

The Independent Review Committee

The University of Utah Department of Public Safety (DPS) consists of the following divisions: University Police, UHealth Security, Campus Security, Emergency Services, and Community Services. University Police are sworn and certified law enforcement officers under Utah Code 53-13-103, whose authority includes serving criminal process and arresting violators of law; UHealth Security are non-sworn security officers that provide services at our hospitals and clinics; and Campus Security are non-sworn security officers that provide services on the academic campus. All divisions are supported by administrative personnel. Over the years, the DPS has performed valuable service and demonstrated a commitment to the University community.

On occasion, however, complaints are made detailing DPS policy and alleging specific instances of misconduct by DPS members. To impartially respond to such complaints and to create transparency and accountability, the Office of the Chief Safety Officer (CSO) has established the Independent Review Committee (IRC) to help ensure the University community's confidence in DPS. As an independent committee wholly separate from DPS, the IRC reviews complaints brought against members of DPS by members of the University community and the public whom DPS serves when those complaints relate directly or indirectly to such issues as---but neither inclusive nor exclusive of--- excessive force, violation of rights, abusive language, or dereliction of duty. In addition to reviewing matters brought to its attention by DPS, the IRC proactively acts upon any DPS matter brought to the IRC's attention by members of the University community. In reviewing complaints, the IRC evaluates the actions of members of the DPS and, when necessary, makes recommendations on DPS policies and procedures.

IRC committee members recognize and respect the privacy of those involved in the complaints under review and therefore will sign non-disclosure agreements (NDA).

Additionally, the IRC creates transparency by allowing community members to contact the IRC, providing an annual report of all incidents, and recommending changes to policies or procedures. This report will be provided to the CSO and made available to the campus and community, and all IRC decisions will be made publicly available on University of Utah websites and forums including the DPS website, the Human Resources website, and University newsletters. Contact information for the IRC should be listed under "Support and Resources" in the newsletters and University-wide alerts.

Were the IRC to reach a conclusion differing from that reached by DPS internal review, the issue will be brought to additional University officials, including the University President for final resolution.

At the discretion of the Chair, the IRC conducts regularly scheduled meetings to act on complaints filed against DPS members and related policy and procedural and communication issues and prepare reports accordingly. The Chair may call additional meetings to discuss IRC matters necessary to produce the annual report.

The Process for Initiating Complaints Against DPS:

Members of the University community and the public whom DPS serves may bring complaints about DPS actions to DPS, the IRC (by contacting the Chair), the Office of the CSO, the Office of the Vice President for Student Affairs, or the Office of the Vice President for Equity, Diversity, and Inclusion. All complaints will be referred to the Executive Officer within the Office of the CSO for investigation.

The Office of the CSO's Internal Review Procedures:

The Executive Officer in the Office of the CSO is responsible for overseeing investigations of complaints brought against DPS. For each allegation within a complaint, the investigator will make a determination as to whether it is:

1. **Unfounded**—the allegations are not factually accurate; the alleged conduct did not occur.
2. **Exonerated**—the alleged conduct did occur but was justified under the circumstances.
3. **Sustained**—the alleged conduct did occur and was not justified under the circumstances.
4. **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 whenever a case involves conflicting stories that are not clearly resolvable on the basis of evidence presented to the Committee.
5. **Administratively Closed**—no investigation was completed due to the fact that the complainant did not (except in an instance of alleged serious or criminal violation) cooperate with the investigation.

IRC Review Procedures:

The Executive Officer in the Office of the CSO notifies the IRC whenever a complaint is under DPS review and informs the IRC regarding the time-table for the initial transferring of material for IRC review. When performing its review, the IRC shall be provided with all materials relevant to investigation of the complaint, including information relating to previous complaints brought against the employee(s) or officer(s) against whom the complaint under review is made. Should the IRC conclude that it requires additional information, the IRC reserves the right to request such information.

In reviewing the conclusions, the IRC may:

1. Agree with the disposition of the complaint.
2. Identify an issue not raised in the original complaint that is raised in the report record and ask that the Executive Officer investigate the issue; the identified issue will be labeled "supplemental."
3. Disagree with disposition of an allegation within a complaint and suggest an alternate disposition.
4. Suggest that DPS consider different or additional sanctions for University officers involved in an incident.

5. If warranted, suggest that DPS review its procedures and consider amending them to address a particular issue or concern.
6. If needed, request information about an officer's prior record. As part of its review, the Committee may ask for a summary of past disciplinary action against an officer. Also, the Committee may ask for a summary of past commendations an officer has received.
7. If needed, request DPS procedures related to recurring problems relevant to the complaint under review.

IRC Flexibility:

The IRC recognizes that circumstances and unforeseen events often dictate new realities and challenges to the community. As such, this document should be read with the understanding that the IRC views flexibility as necessary to perform its duties in accordance with President Watkins' letter establishing the Committee.

Composition of the IRC and Contact Information:

The President of the University of Utah will appoint members to the IRC. The IRC is currently comprised of two faculty members (one of whom is designated as Chair), three undergraduate students, two graduate students, two professional school students, and three staff members.

The IRC Chair, Amos Guiora, may be contacted at amos.guiora@law.utah.edu.