bike, searching for an address to make a delivery when he was stopped by UCPD.

- **Allegation 1:** The complainant alleged that accused officers approached him in an aggressive manner. Because the complainant did not sign an affidavit, UCPD was unable to investigate and deemed this allegation Administratively Closed.
- **Allegation 2:** The complainant further alleged that one of the officers pushed his bike. Again, absent an affidavit, UCPD was unable to investigate and deemed this allegation Administratively Closed.
- **Committee Response:** *The IRC concurs with the findings in this case.*

CR 2013-16

Case Summary: The complainant was driving when a UCPD officer stopped him for not wearing a seatbelt.

- **Allegation 1:** The complainant alleged that the accused UCPD officer unlawfully stopped him for a seatbelt violation. Based on the facts of the case, UCPD determined that this allegation was Not Sustained.
- **Allegation 2:** The complainant alleged that the accused UCPD officer was always harassing him. UCPD concluded that this allegation was Unfounded.

- **Committee Response:** *The committee concurs with these determinations, and appreciates UCPD's internal review process up the chain of command that is part of every investigation and that in this case revised the finding in Allegation 1 from Unfounded to Not Sustained.*

CR 2013-18

Case Summary: In this case arising from a traffic stop, the accused UCPD officer believed that the complainant had rolled through the stop sign while the complainant strongly disagreed. Although the accused officer informed that complainant that he would let her go without issuing a ticket, she persisted in discussion. Ultimately the accused officer did write the complainant a citation.

- **Allegation 1:** The complainant alleged that the accused officer was rude and unprofessional during the traffic stop. UCPD Sustained this allegation.
- **Allegation 2:** The complainant alleged that the accused officer's reason for stopping her was discriminatory and unjustified. Based on the evidence, including video footage from a street camera, UCPD concluded that this allegation was Unfounded.
- **Allegation 3:** The complainant alleged that the accused officer failed to introduce himself during the traffic stop. Based on the facts, UCPD determined that this allegation was Sustained.
- **Committee Response:** *The committee agrees with these findings.*

CR 2013-19

Case Summary: In this case of a third-party complaint, a father alleged on behalf of his adult son that the accused UCPD officer used excessive force and profane language while the son was at the emergency room awaiting transport to a psychiatric hospital. The father was not present to witness the events that gave rise to the allegations, and did not want the investigator to interview his son.

- **Allegation 1:** The complainant alleged that the accused officer used excessive force when dealing with his son in the Bernard Mitchell Emergency Room. Based on the facts established in the course of the investigation, UCPD deemed this allegation Unfounded.
- **Allegation 2:** The complainant alleged that the accused officer directed profanity at his son. The evidence led UCPD to determine that this allegation was Unfounded.
- **Committee Response:** *The committee concurs with UCPD's determinations.*

CR 2013-20

Case Summary: The complainant left home in his vehicle and became aware that a UCPD squad car was behind him. Realizing that he did not have his seatbelt on, he quickly buckled it. After a few blocks, including a wait at a red light, the accused UCPD officer pulled over the complainant.

- **Allegation 1:** The complainant alleged that the accused officer used unprofessional language during the traffic stop. Based on what it learned during the investigation, UCPD found this allegation Not Sustained.
- **Allegation 2:** The complainant also alleged that the accused officer issued him a false citation for "No Registration Plate Light." UCPD determined that this allegation was Unfounded.
- **Allegation 3:** The complainant also alleged that the accused officer took too long to initiate the traffic

stop. UCPD's investigation determined that this allegation was Unfounded.

- **Committee Response:** *The Committee agrees with UCPD's findings in this case. The IRC observes that the investigator asked a number of leading questions of the complainant rather than, as in most other cases, working more neutrally to draw out the facts.*
- *The close-out letter was also disappointing because instead of offering the complainant the explanation the IRC received for the conclusion that Allegation 2 was Unfounded, the letter left open the possibility that the investigation simply rejected the convincing evidence that the tail light was working sometime after the traffic stop.*

CR 2013-21

Case Summary: The complainant, a pedestrian, was crossing the street in the crosswalk when she was almost hit by a UCPD patrol car.

- **Allegation:** The complainant alleged that the accused officer was driving recklessly and almost struck her. Because the complainant did not sign an affidavit, UCPD was unable to investigate the allegation and Administratively Closed the matter.
- **Committee Response:** *The Committee concurs with UCPD's finding.*

CR 2013-22

Case Summary: This complaint began as a traffic stop. The accused UCPD officer instructed the complainant to remain in his vehicle. He also requested the complainant's driver's license, which the complainant got out of the car in order to produce.

- **Allegation 1:** The complainant alleged that the accused officer did not explain the traffic citation to him. Because the complainant did not sign an affidavit, UCPD was obliged to consider this allegation Administratively Closed.
- **Allegation 2:** The complainant also alleged that the traffic stop was excessive and intimidating due to the number of officers responding to the traffic stop. Absent a sworn affidavit, UCPD was unable to investigate the matter, rendering it Administratively Closed.
- **Committee Response:** *The Committee agrees with UCPD's findings in this case.*
- *The IRC was pleased to see that during UCPD's internal review of the investigation, one of UCPD's senior officials recommended that UCPD examine the underlying question of how many squad cars ought to respond to a traffic stop.*

CR 2014-01

Case Summary: A UCPD officer responded to a call of an assault in progress on the street.

- **Allegation 1:** The complainant alleged that the accused officer used unprofessional language. Because the complainant did not sign an affidavit, UCPD considered this allegation Administratively Closed.
- **Allegation 2:** The complainant alleged that the accused officer used profane language toward him. Because the complainant did not sign an affidavit, UCPD deemed this allegation Administratively Closed.

- **Committee Response:** *The Committee concurs with UCPD's findings in this case.*

CR 2014-03

Case Summary: During the extreme cold last winter when UCPD was offering to jump-start people's vehicles, the complainant, the boyfriend of a University-connected person, called UCPD for this service. When the accused UCPD officer asked him for his ID, he presented his girlfriend's UCID, believing it was necessary for the jump to be provided. The officer, concerned that the complainant was not the owner of the vehicle, ran the plate to make sure that the vehicle had not been reported stolen. She also insisted on seeing the complainant's ID before providing the requested jump.

- **Allegation:** The complainant alleged that the accused officer was not courteous and respectful while jump-starting his vehicle, making him feel uncomfortable. UCPD's investigation led to the conclusion that this allegation was Not Sustained.
- **Committee Response:** *The Committee concurs with UCPD's finding in this case.*

CR 2014-04

Case Summary: The accused UCPD officer stopped the complainant, whose license plate was in the window of his car. Upon requesting the complainant's driver's license and proof of insurance, the officer discovered that the complainant's driver's license had been suspended. He issued the complainant a citation.

- **Allegation 1:** The complainant alleged that the accused officer addressed him using profanity during the traffic stop. UCPD investigated the matter and found this allegation Not Sustained.
- **Allegation 2:** The complainant also alleged that the accused officer threatened him, telling him not to come back around the University area or he would regret it. UCPD's investigation determined that this allegation was Not Sustained.
- **Committee Response:** *The Committee agrees with UCPD's findings in this case.*

III. IRC General Comments and Recommendations

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

- **Traffic Stops:** Since UCPD began making traffic stops in 2012, the number of complaints against UCPD has increased notably. This year, ten of seventeen complaints that the IRC reviewed were related to traffic stops initiated by UCPD. If there is additional community education that UCPD might conduct to make the public and members of the University community aware that UCPD officers are authorized to make traffic stops and issue citations, that may help reduce the volume of complaints in this area. If there is additional training that UCPD might offer its officers in conducting more customer-friendly traffic stops, the IRC also recommends UCPD do so.

It would also be wise for UCPD to make widely known in the community that the force does not have citation quotas, there is no financial advantage to UCPD for issuing tickets, and citations do not factor into an officer's performance evaluation.

- **Asymmetry in Interviews:** In 2005, UCPD's police officers voted to unionize. Since that time, accused officers have the right to be represented by a union attorney while they are being interviewed by UCPD's investigator assigned to examine a citizen's complaint about them. By contrast, citizen complainants are generally unrepresented by counsel in these interviews. Sometimes an accused officer

will waive his/her right to be represented by counsel, in which case there is relative parity across interviews. But the more common situation is that the accused officer is represented, and the complainant is not.

The result is an unfortunate asymmetry in questioning. Because the attorney objects to and offers comment on the questions asked, the investigator's questioning is inevitably more effective, in relative terms, at exposing gaps or weaknesses in the complainant's testimony than in the officer's testimony.

- **Improving Close-out Letters to Complainants:** While the IRC recognizes that UCPD cannot write elaborate close-out letters informing citizens of the disposition of their complaints, the IRC notes that revealing to the complainant the source of UCPD's skepticism regarding the allegation(s) would be helpful and good public relations.
- **Clear Communications to Potential Complainants about Signing an Affidavit:** The IRC recommends that UCPD simplify and clarify the language of its complaint procedure—both online and in the letter acknowledging receipt of the complaint and laying out the complaint procedure—so that potential complainants will, as far as possible, understand that:
 - They may initiate complaints online, by telephone, via U.S. mail, or in person;
 - An affidavit is required for UCPD to investigate that initiated complaint;
 - There is a timeframe within which they must sign the affidavit; and
 - There may be special circumstances—such as extreme weather or out-of-state residence—that warrant special arrangements for the complainant to sign an affidavit.
- **Commission on Accreditation for Law Enforcement Agencies (CALEA):** The IRC commends UCPD for its diligent work to earn CALEA accreditation.

IV. IRC Analysis of UCPD Complaint Data

Since March of 2005, there have been 130 cases of complaint against UCPD. Thirty-one were internal investigations outside the purview of the IRC. The number of citizen complaints totals 99. All of the following are cumulative numbers, not percentages, since March of 2005:

Gender of complainant:

Female	37 ¹
Male	64

Race of complainant:

Black	77
White	9
Asian	3
Unknown	10

Status of complainant:

Community	76
Students	7

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

Staff/Faculty/Academic Appointee	12
Alumni	3

Officers with multiple complaints:

5 complaints	3 officers
4 complaints	2 officers
3 complaints	4 officers
2 complaints	13 officers

Race of the officer²:

Black	68
White	41
Hispanic	11
Unknown	2

Charges:³

Violation of rights	76
Excessive force:	33
Abusive language	32
Dereliction of duty ⁴	34
Intimidating conduct	8
Disrespectful/rude behavior	5

Findings:⁵

Not sustained	74
Unfounded	71
Sustained	58
Exonerated	15
Administratively Closed	21
Complaint terminated	4

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.

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

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

Hannah Chazin, *Student in the Social Sciences Division*

Scott Clayton, *Community member*

Ingrid Gould, *Associate Provost and staff to Committee*

Eric Jemison, *Community member*

Emma LaBounty, *Student in the College*

Jacqueline Newsome, *Student in the Law School*

Ryan Priester, *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*