

Dec. 19, 2018

To the Independent Review Team:

John T. Nielsen

Sue Riseling

Keith Squires

Dear John, Sue and Keith,

Thank you for allowing the University of Utah to review and respond to the findings and recommendations of your independent review of the conduct and actions of the U's Department of Public Safety and Housing and Residential Education program related to the Lauren McCluskey case.

We appreciate the swiftness and thoroughness of your review. Our responses to your recommendations are included here.

The safety of our campus is a critical priority for us and we appreciate your guidance on what additional steps we can take to provide a safe environment not only for our students, but for staff, faculty and visitors. We anticipate more recommendations will be forthcoming from the second part of your review, which will include engaging with the ongoing work of our Presidential Task Force on Campus Safety. Through the work of the task force, the University has made many enhancements to campus safety over the past 18 months and more are expected.

We recognize that efforts to ensure campus safety require ongoing attention, resources and improvements. We are fully engaged in and committed to this process. I have directed Jeff Herring, our chief human resources officer, to manage implementation of our action items and to provide monthly monitoring of our progress. In addition, I will receive monthly updates from each member of the president's cabinet on improvements in their areas of responsibility.

We assure you we will enact all measures we can to reduce the likelihood of another tragedy on our campus. It is our hope that a safer campus and improved coordination and communication with our students will be one of Lauren McCluskey's enduring legacies.

Sincerely,



Ruth Watkins

President, The University of Utah

CC: University of Utah Board of Trustees; Enclosure

**University of Utah
Office of the President**

**Response to Independent Review Report Involving the Conduct and Actions of the
University of Utah Department of Public Safety
and Housing and Residential Education Program
Relating to the Lauren McCluskey Case**

Dec. 19, 2018

1. *There was never any report to UUPS or the BIT Coordinator that Rowland had been discussing bringing a gun on campus.*

Recommendation: *The University should ensure that all campus community members know about BIT and the expectation to report threats or possible threats and the possible possession of weapons on campus, to the BIT team and to UUPS.*

Response: The University is undertaking steps to ensure that campus community members, particularly in the Housing and Residential Education program, are aware of the Behavioral Intervention Team (BIT) and the expectation that cases involving threats and possible threats, including interpersonal violence, be referred to BIT.

The University is hiring an additional case manager for BIT to improve education, timely response, outreach to students and other departments and assist with threat assessment strategies when needed. BIT operates within the Office of the Dean of Students and includes representatives of UUPS, the Counseling Center, Housing and Residential Education, the Center for Disability Services, the Center for Student Wellness, the International Student and Scholar Services, legal counsel and faculty. BIT will work to enhance communication to the campus community about its role and how to make referrals.

Utah law is clear that guns are allowed on our campus with a concealed weapons permit. Our process is also clear: If anyone sees a gun on campus they should report it to UUPS for immediate follow up. The University will intensify efforts to ensure the campus community is aware of the expectation that information about actual or possible possession of firearms on our campus be referred to UUPS. We are developing a plan to ensure we inform our community about this protocol on a regular basis.

2. *In light of state law permitting concealed weapons permit holders to carry guns on campus, University students and employees are confused about when to report the possibility of weapons being brought on campus. The advice given to [REDACTED] regarding what to do if there is evidence of the presence of such a firearm was in accord with University policy and state law.*

Recommendation: *UUPS should continue to take seriously reports of weapons, or the possibility of someone bringing a weapon, to campus. The University should provide additional training to employees about proper reporting of weapons or the possibility of weapons on campus.*

Response: As noted above, the University will engage in regular education and training to ensure greater awareness among employees of the existing procedure and protocols, which are in line with state law, for the presence of, response to and handling of weapons on campus. All such reports are to be directed to UUPS.

3. *In this case, after Housing chose not to report the possible possession of a weapon to the police, there was no report made to the BIT Coordinator.*

Recommendation: In urgent cases where there is insufficient time to initiate a BIT referral, the possession of guns on campus should be reported to the BIT Coordinator and/or UUPS. The BIT Coordinator and UUPS can then assess the proper response to such a report.

Response: The University has an existing procedure and protocols governing guns on campus, which is in line with state law. The University will work to ensure, through education and training, that all campus employees are aware of the expectation that UUPS should be notified of the presence of weapons on campus and is the entity tasked with responding, as appropriate.

4. *The resident assistant could not get the central reporting mechanism "Advocate" software program to accept her CARE report.*

Recommendation: The Advocate tool is robust; however, it needs to be updated periodically. There are also other tools and systems that have more features, especially when dealing with possible threats, not just disturbing behavior. The University should evaluate Advocate against other available programs to ensure they are keeping up with the best tools for the BIT's use.

Response: The University will evaluate the Advocate software program as recommended. We will also ensure staff are properly trained on its use as well as alternative avenues for sharing reports.

5. *The reporting within Housing had multiple layers and the response took an extended period of time.*

Recommendation: The University should streamline reporting processes within Housing.

Response: The University has streamlined the reporting protocol within the U's Housing and Residential Education program and additional reviews of that process will be conducted. We have established a single point of contact (HRE's assistant director for conduct management) to take complaints/concerns regarding interpersonal relationships and refer those reports to BIT, as well as the Office of Equal Opportunity/Affirmative Action when appropriate.

HRE is in the process of hiring a resident outreach coordinator who will work with students and support the assistant director for conduct management.

6. *In Lauren's case, there were signs that she may have been in a coercive relationship. Housing did not conduct a meeting of its own to evaluate risk or whether the matter should be referred to BIT.*

Recommendation: Whenever possible all involved and interested parties should meet together quickly to discuss cases that could escalate to interpersonal violence. Participants should discuss the issues, and designate a case manager and a strategy to move forward. Appropriate advocates and other campus resources should be engaged as soon as possible.

Response: As noted immediately above, the University has improved the communication process and educated staff about the expectation of an expedited response in cases involving

potential interpersonal violence. This includes the expectation that such cases will be immediately (within the same day) referred to BIT.

7. It was apparent to several students in the housing unit that Rowland was a non-student, was essentially living there, and could come and go as he pleased because he had befriended some of the residents.

Recommendation: The University should evaluate guest policies and enforce them.

Response: Housing and Residential Education has policies in place regarding guest visitors. It will take steps to ensure all staff are aware of the policies and enforcement expectations. HRE provides students with information about policies at the start of the academic year during orientation and move-in, as well as at other points during the year; however, it will increase those efforts. For example, residents will be reminded of guest policies during upcoming January floor meetings as well as ways to confidentially report violations through existing websites (HRE, Office of the Dean of Students, SafeU). HRE also will emphasize that residents must not prop security doors open or allow people who are not their own guests into the residence buildings.

HRE also will include residence policy information in housing applications going forward. Institutional practice will be to review safety practices in housing through a variety of tools at least twice annually.

8. In the newer dorms, the lower level is a common space with a "security" desk. However, in the older dorms, students live on the first floor.

Recommendation: Housing should evaluate current security policies and the University should consider modifying older dorms to provide some form of control as to who enters and leaves dorms in addition to the card-key access system in place in both older and newer dorms.

Response: In addition to security desks, the University has installed security cameras in the entrances and elevators of residence halls; uses card access readers in non-historic buildings; and can lock down the following buildings in the event of an emergency: Peterson Heritage Center, Marriott Honors Community, and Lassonde Studios. In 2017, exterior security cameras were installed in the parking lots adjacent to the residence halls. The University will review additional measures that could be implemented to increase security of older residence buildings.

9. The phone call to UUPS dispatch on October 10 from Lauren's mother [REDACTED] concerned Lauren's safety. We find the conduct of Dispatcher [REDACTED] to have been appropriate.

Recommendation: UUPS should recognize Dispatcher [REDACTED] proper handling of that call.

Response: We appreciate and agree with this commendation of Dispatcher [REDACTED].

10. There is no mechanism to record and share routine security calls for service. The security escort of Lauren to retrieve her car on Oct. 10 was not entered into the record management

system. That information was not part of the record that police officers or detectives had access to. Therefore, they did not know that Lauren and her mother felt that Lauren was in danger when she retrieved her car.

Recommendation: *The University should evaluate the record management system to ensure security calls are recorded into a single system coordinating relevant security and police information and attaching to a single identifier, thereby allowing officers and detectives access to all information regarding victim, complainant, or suspect when needed.*

Response: The University will explore adoption of a system that allows integrated record management to enable immediate access to all relevant case information as recommended.

11a. *There is no requirement or protocol set out in UUPS policy that addresses parole status. In fact, no officer we interviewed had ever attempted to discover Corrections information during the course of their duties. Routine police encounters do not require the officer to obtain this type of information or a criminal history report. Given the serious nature of the allegations in this case, however, such checks seem appropriate and advisable.*

Recommendation: *UUPS should adopt and implement policy and procedure to require that criminal history and Corrections information be sought in every criminal investigation, and other matters beyond routine traffic stops.*

Response: UUPS has implemented a directive requiring a mandatory offender information check when a suspect has been identified in criminal cases and all matters more significant than routine traffic stops.

11b. *No UUPS patrol officers interviewed were familiar with the process for obtaining online "Corrections Custody Information," in addition to general criminal background information.*

Recommendation: *All UUPS police personnel and dispatchers should be trained in all law enforcement databases available to them, including criminal histories and parole and probation information.*

Response: UUPS detectives, officers and dispatchers receive regular training on use of law enforcement databases. UUPS will enhance training to ensure that employees are familiar with and understand what information is available in the databases and how to use it. In addition to detectives, officers will make use of the databases more routinely.

11c. *Two systems currently operating to assist officers in the field by alerting them if an individual is under the supervision of Adult Probation and Parole ("AP&P") failed to notify UUPS of Rowland's status. The Public Safety Alert Notification System is administered by the Utah Department of Public Safety and uses information provided by the Utah Department of Corrections ("Corrections"). This system is triggered when an officer runs a driver's license check and is designed to notify AP&P if any individual under their supervision has contact with law enforcement. A second system is designed to provide an alert flag when an officer runs a driver's license check. This alert notifies the officer or dispatch that the person being checked is*

under the supervision of AP&P. We believe this second system failed to alert [REDACTED] when the dispatcher ran a criminal history check on Rowland using his driver's license information.

Recommendation: The University should be advised as to why the system failed.

Response: The University believes this issue may be addressed in the state's review of the Utah Department of Corrections' actions related to the Lauren McCluskey case. If not, the University will pursue the matter as recommended.

12. UUPS officers are concerned that any contact or inquiry regarding suspects they are investigating might trigger a premature response by AP&P and compromise their investigations.

Recommendation: Leaders from both UUPS and Corrections should meet to discuss mutual concerns and facilitate coordination and cooperation.

Response: UUPS will initiate a meeting with the Utah Department of Corrections to discuss mutual concerns and facilitate better coordination and cooperation.

13. Each officer we interviewed repeatedly stressed that Lauren never expressed any fear of physical threat or violence from Rowland. In the first week of the extortion investigation, Rowland had convinced Lauren that he was also a victim and that they were in this together, and it appears that even she felt he posed no danger to her. Therefore, in the officers' view, Lauren's reports did not meet the statutory elements of domestic violence under Utah Code section 77-36-1 or Utah Code section 78B-7-102. The extortionate messages in this case, however, could be subtle evidence of possible dangers. These dangers may not have been recognized by others looking through an "extortion lens" only.

Recommendation: All UUPS police and dispatchers should be trained on the full array of domestic violence indicators to help officers respond appropriately.

Recommendation: The University should adopt and train UUPS officers and others in the "Lethality Assessment" recommended by the Utah Domestic Violence Coalition, which focuses on the actions of the perpetrator and not on what the victim believes or perceives.

Recommendation: Leadership of UUPS should review current anti-domestic violence efforts. Several universities have a wide range of programs and approaches to address the issues of sexual and interpersonal violence in their many manifestations. Some relevant research is included in this report as Appendix B.

Response: UUPS has increased mandatory trainings its officers receive on active shooter, domestic violence, sexual assault, trauma-informed interviewing, use of Narcan and crisis intervention. It also has increased resources for its Rape Aggression Defense program, which provides self-defense training to women (students, faculty, staff and their female children).

In November, UUPS engaged in an introductory training session on the Lethality Assessment Program and anticipates its officers will complete the full training by spring 2019. The assessment will be incorporated in its practices going forward.

UUPS leadership will review current domestic violence prevention efforts to ensure its protocols and responses reflect best practices.

14. [REDACTED] was placed in a position for which she lacked the expertise to recognize subtle indicators of domestic violence cases.

Recommendations: *Some police departments have developed specialized units to deal with these cases utilizing highly trained officers to handle them when they are reported. The research accompanying this review is contained in Appendix B. Chief Brophy should determine how his department might benefit from one or more of the suggested approaches.*

Response: In addition to expanded training on domestic violence prevention and incorporating the Lethality Assessment Program in its practices, UUPS is making key hires immediately. These include two detectives, a victim advocate, a part-time evidence technician, an administrative lieutenant and a public information officer.

The victim advocate will provide advocacy services through UUPS and coordinate advocacy efforts with the Center for Student Wellness and Office of Equal Opportunity and Affirmative Action.

Detectives will work closely with the victim advocate to assure that reports of potential interpersonal violence are appropriately handled. As noted above, the police staff will also receive regular training on various subjects, including interpersonal violence.

In addition, UUPS will review practices of universities who use specialized domestic violence units and determine whether it would be beneficial to implement such an approach.

15. [REDACTED] missed an additional opportunity to obtain Rowland's Corrections' information when UUPS learned of the extortionate text messages. The investigation regarding the extortion claims was not timely. Among other things, criminal history and Corrections information should have been sought by the detective in the early stages of the investigation.

Recommendation: *See recommendations in paragraph 11.*

Response: See response in paragraph 11 above.

16. [REDACTED] made no phone, email, or in-person contact with Lauren until October 19.

Recommendation: *UUPS should ensure that contact with a victim, in person if possible, occurs early in the investigation, even if only to inform the victim that there will be a delay due to other cases.*

Response: UUPS has implemented a new directive that, when possible, same-day contact with a victim, preferably in-person, be made at the beginning of any case with the potential to affect personal safety. UUPS also is adopting procedural changes that coordinate communication among relevant personnel.

17. [REDACTED] happened to be the on-call detective on October 13 when Lauren made the report to [REDACTED] about the extortion. She was later assigned the case. Her normal schedule of work is Tuesday through Friday. This schedule resulted in three days where Lauren's case was not worked on because there was no recognized threat of violence.

Recommendation: *UUPS should conduct a review of the on-call detective compensation, duties and expectations.*

Recommendation: *UUPS should implement policies and procedures to ensure that detectives brief each other on their cases so that an on-call detective who is not the primary investigator is at least somewhat familiar with a situation if contacted. This briefing should include the detectives and sergeants.*

Recommendation: *UUPS should adopt and implement policies to ensure that sensitive email and voice mail communications are handled in a timely manner.*

Recommendation: *UUPS should direct that detective sergeants take a more active role in case assignment, prioritization, management and follow-up.*

Response: The University will conduct a review of compensation of all officers with UUPS to ensure the University is competitive with other law enforcement agencies in Utah.

As previously stated, UUPS has implemented a process for ensuring there is more communication and coordination between detectives assigned to cases and the on-call detective.

It also is implementing procedures to ensure that critical emails and voicemails are addressed in a timely manner regardless of whether an officer or detective is off-duty.

18. UUPS officers took Lauren's complaints seriously. [REDACTED] met with Lauren at the police department for an hour and a half. Additionally, [REDACTED] gave Lauren his personal cell phone number and an extraction report of Lauren's phone calls shows that there were 18 calls to and from officer [REDACTED] between October 13 and October 22; at every opportunity he urged her to contact him if she had additional information or concerns.

It is possible that some actions by UUPS officers created an impression of laxity. That impression might have been formed because the interview and witness statements were done in the lobby of the UUPS building rather than in a room that would have been more private. A possible second concern was [REDACTED] misidentification from the student database, and statement to Lauren's friend that "Shawn seems like a good guy." This was an unfortunate misunderstanding.

Recommendation: *UUPS officers should not conduct interviews of victims in the lobby of the station.*

Response: UUPS has implemented a directive that, when possible, interviews with complainants and victims be conducted in a private area.

19. *There was no "insider" at UUPS providing case-related information to Rowland. In Lauren's contact with SLCPD dispatch, she expressed concern that there might be an "insider" within the University police department because she was receiving texts indicating that Rowland knew everything that she told the police.*

In Lauren's statement to the UUPS police, however, she wrote that in the course of their relationship she had given Rowland access to her computer and accounts. Therefore, Rowland was able to read every email she was sending to the police in real time.

Recommendation: *The University should enhance its efforts to provide students and employees with information and assistance in protecting the integrity, confidentiality and privacy of electronic communications.*

Response: The University does educate students, staff and faculty about protecting their electronic communication and will continue to do so.

20. *There was no report to the Office of Equal Opportunity and Affirmative Action. We found staff are confused about the reporting requirements.*

Recommendation: *The University should take steps to ensure proper training regarding interaction and communication with the Office of Equal Opportunity and Affirmative Action.*

Response: The University has taken steps to ensure the Housing and Residential Education staff understand what needs to be communicated to the Office of Equal Opportunity and Affirmative Action and when that communication needs to take place. These training efforts will be ongoing. As noted in Response 5, HRE has established a single point of contact who will provide reports to OEO/AA when needed.

21. *Virtually every contact by UUPS with Lauren occurred over the phone or by email. Other than the initial meeting with [REDACTED] and [REDACTED] there was never any face to face contact, including the follow-up investigation by [REDACTED]*

Recommendation: *Policy, procedures, and expectations should require, whenever possible, face to face meetings between the detective and a witness, victim, or concerned member of the public in response to a request for service, even if earlier face to face meetings have occurred.*

Response: UUPS has issued a directive to officers and detectives that in-person meetings, whenever possible, be held with complainants/victims in criminal cases and significant matters beyond routine traffic stops. See also Response 16.

22. *UUPS could improve its relationship with the University's CSW victim advocates.*

Recommendation: *The leaders from both organizations should meet, discuss mutual concerns, and ensure improved communication and cooperation.*

Response: UUPS has met with the leadership of the Center for Student Wellness to discuss mutual concerns and ways to improve communication, coordination and cooperation. The new victim advocate in UUPS will have a key role in collaborating with the Center for Student Wellness.

23. *UUPS does not currently employ victim advocates.*

Recommendation: *The University should support having an advocate within UUPS. The research accompanying this review found many university police departments have employed full time victim advocates. These advocates are in addition to others who may work for Student Wellness or at a Counseling Center. These advocates can be a tremendous resource to the investigating officer and can provide support to a victim as she or he progresses through the criminal justice system.*

Response: UUPS is hiring a victim advocate. This individual's duties will include coordinating with victim advocates at the Center for Student Wellness and the Office of Equal Opportunity and Affirmative Action.

24. *UUPS needs additional resources including staffing and expertise.*

Recommendation: *The University should conduct a staffing study, including salary information.*

Response: The University will conduct a compensation review to ensure UUPS is competitive with other law enforcement agencies and appropriately staffed. The department is adding two detectives, a victim advocate, a part-time evidence technician, an administrative lieutenant and a public information officer. See Response 11 and Response 14.

25. *The State of Utah Public Safety Retirement System needs to be changed to encourage better recruitment and retention of qualified officers. This is especially acute in small departments like that of the University.*

Recommendation: *The University, working with the Legislature, should attempt to modify state statutes to enhance the benefits given to law enforcement as was done in the past.*

Response: The University will engage with the Utah Legislature as appropriate on this issue to represent the interests and needs of UUPS.

26. *UUPS has policies regarding patrol procedures, domestic violence, investigation, and others. Current policies provided by Lexipol, however, lack specific campus information and do not recognize the nuances of university law enforcement to be completely effective.*

Recommendation: UUPS should review and augment its policing policies to make them more applicable to campus policing.

Response: UUPS will review its policing policies as recommended and update as needed.

27. *UUPS is not accredited by an international or national accrediting agency or association.*

Recommendation: UUPS should pursue accreditation.

Response: UUPS will pursue accreditation as recommended.

28. *UUPS headquarters is inadequate for current policing and security needs and is poorly located.*

Recommendation: The University should conduct a space and work use study and consider a new location or a renovated facility.

Response: The University is aware of this situation and is making a new public safety facility a priority. The University has taken the first step with the recent opening of a new Emergency Coordination Center, located in the S.J. Quinney College of Law Building. The state-of-the-art center will greatly aid emergency communication and coordination efforts going forward.

29. *Although the BIT has procedures, structure, membership, and experience and is a useful resource to handle threats, it was not used in this case.*

Recommendation: The University should clarify its procedures regarding notification and engagement of BIT in appropriate circumstances.

Response: The University is educating appropriate staff, particularly employees with Housing and Residential Education and UUPS, about the role of BIT and when that team should be notified and engaged. See Response 5. HRE staff also will be trained on the Lethality Assessment Program by spring 2019.

30. *The victim advocates at CSW were never engaged by UUPS or Housing.*

Recommendation: Whenever possible, UUPS and Housing should involve the advocates so they can lend their experience, and give advice and support. These advocates can offer significant advice to administrators or direct assistance to students in a variety of ways including housing adjustments, safety plans, no-contact directives, and referral to other offices and/or the police.

Response: The addition of a victim advocate in UUPS will provide better assistance to complainants and victims, and enhance coordination with the Center for Student Wellness.

The streamlined process to a single point of contact in HRE (assistant director for conduct management) will provide better coordination with victim advocates employed by UUPS and the

Center for Student Wellness. Additional training and communication will be provided to UUPS and HRE to ensure they are familiar with the role of victim advocates and available resources. As mentioned above, HRE staff will receive training on the Lethality Assessment Program by spring 2019.