

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

November 2012

The Independent Review Committee for the University of Chicago Police Department (UCPD) examines complaints against UCPD when the complaints allege excessive force, violation of rights, abusive language, or dereliction of duty. The faculty members, staff, students, and members of the community on the Independent Review Committee (IRC) review the internal investigations that UCPD conducts and report their conclusions and recommendations to the Provost, President, and Vice President for Administration & Chief Financial Officer as well as to the wider community via an annual report, posted on UCPD's Web site. More 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 2011–12 academic year.

## I. The Complaint Review Process

UCPD operates under strict rules and regulations that provide for professional conduct. The University takes complaints against UCPD seriously. 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](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. Modifications to the Complaint Review Process

In its 2010-11 Annual Report, the IRC recommended that a new, fourth category of complaint be added for “dereliction of duty.” Although this concept was not strictly captured in the three original categories the IRC was charged to review—violation of rights, excessive force, and abusive language—UCPD forwarded dereliction of duty complaints to the IRC, and the IRC reviewed such matters. Dereliction of duty now stands as a formal and official category of complaint for IRC examination.

Last year’s IRC Report also recommended that a new, fifth “finding” be created for complaints that a complainant initiated and UCPD was unable to investigate. As noted above, in the absence of a very serious or criminal charge, a complaint without an accompanying signed affidavit cannot, under Illinois State law, be investigated. The four original categories presumed that an investigation occurred, making none a good classification for a complaint that could not be pursued. The category “Administratively Closed” was established for use by both UCPD and the IRC.

Given the lack of rules and procedures to guide the IRC in conducting its own investigations, this explicit provision of the IRC charge was removed pending discussion of its merits and adoption of rules and procedures. The IRC charge is now silent on the question of whether the IRC may conduct additional or supplemental investigations, an action believed to have been taken for only one case since the IRC’s establishment in 1986.

## III. Complaint Summaries and Committee Case Reviews

During the 2011-12 academic year, 21 complaints were filed against UCPD. Seven of those complaints fell outside the IRC’s purview, and 14 within it. As a result, the IRC reviewed 14 complaints. (See Figure 1.) Below the IRC summarizes each case; UCPD’s determination; and the IRC’s evaluation of that determination, the investigatory procedures, and any further analysis or recommendation.

### CR 2011-01

**Case Summary** The complainant was meditating in the Reynolds Club, which was open to the public at that time. He alleged that the accused UCPD officer disrespected him by asking him to leave the building without conducting a proper investigation.

- **Allegation** The complainant alleged that the accused officer violated his rights by asking him to leave the building. Because the complainant did not sign an affidavit, UCPD was not able to investigate the matter and determined that this allegation was Unfounded.
- **Committee Response** *The Committee considers Unfounded an inadequate conclusion since no investigation was undertaken. Now that Administratively Closed is a category available to UCPD, they will have an appropriate classification for such cases in the future.*

### CR 2011-02

**Case Summary** The complainant was carrying a special laptop, commonly used by police officers and fire fighters, as he walked down the sidewalk. A UCPD vehicle with three individuals approached him. One UCPD officer stopped him and a second accused officer asked where he was going and what he was doing. Upon request, the complainant provided his ID, which was checked and found to be clean. The complainant reported that the first accused officer provided his name but refused to provide his badge number. The UCPD sergeant remained in the vehicle during the entire encounter. Once it was over, the complainant walked to his intended destination, a bus stop. While he waited for the bus, he saw the accused officers drive by him in their vehicle.

- **Allegation 1** The complainant alleged that he was racially profiled when he was stopped by two accused UCPD officers and questioned about walking and carrying a laptop computer. UCPD’s

examination of the facts led them to conclude that the allegation was Sustained for the first accused officer and Not Sustained for the second accused officer.

- **Allegation 2** The complainant alleged that when he asked the first accused officer for his badge number, he received only the accused officer's name. UCPD deemed this allegation Sustained.
- **Allegation 3** The complainant alleged that the first accused officer's driving by the bus stop was unnecessary and an intimidation tactic. UCPD deemed this allegation Not Sustained.
- **Additional Allegation 4** Due to the fact that the third person in the UCPD vehicle was a sergeant, a supervisory position, the UCPD investigator alleged that she was culpable for the first accused officer's decision to stop and detain the complainant, thereby resulting in racial profiling. UCPD classified this allegation Sustained.
- **Additional Allegation 5** The UCPD investigator also alleged that the sergeant failed to take supervisory action, instead remaining in the vehicle while the situation escalated on the sidewalk. UCPD deemed this allegation Sustained.
- **Committee Response** *The IRC agrees with UCPD's findings in this case, and appreciates that the investigator identified and pursued the additional allegations.*

### **CR 2011-03**

**Case Summary** Following a traffic accident between two vehicles, the complainant (one of the two motorists) flagged down a UCPD patrol car. The accused UCPD officer did not take a traffic report and, according to the complainant, allowed the other motorist to leave the scene without showing a driver's license or proof of insurance.

- **Allegation** The complainant alleged that the accused officer was very unprofessional when she refused to take an accident report and jeopardized his safety when she let the other motorist drive away without showing a driver's license or proof of insurance. UCPD determined that this allegation was Unfounded.
- **Committee Response** *The committee considers Unfounded an inadequate finding since no investigation was undertaken or any conclusion based on evidence reached. Now that Administratively Closed is a category available to UCPD, they will have an appropriate classification for such cases in the future.*
- *While UCPD's General Orders for Traffic Enforcement do not specifically address managing an automobile accident, and while the IRC considers the investigation complete (UCPD documented extensive efforts to contact the complainant to obtain a signed affidavit), the IRC does consider it bad practice for UCPD to have allowed a driver to leave the scene of an accident without having shown a driver's license and proof of insurance. The IRC questions why UCPD would not have chosen to look into the allegation as a personnel matter.*

### **CR 2011-05**

**Case Summary** A driver and her passenger were on their way home. The first accused UCPD officer alleged that the driver almost hit his vehicle, prompting him to follow her. After she reportedly ran her second stop sign, he pulled her over. The exchange became heated fairly quickly. The driver (complainant I) exchanged words with the second accused officer, and the first accused officer radioed for a supervisor. The sequence of events is unclear, in part because the episode lasted for well over an hour. At some point the first accused officer began to

suspect that the driver (complainant I) was intoxicated; the driver and her passenger left the scene and went into their nearby home; and the Chicago Police Department (CPD) was called. It is unclear whether CPD was called to handle the suspected DUI violation or to tow the women's vehicle since they had left the scene and gone home. (UCPD does not administer breathalyzer tests or handle DUI citations.) When CPD arrived, they relocated the vehicle so that it no longer blocked the street and did not issue a citation to the driver, who had returned to the scene.

- **Allegation 1** Complainant I (driver) alleged that the first accused officer never properly informed her of the reason for the traffic stop. Based on the evidence, UCPD determined that the allegation was Not Sustained.
- **Allegation 2** Complainant I alleged that the first accused officer violated her constitutional rights by keeping her for an extended amount of time. Based on the evidence, UCPD determined that the allegation was Unfounded.
- **Allegation 3** Complainant I alleged that both accused officers refused to identify themselves after she requested identification. Based on the evidence, UCPD determined that the allegation was Not Sustained.
- **Allegation 4** Complainant I alleged that the second accused officer was unprofessional and demeaning when she directed the comment, "This is funny; this is entertaining," to the complainant. Based on the evidence, UCPD determined that the allegation was Not Sustained.
- **Allegation 5** Complainant I alleged it was harassing and excessive for the first accused officer to call CPD to the scene. Based on the evidence, UCPD determined that the allegation was Exonerated.
- **Allegation 6** Complainant II (passenger) alleged that the two accused officers were unprofessional in their conduct and in how they treated her and her friend. Based on the evidence, UCPD determined that the allegation was Not Sustained.
- **Allegation 7** Complainant II alleged that neither accused officer identified him- or herself in response to her request. Based on the evidence, UCPD determined that the allegation was Not Sustained.
- **Committee Response** *The IRC agrees with UCPD's findings for allegations 1 and 3 – 7. It disagrees with UCPD's finding for allegation 2, which it believes must be Not Sustained.*
- *The IRC does consider the length of the stop problematically long.*
- *In addition, the IRC finds that UCPD's investigation was not fully impartial. The investigator asked leading questions and sometimes failed to ask appropriate follow-up questions, thus extracting information that was favorable to UCPD's handling of the traffic stop. The IRC further observes that the investigation's summary documents do not always correspond to the primary source material, namely the verbatim, transcribed interviews the investigator conducted.*
- *From the IRC's perspective, the perfunctory letter sent to the complainant reads like a form letter and does not elucidate why UCPD determined what it determined. As a result, it does not succeed in conveying that UCPD took the complaint seriously.*

## CR 2011-08

**Case Summary** A student was stopped outside the Regenstein Library because UCPD officers believed that

he was standing suspiciously near the bicycles. Recently there had been both bicycle thefts on campus and laptop thefts in the library, which contributed to the decision to stop the student. Believing that he was racially profiled, the student refused to show his ID. Ultimately, the student hit a UCPD officer, was arrested, and was released without being charged.

- **Allegation 1** The complainant alleged that the accused UCPD officers racially profiled him when he was stopped. After concluding its investigation, UCPD determined that this allegation was Unfounded.
- **Allegation 2** The complainant also alleged that his subsequent arrest by the two accused UCPD officers was unlawful. UCPD's investigation deemed this allegation was Unfounded.
- **Allegation 3** The complainant further alleged that the accused UCPD officers lied about the battery/assault charge to cover up the racial profiling. After investigating, UCPD concluded that this allegation was Unfounded.
- **Committee Response** *After reviewing the file carefully, the IRC favors a finding of Not Sustained rather than Unfounded for Allegation 1. The IRC concurs with the finding in the second and third allegations.*

#### **CR 2011-09**

**Case Summary** One evening, a student requested umbrella coverage. Shortly after he began walking, he realized that the UCPD officer who had arrived was not following him. He continued on foot alone. A short while later, he called UCPD dispatch again to report that he had been accosted (frightened but unhurt) by a group of youths. Dispatch reassigned the same officer to provide umbrella coverage. She arrived and gave the student a ride to his destination. He was nonetheless dissatisfied with the prior lack of service, and complained.

- **Allegation 1** The complainant alleged that the accused officer failed to provide adequate umbrella service when requested, thereby jeopardizing the complainant's safety and well-being. As a result of its investigation, UCPD found this allegation Sustained.
- **Allegation 2** The complainant also alleged that the accused officer did not immediately provide him with her badge number and identification when he requested it, but instead questioned him as to why he needed that information. UCPD investigated and classified this allegation as Not Sustained.
- **Committee Response** *The committee concurs with the findings, faulting the accused officer for not checking back with dispatch when she lost sight of the student she was assigned to follow.*

#### **CR 2011-12**

**Case Summary** On her way to work, an employee (complainant) saw a UCPD officer asleep in a squad car. She reported the situation, and a UCPD supervisor went to check, finding that the accused officer was not there. UCPD repeatedly reached out to the complainant, who ultimately declined to sign an affidavit saying only that she wanted to bring the problem to UCPD's attention. Without an affidavit, no investigation occurred.

- **Allegation** The complainant alleged that the accused UCPD officer was sleeping in a parked patrol vehicle. Absent an affidavit, no investigation occurred, and the allegation was deemed Unfounded.
- **Committee Response** *The IRC notes that Administratively Closed would have been a better finding, but it was not available at the time UCPD rendered this decision.*

## CR 2011-13

**Case Summary** Details are thin in this case without a signed affidavit. The complainant alleged that the accused UCPD officer was rude and unprofessional in asking for a driver's license and insurance card during a traffic stop. The complainant also alleged that the accused officer never told him the reason for the stop.

- **Allegation 1** Complainant alleged that the accused officer demanded his driver's license and insurance card without providing an explanation of the stop. In the absence of a signed affidavit, UCPD was unable to conduct an investigation into this allegation, and determined it Unfounded.
- **Allegation 2** The complainant further alleged that the accused officer was rude and unprofessional when he requested identification and insurance information. Because there was no signed affidavit or investigation, UCPD deemed the allegation Unfounded.
- **Committee Response** *Again the IRC comments that Administratively Closed was not listed as a possible finding when UCPD closed this complaint; if it had, that would have been a better finding for both allegations.*

## CR 2011-14

**Case Summary** During a traffic stop, the complainant was unwilling to present his license in response to the accused UCPD officer's request. The complainant became belligerent, and the accused officer searched him. When the complainant reached for his back pocket, the accused officer, concerned about a weapon, instructed him to keep his hands in the air. The accused officer removed a wallet from that back pocket, and then removed the complainant's ID from the wallet. Following this encounter, the complainant alleged that \$64 was missing from his wallet.

- **Allegation 1** The complainant alleged that the accused UCPD officer conducted an illegal search of his person by going into the complainant's pockets and retrieving his personal items, including his wallet, receipts, and cash. UCPD's investigation concluded that the allegation was Sustained.
- **Allegation 2** The complainant alleged that the accused officer took \$64 from complainant's pocket while looking for the complainant's identification during the stop because after the stop, complainant's \$64 was missing. UCPD's investigation concluded that the allegation was Not Sustained.
- **Committee Response** *The IRC agrees with UCPD's findings although it finds the interpretation of the second allegation somewhat narrow in light of the finding in the first allegation. If the accused officer searched the complainant because he believed that the complainant had a weapon, the grounds for continuing that search vanished when the accused officer determined that the complainant was not armed. Once the accused officer found a wallet, not a weapon, in the complainant's pocket, the search should have ended. Instead, the officer opened the wallet and removed the complainant's driver's license.*

*It cannot be established that the complainant actually had \$64. Since UCPD sustained the first allegation, it seems that a reasonable reading of the second allegation is that while the accused officer did not necessarily take the reportedly missing \$64, he may have lost it. Since it has been established that the accused officer removed at least one item from the wallet after his search should have ended, it is possible that the alleged \$64 was lost in the dark.*

## CR 2011-16

**Case Summary** The accused officer confronted the complainant in a parking lot because the complainant was parking his vehicle in a spot designated for people with disabilities. The complainant did not have a hang-tag attesting to his disability and the right to park in that spot.

- **Allegation** The complainant alleged that the accused officer was unprofessional and verbally mistreated him when the complainant parked his car in a spot for someone with a disability without having the required placard showing that he could park there. Without a sworn affidavit, UCPD was unable to investigate this complaint, and concluded that the allegation was Unfounded.
- **Committee Response** *At the time of the allegation, Administratively Closed was not a finding UCPD could select. Administratively Closed will be the proper finding for such charges in the future.*
- *The IRC notes that the complaint was made on September 1, and the investigator completed his attempts to investigate the matter on September 19. However, UCPD's letter to the complainant notifying him that the matter was now closed and determined to be Unfounded was dated September 7, about midway through the investigation. If the letter's date is correct, UCPD has an investigation problem. If the letter's date is inaccurate, it is a reminder of the critical importance of seemingly small details.*

## CR 2011-17

**Case Summary** In this case of a street stop, the complainant alleged that the two accused UCPD officers stopped him unlawfully, questioned and threatened him, verbally abused him, and insisted that he walk away from his destination.

- **Allegation** The complainant alleged that he was stopped unlawfully by the pair of accused officers, harassed, questioned, and threatened by both accused officers. The complainant further alleged that the officers stepped in front of his face, yelling and cursing, causing him to back himself against a wall as he was ordered to walk in the opposite direction of his destination. Since UCPD was unable to investigate this allegation without a signed affidavit, they classified the allegation as Unfounded.
- **Committee Response** *Again the IRC notes that Administratively Closed would have been a better finding had it been available for UCPD to use at the time they made their determination.*

## CR 2011-18

**Case Summary** A parent complained that his son was unjustly stopped and then harassed by unknown UCPD officers twice on a given day.

- **Allegation** The complainant alleged that his son was stopped unjustly and harassed by accused, unknown UCPD officers on two separate occasions on a given day. Since UCPD was unable to investigate this allegation without a signed affidavit, they classified the allegation as Unfounded.
- **Committee Response** *The investigator made diligent efforts to obtain the cooperation of the complainant, but was unable to do so. If Administratively Closed had been available as a finding at the time this complaint was open, the IRC believes it would have been a better finding.*
- *If a case makes reference to a contact card, that contact card should be included in the case file. Especially if minors are asked to stop to speak with UCPD, UCPD should be certain to complete a*

*contact card for each one.*

### **CR 2011-19**

**Case Summary** A little over a month after alleging that he was racially profiled when an unknown UCPD officer stopped him outside the Regenstein Library, the complainant was arrested and charged with felony theft for stealing a laptop in the Regenstein.

- **Allegation** The complainant alleged that he was unlawfully stopped by an accused unknown UCPD officer who acted unprofessionally and admitted that he stopped the complainant because of his race. Without an affidavit, this allegation was classified as Unfounded.
- **Committee Response** *The investigator documented assiduous efforts to contact the complainant to obtain a sworn affidavit. Sans affidavit and investigation, Administratively Closed would have been a better classification had it been an option at the time.*

### **CR 2011-21**

**Case Summary** Concerned that a motorist was following his squad car too closely, the accused UCPD officer stopped the complainant in her vehicle. The complainant became upset and asked to speak with a supervisor, who was promptly called although his arrival was delayed. Both the accused officer and supervisor tried to explain what was happening and what the consequences were. Ultimately the accused officer wrote the complainant a ticket for driving too close to his vehicle.

- **Allegation 1** The complainant alleged that the accused UCPD officer was rude and unprofessional while conducting a traffic stop. UCPD determined that this allegation was Not Sustained.
- **Allegation 2** The complainant alleged that the accused UCPD officer failed to explain the traffic citation process when asked. Based on the evidence of their investigation, UCPD classified the allegation as Unfounded.
- **Allegation 3** The complainant further alleged that the accused UCPD officer issued her a citation because of her race. Following their investigation UCPD found this allegation to be Not Sustained.
- **Allegation 4** The complainant also alleged that she was kept at the scene for an inappropriately long time. UCPD concluded that this allegation was Not Sustained.
- **Committee Response** *The IRC has no disagreement with UCPD's findings with these allegations. Recognizing that several citizens who have been stopped by UCPD have doubted UCPD's authority to issue traffic tickets, the Committee wonders what might help educate the populace that UCPD has expanded its role in policing the neighborhood streets.*

## **IV. IRC General Recommendations**

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

- **Communication with Community** Within the historically small numbers of complaints against UCPD in any given year, the past couple of years have witnessed a rise in complaints stemming from traffic stops. UCPD began stopping motorists a few years ago in an effort to deter crime and further improve pedestrian safety in the neighborhood. Their traffic stops have led to weapons and drug seizures, recovery of stolen vehicles, and many safety-related conversations. The IRC recommends that UCPD consider ways to alert the community of this new crime prevention and safety enhancement tactic so that drivers who live or work in the neighborhood are not as taken aback as they have been by the new

practice.

- **Contact Cards** It has long been UCPD's practice to create a contact card for each individual who is stopped by a UCPD officer. When the individual stopped is a minor, it is particularly important that a record of the encounter be captured in a contact card.

## V. IRC Analysis of UCPD Complaint Data

Since March of 2005, there have been 86 cases of complaint against UCPD. Sixteen were internal investigations outside the purview of the IRC. The number of citizen complaints totals 70.

### *Gender of complainant:*

Female	30 <sup>1</sup>
Male	42

### *Race of complainant:*

Black	57
White	7
Asian	2
Unknown	6

### *Status of complainant:*

Community	54
Students	7
Staff	9
Alumni	2

### *Officers with multiple complaints:*

5 complaints	2 officers
4 complaints	1 officer
3 complaints	3 officers
2 complaints	11 officers

### *Race of the officer:*

Black	49
White	31
Hispanic	7
Unknown	2

### *Charges:<sup>2</sup>*

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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.

Violation of rights	53
Excessive force:	21
Abusive language	23
Dereliction of duty <sup>3</sup>	19
Intimidating conduct	8
Disrespectful/rude behavior	5
Bad driving	1
Sleeping on the job	1

*Findings:*<sup>4</sup>

Not sustained	59
Unfounded	52
Sustained	37
Exonerated	13
Pending	6
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*

Cesar Favila, *Student in the Humanities Division*

Liz Gardner, *Community member*

Ingrid Gould, *Associate Provost and staff to Committee*

Maryclare Griffin, *Student in the College*

Cindy Jurisson, *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*

Traci Irvin, *Student in the Law School*

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<sup>2</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>3</sup> The following have been combined in this category: “failure to serve professionally,” “unprofessional conduct,” and “failure to serve.”

<sup>4</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.