May 13, 2015

Dear Members of the Faculty Senate,

I apologize for not being able to be here in person tonight as I have a family obligation during the time of this meeting that I am unable to reschedule. I have asked Bruce to read this statement from me and to emphasize that my preference would be in front of you delivering it personally. As many of you know, I am open to having conversations on any matter that does not violate someone’s right to privacy or confidentiality, so if, after you hear this you wish to contact me, please do so.

The Cornell Police investigate a broad range of complaints, from serious felonies to non-criminal violations of the Campus Code. By law, they have the authority to enforce the general criminal law of the State of New York; by oath, we are committed to impartial and respectful service to our community. Whether a suspect in a criminal act is a student or not does not dictate the manner in which we investigate or conduct our interviews, and I learned long ago that a person’s enrollment or affiliation in any institution of higher education does not preclude them from committing or being held accountable for criminal acts.

I will not comment on the specifics of the case under review. However, I can tell you that we currently do not have any complaints filed by anyone, student or otherwise, who claims to have been subjected to improper treatment or interviewing tactics. The Cornell Police have a robust internal complaint process. We investigate all complaints of misconduct received from aggrieved individuals and disciplinary action will be taken against an officer who is found to have violated policy, procedure or law. I am not aware of any instance where the current oversight process has not worked.

I am familiar with the issue you will be discussing this afternoon, and I have no concern sharing with you that the officer used widely accepted, approved and legal procedures for interviewing. I can understand why one might interpret certain words as unnecessarily harsh, particularly where they involve potential police actions inside a classroom. I and my leadership team, even without a complaint, have spoken with the officer and are reviewing our policies and procedures. As you might suspect, if we accepted at face value responses from people we interview without further pressing, the vast majority of crimes on campus would go unsolved.

To be clear, students interviewed by the Cornell Police are permitted to have lawyers, advisors, or the Judicial Codes Counselor attend interviews. Students who are suspects in criminal cases are given their constitutional rights and may voluntarily waive them. No student is compelled to speak with the police. A student is permitted to stop an interview at any time. These same rules apply to non-students.
I am not aware of nor would I condone any effort to intimidate, coerce, silence, or punish protesters, and in fact we operate in quite the opposite vein. My officers have always made attempts to work with individuals and groups to assist in having their voices be heard, regardless of the message or who is delivering it. To do so otherwise would be biased- our efforts are directed toward maintaining public order and enforcement of the law within the bounds of permissible free speech. Most times, in my 24 years here, the efforts were appreciated and often sought after. Currently that may not be the case; we accept that and will continue to offer our expertise and assistance for all events, including protests. I can tell you unequivocally that, although we were asked to investigate criminal acts that were committed prior to the Trustee’s meeting on March 26th, we did not - and would not - take any action intended to discourage protests on campus.

I have personally witnessed outrageous conduct where criminal charges and/or Campus Code proceedings would certainly have been warranted, by police discretion or by complaint from others. Had such conduct occurred in your offices or your classrooms or at your homes, I suspect you would have wanted intervention by law enforcement, and you would have received it if requested. Our officers are very well trained in matters of the constitution, the law, and our campus code. They receive ongoing in-service training in community interaction, case law and police procedures. While most often we are received well on campus, officers are still subjected to condescending, derogatory comments from non-affiliates, faculty, staff and students on a regular basis. Despite this, my expectations for my officer’s behavior and tolerance for this type of address are very high, and they will always be so.

Sincerely,

Kathy Zoner
Chief, Cornell Police