

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

March 2019

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 whom 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/](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 2017-18 academic year.

## I. The Complaint Review Process

In addition to abiding by University-wide policies, UCPD operates under extensive departmental rules and regulations requiring professional conduct. The University established the IRC as a serious and thoughtful means of reviewing complaints from the citizens UCPD serves and of improving UCPD processes and 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://nsitwebservices.wufoo.com/forms/r1g xv57s1pu5otv/>. 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 2017-18 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/](https://safety-security.uchicago.edu/police/contact_the_ucpd/complaint_process/).

## II. Complaint Summaries and IRC Case Reviews

Three complaints were filed against UCPD officers by members of the University community and the public during the 2017-18 academic year. The three fell within the purview described in the report's opening paragraph, and the IRC reviewed them all. (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 2017-02

**Case Summary:** The complainant repeatedly circled the block because his GPS did not lead him to the address to which he needed to deliver the food ordered. A UCPD officer followed his vehicle until he stopped and exited his car to ask why the officer was following him. She did not answer. When he returned to his car, the UCPD officer allegedly blocked his car and was allegedly rude when asking him if he was lost. The complainant alleged that the accused UCPD officer followed his car because of his race. The complainant spoke with the Investigator although he did not ultimately sign a sworn affidavit despite the Investigator's efforts to obtain one.

- **Allegation 1:** Complainant alleged that the accused UCPD officer was rude and unprofessional in her interaction with him.
- **Allegation 2:** Complainant alleged that he was racially profiled by the accused UCPD officer as she followed his vehicle based upon his race.
- **IRC Response:**
- **Allegations 1 and 2:**
  - *UCPD deemed Allegations 1 and 2 Administratively Closed, and the IRC agrees. Nevertheless, the committee, reflecting that there might be fewer administratively closed complaints if there were more opportunities for a complainant and the investigator to meet, asked if:*
    - *UCPD will accommodate non-standard hours to meet with a complainant? (Yes)*
    - *The complainant was made aware of this flexibility? (Yes)*
    - *Complainants are ordinarily informed during the initial stage of the investigatory process that the Investigator can come to more convenient locations? (Yes, and now there is a brochure, sent to each complainant and available online, stating this.)*

### CR 2017-03

**Case Summary:** When the complainant was driving, a UCPD vehicle pulled ahead of him. The UCPD vehicle then pulled aside, and the complainant continued driving. Shortly thereafter, the accused UCPD officer put on the squad car lights, which the complainant considered racial profiling. Instead of stopping on a busy street, the complainant turned the corner and pulled to the curb on a quiet street. When the accused UCPD officer approached the complainant's car, he was allegedly verbally abusive and provided inaccurate information.

- **Allegation 1:** The complainant alleged that the accused UCPD officer racially profiled him.

- **Allegation 2:** The complainant alleged that the accused UCPD officer was aggressive and unprofessional.
- **Allegation 3:** The complainant alleged that the accused UCPD officer provided incorrect information regarding citizen's rights during a traffic stop.
- **IRC Response:**
- **Allegation 1:**
  - *UCPD deemed Allegation 1 Unfounded. The IRC agrees with this finding.*
  - *After reviewing video from the accused UCPD officer's body camera, his UCPD squad car dashboard camera, and a street camera in the vicinity, the IRC saw that the race of the complainant could not be determined until the officer was quite close to the complainant's car. This supports the accused officer's claim that he did not know the race of the complainant, though it is possible that he was able to identify the complainant's race more effectively in person than is possible via video. The IRC did not find evidence that race played a role in the accused UCPD officer's decision to conduct a traffic stop.*
- **Allegation 2:**
  - *UCPD deemed Allegation 2 Sustained, and the IRC agrees.*
  - *The IRC commends the witnessing UCPD officer for confirming that the accused UCPD officer interacted with the complainant in an abrasive manner.*
- **Allegation 3:**
  - *The IRC agrees with UCPD's finding of Sustained.*

#### **CR 2017-04**

**Case Summary:** The complainant, a disabled veteran, was driving when he noticed a UCPD vehicle following him. He alleged that the police car forced him to the curb. He exited his car and went to explain his medical matter to the accused sergeant in the squad car. The accused UCPD sergeant allegedly placed his hand on his gun. The complainant returned to his own car and drove off, only to be blocked by the UCPD vehicle. The complainant remained in his car, and the accused UCPD sergeant approached the vehicle allegedly drawing his weapon. When the complainant asked to go to a gas station or hospital, the accused sergeant asked him to walk toward him (the accused sergeant) in a straight line. The complainant repeated the nature of his medical need, began the walk, and fell into the accused sergeant. The complainant requested a breathalyzer, none was administered, and the complainant was arrested for driving under the influence.

- **Allegation 1:** The complainant alleged that the accused UCPD sergeant racially profiled him.
- **Allegation 2:** The complainant alleged that the accused sergeant was rude and unprofessional in his interactions with him.
- **IRC Response:**
- **Allegations 1 and 2:**
  - *UCPD found Allegations 1 and 2 Administratively Closed, and the IRC agrees.*
  - *The IRC notes that the complainant's account of events and the UCPD Offense Incident Report*

*conflict.*

- *The IRC reviewed UCPD's policy on dealing with individuals who may be disabled or impaired and discussed that policy with UCPD.*

### III. IRC General Comments

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

- **Citizen-UCPD Officer Interactions:** Although an officer-citizen contact may technically begin with, for example, activated police lights, from the perspective of the citizen it may begin earlier. A citizen's awareness of the officer's presence may heighten the citizen's anxiety or cause the citizen to become distracted. When the officer and citizen then interact—for instance, when a traffic stop begins—this can intensify the citizen's anxiety. The officer's tone, volume, and words in the first verbal interaction, along with the officer's posture, can play a significant role in either intensifying or de-escalating the encounter.
- **Facilitating Sworn Affidavits:** The IRC and UCPD have long discussed how to reduce the number of Administratively Closed complaints. Union contract and state law require a sworn affidavit for UCPD to investigate a complaint. UCPD now provides a list of notary publics in Hyde Park and has a notary on staff in order to make swearing an affidavit as easy as possible for a complainant. The IRC commends the UCPD for the steps it has taken to facilitate the swearing of complaints, including the information provided to potential complainants and the UCPD's willingness to meet with complainants at non-standard hours.

### IV. IRC Analysis of UCPD Complaint Data

A. Since March of 2005, there have been 166 cases of complaint against UCPD. Forty-one were internal investigations outside the purview of the IRC. The number of citizen complaints totals 125. All of the following are cumulative numbers, not percentages, since March of 2005:

*Gender of complainant<sup>1</sup>:*

Female	45
Male	76

*Race of complainant:*

Black	87
White	15
Asian	5
Hispanic	1
Unknown	11

*Status of complainant:*

Community	88
Students	13
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	84
White	47
Hispanic	12
Unknown	2

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

Violation of rights	95
Excessive force:	36
Abusive language	41
Dereliction of duty <sup>4</sup>	40
Intimidating conduct	8
Disrespectful/rude behavior	5

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

Not sustained	83
Unfounded	76
Sustained	66
Exonerated	15
Administratively Closed <sup>6</sup>	37

*Officers with multiple complaints:*

6 complaints	1 officer
5 complaints	4 officers
3 complaints	7 officers
2 complaints	2 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, 2017 – November 7, 2018:

*Officers with multiple complaints:*

6 complaints	1 officer
5 complaints	4 officers

<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.

<sup>6</sup> “Administratively Closed” includes findings of “Complaint Terminated.”

3 complaints    7 officers  
2 complaints    1 officer

**Members of the IRC 2017-18**

[\(http://safetysecurity.uchicago.edu/police/contact\\_the\\_ucpd/complaint\\_process/\)](http://safetysecurity.uchicago.edu/police/contact_the_ucpd/complaint_process/)

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

Janice Cobb, *Assistant Director and staff support*

Bennie Currie, *Community member*

Hope DeLap, *Student in the Law School*

Ingrid Gould, *Associate Provost and staff to IRC*

Galen Harrison, *Graduate Student in the Physical Sciences*

Devshi Mehrotra, *Student in the College*

Brian O'Neal, *Community member*

Venus Scott, *Community member*

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

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*