

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

JUNE 2007

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The Independent Review Committee for the University of Chicago Police Department (UCPD) examines and comments on complaints against the UCPD involving charges of excessive force, violation of rights, and abusive language. The committee shares its opinions and recommendations with the President of the University of Chicago and Vice-President for Community and Government Affairs regarding the actions and procedures of the UCPD, but the committee cannot revise any action the department has taken on a complaint determination.

This report describes the committee's work and its observations regarding complaints against the UCPD, and this report sets forth related procedural issues for the 2005–06 academic year.

## I. The Complaint Review Process

The UCPD operates under strict rules and regulations that provide for professional conduct. Complaints against the UCPD are taken seriously by the University, and the investigation process is as follows.

1. A member of the University community or a resident of the neighborhood who is dissatisfied will complete a Citizen Complaint Form, which may be obtained at <http://oca.uchicago.edu/pdf/complaint.pdf>.

2. The investigation of the complaint will be managed by a UCPD supervising officer. The investigation process will include formal interviews of all parties concerned.

3. At the end of the investigation and after a review by the chief of the UCPD, the supervising officer will issue one of the following determinations:

*Unfounded.* The allegations are not factually accurate; 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 permit a determination

of whether or not the alleged conduct occurred. A classification of “Not Sustained” is used whenever a case involves conflicting stories not clearly resolvable on the basis of the testimony of disinterested witnesses or there are internal contradictions in the complainant's account. A “Not Sustained” classification does not imply, directly or indirectly, any finding of fault on the part of the accused officer.

4. The complainant(s) will receive a written response from the chief of the UCPD explaining the findings and any disciplinary actions taken by the department as a result of a sustained complaint.

5. For complaints relating directly or indirectly to issues of excessive force, violation of rights, and abusive language, the investigative report will be submitted to the Independent Review Committee for review.

6. The committee will report its findings and recommendations to the President of the University of Chicago and the Vice-President for Community and Government Affairs. This report, which will be produced annually, will include a summary of all incidents and any recommended changes to policies or procedures. This report will be available to the public via the University's Web site at <http://oca.uchicago.edu/safety/police/feedback/independent.shtml> and will be published in the fall issue of *The University of Chicago Record*.

## II. Complaint Summaries and Review

There were seventeen complaints filed against the UCPD in the 2005–06 academic year. (See *Figure 1*.) Two complaints did not involve charges of excessive force, violation of rights, and/or abusive language; four cases involved internal complaints that did not require committee review; and three complaints did not result in an investigation because they were withdrawn or because the UCPD was unable to conduct an investigation. The remaining eight complaints, which are described in this report, involved charges of excessive force, violation of rights, and/or abusive language and were reviewed carefully by the committee.

**Figure 1. Complaint Cases Reviewed by the Independent Review Committee Filed July 2005 through June 2006**

<b>CR Number</b>	<b>Date of Filing</b>	<b>Allegation</b>	<b>UCPD Disposition</b>
05-9-14	9-10-05	1. The complainant alleged that the accused officer pulled his gun and pointed it at him without justification.	Unfounded
		2. The complainant alleged that the accused officer did not immediately identify himself as belonging to the UCPD.	Unfounded
05-9-15	9-15-05	The complainant alleged that the accused officer used abusive language.	Sustained
05-11-18	11-1-05	The complainant alleged that the accused officer was verbally abusive and threatened her at her residence. The complainant further alleged that the accused passed out business cards for his personal carpet cleaning business while on duty.	Not Sustained
06-1-01	1-6-01	The complainant alleged that the accused officer used abusive and profane language towards her.	Not Sustained
06-2-04	2-2-06	1. The complainant alleged that she was unjustly accused by the accused officer in a theft investigation.	Unfounded
		2. The complainant further alleged that she was treated unfairly during the initial interview process.	Unfounded
06-2-05	2-7-06	1. The complainant alleged that the accused officer verbally abused her.	Sustained
		2. The complainant alleged that the accused officer used profanity.	Sustained
		3. The complainant alleged she felt threatened by the accused officer.	Sustained
		4. The complainant alleged that the accused officer continued to harass her about moving her disabled vehicle.	Sustained
06-3-06	3-9-06	1. The complainant alleged that the accused officer did not stop when he waved at the squad car.	Not Sustained
		2. The complainant alleged that the accused officer treated him arrogantly.	Not Sustained
06-5-10	5-26-06	1. The complainant alleged that the accused officer was unprofessional and disrespectful (screaming, swearing, and using profanity).	Not Sustained
		2. The complainant alleged that the accused officer was insensitive when she made the complaint to him.	Unfounded
06-10-12	10-7-06	1. The complainant alleged that he was denied medical attention by the accused officer.	Not Sustained
		2. The complainant alleged that he was denied police services after stating that he had been assaulted.	Not Sustained

*See section III for committee comments on these cases.*

### III. Committee Case Reviews

The committee agrees with all the findings of UCPD investigations and the determinations as outlined in Section II. Certain procedures and processes used in the complaint management and investigative process, however, raise some committee concerns. See Section IV for a summary of these general concerns and committee recommendations.

The cases and the committee comments are summarized below.

#### CR 05-9-14

##### Case Summary

The complainant alleged that the officer pulled his gun without justification and that the officer did not identify himself as belonging to the UCPD. Based on UCPD complaint investigation protocol, no further investigation occurred because the complainant, who was homeless and moved from the listed residence, could not be reached. The UCPD determined that the case was unfounded.

##### Committee Response

*The committee agrees with the UCPD determination, but suggests the UCPD develop a policy regarding the review and investigation of complaints issued by homeless persons.*

#### CR 05-9-15

##### Case Summary

The case involved a UCPD officer and two complainants. The officer was accused of speaking derogatorily to two complainants during an investigation. The officer was following up a call that a woman was waving around a gun. The complainant fit the description, but the situation escalated when the officer tried to verify the identity of the complainant. The complaint alleged that the officer used profanity and spoke derogatorily to the complainant during the investigation.

##### Allegation 1

Based on the UCPD internal investigation and witness testimony, the allegation (using profanity and speaking derogatorily to complainant) was sustained. The officer was given a written statement of admonishment, and the officer was counseled.

##### Committee Response

*The committee agrees with the UCPD determination.*

##### Allegation 2

The officer was accused of speaking derogatorily to a witness who was sitting in a vehicle during the investigation. The allegation was not sustained, based on available evidence and witness testimony.

##### Committee Response

*The committee agrees with the UCPD determination.*

#### CR 05-11-18

##### Case Summary

This case involved accusations against an officer that while he was on duty he distributed non-UCPD business cards for a carpet-cleaning business that he runs while off duty. While off duty in October 2005, the officer went to a residence to clean a carpet and allegedly broke a bed. During this transaction, the complainant alleges that the officer became threatening. After a complaint was issued against him, the accused officer allegedly called the complainant. Although the complainant subsequently withdrew the complaint, a written record of admonishment was placed in the officer's file.

##### Committee Response

*The committee agrees with the UCPD determination. However, the committee must stress that an accused officer must not have access to or contact with the complainant. Any such contact by the accused officer does not fit into the UCPD mission of providing a safe and secure complaint process.*

#### CR 06-1-01

##### Case Summary

This case involved an officer who observed a car blocking the southbound lane of Ellis Avenue between 55th and 57th streets. The officer pulled next to the car, rolled down his window, and told the driver to move the car. When the driver refused to move, the officer got out of the car and asked to see her driver's license. The driver refused, and the officer said that if she did not show him her driver's license she would be towed and ticketed by the Chicago Police. The driver alleged that during this encounter the officer used abusive and profane language.

towards her. Since no witness could corroborate the incident and based on the available evidence, the complaint was not sustained.

***Committee Response***

*The committee agrees with the UCPD determination.*

**CR 06-2-04**

**Case Summary**

This case involved a woman who stated that she was unfairly treated during a theft investigation. The officer arrived at the Graduate School of Business after a cleaning worker reported that she could not find an engagement ring that she had left in the ladies' room. The complainant alleged that she was unjustly accused of stealing the ring, and that the officer treated her unfairly during the investigation. Based on the evidence, the UCPD investigation determined that the case was unfounded because the officer was following protocol during the course of an investigation.

***Committee Response***

*The committee agrees with the UCPD determination.*

**CR 06-2-05**

**Case Summary**

This case involved a verbal altercation between an officer and the complainant. The officer observed a car parked in a tow zone at the corner of 47th and Woodlawn. The complainant alleged that the officer used profanity and was verbally abusive toward her as he yelled at her to move her car out of the tow zone even though the car was stalled. Based on the complainant's testimony and the testimony of witnesses, the investigation concluded that the four charges against the officer should be sustained. A written record of reprimand was placed in the officer's permanent record, and the officer was to be counseled.

***Committee Response***

*The committee agrees with the UCPD determination.*

**CR 06-3-06**

**Case Summary**

In this case, a complainant accused an officer of, during the course of his evening patrol, not stopping when he waved at the squad car. The officer said he did not see the complainant because of dark and rainy conditions. The complainant further alleged that the officer treated him arrogantly when he approached the officer in front

of the Medical Center. Based on the investigation and mitigating factors, the complaint was not sustained.

***Committee Response***

*The committee agrees with the UCPD determination.*

**CR 06-5-10**

**Case Summary**

This case involved a Medical Center employee who said she witnessed an officer verbally abusing two youths while arresting them outside their home. When the complainant called the UCPD to complain, she claims the officer she spoke with was flippant with her and not sensitive to her complaint. The complainant subsequently filed two complaints: one against the arresting officer for abusive language to the juveniles and one against the officer she spoke with over the phone. Based on the investigation, it was determined that the first complaint against the arresting officers was not sustained and the second complaint against the second officer was unfounded.

***Committee Response***

*The committee agrees with the UCPD determination, but concerns arise about the investigation of this case. During the review, it was noted that a substantial amount of time passed between when the complaint was issued and when the investigation took place. Additionally, the detainees (the two juveniles) were not questioned as to the officer's behavior or language use, and there was a failure to give more credibility to a presumably disinterested observer.*

**CR 06-10-12**

**Case Summary**

This case involved a complainant who alleged that an officer denied him medical attention. The complainant further alleged that he was denied police services after he stated that he was assaulted. Based on UCPD complaint investigation protocol, no further investigation occurred because the complainant, who was homeless, could not be reached. The UCPD determined both allegations to be not sustained.

***Committee Response***

*The committee agrees with the UCPD determination because the UCPD made sufficient attempts to investigate the complaint.*

## IV. General Concerns and Recommendations

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

### 1. Complaint Histories and Tracking Patterns

In an effort to better assess individual cases as well as observe patterns of complaints against the UCPD, the committee requests multi-year reports be created that outline frequency of determinations, officer involvement, number of withdrawn complaints, and complainant demographics. A member of the committee will volunteer to work with the UCPD, as appropriate, to better define categories for data collection.

### 2. Complaint Procedure for Homeless Persons

The committee reviewed two cases in which homeless persons issued complaints against the UCPD (05-09-14 and 06-10-12). In both cases, the complainants could not be reached by letter or phone for investigative purposes. Based on UCPD protocol, the investigation was not fully completed although determinations were issued in both cases. While acknowledging the difficulty of the situation, the committee recommends improvements be made to procedures to ensure that investigations involving the homeless can be completed more accurately.

### 3. Follow-up to Previous Recommendations

The committee is grateful for the ongoing cooperation that the UCPD has shown to our work and recommendations. In order to improve communication with the committee and public awareness of follow-up actions, the committee suggests that the UCPD draft an end-of-the-year letter to the committee outlining responses to previous recommendations. The letter can then be posted online with the committee's annual reports.

## V. Conclusion

The committee commends the UCPD for its efforts, cooperation, and unwavering dedication to enhancing public safety on campus and in the surrounding neighborhood communities. The number of complaints recorded remains a small fraction of the countless

UCPD interactions this past year on campus and with the broader community.

The committee applauds the UCPD on efforts to incorporate many of the committee's recommendations from last year, including enhancements to policies related to community caretaking and officer training. We hope recommendations in this report will be similarly considered and acted upon.

## Members of the Committee

### Committee Chair

Randolph Stone, *Clinical Professor, Law School*

### Faculty and Staff Representatives

Craig Futterman, *Clinical Professor, Law School*

Bernard Harcourt, *Professor and Faculty Director, Academic Affairs, Law School*

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

Sheila Yarbrough, *Associate Dean of Students, Student Affairs, Office of the Vice-President and Dean of Students in the University*

### Student Representatives

Javier Herrera (School of Social Service Administration)

Ryan Kaminski (College)

### Community Representatives

Brad Jonas (Hyde Park)

Melvin Lewis (North Kenwood)

Joe Strickland (Woodlawn)

### Committee Staff

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