

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

April 2018

The University of Chicago appoints the Independent Review Committee (IRC) for the Police Department (UCPD) to examine complaints against UCPD. The IRC's purview encompasses allegations of abusive language, dereliction of duty, excessive force, or violation of rights brought by members of the University of Chicago (University) community and the public whom UCPD serves.

The IRC includes members from the community as well as University faculty, staff, and students, who review the internal investigations that UCPD conducts. The IRC 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 http://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 2016-17 academic year.

I. The Complaint Review Process

In addition to abiding by University-wide policies, UCPD operates under extensive departmental rules and regulations that require professional conduct. The University established the IRC as a serious and thoughtful means of reviewing complaints from the citizens UCPD serves. 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 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 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 2016-17 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 http://safety-security.uchicago.edu/police/contact_the_ucpd/complaint_process/.

II. Complaint Summaries and IRC Case Reviews

Six complaints were filed against UCPD officers during the 2015-16 academic year. One fell outside the IRC's purview. The remaining five fell within that purview, described in the report's opening paragraph. Accordingly, the IRC reviewed five complaints. (See Figure 1.) This report summarizes each case. UCPD's determination follows each summary, followed in turn by the IRC's evaluation of UCPD's determination and investigatory procedures. The IRC then provides any analysis or recommendation it has.

CR 2016-02

Case Summary: UCPD arrived at a campus library in response to a report that a man there was masturbating and had followed a student into an area where the man should not have been. When the UCPD officer arrived at the scene, instead of securing the accused, the UCPD officer left the area to call his UCPD supervisor for instructions on how to proceed. While the UCPD officer was absent, the accused left the library. When the UCPD officer returned and spoke with the complainant and her friend, he argued with the complainant and questioned her memory.

n.b. UCPD did soon find the accused, and he was promptly banned from campus.

- **Allegation 1:** Complainant alleged that the accused UCPD officer was unresponsive and dismissive of her concerns and, as such, failed to investigate the incident properly.
- **Allegation 2:** Complainant alleged that the accused UCPD supervisor was unresponsive and dismissive of her concerns and, as such, failed to investigate the incident properly.
- **Allegation 3:** Complainant alleged that the accused UCPD supervisor failed to initiate a formal complaint against the accused UCPD officer after she requested that he do so.
- **Allegation 4:** Complainant alleged that the accused UCPD supervisor's demeanor was unprofessional in nature.
- **IRC Response:**
- **Allegation 1:**
 - *UCPD deemed Allegation 1 Not Sustained. The IRC reviewed the officer's actions and considered the circumstances surrounding the officer's decision not to confront the suspect. The IRC believed the officer should not have lost eye contact with the accused, especially given the nature of the allegations concerning the suspect. If the officer needed to contact his supervisor, he should have considered using his radio as opposed to a cell phone given the nature of the allegations concerning the suspect.*
 - *The UCPD is to be commended for quickly identifying and banning the suspect from campus. However, the officer's decision to leave the library space without making contact with the suspect gave the suspect the opportunity to escape or engage in other threatening or violent activity.*
 - *Accordingly, the IRC considers Sustained a better finding for Allegation 1.*

- **Allegations 2 and 3:**
 - *The IRC agrees with the UCPD findings for Allegations 2 (Not Sustained) and 3 (Unfounded).*
- **Allegation 4.**
 - *UCPD deemed Allegation 4 Sustained.*
 - *The IRC reviewed the video and audio recordings to consider the body language and verbal exchanges of the accused UCPD officer, the officer's supervisor, the complainant, and her friend. In speaking with the complainant and her friend, the supervisor was argumentative and condescending, and generally did not treat the complainant with respect.*
 - *From the videotape and audiotape, it appeared to the IRC that although the supervisor believed the UCPD officer had erred in his approach to the incident, the supervisor failed to acknowledge (and apologize for) that error to the complainant, which further inflamed the situation.*
 - *The IRC appreciates that the accused UCPD officer and the UCPD supervisor received additional education on survivor-centered responses and on taking sexual assault complaints seriously.*
 - *The IRC suggests that in circumstances such as these when an error is identified, it often de-escalates a situation to admit the error, apologize, and remedy it promptly.*
 - *The IRC recommends that a complainant in such a case be advised immediately when an offender she accused is banned from campus.*
 - *Accordingly, the IRC agrees with the UCPD findings for Allegation 4 (Sustained).*

CR 2016-05

Case Summary: When investigating the complainant's allegation that she was being watched by another person while she (the complainant) was bathing, the accused UCPD officer used victim-blaming language, asked the complainant to point out face-to-face the person she accused, and seemed to indicate that she should ride the elevator with the person she accused.

- **Allegation:** The complainant alleged that the accused UCPD officer used victim-blaming language and investigatory tactics that were insensitive and inappropriate in nature.
- **IRC Response:**
 - *The IRC agrees with the finding of Administratively Closed and the recommendation that the accused UCPD officer receive additional training.*
 - *The IRC learned that UCPD officers across the force receive training in responding to situations with a sexual component.*

CR 2016-06

Case Summary: After the complainant was robbed, she wanted to contact her friends. Since her phone was among the items stolen, she did not have a way to reach her friends. The accused UCPD officer offered the complainant use of his personal cell phone. She subsequently alleged that he improperly involved himself in her communication with her friends. The accused UCPD officer claimed that he did not know how to disconnect or discard the app from his phone. The complainant believed that he violated her privacy. Later, she called UCPD; spoke to a UCPD sergeant; and then was transferred to the accused UCPD officer, who raised his voice and threatened to sue her. The sergeant interceded and let her know how to file a complaint.

- **Allegation 1:** The complainant alleged that the accused UCPD officer violated her privacy rights when he continued to use her Facebook Messenger application and deleted numerous messages after she used his personal phone to access those accounts.
- **Allegation 2:** The complainant alleged that during a follow-up conversation that occurred a few days later, the accused UCPD officer was rude and unprofessional when he threatened to sue her.
- **IRC Response:**
- **Allegation 1:**
 - *UCPD deemed Allegation 1 Sustained.*
 - *The IRC did not consider the accused UCPD officer at fault when the complainant's messages appeared on his phone. The accused officer loaned the complainant his personal phone to help her after her phone was stolen and she wanted to contact her friends. The complainant installed a messaging app on his phone and left it installed when she returned the phone to the officer. The officer was unfamiliar with this app and did not know how to remove it from his phone or stop receiving messages, so he contacted the senders of those messages and asked them to stop contacting him. Under the circumstances, this was reasonable behavior by the officer. The IRC does not believe that the officer should be penalized for alerting the complainant's friends that he was receiving their messages to her or for deleting her app from his private phone once he was able.*
 - *UCPD ought to have a protocol for how to assist someone without a phone after a crime has been committed. For a student, contacting the Dean-on-Call would be a logical avenue.*
 - *UCPD officers have access to IT support. In this case, an IT staff member should have been able to provide professional expertise and intervention to remove the app from the accused UCPD officer's phone without compromising the complainant's communications.*
 - *Accordingly, the IRC considers Exonerated a better finding for Allegation 1.*
- **Allegation 2:**
 - *The IRC agrees with UCPD's finding for Allegation 2 (Sustained).*
- **Additional Recommendation:** *The IRC recommends adding a third allegation—dereliction of duty—for the accused UCPD officer's failure to turn on his body camera, which may have better illuminated the investigation and review of this case.*

CR 2016-07

Case Summary: The complainant was wrongly identified as an assailant in another case despite the fact that UCPD knew the name of the person they were looking for in the original investigation. The complainant alleged that she was improperly handled by a UCPD officer, causing injury to her knee.

- **Allegation 1:** The complainant alleged that the accused UCPD officer inappropriately touched her and poked her in the chest.
- **Allegation 2:** The complainant alleged that the accused UCPD officer used excessive force by swinging her arm and causing her knee to pop out of its socket while attempting to detain and handcuff her.
- **Allegation 3:** The complainant alleged that the accused UCPD officer spoke to her in an inappropriate manner.

- **IRC Response:**

- *The IRC concurs with UCPD's finding of Administratively Closed.*
- *In situations when a complainant alleges injury, does UCPD advise a complainant to seek medical attention? Did that happen in this case?*
- *Since this incident, all UCPD officers wear body cameras, which should help investigators and the IRC better ascertain the facts in such situations.*
- *The IRC noted that in its extensive follow-up with the complainant, the UCPD investigator did not offer to meet the complainant at a location more convenient than UCPD headquarters. The IRC recommends that UCPD's website and a brochure that complainants receive communicate that a complainant may sign an affidavit and be interviewed at the complainant's home or a public location.*

CR 2016-08

Case Summary: The complainant called UCPD after a dog bit him in a park. A UCPD officer arrived 20 minutes after the call was made—after the dog and its owner has left—parked his car in the middle of the street, was allegedly rude, and failed to explain what service he could provide to the complainant. The complainant decided against signing a complaint against the UCPD officer and instead asked to complain about UCPD in general.

- **Allegation 1:** The complainant alleged that the UCPD officer parked his vehicle in the middle of the street, blocking traffic, thereby upsetting the complainant's neighbors.
- **Allegation 2:** The complainant alleged that the UCPD officer was rude and unprofessional while speaking with the complainant.
- **Allegation 3:** The complainant alleged that the UCPD officer failed to explain what services UCPD could provide him, informed him simply to call the Chicago Police Department for a report, and then walked away without saying anything else.
- **IRC Response:**
 - *The IRC concurs with UCPD's finding of Administratively Closed.*
 - *The UCPD Chief emailed the complainant the day of the incident to schedule a time to speak about his (the complainant's) general concerns.*
 - *The IRC questioned why the UCPD officer did not apologize immediately for arriving late given that timelier arrival might have enabled him to mediate between the dog owner and the complainant, who was bitten.*
 - *The IRC asks if UCPD's protocols for such situations include providing a complainant with needed follow-up information, such as information about rabies.*

III. IRC General Comments

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

- **Training:** The IRC appreciated learning that additional training was provided to officers and supervisors in circumstances when their conduct was unprofessional. Further, the IRC believes that if officers and/or supervisors are willing to admit to making errors, doing so may serve to de-escalate

adversarial situations. Given the nature of the university community, the IRC believes that UCPD will continue to command respect even if officers or supervisors admit mistakes, and doing so may even enhance the respect afforded to the UCPD.

- **Transitions:** The departure of the Chief of Police occasioned a national search and the appointment of Kenton Rainey to the position. Chief Rainey began July 1, 2017.
- **Communications:** The Associate Vice President for Safety & Security informed the IRC that UCPD adopted the IRC's suggestion that complainants receive a simple, straightforward informational postcard about how to file a complaint.

IV. IRC Analysis of UCPD Complaint Data

A. Since March of 2005, there have been 160 cases of complaint against UCPD. Forty-one were internal investigations outside the purview of the IRC. The number of citizen complaints totals 119. All of the following are cumulative numbers, not percentages, since March of 2005:

Gender of complainant¹:

Female	45
Male	73

Race of complainant:

Black	84
White	15
Asian	5
Hispanic	1
Unknown	11

Status of complainant:

Community	86
Students	12
Staff/Faculty/Academic Appointee/Postdoctoral Researcher	14
Alumni	5

Race of the officer²:

Black	82
White	46
Hispanic	12
Unknown	2

Charges³:

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.

Violation of rights	92
Excessive force:	35
Abusive language	40
Dereliction of duty ⁴	38
Intimidating conduct	8
Disrespectful/rude behavior	5

Findings⁵:

Not sustained	83
Unfounded	75
Sustained	64
Exonerated	15
Administratively Closed ⁶	33

Officers with multiple complaints:

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

B. The complaints tallied here constitute complaints since 2005 against officers who were employed by UCPD for all or part of the period June 1, 2016 – July 1, 2017:

Officers with multiple complaints:

6 complaints	1 officer
5 complaints	2 officers
4 complaints	1 officer
3 complaints	7 officers
2 complaints	2 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.

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

Members of the IRC

[\(http://safetysecurity.uchicago.edu/police/contact_the_ucpd/complaint_process/\)](http://safetysecurity.uchicago.edu/police/contact_the_ucpd/complaint_process/)

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

Somaiyya Ahmad, *Assistant Director and staff support*

Scott Clayton, *Community member*

Ingrid Gould, *Associate Provost and staff to IRC*

Joe Joseph, *Student in the Physical Sciences Division*

Brian O'Neal, *Community member*

Matt Richards, *Student in the Booth School*

Venus Scott, *Community member*

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

Aneesha Suresh, *Graduate Student*

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*

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