To: Campus Community

From: Kimberly Goff-Crews, Vice President for Campus Life and Dean of Students in the University; Marlon Lynch, Associate Vice President for Safety and Security and Chief of Police; and Judith Nadler, Director of the University Library

Re: Student arrest and related issues

Date: April 2, 2010

On February 24, after a Library staff member called police for assistance, a student was arrested at Regenstein Library. In this memo, we would like to update the University community about our efforts to better understand the incident and address some of the longer-term issues it has raised. We would like to say at the outset that we are deeply sorry for the events of that evening, grateful for the many ways in which campus constituents have contributed to the resulting discussion, and committed to implementing a set of thoughtful institutional changes that will prevent a recurrence.

In addition to the legal process initiated by the arrest, the University of Chicago Police Department and the University Library conducted their own investigations. University administrators from many departments also have been meeting regularly—among themselves and with students, from one-on-one meetings to the open forum on March 2 that brought together more than 150 people—to address the issues raised. These conversations have informed our response.

Because many of the facts of this incident remain in dispute, we think it will be helpful to begin by describing our best understanding of what occurred. Accounts by those directly involved and by witnesses share some basic features: A Library employee approached three individuals whom she felt were being disruptive as they headed to A-Level. The individuals were asked to quiet down, and to produce identification. The Library employee was not satisfied with the response, and called the police. The responding officer spoke to the staff member who made the complaint, who directed him to the three people involved and requested they be removed from the Library. There was a conversation between the officer and the three people. One individual did not comply with requests made by the officer, at which point the officer informed him that he was under arrest. As the officer was handcuffing the individual, the officer forced him to the ground to complete the arrest and removed him from the Library.

This incident has raised many questions and concerns—about the conduct of all parties involved, about policies in place, and about the expectations and relationships among different parts of our campus community. Some students have asked questions about how they are perceived and treated, and whether students of color are treated differently than other members of the community. Others have expressed specific concerns about the University police and the Library. Some staff and faculty have asked questions about basic expectations for conduct on campus, from behavior to self-identification, and whether the University adequately conveys those expectations. We take all these concerns very seriously.
We recognize that this difficult episode has been distressing for those involved both directly and indirectly. It has created pressures and feelings of estrangement for members of our community. But even an unfortunate and emotional set of circumstances like these can be an occasion for us to reflect on our shared values and make improvements that allow us to move closer to the campus community we would all desire.

The parallel processes underway can be divided into two categories: specific responses to the events of February 24, and systemic responses to larger issues surrounding those events. This overview will not answer every question. Even after careful examination, there remain different versions of some facts of the incident; we continue to respect the privacy of those involved, as well as the confidentiality of employment matters; and some details of the broader campus response will be worked out in the weeks and months to come, through numerous consultative processes that are now underway.

**Specific responses to the events of February 24**

**THE LEGAL PROCESS**

In the days following the arrest, many people asked whether the University would seek to have the criminal trespass and resisting arrest charges against the student dropped. The University shares this concern that the incident not detrimentally affect the future welfare of the student involved. In later communication with State’s Attorney’s officials, the University was informed that the State’s Attorney sought to dismiss the misdemeanor charge of criminal trespassing at a court hearing on February 25, and the court did dismiss that charge. The city ordinance-based resisting arrest violation was continued at that time, with a tentative agreement to dismiss that charge at a future court date. That outcome would end the case without any conviction or finding of fact.

In addition, the University is pursuing its normal processes with respect to student discipline.

**UCPD INVESTIGATION**

The University of Chicago has a transparent and collaborative process for responding to complaints about police conduct, involving an independent review by a standing committee of University and community members, and a public report. Each complaint is investigated by a UCPD supervising officer. The investigation includes interviews of all parties concerned. After the investigation is finished, the supervising officer issues a report, which is reviewed by the Associate Vice President and Chief of Police, Marlon Lynch. Chief Lynch makes a final decision about the complaint and any resulting discipline, and writes to those who filed the complaint to let them know the outcome. More details about this process can be found online at http://www.uchicago.edu/safety/ucpd.shtml#complaint.

In this case, UCPD received formal complaints from two individuals, and launched an internal investigation into the circumstances surrounding the arrest. The investigation focused on three specific complaints: failure to explain the nature of the call for assistance, failure to explain why the individual was being asked to leave, and excessive use of force during the arrest. As is customary, the arresting officer was assigned to other duties while the investigation was underway. Commanding officers of the department interviewed 25 witnesses; other potential witnesses declined to provide a statement or did not respond to repeated requests for an interview.

In order to obtain an independent, external review of the investigation, Chief Lynch asked Dr. Alex Weiss, former director for the Northwestern University Center for Public Safety and a consultant on internal review and race profiling, to examine all the evidence gathered by UCPD.
After reviewing all the materials and recommendations, Chief Lynch found sufficient evidence to support all three of the complaints. The officer has been suspended from the force and received a written reprimand, to be followed by additional training regarding the use of force. Chief Lynch has written to the two individuals who filed the complaint to inform them of his decisions.

The findings of internal investigations into complaints against UCPD officers relating to issues of excessive force, violation of rights, or abusive language are presented to a standing Independent Review Committee composed of members from the University faculty, staff, and student body, as well as members of the larger community. This committee is charged with reviewing the evidence and findings, and making recommendations as appropriate to the University President, Provost, and Vice President for Civic Engagement, including proposing changes in policies or procedures. The IRC publishes an annual summary of the cases it has reviewed, along with its conclusions.

As part of its regular deliberations, the IRC will review this complaint and the subsequent investigation and findings. We expect that review to take place during Spring Quarter.

LIBRARY REVIEW OF INCIDENT

Library staff called police to report the incident, asked the responding officer to remove the student, and signed the criminal trespassing complaint. Because of that involvement, Library leadership conducted a review of its policies and practices, as well as the response of Library staff. The review concluded that Library protocol currently in place was not violated in this response. The review also determined that the processes and procedures in place are not sufficient for circumstances like those of February 24, and should be improved. Library leadership will revisit its broader policies in a process outlined below.

Systemic responses to issues surrounding this incident

LIBRARY POLICIES

The University Library is a central part of the campus community. As such, it must be open, welcoming, and safe for all members of the campus community, while serving its core scholarly mission. The Library must cultivate an environment that supports the best work of scholars at all levels, and it must be a place where the many different constituencies and cultures within the University can find common ground and work together.

In the wake of the student arrest, many students and other members of the campus community asked for further conversation and review of Library policies. As noted above, Library leadership also called for a comprehensive approach to the questions raised by the incident. Those conversations will be structured around the creation of a code of conduct that will help to identify common ground, serve the scholarly mission of the Library, and articulate what constitutes accepted behavior in the University's libraries. Library staff began the process by gathering potential guidelines contained in other Library documents and researching the best practices of peer universities. In April, that initial draft will be considered by the Library Board; the Library Student Resource Group, a standing committee that includes 12 undergraduate and graduate students (see http://www.lib.uchicago.edu/e/about/studadv/); a broader group of Library staff; and staff of Campus and Student Life. Library leadership also will bring the draft code of conduct to a student forum, as well as consulting other groups of students, faculty, other academic personnel, and staff. The input gathered in those venues will then be incorporated into a final draft of the code, to be released before the end of the Spring Quarter.
At the same time, representatives of the Library, Campus and Student Life, and others will begin developing a plan to communicate and implement the code of conduct. This plan will be reviewed by Library advisory bodies, staff in several departments, and student and faculty representatives. It also is scheduled to be completed by the end of the Spring Quarter.

Library staff will be trained in the application of the code, which also will be made available online and in appropriate publications such as the student handbook, and will be included in orientation programs by next fall.

POLICE RELATIONSHIPS AND POLICIES
The University of Chicago Police Department is responsible for protecting a complex array of communities, including the campus itself, adjoining neighborhoods that are among the safest in the city, and others that are among the city’s most challenging for law enforcement. To ensure that students, faculty, and staff can pursue their work safely, officers must not only respond to, but prevent crime; this requires that they exercise their judgment in ways that may occasionally, with the best of intentions, result in confrontations with members of the campus community. The UCPD abhors the notion of racial profiling and will continue to train its officers not to engage in such profiling. The department also will continue to work toward better understanding with the community about what constitutes racial profiling and what is the basis of good police work. The department needs the prompt assistance of the community in order to address any instances or perceptions of misconduct of any sort. Any member of the University community or resident of our surrounding neighborhoods who is dissatisfied with UCPD is encouraged to call the dispatcher at 773-702-8181 and ask to speak with the Watch Commander or the supervisor on duty. Students may call that number and ask to speak to the Dean-on-Call; they also may initiate complaints by contacting Campus and Student Life at 773-702-7770.

UCPD leadership has committed to four major initiatives to address concerns raised by this incident.

In order to improve communications, discuss issues of concern, and build trust, UCPD leadership will meet regularly with a variety of representative students and student organizations including Student Government; students of color, in collaboration with the Office of Multicultural Student Affairs; students who attended the March 2 forum; and potentially with other students and student organizations.

Several staffing changes will take place. JoCathy Roberts will become Interim Deputy Chief for District 1, main campus, as well as the department’s primary liaison with the Office of Multicultural Student Affairs. The selection process for a permanent deputy chief will include students and representatives of Campus and Student Life, and will emphasize campus law enforcement and community relations experience. Four additional officers will be assigned to the Community Services Division, led by Capt. Kelvin Pope.

UCPD will collaborate with members of the campus community to sponsor a series of guest speakers who will help the campus community engage in discussion on topics such as racial profiling and police accountability. The Center for the Study of Race, Politics, and Culture and members of its affiliated faculty, with support from the Office of the Deputy Provost for Research and Minority Issues, will assist in sponsoring talks, brownbag lunches, research initiatives, and other events about these and related topics.

Finally, UCPD leadership will work with the Internal Review Committee to clarify the procedure for filing complaints against police, possibly including email and telephone hotline options. An independent position will
be created within the University’s Department of Safety and Security, but outside UCPD, to conduct investigations into complaints against UCPD.

COOPERATIVE INITIATIVES
The questions arising around the student arrest also highlighted several opportunities to improve procedures among and across different elements of the campus community.

UCPD and Campus and Student Life leadership are working to identify ways in which they can work together to improve relations with students and other campus members, to prevent incidents before they occur, and to modulate responses to incidents. The Dean-on-Call program, which has been effective at preventing the escalation of other incidents, will be highlighted as an important area of cooperation and support, for students, staff, police, and all members of the campus community. In addition, the Bias Response Team (BRT) is available to members of the campus community. More information about the BRT and additional resources can be found online at http://help.uchicago.edu/.

Campus and Student Life will work with Human Resource Services and others to begin developing and implementing a University-wide program for training staff members for interaction with students. Campus and Student Life also is beginning to review with experts the options available for providing legal support to students.

IDENTIFICATION
We are privileged to be members of the University community, and with that privilege come certain responsibilities. One such responsibility, articulated in the Student Manual (studentmanual.uchicago.edu/administrative/index.shtml#chicago_card) and on the back of University ID cards, calls upon members of the University community to identify themselves as such upon request. This policy is important to community safety and helps ensure that members of the University gain quick access to the resources and support available to them. Nonetheless, this policy is not widely known. And because it is not widely known, a request for identification can be prone to misunderstanding, or can become a source of unnecessary contention. For that reason, University administrators will work to improve training about identification, its purposes, and our mutual responsibilities around identification.

Moving forward
As we consider the events of February 24, we want to apologize for the fact that the police response in this instance did not live up to our standards. At the same time, it is important to recognize that there is shared responsibility: each of the individuals involved in this incident made choices that contributed to an unfortunate escalation of events. In addition, policies and procedures in place were inadequate to support those involved in the incident in making decisions that could have led to a better outcome.

Our efforts to understand this incident and to make improvements going forward are informed by our shared values. The University of Chicago seeks to create an environment in which faculty, students, other academic personnel, and staff do their best work. That begins with making sure that all members of the community are safe and feel safe. We are also committed to cultivating a mutual respect that includes a willingness to listen to and understand the different needs, perspectives, opinions, and experiences represented across the University. When the University community encounters a challenge such as the one posed by this episode, we bring to it the
same belief in an open exchange of ideas that shapes the University's scholarly life. We believe in the importance of reflection, and self-reflection, as part of that search for answers. We recognize that the way one experiences an event like this can be shaped by prior experiences and informed by perspectives that go beyond the scope of a single incident. Finally, we share the belief that discussion alone is not enough, and that our work must be aimed at improving our shared life and our growth as a community. The three of us, along with other colleagues, stand committed to working together to advance that aim.

The initial plans described here are important to ensure that we continue to move forward and capitalize on the good discussion and ideas brought forward in recent weeks. But we also recognize the need to remain flexible, modifying or adding to those plans as appropriate. We believe that this sort of self-examination should not be a one-time event, but a regular practice as conditions change and as the University community renews itself. We thank all those involved—staff, students, faculty, other academic personnel, and outside advisers—for their hard work and thoughtfulness. And we continue to encourage anybody who wants to be involved in these processes to take part in some of the activities outlined above, or to send any comments or questions to vpcampuslife@uchicago.edu.