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Honors Thesis

BRIGHAM YOUNG UNIVERSITY POLICE AND THE CAMPUS COMMUNITY

by
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Submitted to Brigham Young University in partial fulfillment of graduation requirements
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Communications Department
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ABSTRACT

BRIGHAM YOUNG UNIVERSITY POLICE AND THE CAMPUS COMMUNITY

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Bachelor of Arts

Police Departments have become increasingly common on college campuses. In this creative thesis project, I explore Brigham Young University's Police Department through a journalistic lens and examine what has happened since the department was almost decertified by the Utah Department of Public Safety. I do so by interviewing experts and community members, analyzing public records and data, and synthesizing my findings in a long-form audio story. I begin this paper with brief literature reviews of both crime on college campuses and the podcast medium. I then include the transcript of my podcast. Finally, I discuss my experience during this project as a student journalist and suggest additional research.

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TABLE OF CONTENTS

Title	i
Abstract	iii
Acknowledgments	v
Table of Contents	vii
Introduction	1
Background: Campus Law Enforcement.....	3
Background: Podcasts and Journalism.....	7
Transcript.....	12
Conclusion.....	34
Bibliography.....	38

INTRODUCTION

In February 2019, the Utah Department of Public Safety administration announced that the Brigham Young University (BYU) Police Department was going to be decertified for refusing to comply with a subpoena brought against it by Utah Police Officer Standards and Training during an investigation into the misconduct of former BYU Police Lt. Aaron Rhoades.¹ The University appealed the decision² and in January 2021, Administrative Law Judge Richard Catten decided that BYU could keep its police department.³

In Utah, private institutions of higher education, like BYU, can have their own private law enforcement agency if the agency is certified by the commissioner of public safety.⁴ This certification gives private police forces the same law enforcement powers as any other public police department within Utah. However, while BYU's Police Department has the power of a standard police department, the attorney representing the Utah Department of Public Safety in its recent case against BYU Police, argued that "what we have is a police department that doesn't act like a police department. That says we're going to be subject to GRAMA except when it doesn't want to be. That doesn't respond to subpoenas. That doesn't respond with candor and honesty to subpoenas issued by the POST."⁵

¹ "BYU Police Notice of Intent to Decertify, Investigation & Public Records." 2016. Dpsnews.utah.gov. February 26, 2016. <https://dpsnews.utah.gov/byu-police-notice-of-intent-to-decertify/>.

² "BYU Plans to Appeal Department of Public Safety Decision." 2019. University Communications. BYU. February 26, 2019. <https://news.byu.edu/news/byu-plans-appeal-department-public-safety-decision>.

³ Reavy, Pat. 2021. "Judge Rules against Decertifying BYU Police Department." Deseret News. January 6, 2021. <https://www.deseret.com/utah/2021/1/6/22216745/judge-rules-against-decertifying-byu-police-department>.

⁴ Bramble, Curtis S. 2021. *LAW ENFORCEMENT MODIFICATIONS*. <https://le.utah.gov/~2021/bills/static/SB0191.html>.

⁵ Winslow, Ben. 2020. "Utah Pushes for Decertification of BYU PD." Fox 13. October 26, 2020. <https://www.fox13now.com/news/local-news/utah-pushes-for-decertification-of-byu-pd>.

Law enforcement officers are tasked with serving their communities and upholding the rule of law, but some officers abuse their position, taking advantage of the same people they have pledged to serve. This abuse of power was demonstrated when it was discovered that BYU Lt. Rhoades was looking at thousands of records from other police agencies, like the Provo Police Department, and sharing the private records with BYU's Dean of Students Office, Title IX Office, and Honor Code Office.⁶ Studies have demonstrated that when police officers abuse the power of their position as public servants, it decreases community members' trust in law enforcement agencies and undermines the legitimacy of law enforcement.⁷

After Catten announced that BYU Police would maintain their state certification, there has been very little news coverage on the department and how it is operating. The purpose of this project is to explore what has happened since the BYU Police Department was almost decertified and examine the level of trust that BYU community members have in the campus police. The audience for this project is BYU community members—students, staff, employees, Utah Valley residents, and parents of students.

⁶ Miller, Jessica. 2019. "A BYU Lieutenant Was under Criminal Investigation for Two Years. New Records Show the Computer Searches That Sparked the Inquiry." The Salt Lake Tribune. June 7, 2019. <https://www.sltrib.com/news/2019/06/07/byu-lieutenant-was-under/>.

⁷ Weisburd, David, Rosann Greenspan, Edwin E. Hamilton, Kellie A. Bryant, and Hubert Williams. 2001. "The Abuse of Police Authority: A National Study of Police Officers." Police Foundation. <http://www.policefoundation.org/wp-content/uploads/2015/06/Weisburd-et-al.-2001-The-Abuse-of-Police-Authority.pdf>.

BACKGROUND: Campus Law Enforcement

Institutions of higher education have existed in the U.S. since the mid-1600s and the first known U.S. campus police department was formed at Yale University in 1894.⁸ The department started with two police officers and they were mainly tasked with keeping unhoused people out of the university buildings. The latest Survey of Campus Law Enforcement Agencies from the Bureau of Justice Statistics, which contains data from the 2011-12 school year, found that about 68% of 4-year colleges and universities with 2,500 or more students used “sworn police officers to provide law enforcement services on campus.”⁹ Additionally, campus police officers are more prevalent on public campuses (92%) than on private campuses (38%).

CRIME ON COLLEGE CAMPUSES

While most educational institutions started having their own police departments in the second half of the 20th century, crime existed on college campuses long before then. John J. Sloan III and Bonnie S. Fisher explored the history of crime on college campuses in their book *The Dark Side of the Ivory Tower: Campus Crime as a Social Problem*. They write that that during the 17th, 18th, 19th, and 20th centuries, “murders, lynchings, rapes, violent assaults, serious vandalism, hunger strikes, and riots were not uncommon on college campuses.” However, in the 1980s, there was a growing fear surrounding crime and safety on American college campuses. Sloan and Fisher argue that “since the late 1980s campus crime in the United States has been *socially constructed* as a new

⁸ Sloan, John J, and Bonnie Fisher. 2011. *The Dark Side of the Ivory Tower : Campus Crime as a Social Problem*. Cambridge: Cambridge University Press.

⁹ Reaves, Brian, and Bjs Statistician. 2015. “Special Report Campus Law Enforcement, 2011-12.” <https://bjs.ojp.gov/content/pub/pdf/cle1112.pdf>.

social problem.”¹⁰ The growing concern was not objectively based on a new threat, rather, groups of activists convinced the public and policymakers that crime on college campuses was a new problem.

Sloan and Fisher identify four groups who played a key role in creating the narrative that crime on college campuses was a new threat in the 1980s and 1990s: the nonprofit Security on Campus (SOC), feminist groups on campus, victims of campus crime, and public health researchers. SOC is a lobbying organization that was founded by the parents of Jeanne Clery, a student who was raped and murdered in her dorm room at Lehigh University in 1986. SOC representatives outlined the group’s mission in testimony before Congress: warn people about the prevalence of crime on college campuses, help student victims and their families, and encourage campus security improvements.¹¹ Feminist groups on campuses focused on warning people about the high frequency of sexual victimization on college campuses, which was not commonly discussed or known until the 1980s. Public health researchers focused on the problem of binge drinking on college campuses.

These problems—crime, sexual violence, and binge drinking—existed on campuses well before the 1980s.¹² While crime rates on college campuses nationally have fallen in recent years, the number of police departments owned by higher education institutions has increased. Between 2009 and 2018, the number of reported on-campus crimes decreased by 16%, according to the National Center for Education Statistics.¹³

¹⁰ Sloan and Fischer, *The Dark Side of the Ivory Tower: Campus Crime as a Social Problem*

¹¹ Clery, Benjamin F. 1997. “Testimony on ‘Campus Crime and the Accuracy in Campus Crime Reporting Act of 1997 (HR715) before the Hearing of the House Education and Workforce Committee.’” Transcript from Federal Document Clearing House Congressional Testimony. July 17.

¹² Sloan and Fischer, *The Dark Side of the Ivory Tower: Campus Crime as a Social Problem*

¹³ “Report on Indicators of School Crime and Safety: 2020.” 2021. U.S. Department of Education, National

Between the 2004-05 and 2011-12 school years, the number of full-time campus law enforcement employees increased by 16%, according to the Bureau of Justice Statistics. During that same period, the number of college students increased by only 11%.¹⁴ Sloan and Fisher argue that part of what convinced people that campus crime was a new threat, rather than a longstanding problem, was the increased media coverage of crimes on campus and the 24-hour news cycle.

Nationally, institutions of higher education that receive federal funding are required to publish an annual security report that includes campus crime statistics for the previous three years.¹⁵ This requirement was put in place by the Clery Act (1990), a federal law that is named after the murdered Lehigh University student, Jeanne Clery. The report released in compliance with this act includes crimes that occurred on campus, on public property immediately adjacent to campus, and on property owned by the institution.¹⁶ This act also requires schools to send “timely warnings” to the campus community when there is a known risk to public safety on campus. Institutions can be fined if they do not follow and comply with the Clery Act. For example, the University of California, Berkeley had to pay a \$2.35 million fine to the U.S. Department of Education in 2020 for violating the Clery Act.¹⁷

RESPONSIBILITIES OF COLLEGE LAW ENFORCEMENT

Center for Education Statistics. July 14, 2021. <https://nces.ed.gov/pubsearch/pubsinfo.asp?pubid=2021092>.

¹⁴ Reaves, Brian A. 2015. “Campus Law Enforcement, 2011–12.” U.S. Department of Justice Bureau of Justice Statistics. <https://bjs.ojp.gov/content/pub/pdf/cle1112.pdf>.

¹⁵ The Clery Center. n.d. “The Clery Act.” <https://clerycenter.org/policy/the-clery-act/>.

¹⁶ “Clery Act Appendix for FSA Handbook.” n.d. <https://fsapartners.ed.gov/sites/default/files/attachments/2020-10/CleryAppendixFinal.pdf>.

¹⁷ Staff, Catherine Hsu | Senior. 2020. “UC Berkeley Reaches Settlement to Pay \$2.35M Fine for Clery Act Violations.” The Daily Californian. September 14, 2020. <https://www.dailycal.org/2020/09/14/uc-berkeley-reaches-settlement-to-pay-2-35m-fine-for-clery-act-violations/>.

The jurisdiction and exact role of campus police officers differ by state and by institution.¹⁸ By the beginning of the 21st century, most states in the U.S. had passed laws allowing for some form of “policing” on college campuses.¹⁹ In Utah, where BYU is located, state-certified campus police departments are considered government entities by state law, regardless of whether the institution is publicly or privately owned.²⁰ This means that all campus law enforcement departments are subject to public records laws and subject to “governmental immunity provisions.” Utah law defines “campus law enforcement” as a police or security department that an institution of higher education establishes for the purpose of enforcing the rules of the institution of higher education and the laws of the state.²¹ Members of campus law enforcement in Utah have “all the powers possessed by police officers in cities and by sheriffs, including the power to make arrests on view or on warrant of violation of state statutes and city or county ordinances.” They also have the power to enforce the rules and regulations of the institution they are employed. If campus law enforcement members receive information about a crime that happened outside of their jurisdiction, they must share a report of the crime “with the local law enforcement agency that has jurisdiction,” according to the 2021 Campus Safety Amendment (S.B. 163).

¹⁸ “Criminal Law — Campus Policing — University Police Officer Shoots and Kills Non-University Affiliated Motorist during Off-Campus Traffic Stop. — the Shooting of Samuel DuBose.” 2016. *Harvard Law Review* 129 (4): 1168–77. <https://www.jstor.org/stable/24644158>.

¹⁹ Gelber, Seymour. 1972. “ROLE of CAMPUS SECURITY in the COLLEGE SETTING.” <https://Perma.cc/VZ86-9NY4>. US Dept of Justice Address United States.

²⁰ Bramble, Curtis S. 2019. *LAW ENFORCEMENT AGENCY AMENDMENTS*. <https://le.utah.gov/~2019/bills/static/SB0197.html>.

²¹ Iwamoto, Jani. 2021. *CAMPUS SAFETY AMENDMENTS*. <https://le.utah.gov/~2021/bills/sbillint/SB0163.pdf>.

BACKGROUND: Podcasts and Journalism

Journalist Ben Hammersley coined the term “podcast” in 2004, combining the words “iPod” and “broadcast.”²² Since then, this form of storytelling has seen significant growth. In 2008, Pew Research Center reported that 9% of Americans ages 12 and older said they had listened to a podcast within the last month. In 2020, that number increased to 41%.²³ This podcasting boom starkly contrasts the employment trend in radio newsrooms across the U.S. Pew Research Center also reported that the total number of newsroom employees in the radio broadcasting sector decreased 26.48% between 2008 and 2020. The definition of a podcast remains broad as podcasts vary in length, content, and form. Some podcasts are live while others are pre-recorded, some podcasts are fictional and others are journalistic investigations, and some podcasts are a single piece of audio while others are a series with regularly released episodes. The Oxford English Dictionary defines a podcast as “A digital audio file of speech, music, broadcast material, etc., made available on the internet for downloading to a computer or portable media player; a series of such files, new installments of which can be received by subscribers automatically.”²⁴

The podcast form has been hailed because of its accessibility for creators as it requires a low overhead. National Public Radio has a guide on its website for students interested in starting a podcast and says, “There are ways to make a podcast without buying expensive microphones and recorders. We’re writing this guide with the idea that

²² NextMarket Podcast. n.d. “Mixcloud.” MixCloud. Accessed November 29, 2021.

<https://www.mixcloud.com/nextmarketpodcast/ben-hammersley-inventor-of-the-word-podcast/>.

²³ Pew Research Center. 2021. “Trends and Facts on Audio and Podcasts | State of the News Media.” Pew Research Center’s Journalism Project. June 29, 2021. <https://www.pewresearch.org/journalism/fact-sheet/audio-and-podcasting/>.

²⁴ “Podcast, N. : Oxford English Dictionary.” n.d. www.oed.com. <https://www.oed.com/viewdictionaryentry/Entry/273003>.

you can make a podcast with two tools: a smartphone and a computer.”²⁵ It is also relatively easy for podcasters to find a platform for their work. There are several ways to publish episodes for free, like using SoundCloud or YouTube, or there are podcast hosting providers that can automatically distribute content to multiple podcast platforms, but these services often cost a fee. The easy nature of producing and distributing podcasts makes the field ripe for citizen journalism.

Citizen journalism is when citizens play “an active role in the process of collecting, reporting, analyzing, and disseminating news and information.”²⁶ In other words, ordinary people, not professional journalists employed by a media outlet, are using journalistic practices and their own methods to record the news. Examples of citizen journalists using podcasts can be seen in the true-crime genre, where the podcast host examines a real crime through a narrative style. One example is the investigative podcast *Up and Vanished*, which premiered in 2016 and is hosted by Payne Lindsey, who was an aspiring filmmaker and musician when he started the show.²⁷ Lindsey had an interest in investigative journalism and wanted to investigate the disappearance of beauty queen Tara Grinstead in 2005.²⁸ Lindsey originally aspired of creating a documentary film based on the cold case but realized he did not have the funds to make that happen. Lindsey realized that instead of creating a film, he “could produce a podcast at home in

²⁵ NPR. 2018. “Starting Your Podcast: A Guide for Students.” NPR. November 15, 2018.

<https://www.npr.org/2018/11/15/662070097/starting-your-podcast-a-guide-for-students>.

²⁶ Bowman, S, and C Willis. 2012. “We Media: How Audiences Are Shaping the Future of News and Information.” The Media Center at the American Press Institute. http://sodacity.net/system/files/Willis-and-Bowman_We-Media-Ch1.pdf.

²⁷ Obscure Entrepreneur Podcast. n.d. “Producing up and Vanished with Payne Lindsey – OE021 - Listen - Obscure.” Chartable. Accessed November 29, 2021. <https://chartable.com/podcasts/obscure-entrepreneur-podcast/episodes/249952-producing-up-and-vanished-with-payne-lindsey-oe021>.

²⁸ “About.” n.d. Up and Vanished. <https://upandvanished.com/about/>.

my boxers.”²⁹ Lindsey’s podcast is credited with reigniting Grinstead’s case and helping to solve it. Within a year after Lindsey released the first episode, two arrests were made concerning the case.³⁰

True crime and investigative podcasts often straddle the line between journalism and documentary storytelling, regardless of if they are produced by professional journalists or not. In a journalistic investigation, the journalists’ work “consists of reporting something called ‘news’ without commenting on it, slanting it, or shaping its formulation in any way.”³¹ An example of this is American Public Media’s show *In the Dark* which strictly adheres to traditional journalistic ethics and standards. The show’s producers focus on analyzing research and consulting with experts to make sense of their findings. Other podcasts align more with the standards of documentary storytelling, “which allows producers to tell factual stories from differing perspectives in an attempt to persuade the audience.”³² This can be seen in the podcast *The Vanished*, where host Marissa Jones openly shares her thoughts and opinions about the case.

In researching the styles of other investigative podcasts, I realized that using the podcast format for my story would allow me to adhere to journalistic ethics of newsgathering while also being candid about my experience. An example of this mixture can be seen in the *Serial* podcast, hosted by Sarah Koenig. Koenig has a background as a

²⁹ Henry, Scott. 2017. “What Inspired Payne Lindsey to Create the up and Vanished Podcast.” *Atlanta Magazine*. April 12, 2017. <https://www.atlantamagazine.com/news-culture-articles/inspired-payne-lindsey-create-vanished-podcast/>.

³⁰ Locker, Melissa. 2017a. “How ‘up and Vanished’ Podcast Helped Solve Cold Murder Case.” *Rolling Stone*. March 17, 2017. <https://www.rollingstone.com/culture/culture-news/how-up-and-vanished-podcast-helped-solve-cold-murder-case-123748/>.

³¹ Schudson, Michael. 2001. “The Objectivity Norm in American Journalism*.” *Journalism: Theory, Practice & Criticism* 2 (2): 149–70. <https://doi.org/10.1177/146488490100200201>.

³² Keeler, Amanda. 2021. “Listening to the Aftermath of Crime: True Crime Podcasts.” In *Saving New Sounds: Podcast Preservation and Historiography*, edited by Jeremy Wade Morris and Eric Hoyt, 124–34. University of Michigan Press. <https://www.jstor.org/stable/10.3998/mpub.11435021.1>.

journalist, her resume includes reporting for *ABC News* and *The New York Times*, so she is well versed in the standards of ethical journalism. Her reporting in *Serial* focuses on facts rather than speculation.³³ However, Koenig does not try to remain invisible as the narrator but instead shares her own thoughts, feelings, and questions. While some have criticized Koenig for not remaining objective,³⁴ others have praised Koenig saying that her disclosures show she is self-aware of her own biases and makes her a more reliable narrator³⁵ since Koenig brings the listener along on her journey of finding new information and is transparent about her process. This style of journalism, which is focused more on process than conclusions, allows the listener to freely judge for themselves if the *Serial* reporters exercised the best newsgathering processes.

I saw *Serial* as a good model to follow for this project because I found that the story of BYU's Police Department and its relationship with the campus community is nowhere near complete and I would be unable to draw hard conclusions. By doing a process-focused story, I would be able to show listeners what I found about BYU's Police Department, what questions I still have, and document what it's like to interact with BYUPD in 2021. As I am an undergraduate journalism student and a BYU student, a process-focused story would allow me to transparent about areas where I struggled

³³ Syme, Rachel. 2014. "Talking to 'Serial's Sarah Koenig about Her Hit Podcast and Whether There Will Ever Be an Answer." *Vulture*. October 30, 2014. <https://www.vulture.com/2014/10/serials-sarah-koenig-on-her-hit-podcast.html>.

³⁴ Lippman, Laura. 2014. "Serial: Why I Stopped Listening Long before It Ended." *The Guardian*, December 18, 2014, sec. Television & radio. <https://www.theguardian.com/tv-and-radio/2014/dec/18/serial-podcast-murder-culture-adnan-syed>.

³⁵ Robertson, Eleanor. 2014. "The Serial Podcast Shows Us the Sausage Factory of Journalism: It's a Different Approach to Objectivity | Eleanor Robertson." *The Guardian*. November 13, 2014. <https://www.theguardian.com/commentisfree/2014/nov/13/the-serial-podcast-shows-us-the-sausage-factory-of-journalism-its-a-different-approach-to-objectivity>.

during this project due to inexperience or topics that I had a personal connection to as a BYU student.

As this project would be different from traditional news stories I have written, I turned to other media outlets and organizations to form my own ethical code for this project. NPR's Ethics Handbook says, "We hold ourselves to the core principles of honesty, integrity, independence, accuracy, contextual truth, transparency, respect and fairness for the people we serve and the people we cover."³⁶ The New York Times' ethical code says, "The Times treats its readers as fairly and openly as possible. In print and online, we tell our readers the complete, unvarnished truth as best we can learn it."³⁷ While many ethical codes I read included detailed explanations of what the organization's code looks like in practice, I found that the overarching focus of most of them was truth, accuracy, and fairness. While broad, I wanted to adhere to those three guiding principles as I underwent this project that steps outside of the realm of traditional journalism.

³⁶ National Public Radio. n.d. "These Are the Standards of Our Journalism." NPR.org.
<https://www.npr.org/ethics/>.

³⁷ The New York Times Company. n.d. "Standards and Ethics." The New York Times Company.
<https://www.nytc.com/company/standards-ethics/>.

TRANSCRIPT

Martha Harris: Quick note: this story mentions sexual assault and suicide. Just something to keep in mind when deciding when and where to listen. Okay, here we go.

[MUSIC – Fatih Yasar, “Old Guys”]

During my freshman year at Brigham Young University in 2017, a BYU police officer spoke at New Student Orientation. But I didn't realize she was specifically a BYU police officer. I thought she was just a municipal police officer who was assigned to cover campus. I didn't realize that her office was in the same building I had class in, but then I started hearing people talk about BYU police, a lot.

ABC4Utah Reporter #1 "BYU Police Certification Revoked?": The Department of Public Safety announced plans today to decertify Brigham Young University Police.

ABC4Utah #2 "BYU Police Certification Revoked?": Campus police here at BYU are funded by the University, which is in turn heavily subsidized by the Church of Jesus Christ of Latter-day Saints. Because of that private status, the university police have refused...

ABC4Utah #3 "BYU Police Department open records ruling": A third district judge ruled the police department at Brigham Young University is considered a...

ABC4Utah #4 "BYU fires back against Department of Public Safety": This stemming from a DPS investigation into misconduct by a BYU police lieutenant.

Martha Harris: In my classes, professors and students from across the political spectrum were talking about how much they disliked or distrusted the BYUPD. It seemed like one of the only issues everyone agreed on. Then I heard that BYU's Police Department was going to be decertified, that seemed pretty serious. I'm Martha Harris, I'm a senior at BYU. And during my four years, I've always been hearing about BYUPD. But then they weren't decertified, people stop talking. I wanted to figure out what's happening, what's going on with BYUPD right now.

I've always been confused why universities have their own police departments. So, I started at the beginning when BYUPD was first created. I took a trip to the L. Tom Perry Special Collections Library on the first floor of the university's library. They have rare books and manuscripts there but they also have an archive of documents relating to BYU's history. They have things like class notes, journal entries, blueprints. I was mainly

interested in their archive of the school student newspaper, The Daily Universe, they have copies going back to the 1920s.

[MUSIC – Drop, “Tirintino”]

Here's what I found: in 1952, the Salt Lake City Police Chief was asked by BYU officials to organize a security force for the school. Then the Salt Lake City Police Chief contacted Leonard Christiansen to get his help. Christiansen was a retired Los Angeles Police Department captain, but at the time he was serving as the chief of campus police at UCLA. BYU police weren't state certified until the late 70s, a lot of colleges across the country were getting their own police departments around this time. To understand why these campus police departments started popping up, I reached out to John J. Sloan III. He's a professor emeritus of criminal justice and sociology at the University of Alabama at Birmingham.

John J. Sloan III: When I first came to UAB in 1988, UAB has its own campus police department. And I had an interest in policing more broadly. So, I just kind of wandered over to the department and started talking to people about, you know, “so tell me about what you guys do.” I started looking more closely at Well, I wonder how, you know, how often is it that colleges and universities have their own police departments.

Martha Harris: He found that these departments started to pop up in response to political movements in the 60s.

[MUSIC – Jimmy Collier & Rev. Kirkpatrick, “Fires of Napalm”]

John J. Sloan III: During the middle to the latter part of the 1960s, there was a lot of campus unrest and much of it revolved around the involvement of the United States in the war in Vietnam. But there was other stuff going on too. Women's rights, civil rights, the whole end of segregation, so the whole Civil Rights Movement.

Martha Harris: And sometimes, universities called in the local police, state police, sometimes National Guard troops to deal with the protests, and that usually didn't end well. One of the most famous examples is a 1970 Vietnam War protest at Kent State University.

"50 Years Later: Kent State Shooting | NBC Nightly": The guards will open fire on the students 67 shots.

Martha Harris: Members of the Ohio National Guard killed four demonstrators and nine were wounded.

John J. Sloan III: So, it was kind of a debacle, right? Particularly a public relations debacle. Where, you know, mom and dad find out that little Jimmy just got his head caved in by, you know, a police officer with a baton because he was out there protesting segregation and they weren't very happy about that.

Martha Harris: John said that schools realized they had a need for law enforcement on campus but calling in outsiders wasn't working well.

John J. Sloan III: Because they have no investment in the institution or the students or the facilities or what have you. They were brought in to break up the protests, right. College presidents, you know, senior-level officials felt that if they could create their own police departments, then they would have control over them.

[MUSIC – Drop, “Tirintino”]

Martha Harris: The idea was if they had a campus police department, those officers would become a part of the campus community and thus be less likely to use excessive force against protesters. I kept reading through old daily universe articles about the early days of BYU's Police Department. And it was hard to tell what exactly their jurisdiction was. In the 70s and 80s, it kind of seemed like they policed BYU's campus and gay people statewide. I found this crazy story from a 1980 edition of the Daily Universe. The BYU security/Police Department recruited a student to pose as a gay man and find gay students at BYU. His name was John Neumann and John received class credit for the project. In the late 70s, the police wrote a letter to a gay newspaper in Salt Lake posing as a gay student. And David Chipman, a man living in Salt Lake, responded. David wasn't a BYU student. David and John met up and went for a drive. The two stopped the car and while they were talking, David made, "homosexual advances." That's from an Associated Press article from the time. And John immediately started yelling "He touched me, he touched me, come arrest him!" John was wearing a wire and BYU police officers were following the pair in an unmarked car. The officers arrested David. I've read multiple articles reporting on the case. Some said that John was the one to arrest David. And it's not even clear if David touched John. Some articles said that David just insinuated something. Others said there was something physical that happened. But either way, David was arrested, the case went to court and the judge lowered the charge from sexual abuse to attempted sexual abuse. The first was a felony and the second was a

misdemeanor. The judge said there wasn't enough evidence that David committed the crime. But there was evidence that David attempted to do the crime. David's lawyer said that the charges should be dropped on the grounds of entrapment. David appealed the case to the Utah State Supreme Court, but they upheld the lower court's decision. They charged him with a misdemeanor, and he had to pay a fine. And there were other examples of officers targeting gay students. Like at one point, officers would go to gay bars in Salt Lake City and write down license plate numbers. This isn't an urban legend. I found articles talking about this practice not only in the Daily Universe but also in the New York Times.

But there have been more recent incidents where BYU police officers abused their power. Madi Barney is a former BYU student. While she was a student, she went to the Provo police and told them she was raped. She didn't go to the BYU police. This was in September 2015. Two months later, she got a call from BYU. Here's a clip from an interview Madi did with CNN in 2016.

Madi Barney: I waited about four days to report because I was scared of my standing at BYU.

CNN Reporter "Sexual assault accusers: BYU isn't protecting us": Madi Barney only reported her alleged rape to police. It happened off campus. So she was shocked when she got a call from BYU's Title IX office, which investigates sexual harassment and sexual violence.

Madi Barney: What she essentially said on that phone call was, “we received a police report. And in it, A. we think you may have been raped and B. it looks like you probably violated the Honor Code as well.” I felt so betrayed because they read every single thing that happened to me. And they just kind of didn't care.

Martha Harris: BYU's Honor Code is stricter than most universities. It has rules about things like chastity, profanity, and coffee. BYU held a rape awareness forum in April of 2016. The university's Title IX coordinator was there, Madi stood up and publicly called out the office's practices. After the event, a newspaper in Salt Lake, the Salt Lake Tribune, talked with over 50 current and former students who experienced sexual abuse while at BYU. Most of them never reported what happened because they were afraid of the Honor Code. The Tribune talked to 12 people who did report their sexual assault. They said it felt like it turned into a chastity investigation against them. Several students said their assaulter threatened them with the Honor Code to prevent them from reporting.

[MUSIC – Axletree, “Frost on the Meadows at Dawn (after Holst, Abroad as I was walking/Lord Dunwaters)”]

But going back to Madi's story, how did BYU even get wind that she was sexually assaulted? Apparently, a Utah County Sheriff's deputy, named Edwin Randolph, had turned over the police report to the university. The Tribune also found that an honor code office employee had asked a BYU police officer for more information about Madi's case. He searched Provo's records and shared Madi's sexual assault medical exam with the Honor Code office. There's a database that allows police departments to access records from other departments in Utah. It's called the Spillman database. But officers are only supposed to access it when it's for legitimate law enforcement purposes. As the Tribune kept digging, they found more problems. I reached out to Matthew Piper, he worked at the tribune when this happened, but now works for USA Today in Wisconsin.

Matthew Piper: Where at the time, all we knew was there were some students at BYU who said they had reported a sexual assault. And then as a result of reporting a sexual assault to the school's Title IX office, there was an honor code investigation opened against them. So, they were being penalized for reporting. And we knew, obviously, that sexual assaults tend to go unreported and that there is already a really unbalanced power dynamic between abusers and victims. And this seemed to give, you know, a huge amount of power to abusers. And in particular, a part of the story that really, sort of, shocked us was this claim that BYU police were being used by the Honor Code office to get the police reports which were protected and provide these unredacted copies of the police reports to the Honor Code office. That to us seemed like, you know, an abuse of police powers. You know, no private citizens should have access to those records without filing a records request.

Martha Harris: Matthew wasn't the lead reporter on this story. But once the Tribune realized how big it was, he said, it was an all-hands-on-deck situation.

Matthew Piper: There were kind of two lead reporters on that story, Erin Alberty and Jessica Miller. And they were really busy. Like they were trying to track down all the people that they could at BYU who had reported sexual assault and to talk to them about their experiences to see if this was a common thing that was happening.

Martha Harris: So, to help out, he tried to find all of the public records he could. He sent record requests to Provo Police and the Utah County Sheriff's Department. He was trying to figure out the relationship between police departments and the Honor Code

Office. He sent a request to BYU. BYU is a private school, so it isn't subject to public record laws. But it has a state-certified police force that has the same powers as every other police department.

Matthew Piper: For all intents and purposes, they were acting like a government entity that was charged with, you know, protecting the public. Not you know, upholding the Honor Code, which is maybe a valid mission for BYU. But it wasn't something that the public has anything to do with.

Martha Harris: He wasn't sure if he'd get any response.

Matthew Piper: Then began kind of a months-long process of not really knowing if they were going to respond to my records request or not. I did get a partial response back. I can't remember exactly what they sent us. But it was a lieutenant with BYU Police who I was interacting with, who kind of acted like he at least intended to reply to this records request. And so, he gave me some records.

Martha Harris: The lieutenant told Matthew that their IT person was trying to figure out how to mass search emails for certain keywords, keywords that Matthew had sent them,

Matthew Piper: Which is really standard. Like you hear, we hear that a lot as journalists. It is a technical challenge to search email accounts that you know, may get thousands of forwarded messages a day and they might pick up these keywords in unrelated emails. And then, you know, then there's legal review for that. It's really common to have this back and forth. And there were no real red flags.

Martha Harris: One day, Matthew reached back out to see what was happening to see if the lieutenant had a timeline.

Matthew Piper: He said, "Well, we don't think we have to comply with this. We're, you know, a private entity."

Martha Harris: Matthew told him if BYU was going to refuse the request, he wanted something formal in writing saying that.

Matthew Piper: He did eventually provide, I think, like one line or two lines saying, essentially that, we don't think there are records. Which we kind of knew not to be true. We knew from the case of Madi Barney, that at least once there had

been an email between the Honor Code Office and BYU Police about accessing these records.

Martha Harris: The Tribune appealed to the State Records Committee. The committee said it wasn't in their jurisdiction and denied the appeal. So, the tribune went to court, the judge agreed that BYU Police should be treated like a governmental entity.

Matthew Piper: BYU appealed to the court of appeals, that shot straight up to the Supreme Court.

Martha Harris: Matthew wasn't too involved after this point. His coworker Jessica Miller was one of the lead reporters on this story. She kept looking at how BYU police officers were accessing records from other police departments. She found out what happened with Madi Barney, the student who was sexually assaulted, that wasn't just an anomaly. Lieutenant Aaron Rhoades was the BYU officer who had accessed the records associated with Madi's case. The Tribune got records showing that Rhoades had searched the database and accessed thousands of records from other agencies.

[MUSIC – Studio Noir, “Our Little Hearts Like Saturn”]

Most of his searches were related to sex crimes. Rhoades retired from the BYU Police Department in fall 2018. He'd been a police officer in Utah for 34 years. Side note: when I Googled Rhoades' name, it pulled up BYU's Counseling and Psychological Services website, known as caps. It pulled up a page with information about what people should do if they've been sexually assaulted. It's most likely outdated, but as of fall 2021, Aaron Rhoades name is listed as someone people should contact. While the Tribune worked on their story, the Utah Department of Public Safety carried out their own investigation into BYU police. The Department found that, in total, Rhoades had accessed over 16,000 files. He shared at least 21 of those private files with the Honor Code Office or Title IX Office. The State Department of Public Safety announced in February 2019 they were going to decertify BYUPD. They came to this decision because of two things they found in their investigation. First, they said the BYU police chief did not properly investigate Rhoades' criminal misconduct. And the second allegation was that BYU did not respond to a court order. But then in January of 2021, a judge ruled against the decertification. He disagreed with the state department's allegations. The judge also said it was hard because there aren't a lot of clear rules regarding private university police.

Jeff Long is a lieutenant at BYU police. He's been with the department for about 30 years, 20 years part-time and 10 years full-time. I asked him about what happened with Rhoades, the officer who passed documents to the Honor Code office

Lt. Jeff Long: I won't defend. And I really don't know exactly, you know, what all happened there. It's like, you know, I'm not gonna go there. Now that officer, I mean, he had worked here a long time. I think it was 2000, when Larry Stott, he came in as the chief of this department, he was like, we will not share information with anybody. So, he came out with the policy of we're not gonna do that. That officer, he violated that, I mean, obviously, that's what led to his demise here with this department.

Martha Harris: He said it was one guy, but it made the entire department look bad.

Lt. Jeff Long: You know, one person does something that was in violation of the law, department policy, and it kind of tainted all of us. And so yeah, it was too bad that somebody violated that because it hurt the trust of other agencies, of students. I mean, it really, it's a black eye on this department.

Martha Harris: After that whole saga and intense scrutiny of BYUPD what's changed?

[MUSIC – Lobo Loco, “Pianoman Play Sofa Again”]

While BYUPD wasn't decertified, the state legislature passed a bill in 2019, specifying that a private university's Police Department is considered a government entity. That means they have to respond to public records requests like any other law enforcement agency. These requests are also called GRAMA requests. That's G-R-A-M-A. It stands for Government Records Access and Management Act. After hearing from Matthew how hard it was for him to get records, I tested it myself. Has it gotten better in 2021? How well does BYU PD respond to public records requests? I went to their website and found an online portal to submit requests. Matthew said they didn't have that when he submitted some in 2016. He sent an email or a letter. So that's an improvement. It's an easier process. And BYU has someone dedicated to handling GRAMA requests, someone who is not a police officer. Matthew said he just spoke with the lieutenant.

Full disclosure: I didn't know what I was doing. I'm 22, an undergraduate journalism student, I don't have a lot of investigative experience. We briefly covered public records requests in one of my classes, but that was it. I fired off some GRAMA requests to the department. I thought it would be easy. I didn't realize there were tricks to an effective request or even how to really make a request. I knew what questions I wanted answered but I didn't know which records contained those answers or if those records even existed. So not knowing better, in my first request, I referenced some specific documents but then I also asked some questions. It didn't work. BYU's website asks you to describe the

records you are requesting. And in parentheses, it says that records must be described with reasonable specificity. You can't just ask questions. You have to refer to a specific document. And you can't ask an agency to create a record or compile data for you. These are statewide policies.

Their response to my first request was not given in the timeframe issued by state law. They took about 17 business days to respond. State law says they need to respond within 10. Before I received a formal response in an email, I did call and email to follow up. So they could have considered that a response, some form of communication. But they didn't reach out to me within 10 business days. For that first round, I sent in nine requests. I got two records back. The other ones were denied because I didn't word it correctly, I put it as a question, or because they don't keep track of that information. They also told me they would only give me records that were created on or after May 14, 2019. That is when the law changed that clarified that BYU police should be considered a government entity. Having so many requests rejected was honestly kind of embarrassing and it was intimidating. I'd done some research on how to make these requests, but I still didn't get it. It wasn't intuitive, I don't know the specific records that BYU PD keeps. But anyway, after I failed that first attempt, I reached out to a friend of a friend for help. Ross Ewald is a student at Stanford, and I've heard her talk about filing public records requests before. She gave me some tips about making requests in general and two tips were specific to BYU. One, BYU's website doesn't send you a confirmation when you submit a request. There's no way to go online and track it. Unless you take a screenshot or make a note of when you've sent it in, you don't know how long it's been since you made the request. Her advice: send it in an email so you have something to refer back to. Second piece of advice, ask for a data retention schedule. It outlines how long records are kept before they're deleted, and guidelines for disposal. That would help me to figure out what records they have, so I know what to ask for. A lot of municipal agencies have that schedule easily available on their website. BYU PD does not. Compared to other private universities with police forces, BYU's system isn't that horrible. Just to compare, I sent a records request to Baylor University, their website says you can either submit a request in person, through the mail, by fax, or email. I filled out their form and sent an email on September 16. I didn't hear back from them for a while. And then I found a note in my mailbox saying there was a letter sent to me, but I had to sign for it and USPS would try again. I'm at school all day and so the next time they came, again, I wasn't there to sign for it. This time, I got a note saying it would be held for me at my local post office. And it was a letter through a law firm I'd never heard of. I didn't know what to make of it. I finally made it over to the post office and I kind of forgotten about the request to Baylor.

Okay, dear Miss Harris. This firm represents Baylor University, including the Baylor University Police Department. This letter is a request to clarify/request to narrow. Too

broad and vague. Great. They didn't deny anything. But they also didn't accept anything. "To clarify your request and specify what categories of communication you are referring to." I don't know what categories of communication you have. Okay. I mean, I mean, yeah, I get it, it is pretty vague. I don't really know how to make it more specific. Okay. Great.

This was about a month after I put in the original request. I also tried the University of Utah, a public university in Salt Lake City. That one was honestly easier. They have an online portal that you can log into and make a request. After you've made a request. You can log in and see what exactly you said or check the status of your request. They needed some clarification on what I was asking for, but someone from the university called me.

[MUSIC – Podington Bear, “Climbing The Mountain”]

He walked me through what was wrong with each one of my requests and helped me reword each one so that I could get the information that I wanted. He even emailed me when the school's annual safety report came out. BYU's public record system has definitely improved, but it could still be better. There are problems that aren't unique to BYU. Unless you're an experienced reporter or are super familiar with making public records request, the system is kind of difficult. I don't know how accessible is for an average citizen who's curious.

Okay, so that's the mechanics of the process. But I did find something in the actual records I got that surprised me. I requested all emails between BYU police employees and Honor Code Office employees in 2021. What set this whole thing off a few years ago was a BYU police employee emailing private documents to the Honor Code office. And BYU was not turning over those emails. I wanted to know if anything like that was happening in 2021. I was surprised to actually get my request fulfilled. I got the emails and I found that only one person from BYU police ever communicated with the Honor Code Office in 2021. That person was BYU's GRAMA specialist, Karen Ellingson. All the emails were either about the university's annual security report or about GRAMA requests. Karen never gave an honor code employee documents unless they had filed out of GRAMA request and it was approved. It looks like Honor Code employees now have to go through the same process as everyone else to get records from BYU PD.

I was also able to find published data that I didn't have to request. Since BYU receives federal funding, they have to publish an annual security and safety report. The report for this year shows a decrease in crime from 2018 to 2020. But that decrease in reported crime doesn't necessarily mean that crime at BYU is going down. Because of the COVID-19 pandemic, a lot of people weren't on campus in 2020. This report only shows

data for crimes committed on campus, on public property immediately adjacent to campus, or non-campus buildings that are owned by BYU. So, the report includes numbers about sexual assaults, but they're really only numbers about people who were sexually assaulted on campus or in the dorms. I also looked at data from the FBI. It's called the Uniform Crime Reporting program. They keep track of how many crimes each agency reports every year. The UCR data is categorized differently than the data in BYU's annual security report. And some of the crime numbers are also slightly different. The report also shows how many crimes an agency clears each year. Clearing or closing an offense happens either by arrest or by an exceptional means. For the, quote, exceptional means category, the department has to have identified the offender but encountered something outside of their control that prevents them from arresting the offender. Hopefully, that made sense. It's a little confusing.

[MUSIC – Axletree, “Frost on the Meadows at Dawn (after Holst, Abroad as I was walking/Lord Dunwaters)”]

One of the idiosyncrasies of UCR data is that clearances are credited to the year in which the crime was cleared, not the year in which the crime was committed. So, the data could say that the department cleared 10 crimes that year, but five of them might have happened last year. I looked at the numbers for BYU, I looked specifically at property crimes since theft is such a big problem on campus. It's a problem on campuses everywhere. But over the last five years, their clearance rate is consistently between 10 and 15%. The number of property crimes they clear each year is less than 15% of the number of property crimes they report. In 2016, they only cleared 6.3. I compared this with Provo Police, the local municipal police department. Their numbers for clearing property crimes hover around 20%.

So, transparency with BYU PD has improved but there were other problems surrounding them almost being decertified. Like the way BYU was treating people who had been sexually assaulted—the BYU police department, and just BYU in general. I wanted to know if they made changes. Madi Barney and other people who had been sexually assaulted came forward in the spring of 2016. In response, BYU President Kevin J Worthen organized an advisory council to do an internal review of how BYU was handling sexual assault. So, the students came forward in spring, and by that October, the council came out with a report of 23 specific things that should change. One of the recommendations was to create a full-time Title IX coordinator position and create an actual Title IX Office. Previously, the Associate Dean of Students handled Title IX issues. The report was released in October, and by that next January, Tiffany Turley was hired as the Title IX coordinator.

Tiffany Turley: I think I was really encouraged by the direction that we were going, I mean, I knew it would be daunting. I mean, we were starting a holding office that had never existed at a time when people were really interested in seeing what that would look like and being really critical of every effort we were making. But I think for me, I felt the challenge was worth like the reward of doing good for our students.

Martha Harris: A couple of years prior, a film called "The Hunting Ground" was released. It was directed by Kirby Dick. It's a documentary about sexual assault on college campuses. Tiffany thought it was a great film. And while she was at a conference, she heard the people from the film speak, and one of them said that universities often create a council and say they'll look at sexual assault on their campus. And then five years pass and nothing's changed. And Tiffany thought, Oh, no. Is this what we're doing? Is nothing actually going to happen? But she says she's been surprised with how much has changed and how quickly. I was a little suspicious because Tiffany is a BYU employee. So, I asked Lori Jenkins. She's the sexual assault services director at the Refuge Utah. The Refuge helps survivors of sexual assault and domestic violence. They're located about five miles north of BYU. And Lori agreed with Tiffany. She said BYU had made progress.

Lori Jenkins: I know that BYU made a lot of changes and a lot of changes that were definitely for the betterment of the students at BYU. And of all of the things that were suggested, man they went after all of them. I used to work for BYU. That is the fastest that I have seen BYU act on a lot of things.

Martha Harris: There are still some things about Title IX, that Lori says aren't victim-oriented. But she says that's not unique to BYU. Decisions about Title IX happened on a federal level. I mentioned this to Tiffany. And she agreed.

Tiffany Turley: So that's what's tricky about Title IX it is a very politically charged issue and really dependent on the administration.

Martha Harris: Here's some context on some of the things that BYU's Title IX office actually does. When they get a report that someone has been sexually assaulted, they reach out.

Tiffany Turley: So, when someone comes to our office, whether they come in by themselves or we get the report another way, like from a faculty member or an RA, someone like that. The first thing that we're going to do is reach out and offer support to the person who's been impacted by the behavior.

Martha Harris: And then there are three options available. But if they don't want anything to do with the Title IX office, they don't have to do any of these things. One option is to file an informational report.

Tiffany Turley: Which we have people who come in and say, You know what I don't want anything done, I just want to note it for the record, or maybe I need to get connected to counseling, but I don't want you to do anything with the other person or something like that. And so, we can totally help them. So informational report, put it in our system, we help them help we can. And then that's it.

Martha Harris: They can also do what's called an informal investigation.

Tiffany Turley: Which is essentially, a facilitated mediation between our office. So, the parties never have to engage with each other, it's all facilitated through us. But it allows us to address informally, like, behavior. And one thing that we found at BYU, especially, is we have a lot of situations where a little bit of education could go a long way. If something is not severe, egregious as far as behavior goes, maybe we can resolve it with an informal resolution where we make sure people understand the impact of their behavior, you know, how it's affected someone else, how to resolve it for the future through kind of this mediation.

Martha Harris: Lastly, there's the formal investigation.

Tiffany Turley: Which is just like it sounds, it's a lot more of an involved process. We talk to both sides. We talk to witnesses, we get evidence. The end of which we make a decision relative to was university policy violated. If it was there can be sanctions imposed. If it wasn't, the case closes, but you know, it's a longer process that usually takes three to four months.

[MUSIC – Podington Bear, “Starling”]

Martha Harris: But even if BYU has made changes, do people who have been sexually assaulted trust going to campus police? Short answer, it doesn't seem like it.

Lori Jenkins: Right now. I think a lot of BYU students are just not reporting.

Martha Harris: That was Lori again, she works with the Refuge. Lori thinks that people haven't forgotten what happened to Madi Barney and other people who were sexually assaulted. People haven't forgotten when Lieutenant Aaron Rhoades did.

Lori Jenkins: I think that case, even though it's many, many years ago, reputation lives on. This could be damaging for years. And it has been. Because legends can be good. And legends can be bad. And this legend lives on, you know, people are still mistrusting that BYU is holding the line.

Martha Harris: Tiffany, BYU's Title IX coordinator, says that people don't just distrust BYU PD or other departments within BYU, they just don't trust BYU as a whole.

Cassidy is a BYU student and was sexually assaulted the second semester of her freshman year. Cassidy told me she was comfortable having your first name and voice used, but I'm not sharing her last name to protect her privacy. Cassidy said she didn't really understand that she was even assaulted until after that summer. When she came back to school in the fall as a sophomore, she contacted the Title IX office. This was a few years after the case with Madi Barney, and it was after it had been announced that BYU PD was going to be decertified, but before the case was dismissed. Cassidy had heard about what happened with people like Madi Barney, who reported being sexually assaulted to BYU. And Cassidy was scared a similar thing might happen to her, that she might be reported to the Honor Code.

Cassidy: I was very afraid of that. I probably would not have gone to Title IX, except my roommate had and she said it was good and everything. So, she went with me, and I told them kind of what happened and I said, Hey, I'm afraid of the Honor Code. And they're like, no, no, we give you like immunity against Honor Code investigations. Which was helpful, but it was still scary.

Martha Harris: Title IX connected Cassidy with the survivor advocate at CAPS, BYU psychological counseling center. Her name is Lisa Leavitt. Lisa connected Cassidy with BYU PD, specifically with Elle Martin. Cassidy couldn't remember if Elle introduced herself as a victim advocate, but Lisa told Cassidy to go specifically to Elle. When Cassidy met with Elle, Elle was working as both a police officer, but was also kind of working as the department's victim advocate. That changed recently. Elle is now letting her certification as an officer lapse and is just working as a victim's advocate in the police department. When I talked with Elle she said she was no longer an official police officer, but didn't really go into why.

Elle Martin: I am now the victim advocate. And just gonna let my certification expire.

Martha Harris: I emailed Elle about it after the interview and she said, quote, in the fall of 2020, I was asked by my administration if I would like to be the full-time victim advocate for the BYU Police Department, period.

[MUSIC – Crowander, “Humbug”]

I'll come back to Cassidy's story. But first, when I emailed Elle, I told her the direct quotes from the interview I would be using in my story. When we first talked, Elle asked me to send her the story before I published it. And I've had people ask me that before for other stories. But I don't ethically feel comfortable doing that, so I said no. But I did tell her I could send her just the direct quotes I was using, to be transparent. Some journalists do that and some are very against. Elle told me she did not want me to use the clip where she says she's letting her certification expire. Her response was in red 18-point font and all caps. It said, quote, There is no need to mention or discuss my police certification in any manner. Please remove this statement. I asked her for some clarification, was a statement factually not true? She responded that her law enforcement career is very special to her and it's personal. She said it was an emotional decision to make but being a victim advocate is rewarding. I told her that I would not be removing the quote, she responded, quote, I need to bring this to the attention of my lieutenant. Standby, please. As of the time I'm recording this, I haven't heard anything more from her. The reason I sent Elle the quotes was because I've had multiple professors tell me that sending someone quotes before publication is an okay thing to do. This isn't to let them retract anything, but just so they're aware. I'm embarrassed to say this, but I never really took the time to consider what I ethically think about doing that. My professors said it was okay. And I never questioned that. After this experience with Elle, I know I need to figure out what I think is best. But anyway, back to Elle. At BYU, almost all university employees are considered mandatory reporters. This is the case at most universities. This means if they hear about sexual harassment happening to someone, including sexual violence, they are obligated to report it to the Title IX office. BYU police officers are BYU employees. So, if a student comes in and reports a sexual assault to an officer, an officer has to report it to the Title IX office. I was surprised to hear from Elle that even though she's no longer a police officer and now a victim advocate for the department, she's still a mandatory reporter.

Elle Martin: Anything a student says to me is in total confidence. So, I don't share any information. You know, I don't talk or work with the Honor Code office. You know, we're mandatory reporters as far as Title IX but that's just their name. And, but other than that, we don't talk with anybody else. We don't, I don't share any information. The police department doesn't share anything with the Honor Code Office.

Martha Harris: When I emailed Elle, she also wanted me to remove this quote. She asked me to replace it with, quote, As the victim advocate, the individual is advised about Title IX as a resource. The individual's name and contact number are given to Title IX for them to follow up because I am a mandatory reporter. As the victim advocate, I do not share any information with any department, end quote.

I also talked with Jackie Nunez and Lisa Leavitt. They're both survivors' advocates for BYU. They're separate from the Title IX office, the Honor Code Office, and the police department. Since Lisa is a psychologist and Jackie is a victim advocate, they're both considered confidential sources. So, they don't report to Title IX. Jackie has worked as a survivor's advocate at a police department before. She's never seen someone be both a police officer and a victim's advocate. Here's Jackie.

[MUSIC – Robert John, “Surface”]

Jackie Nunez: Like the power dynamic of a police officer, you feel like you're making a report when you're talking to a police officer. It just doesn't feel confidential because if you're a police officer, you're a mandated reporter. And also, there needs to be a separation, where someone can feel, I'm going to talk to someone that is just there, you know, to empower me and give me options and choices, and I'm not making an official report. Which can be scary, and people don't always want to make a report.

Martha Harris: I also interviewed a BYU police officer, Lieutenant Jeff Long. And every time he moved, his black leather belt squeaked against his chair and drew my attention. On it, he had a gun, hand cuffs, taser, a lot of other stuff. Lieutenant Long was a nice guy. We weren't talking about a case I was actively involved in or a witness to. I was interviewing him, and we were just talking. He told me about his grandkids. But every time he moved, and I became aware of his belt, I remembered that he was in law enforcement. I remembered the power imbalance between us, how he was different from me. I recently met with Elle, and this was after she decided to let her police certification lapse. She was just wearing a red t-shirt and jeans; she looked a lot more approachable than someone with a gun on their belt.

Back to Cassidy, the student who reported being sexually assaulted. She met with BYU PD because she really wanted a no-contact letter. A no-contact letter is a letter from the police department that tells someone not to contact someone else. If they reach out, there could be consequences. Cassidy told me that those specific consequences are explained in the letter. The person who assaulted Cassidy was her ex-boyfriend. She didn't want him to reach out to her or have someone reach out to her for him.

Cassidy: He'd also been cheating on me. And when his other girlfriend and I had a conversation, he kind of freaked out. And I got a message from his mom threatening to report me to the Honor Code office. So, I was really concerned that by going to Title IX and asking for even an informal investigation, I would be opening myself back up to contact from him or his mother or somebody else, you know. And so, I really wanted the No-contact letter because he couldn't contact me and nobody could contact me on his behalf.

Martha Harris: She told Elle everything that had happened. Elle said, it sounded like Cassidy didn't need a no-contact letter because her ex-boyfriend hadn't contacted her in a few months.

Cassidy: And that maybe I just needed to talk to him to get some closure. And I was like, No, I'm afraid of that happening, that's exactly what I don't want. Which was upsetting and kind of invalidating. I understand that when I was telling the story, it was probably confusing. And I just, I don't know, like, I feel like it shouldn't be my responsibility to have to be really clear about the details of a traumatic event and how I feel about it while I'm still in the middle of processing it.

Martha Harris: Cassidy had a positive experience with the Title IX office, she decided to go through with the informal investigation anyway.

Cassidy: And sure enough, he texted me and called me the morning that Title IX called him in. And I did not go to class that day. And I was really upset thinking about it because I'm like, BYU PD totally could have kept this from happening. And they just chose not to.

Martha Harris: I wanted to ask Elle about this. I wanted to know why she didn't give Cassidy a no-contact letter. But Elle won't share information about the students she's worked with. This makes sense. I'd be surprised if she did. Lori says that the Refuge provides a lot of resources, but there are some things they can't do to help BYU students, things that BYU employees can. For example, say a BYU student is sexually assaulted and goes to talk to the Title IX Office. And maybe the student is struggling in school, a normal response to trauma. The Title IX Office can write a temporary accommodations letter to the student's professor. This won't go into details about what happened, but it will say, Hey, this student is struggling and we're asking that you give them some leniency as far as attendance or due dates. Cassidy got one of those letters.

Cassidy: And the professors that worked with me on it, I got pretty good grades. But you know, I wish that all of my professors had been sensitive to that and not just you know, 75% of them.

Martha Harris: Lori said when she's talking with college students, one of the biggest concerns she hears is about school.

Lori Jenkins: It's interesting here, they've been raped, or sexually assaulted. They're in the emergency room, feet in stirrups, having a forensic medical exam. And some of their first questions are, How long is this going to take because I have a midterm tomorrow? Will I be done in time to get to class? Because the school academic, that is such a stressor, it's so on the front of the brain. That it's really sad if there's mistrust and they can't use the offices that can write a letter to professors.

Martha Harris: Lori told me about a time last year when she saw three BYU students in the span of a week and a half. They had all been sexually assaulted. None of them chose to go to the hospital and get a forensic exam, partly because that gets reported to law enforcement. But all three students talked with Lor about getting tested for sexually transmitted infections. Lori laid out a few options of how to go about that

Lori Jenkins: One option that's available to all BYU students, and they might be aware or might not be aware, but they could go into the BYU health center and be tested for STIs and get a follow-up checkup free of charge. Like it's a service that BYU nicely offers.

Martha Harris: Or if they reported the sexual assault to law enforcement, the state would pay for it. Utah has a crime victims reparation fund to provide financial assistance for victims to pay for things like STI testing.

Lori Jenkins: If a criminal in Utah gets slammed with a fine, that goes into a big pot, and it doesn't get sucked up into roads or education or whatnot, it pays for criminal action. So, yesterday's criminals are paying for tomorrow's criminal action.

Martha Harris: The third option: they could pay for the STI test themselves. Lori told me a full round of testing cost \$65. All three of these students chose to pay for the test out of pocket.

Lori Jenkins: I don't know if it's leeringness of law enforcement in general or having anything linked with BYU. But when I mentioned that BYU route, all three were like, No, like, that's not an option that I'll be choosing. I kind of ask like can I give you other options or, you know, suggestions of places and they're like, Yeah, what, what other options are available? So, I don't try and really dig or pry.

Martha Harris: Lori doesn't know what it will take for things to change. For more students to report

Lori Jenkins: That one case has done insurmountable damage. And I don't know, really, how they're going to come back from that. If I had the answer, I would love to give it because right now, I think a lot of BYU students are just not reporting. They're not going in to get the medical exam.

Martha Harris: Over the course of this project, I've spent a couple of hours talking with Lieutenant Long. I asked him about what types of cases BYU police officers frequently handle. I was surprised by his answer.

Lt. Jeff Long: You know, right now we've seen an increase in suicidal ideations, you know, we're dealing with those, I don't want to say daily, sometimes it seems like that.

Martha Harris: I asked Karen, the public records specialist at BYU. She said in 2020, BYU PD received 299 calls relating to a mental health crisis. As of late October in 2021, they've already received 267 calls. Lieutenant Long's answer piqued my interest because full disclosure: I've actually experienced this. In March of 2020, I was feeling suicidal and called BYU CAPS for help, that's the psychological counseling center. It was around 7 pm and since it was closed, I had to call BYU dispatch to get in contact with the on-call counselor. I talked with the counselor on the phone for a little bit. And then we decided that I shouldn't be alone. We made a plan to meet on campus and then we would talk in her office. When I got on campus. I walked to the basement of the Wilkinson Student Center and I saw a BYU police officer, in uniform. He knew my name. He knew what was happening. And he knew that I was on campus to meet with a therapist. I was not expecting to see him. No one told me that police would be involved. I was confused. But honestly, I was also scared. I didn't know what was going to happen. I didn't know if I was in trouble. I asked Lieutenant Long if this is a normal procedure. He said it absolutely isn't. What I experienced was probably a mix-up in communication.

Lt. Jeff Long: You know, our process is that we contact CAPS, get a counselor involved because we're not professionals. And probably a majority of the time, the CAPS counselor is able to, you know, come up with a safety plan and those types of things. If, obviously, if they feel like that they're not, if that's not going to work, then we'll take them the hospital. But yeah, this is it's pretty common.

Martha Harris: Sometimes the person calling does not want to work with a counselor from CAPS and just wants a police officer. Long said the officers have been trained on how to handle someone who's in crisis. It's called Critical Incident training, CIT. Another role officers commonly play is if someone's having a mental health crisis, they're feeling suicidal, and they need to go to the hospital. The CAPS therapists aren't able to drive students, but police officers can't.

Lt. Jeff Long: So instead of calling an ambulance which is going to cost that person you know, a thousand bucks, we end up doing the transports. If they're gonna get transported. It's going to be by a police officer.

Martha Harris: This also happened to me. When I talked with a therapist, we both agreed that I should be admitted to the hospital. She called an officer and he drove me down. I checked into the ER and for some reason I wasn't able to stay at that particular hospital. Either they didn't take my insurance or they didn't have room for me in the psychiatric ward. I honestly don't remember, it was midnight. I waited around for a few hours while they looked for hospital I could stay at. They found one, but I had to take an ambulance there. This other hospital was about 5.7 miles away. Google Maps estimates a 13-minute drive. The bill for that ride was over \$1,000. And that's after my insurance paid for part of it. The officer who drove me to the hospital initially, he absolutely saved me from another \$1,000 trip. But again, officers dealing with people in a mental health crisis is not unique to BYU. In addition to working at BYU, Long has also worked at other municipal police departments.

Lt. Jeff Long: But it's always been in the past where it falls on law enforcement.

Martha Harris: I asked Lieutenant Long if you thought police officers should be handling mental health issues.

Lt. Jeff Long: We're all for, somebody else wants to do it we are, we're good with that. Like I said we're not trained in that, right? I mean, we're not therapists. We're not psychologist, psychiatrist, whatever. But we're there to help. Right? We have limited training, we're not professionals.

Martha Harris: I asked a psychologist some caps for his thoughts. Klint Hobbs is the Assistant Clinical Director at CAPS.

Klint Hobbs: You know, I don't know that that's fair to them, to expect them to be the catch all, to handle every crisis and mental health things. Police are fantastic at what they do and everything, but I think they approach situation from the perspective of physical safety is what we need to do. And that's great. But in a lot of these situations, that's not the primary concern, like the student is more or less safe. It's more the mental health. And so having somebody else that's going to train to go do that, not expecting the police to do that, I think is a healthier direction to go.

Martha Harris: I also told Klint about my experience.

Klint Hobbs: Yeah, no, that's not the normal protocol. And usually, we try to avoid the police officer being there. I have to say every interaction I've had with BYU police ,where we've had to involve a police officer for somebody, they've been great, super supportive, not like that. But anytime a police officer shows up that does escalate some and oftentimes that's not helpful.

[MUSIC – Axletree, “Frost on the Meadows at Dawn (after Holst, Abroad as I was walking/Lord Dunwaters)”]

Martha Harris: I've spent over a semester now looking into BYU PD. So where does it stand now? Things appear to be getting better. BYU and BYU PD have both made changes. The university as a whole has made a lot of changes with how it handles sexual assault cases. But I think it's too early to tell if these changes will last and if things will keep improving. One question I still have is about BYU's security force. BYU has long had security personnel. I see him all the time at the library or the art museum. But in 2020, the university announced that they would be forming a new security department that was completely independent of the police department. Most of the security officers are students—they can't arrest people, they don't have weapons. But the department is not subject to public records requests like the police department is. When BYU made this move, it was when the police department was still set to be decertified. A lot of people were suspicious. Was BYU just doing this because they wanted to get around open records laws? So, they didn't have to share as much information with the public? When this change happened, both the Utah Society of Professional Journalists and the Utah Media Coalition expressed their concerns. But overall, the biggest thing I found is despite any changes, students and faculty still don't trust BYU PD. I've talked with friends,

classmates, strangers, posted things on social media, trying to find people who have interacted with the BYU police. I wanted to know what experiences people were having. Most of the people who got back to me said they had never actually interacted with a BYU police officer, but they still wanted to share their opinions about the department, mostly negative ones. I'm interested to see what happens next with BYU PD and what changes they'll make. But as far as regaining the trust of community, I think that's going to take a while, that might take generations.

[MUSIC – Fossil Fools, “Falling Angel”]

CONCLUSION

When I originally proposed this project, I intended to do a more in-depth investigation than I was ultimately able to achieve. My goal was to produce multiple hour-long podcast episodes. I wanted to primarily use public records to find new information, do extensive data collection and analysis, and interview dozens of people about the BYU Police and private police forces. However, soon after I started, I realized that the amount of work I was trying to do was unrealistic for one undergraduate student to accomplish in less than a year. As I did not have a lot of experience requesting public records, I struggled to get my records requests fulfilled. I also struggled to find people to interview who had interacted with BYU's Police Department. I asked classmates, handed out fliers at on-campus events, and asked campus clubs to post information about my project on their social media, but most of the people who got back to me did not have personal experience with BYUPD, rather, they just had thoughts they wanted to share.

When I realized I was running into roadblocks and my project was not going as smoothly as I had hoped, I reached out to Marisa Kwiatkowski for help. She is an investigative reporter at USA Today and helped break the story that exposed widespread sexual abuse within USA Gymnastics. Kwiatkowski agreed that I would not be able to do everything I wanted to do with this project, and while she encouraged me to narrow my focus, she said that being overly ambitious was not a bad thing. I told Kwiatkowski I was frustrated because while I was able to find information about BYUPD's history, I was struggling to uncover new information. I was thinking of scrapping all the historical research I'd done but she said that in order to answer if things within BYUPD have changed, it would be essential for me to look at BYUPD's history and understand what

the department previously looked like. This helped me to broaden my focus so that I was not just looking at what has happened with BYUPD within the last five years, a more difficult task than researching BYUPD's entire history. Kwiatkowski also advised me to reach out to organizations that might frequently interact with BYUPD or organizations that were outspoken about BYUPD almost being decertified. This advice led me to reach out to The Refuge Utah, BYU's Title IX Office, and local sexual assault victim advocates.

I also met with Jake Bleiberg, an investigative reporter that covers criminal justice and law enforcement for The Associated Press. When I met with Bleiberg, I was still discouraged that I was not uncovering groundbreaking information about BYUPD. Bleiberg told me it sounded like I was doing an "accountability story," or checking in on the status of changes that BYU officials said they would make. This conversation made my project feel more manageable as I had specific questions that I wanted to answer, instead of just looking for anything interesting or surprising. He also told me that my story should be about a "verb" and not a "noun," meaning my story should not just be about BYU's Police Department, rather, about what they're doing/not doing. Bleiberg also advised me that I would most likely not find new information just by scouring all the public documents I could get my hands on, I needed to talk with people and that would inform what information to look for. After I spoke with Kwiatkowski and Bleiberg, I had more success moving forward with my project.

This project showcased to me the importance of student journalism. Many media outlets stopped reporting on BYUPD after it was announced that the department would not be decertified, and this left the campus community without information about how the

department was operating. Student journalists are vital to the campus community because local and national media outlets will cover a college when something significant is happening but quickly move on to something else. Student journalists are also provided with a unique opportunity where while they are learning about the craft of journalism, they also have an insider perspective on a community that is often being covered by professional journalists who do not have that perspective. Student journalists can continually provide the campus community with information about what is happening and keep campus officials accountable; that was my goal with this project.

ADDITIONAL RESEARCH AND ACTION

I plan to publish this audio in January 2022, and I hope that my work will be informative for BYU students, faculty, and community members. While I'm glad I was able to contribute to the coverage of crime and law enforcement on BYU's campus, there is still so much to be explored. Below, I've outlined areas that I hope future investigations cover or include:

- Whether BYU Police Officers exhibit signs of racial profiling in who they stop and arrest
- Demographics of BYU's Police Department
- Survey asking students and faculty about their perception of BYU Police and rating their opinions on a numerical scale
- Survey asking student journalists at private universities with police forces about their experiences getting information from the campus police
- Review of legal cases involving BYU Police Officers and the BYU Police Department

- How the BYU Police Department spends its budget
- How BYU Police Officers spend their time
- Analysis of how accurately BYU and BYUPD report crime, including how well they follow the Clery Act
- BYUPD surveillance tactics
- The relationship between BYUPD and other police departments within the state
- The relationship between BYUPD and BYU security, including how that relationship has changed over time
- The role of BYU security officers within the campus community
- How many parking tickets BYU issues a year, how much money they collect in fines, and where that money goes
- Percentage of students' tuition that goes towards funding BYUPD

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