

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

October 2008

The Independent Review Committee for the University of Chicago Police Department (UCPD), composed of faculty, staff, students, and members of the community, examines complaints against the UCPD involving charges of excessive force, violation of rights, and abusive language. The committee reviews the investigations conducted by the UCPD and shares with the Provost, President, and Vice President for Civic Engagement its conclusions and recommendations regarding the actions and procedures of the UCPD. The committee cannot revise any action the UCPD has taken on a complaint determination.

This report describes the committee's work and assessments regarding complaints against the UCPD for the 2007–08 academic year.

I. The Complaint Review Process

The UCPD operates under strict rules and regulations that provide for professional conduct. The University takes complaints against the UCPD seriously. The procedure for investigation is as follows:

1. A member of the University community or a resident of the neighborhood who is dissatisfied with the UCPD may call the dispatcher at 773.702.8181 and ask to speak with the watch commander or the supervisor on duty; may send email to Jeff Collier, Deputy Chief of Administrative Services, at jcollier@uchicago.edu; or may make a formal complaint by completing a Citizen's Complaint Form, available at oca.uchicago.edu/pdf/complaint.pdf. Students at the University may seek assistance from a representative from the Office of the Vice President and Dean of Students in the University by calling 773.834.HELP. Community members needing assistance may contact the Office of Civic Engagement at 773.702.8195.
2. The investigation of the complaint is conducted by a UCPD supervising officer. The investigation includes formal interviews of all parties concerned.

3. After the investigation is finished, 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. If the supervising officer recommends a “Sustained” finding, he or she will also recommend disciplinary action.

5. UCPD supervisors through the chain of command then review the investigation and recommended findings. Each reviewer may agree or disagree with the recommended findings or order further investigatory action. The Chief of Police reviews every investigation and makes the final decision with respect to the investigative finding and any discipline imposed. The Chief of Police then writes to the complainant to communicate the determination, explain any findings, and convey any disciplinary actions taken by the UCPD as a result of a “Sustained” complaint.

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

7. As noted above, the committee annually reports its findings and recommendations to the Provost, President, and Vice President for Civic Engagement. 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 oca.uchicago.edu/pdf/irc_annual_report_2008.pdf and is published in the *University of Chicago Record*.

II. Complaint Summaries and Review

There were ten complaints filed against the UCPD during the 2007–08 academic year. (See table 1.) Two complaints are still under internal investigation by the UCPD, thus the Independent Review Committee has not yet seen them. One complaint was outside the purview of the committee’s charge. The remaining seven complaints, which involved allegations of excessive force, violation of rights, or abusive language, were reviewed by the committee and are discussed in this report.

III. Committee Case Reviews

The committee agreed with the findings and determinations of the UCPD’s investigations in four of the seven cases it reviewed. In one case, it agreed with one finding and disagreed with another. In the remaining two cases, the committee considered the information gathered in the course of the investigations too thin to assess the UCPD’s conclusion. In one of those cases, the complainant affirmatively declined to participate further in the investigation; in the other, attempts to reach the complainant to secure her participation were unsuccessful.

A discussion of each case follows, after which the committee outlines its general concerns about investigative procedures and makes recommendations for modifications.

CR 07-05-02

Case Summary

The complainant alleged that when UCPD officers escorted her ex-boyfriend while he retrieved his belongings from her home and returned her house key, one of the officers put up her hand and declined to become involved in pursuing the whereabouts of the complainant’s dog, which was allegedly in the possession of the ex-boyfriend.

Allegation 1

The UCPD’s internal investigation and witness testimony suggested that the officer raised her hand to indicate “stop” as she tried to maintain calm in a situation that was escalating. The allegation (waving her hand in the complainant’s face) was exonerated.

Allegation 2

The officer was accused of being rude and unprofessional in referring complainant to civil court to settle

the matter of her dog. The allegation was not sustained, based on the testimony of those present at the time.

Committee Response

The committee agrees with the UCPD determinations.

CR 07-02-01

Case Summary

The accused officer was on patrol when he observed at a distance a disturbance between two men in the street. When he arrived on the scene, one man went inside the home and the complainant, who was delivering an order of food, alleged that the person who had gone inside had tried to rob him. The accused officer interviewed individuals and learned that there had been no robbery attempt and that the altercation had occurred following the second occurrence of inappropriate comments by the complainant to the other man's girlfriend, to whose home the food was being delivered.

Allegation 1

The complainant alleged that the officer allowed a man with a baseball bat to leave the street and go inside. The officer's and other witnesses' testimony confirmed that this occurred, and the officer's action was exonerated.

Allegation 2

The officer was accused of using profanity and saying that "you people" do not know how to live together. The officer denied using profanity but admitted to making a general comment about people not knowing how to live together. The officer was counseled and given a written reprimand.

Committee Response

The committee agrees with the UCPD determinations.

CR 07-07-03

Case Summary

This case involved a disagreement between two individuals about the eligibility of one of them to park in a disabled parking spot. The complainant did not have a visible disability. Emotions were already running high when the accused officer arrived.

Allegation 1

The complainant alleged that the officer's size and language were intimidating and threatening, and that she found herself suddenly and unnervingly face-to-face with him. The officer is large of stature, and witness testimony confirmed that when the complainant was speaking in a loud voice and was following the officer, he turned and asked her to calm down, putting them unexpectedly face-to-face. The UCPD determined that the officer's conduct was consistent with UCPD policy and exonerated the officer from this charge.

Committee Response

The committee agrees with the UCPD determination.

Allegation 2

The complainant further alleged that the accused officer insisted that she reveal her medical condition. Based on the testimony of some of the witnesses, the UCPD concluded that this allegation was unfounded.

Committee Response

While some witnesses contradicted the complainant's account, at least one independent witness corroborated the allegation. As a result, the committee considers "Not Sustained" a more accurate disposition of the complaint. The committee recommends that the UCPD review the case again to reevaluate the details related to the second complaint.

CR 07-08-04

Case Summary

Two male juveniles were seen entering an unlocked parked vehicle. When the UCPD approached, they fled. One was captured immediately, and the other was captured after a brief foot chase. The youth involved in the foot chase had a bloody nose, for which he was treated at the University of Chicago Comer Children's Hospital before being transported to the police station.

Allegation

The youth's mother filed a complaint alleging that an unknown officer punched her son during the course of the arrest, causing his nose to bleed. The complainant subsequently declined to pursue the

complaint and stated that her son was not a reliable reporter of information. The UCPD determined that the complaint was not sustained.

Committee Response

The committee questions why the UCPD did not pursue the investigation by speaking with the officers involved. Allegations of excessive force are rare and serious. When a minor is injured and receives medical attention, it seems incumbent upon the UCPD to investigate as thoroughly as possible even without the participation of the complainant. The committee recommends that the UCPD interview the officers involved and further recommends that the UCPD establish guidelines for the kinds of complaints that they will pursue even when a complainant declines to participate.

CR 07-08-05

Case Summary

The complainant offered two accounts of how he came into possession of a cell phone that did not belong to him. The wife of the owner of the cell phone gave him cash for returning it and reported the matter to the UCPD. The UCPD oversaw the return of most of the money she gave him.

Allegation 1

The complainant alleges that the accused officers were unprofessional and used excessive force, causing injury to the complainant's shoulder, back, and wrists. Although the complainant alleged excessive force resulting in injury, videotape evidence and witness testimony contradict this allegation, leading the UCPD to classify this allegation as "Unfounded."

Allegation 2

The complainant also alleged that the officers denied him the opportunity to prove his innocence in court. The UCPD determined that this charge was also unfounded, as the wife of the owner of the cell phone declined to press charges against the complainant.

Committee Response

The committee agrees with the UCPD determinations.

CR 07-11-07**Case Summary**

The complainant alleged that the accused officer refused to initiate a police report, was intimidating and loud, and refused to accept her complaint. It is unclear from the file what precipitated the complaint. The UCPD determined that the allegations were unfounded.

Committee Response

The file did not contain sufficient information for the committee to determine what led to the three allegations or to determine if the UCPD had exhausted all reasonable avenues for getting in touch with the complainant, who did not return phone calls or certified mail and who was, for a time, in the hospital. The committee recommends that the UCPD require investigating officers to chronicle the date and time of each attempted communication and to explain what “negative results” means (e.g., voicemail left, message left with person, phone ringing indefinitely, phone disconnected, signed/received certified mail, mail returned undelivered) regarding attempts to communicate with a complainant.

CR 07-12-09**Case Summary**

After learning from the Chicago Police Department that she could not file a stolen vehicle report on a recently purchased car for which she did not yet hold the title, the complainant called the UCPD for assistance. The accused officer advised the complainant of the process for obtaining the title, took her contact information in case the car was located, and took a description of the car and partial license plate number (as the complainant did not know the full license plate number). The officer posted the information where the dispatchers on all shifts could see it.

Allegation 1

The complainant alleged that the officer did nothing when she reported that her vehicle had been stolen. Since the complainant was not the registered owner of the vehicle, she did not have the standing to report the vehicle as stolen. The accused officer informed her how to become the registered owner, took her information, and left it in a prominent position for subsequent shifts. The allegation was thus deemed unfounded.

Allegation 2

The complainant alleged that the accused officer did not complete a report on her missing vehicle. The UCPD exonerated the officer from this charge.

Committee Response

The committee agrees with the UCPD determinations. The committee also notes that it might have been more helpful to advise the complainant to contact the person from whom she had purchased the car (who was legally the current owner) so that he could provide a full license plate number and make a report. It also might have been helpful to inform the officers on patrol of the vehicle's description in case they spotted it. The committee also questions the wisdom of maintaining a policy not to accept or investigate a report of a stolen car absent proof of ownership. The UCPD should consider exceptions to this practice. For example, police investigation would certainly be appropriate if a witness saw someone break into a neighbor's car.

IV. Ongoing Work of the Committee

1. Complaint Histories and Tracking Patterns

The UCPD is in the process of organizing data that will allow the committee to identify and track potential patterns of complaints over time. The committee hopes to include a summary analysis of this data in next year's report.

2. Coordination with the Ad Hoc Campus Safety and Security Committee

In the wake of the tragic slaying of one of our graduate students, the University has convened an ad hoc Campus Safety and Security Committee and has hired the Bratton Group as consultants to make recommendations for further improving public safety in our community. The Independent Review Committee plans to review the recommendations of these groups and meet with members of the ad hoc committee to coordinate efforts in the areas in which our work intersects.

V. General Concerns and Recommendations

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

1. UCPD Further Review of Findings

As noted above, the committee recommends that the UCPD review the documents that comprise the CR 07-07-03 file, specifically revisiting the details related to the second allegation and the fitness of the “Unfounded” finding.

2. Guidelines for Investigation of Complaint without Complainant Participation

The committee is aware that the UCPD investigates serious complaints that it receives even without the participation of the original complainant. Because reasonable people may sometimes dispute what constitutes a serious complaint, developing more explicit guidelines might prove valuable.

3. Documentation in Complainant Files

While the investigating officers clearly take considerable care in the course of the investigation, some additional information would be useful to the committee:

- The committee suggests a minor refinement to the procedures for recording attempts to contact complainants and witnesses. As noted above, it would be helpful if the investigating officer would list the date and time of each call (rather than stating “several”) and would specify what happened at the other end of the line (rather than recording “negative results”). Greater detail of this sort would better document the effort that went into the investigation and provide a firmer foundation for the inferences made.
- Provision of background on the interaction or police matter that led to the complaint might help the committee evaluate the conclusions reached by the UCPD.

VI. Conclusion

In a year that witnessed the tragedy of a slain graduate student and the outstanding cooperation between the UCPD and the City of Chicago Police Department that led to the arrests of those responsible, public safety issues were especially at the forefront of people’s minds. In response, the University increased the number of officers on patrol and approved additional staff hires to support this augmentation. A report produced by the ad hoc Campus Safety and Security Committee and a set of recommendations from the Bratton Group will result in further changes that strengthen the UCPD. The University will also take

appropriate action in response to the recommendations of its ad hoc Campus Safety and Security Committee and consultation with the Bratton Group.

Against this backdrop, the UCPD continues to distinguish itself by providing excellent crime prevention, swift and effective responses to crime, valuable community outreach and education, and dedicated service to the University and the neighborhoods surrounding campus. Given the volume of contacts the UCPD has around the clock and throughout the year, the volume of complaints received is genuinely small. The UCPD promptly pursues investigation of those complaints, and the committee recognizes the seriousness and respect with which those complaints are handled. Police work always involves a mix of mundane tasks and life-and-death decisions. The committee wishes to thank the UCPD for working assiduously to meet the large and small needs of our complex community and for endeavoring to do so with understanding and kindness.

Members of the Committee

Laura Brinkman, student, Harris Graduate School of Public Policy Studies

Wendy Doniger, the Mircea Eliade Distinguished Service Professor, Divinity School and the College

Leah Endalkachew, student, The College

Theodore Feaster, community member

Craig Futterman, Clinical Professor, Law School; *chair*

Ingrid Gould, Associate Provost; *staff*

Brad Jonas, community member

Jamie Kalven, community member

Robert Rush, Associate General Counsel, Office of Legal Counsel

Ben Shepard, student, The College

Randolph Stone, Clinical Professor, Law School

Belinda Cortez Vazquez, Assistant Dean of Students, Office of the Vice President and Dean of Students

Table 1. Complaint Cases Reviewed by the Independent Review Committee, 2007–08

CR Number	Date of Filing; Disposition	Complainant Race/Gender	Allegation	UCPD Disposition
07-05-02	5/20/2007; 8/24/2007	B/M	1. Complainant alleges that the accused waved her hand in front of complainant's face when complainant asked her ex-boyfriend where her dog was. 2. Complainant alleges that the officer was rude and unprofessional in her behavior.	1. Exonerated 2. Not Sustained
07-02-01	2/12/2007; 9/21/2007	B/M	1. Complainant alleges that the accused saw offender swinging a baseball bat at complainant, did not take any police action, and let the offender go away. 2. Complainant alleges that the accused stated to him, "You [obscurity] people don't know how to live together."	1. Exonerated 2. Sustained
07-07-03	7/24/2007; 12/13/2007	B/F	1. Complainant alleges that she was intimidated and threatened by the accused officer's physical and verbal actions and his abusive language. 2. Complainant alleges that the accused officer insisted she reveal her medical condition.	1. Exonerated 2. Unfounded
07-08-04	8/12/2007; 1/14/2008	B/F	Complainant alleges that an unknown officer punched her son in the nose during the course of an arrest, causing his nose to bleed.	Not Sustained
07-08-05	8/16/2007; 2/7/2008	B/M	1. Complainant alleges that the accused officers were unprofessional and used excessive force, causing injury to complainant's shoulder, back, and wrists. 2. Complainant alleges that the officers denied him his court appearance, which he demanded.	1. Unfounded 2. Unfounded
07-11-07	9/26/2007; 2/3/2008	B/F	1. Complainant alleges that the accused officers told CPD they didn't have to make out a report. 2. Complainant alleges that the accused was intimidating and loud toward her. 3. Complainant alleges that the accused told her he would not [<i>sic</i>] only take a complaint if something happened to her.	1. Unfounded 2. Unfounded 3. Unfounded
07-12-09	12/14/2007; 4/2/2008	B/F	1. Complainant alleges that the officer did nothing when she told him the location of her stolen vehicle. 2. Complainant alleges that the officer did not complete a report.	1. Unfounded 2. Exonerated