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Sargent Shriver National Center on Poverty Law

# HANDCUFFS IN HALLWAYS

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THE STATE OF POLICING IN CHICAGO PUBLIC SCHOOLS



FEBRUARY 2017

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# TABLE OF CONTENTS

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4	EXECUTIVE SUMMARY
6	INTRODUCTION
7	THE HISTORY OF SCHOOL POLICING
9	JUVENILE INJUSTICE IN THE CHICAGO PUBLIC SCHOOL SYSTEM
11	THE FORCE CHILDREN FACE
	Security Officers vs. Police Officers
	Profile of Chicago Police Officers in Chicago Public Schools
13	THE COST TO OUR CHILDREN & OUR CITY
15	THE UNSAFE CONSEQUENCES OF “PUBLIC SAFETY”
	Surveillance in Schools
16	Undefined Boundaries of School Policing
17	Physical and Psychological Impact
19	RECOMMENDATIONS
20	Protect the Civil Rights of Students
21	Prevent Police Notifications and Arrests for Violations of Policy
21	Adopt Best Practices for Recruitment, Screening, and Training of School Resource Officers
21	Recruitment
22	Screening
23	Training
26	CONCLUSION
27	ENDNOTES



PHOTO CREDIT: PATRICIA EVANS

# EXECUTIVE SUMMARY

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The relationship between law enforcement and schools in the United States has evolved significantly over the last 60 years. Law enforcement officers, now commonly known as School Resource Officers (SROs), have been permanently assigned to schools in various cities since 1953. Spurred by increases in federal funding, the practice has grown significantly in the last two decades. Although evidence has shown that these officers' presence did not improve school safety, by 1997, approximately 9,446 SROs were assigned to schools throughout the country.

Research shows that the mere presence of police officers in school increases the likelihood that a student will be referred to law enforcement for adolescent behavior. School-based arrests, which fall more harshly on students of color, put students in direct contact with the justice system. Poor policing within schools therefore puts students on the fast track to the school-to-prison pipeline.

Chicago, a city with a long history of troubled policing, has seen similar growth in the use of police in schools. As of April 2016, 248 police officers were assigned to 75 primary and secondary schools within the Chicago Public Schools (CPS). These officers are not required to have any specialized training other than a working knowledge of the Chicago Public Schools (CPS) Code of Conduct.

The student population in CPS overwhelmingly consists of a demographic that has been historically marginalized and disproportionately incarcerated. These children regularly interact with police officers during the school day, putting them in greater risk of being pulled into the criminal justice system. Students report being stopped, searched, and even arrested and processed on campus. Daily interactions with police influence students' perceptions of their own safety and increase their level of stress, especially among Black and Latino students. Therefore, impairing their ability to learn and develop.

There are varied issues related to police officers assigned to CPS. Police assigned to CPS lack proper training. All four intergovernmental agreements between CPS and the Chicago Police Department fail to provide mandates for training officers or mechanisms for monitoring officer behavior. Moreover, there is little accountability for their actions. Little is known about the disciplinary history of officers assigned to schools. Misconduct by SROs has been costly to the taxpayers. Between 2012 and 2016, police officers assigned to the Chicago Public Schools accumulated over \$2 million in misconduct settlements for activities on and off school grounds.

This paper examines the history of school-based policing, its current state, and best practices for school-based safety, with a focus on school policing in the Chicago Public Schools. Because of current problems related to the presence of police officers in schools, it is our recommendation that law enforcement should not be permanently assigned to the Chicago Public Schools. Police should only be contacted when there is a real, immediate threat to a student, a teacher, or public safety. In the alternative CPS must, at minimum, implement a formalized School Resource Officer program that includes:

- CPS Must Collaborate with Community Stakeholders on a Memorandum of Understanding That Defines the Rights and Responsibilities of SROs
- The Memorandum of Understanding Must Protect the Civil Rights of Students
- CPS Must Prevent Police Notifications and Arrests for Violations of Policy
- The School Resource Officer Program Must Adopt Best Practices for Recruitment, Screening, and Training
- CPS should create and maintain mechanisms for police transparency and accountability that are accessible to school district employees, families, and the general public
- CPS Must Intake and Forward Complaints About Officers to the City of Chicago Agency Designated to Investigate

CPS should collaborate with local community stakeholders to define the role of School Resource Officers in the context of the educational mission of our schools. It's time to rethink the role of these law enforcement officers in ensuring safety and security for our school children.







# INTRODUCTION

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## *SCHOOL-BASED POLICING IS THE FASTEST GROWING AREA OF LAW ENFORCEMENT.*

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School-based policing is the fastest growing area of law enforcement.<sup>1</sup> The Chicago Public School (CPS) system has continued to employ armed, uniformed Chicago Police Department officers in schools, despite evidence that the presence of police officers does not increase school safety. School-based police officers do not respond exclusively to violent behaviors, as they also address minor disciplinary infractions—talking back to teachers, truancy, horseplay, uniform violations or other disobedient behavior—which school officials have historically handled. Criminalizing disciplinary issues compromises the rights of students, disproportionately including students with disabilities and students of color, and contributes to the school-to-prison pipeline. This paper examines the history of school-based policing, its current state, best practices for school-based safety, and recommendations for better school-based policing in CPS.



PHOTO CREDIT: PATRICIA EVANS

# THE HISTORY OF SCHOOL POLICING

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The relationship between law enforcement and schools in the United States has evolved significantly over the last 60 years. The first time law enforcement officers, now commonly known as School Resource Officers (SROs), were permanently assigned to schools was 1953 in Flint, Michigan. The program was intended to improve community relations between the city's youth and the local police department.<sup>2</sup> The program received favorable media attention and expanded throughout the 1960s to other school districts, including Los Angeles, California, and Cincinnati, Ohio.<sup>3</sup>

In 1966, the Chicago Police Department began the "Officer Friendly" program – deploying 20 specially recruited and trained officers to the 773 elementary schools to teach good citizenship and hand out "Junior Citizen" certificates.<sup>4</sup> But by 1990, the Chicago Police Department's use of police in schools had evolved. A 209 person School Patrol Unit administered out of the Bureau for Investigative Services resulted in a reported 9,822 on-campus arrests during the 1990–91 school year.<sup>5</sup> The following school year, Lt. Thomas Byrne, head of the Unit, reported 710 arrests in the first month of school alone.<sup>6</sup>

The late 1990s witnessed a number of federal initiatives designed to control what was perceived to be a crisis in school safety. In particular, two federal grant programs began providing SRO funding to local jurisdictions. The first program enacted in 1994 partly in response to concerns about school violence, the Safe and Drug Free Schools and Communities Act (SDFSCA) increased funding to hire and train SROs.<sup>7</sup> The second program was the COPS in Schools (CIS) program, which Congress established in 1999<sup>8</sup> to develop collaborative programs that involved local police departments in schools.<sup>9</sup> On April 20, 1999, the nation mourned the killings of 12 students and one teacher at Columbine High School in Littleton, Colorado. The massacre was caught on the high school's security cameras in the cafeteria, forever altering societal views of law enforcement in ensuring the safety of staff and students.<sup>10</sup>

***IN 1999, NEARLY 10,000 SCHOOL RESOURCE OFFICERS WERE ASSIGNED TO SCHOOLS THROUGHOUT THE COUNTRY.<sup>11</sup>***

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These increases in federal funding exacerbated the use of police in schools. In 1975, only 1% of the nation's schools had police stationed in them.<sup>12</sup> By 2007, an astounding 40 percent of schools had police stationed in them.<sup>13</sup> According to the Bureau of Justice Statistics, the number of full-time law enforcement officers employed by local police departments or sheriffs' offices who were assigned to work as SROs increased from 9,445 in 1997 to 14,337 in 2003.<sup>14</sup>



## *BY 2007, AN ASTOUNDING 40 PERCENT OF SCHOOLS HAD POLICE STATIONED IN THEM.*

Illinois was deeply impacted by this trend. In 2000, Illinois police departments received more than \$3.2 million in federal funding for the hiring of police officers for schools.<sup>15</sup> The largest grant, \$875,000, went to the Joliet Police Department for hiring SROs.<sup>16</sup> Other grants included \$750,000 to the Lake County Sheriff's Department, and \$250,000 to both the Will County Sheriff's Department and the Collinsville Police Department.<sup>17</sup>

In 2006, CPS went on record as employing 585 part-time off-duty Chicago police officers as part of the general plan for safety and security.<sup>18</sup> In 2007, the Illinois Board of Education provided \$4 million for the Students First Safe Passage Pilot Program, which allowed CPD to install 'blue light cameras' at 20 Chicago high schools. By 2008, there were 105 surveillance cameras and increased officer patrols near schools.<sup>19</sup> In 2008, CPS and CPD signed their first Intergovernmental Agreement (IGA), providing full time officers to be assigned to schools.<sup>20</sup> The first IGA was signed in 2008 by Michael Shields, a retired CPD deputy superintendent and the Director of the Office of School Safety and Security for CPS and Jody Weis, Superintendent of the Chicago Police Department.<sup>21</sup> The 2008 IGA was signed after CPD and CPS jointly received a COPS Secure Our Schools Grant from the U.S. Department of Justice, which provided \$223,275 in federal funds, to be matched by CPS. The money was for designated for CPS to "purchase refurbished x-ray machines," and for CPD Liaison sergeants to provide "two days of de-escalation skills training" for the faculty and staff at twenty high schools. Both parties were obligated to evaluate the effectiveness of the de-escalation training.<sup>22</sup> There have been four IGAs signed since 2008, primarily detailing how much money CPS will pay CPD. In the 2010 IGA, CPS provided \$32.8 million over three years to CPD for school police services in 96 high schools and one special education school.<sup>23</sup> The designated schools for CPD officers as well as the number of CPD Officers deployed was determined by the Superintendent of Police in consultation with CPS Board's Chief Executive Officer.<sup>24</sup> The current status of arrangements between CPS and CPD is not entirely clear, but today, officers are assigned to at least 75 CPS schools and are funded through City Hall's budget, not the CPS budget.<sup>25</sup>

Today, nearly 19,000 SROs walk the halls of our schools nationwide<sup>26</sup>—a far cry from the fewer than 100 police officers that were in schools when the practice began nearly five decades ago.<sup>27</sup>

## *NEARLY 19,000 SCHOOL RESOURCE OFFICERS WALK THE HALLS OF OUR SCHOOLS*

Research shows that just the presence of police officers in schools increase the likelihood that students will be referred to law enforcement for adolescent behavior.<sup>28</sup>





PHOTO CREDIT: PATRICIA EVANS

# JUVENILE INJUSTICE IN THE CHICAGO PUBLIC SCHOOL SYSTEM

*In 2009, Corey Harris, a 17-year-old high school athlete and stand-out student at Dyett High School, was fatally shot in the back by an off-duty Chicago police officer on the city's Southside. Harris was young, black, and unarmed, and the city settled a lawsuit brought by his family for \$1.2 million.<sup>29</sup> Nevertheless, the very same officer who shot Corey Harris was subsequently stationed as a School Resource Officer at a predominately Black high school on Chicago's Southside.<sup>30</sup>*

Many communities of color, youth specifically, do not see the police as an institution that protects them. The 2016 Chicago Police Accountability Task Force Report acknowledged that the Chicago Police Department's history of racism and scandals has contributed to the distrust between the department and communities of color.<sup>31</sup> High school students on Chicago's Southside report repeated instances of harassment that are too minor to merit the involvement of a civil rights lawyer but substantial enough to delegitimize the police force collectively as a trusted source of protection.<sup>32</sup> These negative encounters infiltrate every aspect of these students' day—on their way to school, at school, and even at home. This experience, which is common to youth of color throughout the country, leads them to feel dehumanized and singled out as criminals in every aspect of their lives and explains community pushback against policing one of the most vulnerable populations, school children.<sup>33</sup>

CPS students are approximately 40% Black and 45% Latino.<sup>34</sup> CPS's student population overwhelmingly consists of a demographic that has been historically marginalized and disproportionately incarcerated. These children regularly interact with police officers during the school day, putting them in greater risk of interacting with the justice system.

Although CPS has reform its disciplinary and personnel policies<sup>35</sup> police officers assigned to CPS are not formally governed by those policies.<sup>36</sup> Therefore, it is important to ensure that CPS's reform efforts<sup>37</sup> are reflected in the policies and practices of the police officers assigned to their schools.

## POOR POLICING WITHIN SCHOOLS PUTS STUDENTS ON THE FAST TRACK TO THE SCHOOL-TO-PRISON PIPELINE

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School discipline reform will not eliminate the school-to-prison pipeline unless it is accompanied by school-based policing reform. School-based arrests put students in direct contact with the justice system. Poor policing within schools puts students on the fast track to the school-to-prison pipeline, transforming the public school system into the justice system.





PHOTO CREDIT: PATRICIA EVANS

# THE FORCE CHILDREN FACE

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## SECURITY OFFICERS VS. POLICE OFFICERS

According to the last IGA, CPD provides CPS with sworn police officers within 96 of their schools.<sup>38</sup> These officers differ from CPS Security Officers who are hired as employees of CPS. CPS requires all CPS Security Officers to complete training prior to working in their schools. In 2012, CPS implemented a mandatory three-day training course for all CPS Security Officers.<sup>39</sup> The CPS training session topics for CPS Security Officers included:

- The role and expectations of the CPS Security Officer;
- Technical training on core duties;
- Verbal techniques for de-escalation; and
- Crisis prevention.

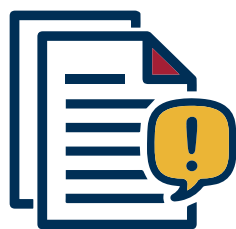
However, the mandatory CPS Security Officer training is not mandatory for CPD officers serving as SROs. The IGA does not mandate any additional training for CPD officers outside of the standard police officer training. Despite nationwide participation of various police departments in a basic SRO course, CPD officers assigned to schools are not required to complete any SRO training. CPD officers are only required to have working knowledge of the CPS Student Code of Conduct. As a result, the training required of CPS Security Officers is more in line with best practices for school safety and security.

**OFFICERS ASSIGNED TO SCHOOLS ARE NOT REQUIRED TO COMPLETE ANY SCHOOL RESOURCE OFFICER TRAINING**

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## PROFILE OF CHICAGO POLICE OFFICERS IN CHICAGO PUBLIC SCHOOLS

As of April 2016, 248 police officers are assigned to CPS. These officers are either stationed in the school or stationed outside in a squad car. Many of these officers have had complaints lodged against them with the Independent Police Review Authority (“IPRA”).<sup>40</sup> 67% of these officers have IPRA complaints lodged against them, 31% of these officers have three or more complaints lodged against them, and 11% have ten or more.<sup>41</sup>



67%

OFFICERS HAVE IPRA  
COMPLAINTS LODGED  
AGAINST THEM



31%

OFFICERS HAVE THREE  
OR MORE COMPLAINTS  
LODGED AGAINST THEM



11%

OFFICERS HAVE 11%  
HAVE TEN OR MORE IPRA  
COMPLAINTS LODGED  
AGAINST THEM

The racial composition of officers assigned to CPD is fairly diverse, including those officers with ten or more IPRA complaints. This differs from the media narrative of IPRA complaints arising from communities of color against white police officers. The racial composition of CPS assigned police officers with ten or more IPRA complaints is fairly proportionate to the racial composition of CPS's overall police force. The presence of Black police officers, however, does not preclude the use of racially biased police practices within schools.<sup>42</sup>



PHOTO CREDIT: PATRICIA EVANS

# THE COST TO OUR CHILDREN & OUR CITY

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Lawsuits filed against the City of Chicago for misconduct of School Resource Officers have been costly to taxpayers. For example, a Black female at Crane High School complained that, in September 2010, two male officers pushed her to the floor and placed a knee against her neck and shoulder. They then twisted her arm, handcuffed her, and arrested her.<sup>43</sup> In 2014, the City of Chicago settled her lawsuit for \$100,000.<sup>44</sup> Another example occurred at Hyde Park Academy. In January 2014, a personal injury lawsuit was filed against the city and an SRO, alleging that the officer took a young Black female student into custody, brought her to the second floor of the school and handcuffed her to another student. The complaint alleges that the officer struck the young girl in the face with his closed fist.<sup>45</sup> In 2014, the City of Chicago settled that lawsuit for \$15,000.<sup>46</sup> An IPRA complaint was also filed against the school based officer for that incident, in which the officer conceded to applying an “open hand stun” to the young girl’s face.<sup>47</sup> This individual SRO had accumulated eight IPRA complaints, half of which were for excessive use of force.<sup>48</sup> The student’s IPRA complaint was ultimately not sustained, and the officer continued to work at the young girl’s school.<sup>49</sup>

**IN TOTAL, BETWEEN 2012 AND 2016, THE POLICE OFFICERS  
ASSIGNED TO CPS ACCUMULATED**



**IN MISCONDUCT SETTLEMENTS FOR ACTIVITIES  
ON AND OFF SCHOOL GROUNDS**

Of that total, nearly \$1.5 million resulted from excessive use of force against a minor and \$215,000 from incidents that occurred on CPS grounds.<sup>50</sup>





**\$1.5  
MILLION**

**RESULTED FROM  
EXCESSIVE USE OF FORCE  
AGAINST A MINOR**



**\$215  
THOUSAND**

**RESULTED FROM  
INCIDENTS THAT OCCURRED  
ON CPS GROUNDS**

The consequences of poor policing within schools extend beyond egregious civil rights violations. Consider that Hyde Park Academy also reported 38 law enforcement referrals and 29 school-related arrests between 2012 and 2013.<sup>51</sup> Collectively, CPS schools had 4,848 referrals to law enforcement and 2,418 school-related arrests.<sup>52</sup>

Although Black children comprised approximately 40% of the CPS student population that school year,<sup>53</sup> over 60% of CPS's law enforcement referrals<sup>54</sup> and school-related arrests<sup>55</sup> were of Black children. In certain schools, CPS students with disabilities were disproportionately referred and/or arrested by law enforcement. At Hirsch Metropolitan High School, located in the Greater Grand Crossing neighborhood on the Southside of Chicago, 26% students during the 2013-14 school year had disabilities,<sup>56</sup> but 35% of law enforcement referrals and 31% of school-based arrests were of students with disabilities.<sup>57</sup>

**31% OF SCHOOL-BASED ARRESTS WERE  
OF STUDENTS WITH DISABILITIES**



# THE UNSAFE CONSEQUENCES OF “PUBLIC SAFETY”

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## SURVEILLANCE IN SCHOOLS

The ability of the CPD to surveil and collect investigative information about public school students has outpaced the necessary infrastructure to monitor the surveillance and ensure compliance with students’ constitutional rights. There are sophisticated networks of investigation that may result in arrests and convictions that are not subject to community oversight and may possibly violate a student’s right to privacy.

According to the IGA, CPD provides computer terminals that have access to the CPD’s CLEAR database.<sup>58</sup> The CLEAR database houses a variety of investigative tools that allow officers to file reports and store information about students—these investigative documents are generally kept private from the public because they are considered part of ongoing criminal investigations. These practices criminalize adolescent behavior, which may be mere infractions of school discipline code.

This includes information collected about a student’s known associates and activities through Investigatory Stop Reports (formerly known as Contact Cards.) In 2015, the American Civil Liberties Union of Illinois reviewed a sample of Contact Cards and found that Chicagoans were being stop and frisked four times as often as New Yorkers, and that “Black Chicagoans were subjected to 72% of all stops, yet constitute just 32% of the city’s population.”<sup>59</sup> Statistics about juvenile stops specifically have not been released, and it is unclear whether the CPD even tracks how many Contact Cards or Investigatory Stop Reports are filled out on school campuses.

The CPD computer terminals allow access to the Strategic Subject List (“SSL”)—a complicated and unpublished algorithm that “ranks individuals with a criminal record according to their probability of being involved in a shooting or murder” and allows targeted intervention strategies.<sup>60</sup> The SSL considers factors like an individual’s criminal record, criminal associates, and gang membership. There is not good public information about how juveniles are placed on the list, whether that information is collected by officers assigned to schools, and how being on the SSL impacts future interactions with law enforcement. Gang audits and known gang infrastructures can also be inputted or accessed by officers through the campus computer terminals.<sup>61</sup> This access to police data creates a complicated network of information about students that is subject to constant updates. The range of repercussions surveillance can have on a student’s life are vast. The investigative reports are not made public, and the results might only be challenged in individual court cases. Hypothetically, a full time police officer who also serves as a sports coach, or a chaperone on a field trip, or even just walks the hallway regularly, may be listening and recording information on a student’s activities that should

otherwise be protected. This could include First Amendment activities, private conversations about personal relationships, or violations of school policy that are not subject to criminal prosecution.

There are over 4,500 cameras inside CPS schools.<sup>62</sup> The CPS surveillance cameras can be monitored in real time through the CPD Crime Prevention and Information Center (CPIC).<sup>63</sup> The surveillance footage is routinely used as evidence in criminal investigations, but it is not clear how footage is stored and reviewed, how officer access to the footage is monitored for compliance with policy and the Constitution, and how students and their parents are informed about the extent to which student activities are recorded.

## UNDEFINED BOUNDARIES OF SCHOOL POLICING

The dueling roles of SROs as adults charged with educating and supporting students who can be trusted to use discretion, and the role of the SRO as an agent of the state charged with enforcing the law blurs the boundaries of school policing. When the SRO position was initially envisioned by the DOJ's COPS grant in 2000, SROs were expected to serve a multifaceted role as law enforcement officer, counselor, teacher, and liaison between law enforcement, schools, families, and the community. The primary role of the SRO was not to discipline or punish students, but rather to improve school safety and the educational climate of schools through multiple roles. This remains true in the National Association of School Resource Officer (NASRO)'s basic 40-hour curriculum, which divides the SRO's role into three critical components: the informal mentor and counselor, law enforcement, and law-related teacher.<sup>64</sup>

Often SROs are expected to serve as mentors and counselors for the students they police. SROs and students see each other day after day in routine encounters that range from friendly hellos in the hallway, quick rides to make the first bell, informal interrogations about friends' behavior, discipline through phone calls home or handcuffs, to the use of physical force on students. These daily relationships can complicate the students' relationship with SROs. Without sufficient education as to what powers a SROs does and does not have, student's civil rights are often compromised. There are no clear or predictable boundaries.

The CPS Student Code of Conduct, which defines the rules for the interaction of CPS staff and CPD officers, primarily addresses a process called "Police Notification." The rules assume that CPS staff are occasionally faced with a situation they cannot handle, and at that point the staff member may need to notify a CPD officer.<sup>65</sup>

The guidelines instruct:

*"School officials must not contact CPD merely to request removal of a disruptive student from the school in a non-emergency situation."*

*"In a non-emergency situation, administrators must make reasonable efforts to contact parents/guardians prior to contacting CPD."*

*School staff do not have "the authority to decide whether a student will be arrested," and police officers do not have "the authority to decide whether a student will receive interventions or consequences at school."*

This orderly procedure does not match the reality in some public high schools. Officers who are assigned full time and maintain a physical office inside a school spend more time in the hallways, in the lunch room, in the administration office, and in classrooms. The Youth and Police Project, a program of the Invisible Institute, spends years with CPS

high school kids researching together their experiences with officers. Researchers with the Youth and Police Project have observed officers threatening students with arrest when they refuse to be quiet in the in-school suspension room, using handcuffs to detain students for minor infractions of school policy, such as having food delivered, without reasonable suspicion of an actual crime searching backpacks as students enter classrooms, and enforcing and tracking tardies.

From the Youth and Police Project, research field notes fall quarter 2014:<sup>66</sup>

*Dillion, a senior, took me next door to the in-school suspension room to meet a freshman – it's the second week of school and the room is packed! The freshman, Ryan, came to the door at Dillion's urging to tell me what happened. He's very nervous and confused, and I have to ask a lot of clarifying questions. Ryan had left his new (expensive) jacket in his first period class, and when he arrived at his second period, he asked his teacher if he could run back and grab it. She said no. He decided to go anyway because he really didn't want to lose the jacket & his ID (which he needs to enter his next class) is in the pocket anyway. By the time he gets back, the passing period ended and now the door to his classroom is locked. When he knocks on a door, a passing security guard sees him and tries to take him to [a holding room for tardy kids], but he explains and the security guard tries to tell his teacher to let him in the class.*

*The security guard and the teacher argue through the glass window next to the classroom door, and the teacher calls the police. A police officer arrives and takes Ryan to 210, where the administrator who runs that room asks him what happens and tells him to wait. She tells the officer to take him back to class, so the officer walks him back and proceeds to argue with teacher through the glass. The teacher won't let him in. The officer says "I know where I'll put you," and walks Ryan to [the in-school suspension room] and turns him over to the security guard who runs the room. It's now eighth period, and Ryan has missed a whole day of school. I ask him to see his write-up paperwork and he looks at me blankly. No paperwork – will he be marked absent? Will they call his grandma? Is this suspension on his record? Five adults!*

This story illustrates the confusing way CPD officers become involved in implementing school discipline for school code of conduct infractions.

## PHYSICAL AND PSYCHOLOGICAL IMPACT

Students in schools staffed with police are also exposed to the psychological effects of regularly interfacing with law enforcement. Social-psychological research suggests that an overly pervasive presence of law enforcement functions as a stress-inducing visual stimulus, which can have a detrimental impact on a child's physical and psychological systems.<sup>67</sup>

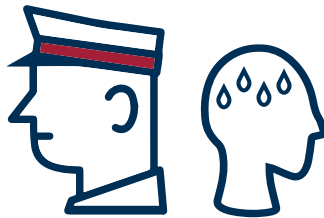
Studies show that school discipline policies that emphasize punishment over support may create negative socio-emotional and psychological consequences for low-income children. Punitive policies have been shown to increase the likelihood of future disciplinary problems and increase student contact with the juvenile justice system.<sup>68</sup>

## DAILY INTERACTIONS WITH POLICE INFLUENCE STUDENTS' PERCEPTIONS OF SAFETY AND INCREASE THEIR LEVEL OF STRESS.

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Increased police presence in schools also exacerbates students' feeling of lack of safety and distress, especially among Black and Latino students. This is true even for students that do not interact directly with the police on their campus.

Daily interactions with police influence students' perceptions of safety and increase their level of stress. A recent body of literature suggests that immediate presence of police may serve as a psychological trigger that over time has a compounding affect on the nervous and immune systems that may result in anxiety, restlessness, lack of motivation, inability to focus, social withdrawal, and aggressive behaviors<sup>69</sup>. Toxic stress, caused by this daily activation of a student's stress response, has been shown to burden the nervous and immune system and increase negative stress responses that produce detrimental health outcomes (e.g., fluctuating cortisol levels).<sup>70</sup> This type of stress has both mental and health results that negatively impact learning and influences behavior.<sup>71</sup> By promoting police intervention in school settings, we are limiting students' opportunities to build productive and sustainable responses to stress and hindering their ability to succeed academically.







## RECOMMENDATIONS

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*Law Enforcement Officers should not be permanently assigned to Chicago Public Schools.*

*Law Enforcement should only be contacted when there is a real and immediate threat to a student, teacher, or public safety.*

*If Law Enforcement officers continue to be assigned to Chicago Public Schools, a formal School Resource Officer Program should be implemented.*

*CPS must collaborate with community stakeholders on a Memorandum of Understanding that defines the rights and responsibilities of School Resource Officers.*

If CPS continues to use permanently assigned police officers within their schools, CPS must, at minimum, implement a formalized School Resource Officer program. The use of effective and genuine community engagement is critical in creating a Memorandum of Understanding that balances the interests of students, families, and district employees. This was shown to be effective with the Council of State Governments Justice Center.

In 2013, the Council of State Governments Justice Center convened more than 100 advisors representing policymakers, school administrators, teachers, behavioral health professionals, police, court leaders, probation officials, juvenile correctional leaders, parents, and youth from across the country to develop a series of policy statements regarding the creation of school-police partnerships.<sup>72</sup>

Given the magnitude and diversity of CPS, engagement of multiple parties is necessary to ensure that all community stakeholders have an opportunity to contribute their personal and professional insight and expertise towards a more robust and effective SRO program.

In 2016, the U.S. Departments of Education and Justice designed the SECURE Local Implementation Rubric to ensure safe school-based enforcement through collaboration, understanding, and respect. The SECURE Rubric recommends creating sustainable partnerships and formalizing a Memorandum of Understanding (MOU) among school districts, local law enforcement agencies, juvenile justice entities, and community stakeholders. An MOU outlines the responsibilities, duties, authority, and limitations of all parties.

According to the American Civil Liberties Union, community stakeholders should consider six main provisions when forming MOUs for SROs:

1. Clearly distinguish between disciplinary misconduct and criminal offenses and when students should and shouldn't be subject to intervention by law enforcement;
2. Outline student rights in accordance with local jurisdictional case law;<sup>73</sup>
3. Provide mechanisms for transparency and accountability, including mandatory public reporting on SRO activities and a meaningful complaint resolution system;<sup>74</sup>
4. Clearly define the primary role of the SRO as a partner for improving school safety and not for discipline or punishment;<sup>75</sup>
5. Provide for minimum training requirements on how to deal with children in schools; and
6. Integrate research-based, non-punitive practices for improving school climate and student behavior.<sup>76</sup>

MOUs provide a mechanism for school districts to clearly define the relationships between SROs and students. Vagueness erodes community trust. NASRO has stated that “one [of] the most frequent and destructive mistakes many SRO programs make is to fail to define the SROs’ roles and responsibilities in detail before—or even after—the officers take up their posts in schools.”

## PROTECT THE CIVIL RIGHTS OF STUDENTS

The SECURE Rubric recommends ensuring that SRO programs meet constitutional and statutory civil rights requirements.<sup>77</sup> CPS should err on the side of caution when protecting the rights of students and limit their interaction with law enforcement within the school. In the absence of imminent danger to student, teacher, or public safety, an SRO should only conduct or participate in a search of a student's person, possessions, or locker when there is probable cause to believe that the search will turn up evidence that the child has committed or is committing a criminal offense. The SRO should inform school administrators prior to conducting a probable cause search where practicable. The SRO also should not ask school officials to search a student's person, possessions, or locker in an effort to circumvent these protections.

Absent a real and immediate threat to student, teacher, or public safety, a school official should not ask a SRO to be present or participate in the questioning of a student that could expose the student to court-involvement or arrest. Strip searches of children by either school officials or SROs should be prohibited. In the absence of imminent danger to student, teacher, or public safety, other physically invasive searches by a school official or SRO should not be conducted on a child, nor should an SRO use physical force or restraints—including handcuffs, tasers, mace, or other physical or chemical restraints on a child.

## PREVENT POLICE NOTIFICATIONS AND ARRESTS FOR VIOLATIONS OF POLICY

CPS should distinguish disciplinary misconduct and criminal offenses. Students should not be subject to formal law enforcement intervention for ordinary school discipline issues. Formal law enforcement intervention includes an actual arrest, an issuance of a criminal citation, ticket, or summons, or referral to a probation officer. Incidents involving public order offenses, including disorderly conduct, disturbance/disruption of schools or public assembly, trespass, loitering, profanity, and fighting that does not involve physical injury or a weapon, should be considered school discipline issues to be handled by school officials. Absent a real and immediate threat to student, teacher, or public safety, students should not be arrested at school. The execution of a judicial arrest warrant should be undertaken at a location other than a school.

***ABSENT A REAL AND IMMEDIATE THREAT TO A STUDENT, TEACHER, OR PUBLIC SAFETY, STUDENTS SHOULD NOT BE ARRESTED AT SCHOOL***

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## ADOPT BEST PRACTICES FOR RECRUITMENT, SCREENING, & TRAINING OF SCHOOL RESOURCE OFFICERS

In 2000, the DOJ's Office of Community Oriented Policing Services (COPS) in Schools Program awarded \$68 million in grants to hire 599 SROs in 289 communities across the nation.<sup>78</sup> Recognizing that officers were transitioning to new environments that would require them to work with youth, Congress apportioned \$5 million in FY 2000 and \$3 million in FY 2001 to provide training and technical assistance to those in the COPS program.<sup>79</sup> The DOJ's School Resource Officer Program Guide stressed that the "single most important component of the SRO program may be implementing an effective process for screening candidates for the position."<sup>80</sup> The guide surveyed 19 SRO programs across the country varying in size of both the police department and the school district. Various processes and strategies were highlighted in both the recruiting and screening of SRO candidates. The SECURE Rubric emphasizes the importance of having a robust recruitment and hiring process as well as continually training and evaluating SROs once hired.<sup>81</sup>

### RECRUITMENT

The role of SRO has unfortunately been identified within law enforcement circles as a "kiddie cop."<sup>82</sup> As a result, the SRO position has been considered undesirable by officers who seek promotion within their police departments. Since recruitment is a critical component of a successful and effective SRO program, this stigma may stifle recruitment and limit the applicant pool. In an effort to address this notion, police departments in cities, such as Schaumburg, Illinois, have created a "detective track" for SROs to become detectives in the juvenile division.<sup>83</sup>

The SRO position should create a pipeline for juvenile detectives. The nature of the SRO position, when executed successfully, requires the SRO to navigate and collaborate with various agencies within the school system, child welfare system, and the criminal justice system. The successful management of these multiple roles as well as the credibility the SRO will develop amongst students, positions the SRO to be an effective juvenile detective. The structuring of this detective track will require the cooperation of CPD and the Chicago Fraternal Order of Police.

In addition to creating opportunities for opportunities, the applicant pool may be enhanced with other incentives, including no work on federal holidays, preferred assignments during the summer, and access to the use of unmarked vehicles.<sup>84</sup> In this way, the SRO program is not only incentivized, but also is viewed as an integral part of the larger department. It should not be overlooked how much officers value the camaraderie developed through frequent interaction with fellow officers and the feeling that placement in schools will diminish such interactions. Therefore, creating positive incentives for the SRO program will attract competitive applicants that have a demonstrated interest in interacting with youth regularly.<sup>85</sup>

## SCREENING

CPD and CPS must jointly establish screening criteria for SROs.<sup>86</sup> These may include: (1) requiring a memorandum of interest or letter; (2) identifying applicants views toward children; (3) talking with current and previous supervisor's about applicant's suitability; (4) informing candidates about job requirements; (5) examining personnel files; (6) factoring in personal experiences with the candidate; (7) measuring an officers' implicit bias; and (8) assessing enthusiasm for the position.

Conducting an oral interview of the candidate further enables SRO programs to examine the candidates under stress and assess their communication skills. Interviews should require candidates to respond to hypothetical situations in the school that are problematic for SROs, and administrators should be involved in the screening process.

### The DOJ recommends screening for the following qualities:

*Likes kids, able to work with kids; Has the right demeanor (calm, approachable, able to put up gracefully with "guff" from kids, parents); Has relevant experience; Has above average integrity; Above average attendance record; Exceptional dependability; Teaching ability (which can be taught—need willingness to learn; Ability to work independently.*

The DOJ and Office of Community Oriented Policing Services also suggest that "[s]electing officers who are likely to do well in the school environment and properly training those officers are two important components of SRO programs."<sup>87</sup> A survey of SRO participants concluded that certain key traits are useful in selecting SROs.<sup>88</sup> While "[s]ome key SRO characteristics are inherent[,] others can be developed through education and training." Key competencies include:

- The ability to work effectively with students within the age range of the school;
- The ability to work with parents;
- The ability to work with principals and other school administrators;
- Knowledge of school-based legal issues;
- Knowledge of school resources;
- Knowledge of social service resources;
- An understanding of child development and psychology
- An understanding of crime prevention through environmental design;
- Teaching skills;
- Public speaking skills; and
- Knowledge of school safety technology and implementation.<sup>89</sup>

## *POLICE OFFICERS STATIONED WITHIN SCHOOLS HAVE A MULTIFACETED ROLE AS LAW ENFORCEMENT, COUNSELORS, AND COMMUNITY LIAISONS THAT REQUIRE THEM TO HAVE ADDITIONAL TRAINING BEYOND WHAT IS OFFERED AT THE POLICE ACADEMY*

### **TRAINING**

The DOJ has stressed that police officers stationed within schools have a multifaceted role as law enforcement, counselors, and community liaisons that require them to have additional training beyond what is offered at the police academy. The Department recommends that “SROs need training before and after they go into the schools”<sup>90</sup> that includes coverage of the following topics:<sup>91</sup>

- Teaching
- Mentoring and counseling
- Working collaboratively with school administrators
- How to manage their time
- Applying juvenile statutes and case law in schools

The DOJ also recommends that incoming SROs shadow experienced officers for several days, and that these experienced officers provide formal written evaluations of the new officers’ progress.<sup>92</sup> The Department notes that SROs have found trainings on legal issues, cultural fluency, problem solving, safe school preparation, child development, mental health intervention, and teaching and classroom management strategies to be useful.<sup>93</sup>

The National Center for Mental Health Promotion and Youth Violence Prevention recommends that the program structure of a comprehensive SRO training program should ideally include a combination of classroom-based training, online distance learning, role-playing or scenario-based instruction, field training (within or outside the district) and orientation to the educational mission and school policies, regular in-service training that provides refreshers on key concepts and updates on new developments, and the opportunity for SROs to share lessons learned with one another.<sup>94</sup> The Center also recommends that the training content should include mental health, adolescent development and communication, implicit bias, trauma informed care, de-escalation techniques, school specific topics, and cultural competence.<sup>95</sup>

Many of these topics are covered in the NASRO’s national, 40-hour, basic SRO course.<sup>96</sup> Some jurisdictions have mandated trainings that cover many of the recommended topics. For example, in Texas, the General Assembly passed legislation mandating that school districts with 30,000 students or more require all police officers assigned to their public schools to complete SRO training.<sup>97</sup> The Texas Commission on Law Enforcement created a 20-hour curriculum that all school-assigned officers outlined in the legislation were required to complete. Many of the recommended topics from by both the DOJ and the National Center for Mental Health Promotion and Youth Violence Prevention were incorporated into the curriculum of the mandatory training, including trauma-informed care, mental health, and adolescent development.<sup>98</sup> Large school districts like Los Angeles, California,<sup>99</sup> also have similar curricula in their mandatory trainings.



Collaborating with local academic institutions to enhance internal training for CPD will benefit the department as a whole. Many of the topics covered in SRO trainings across the country are courses provided by universities and community colleges. After recruiting and screening applicants, CPD should create an SRO cohort that is required to complete the SRO curriculum prior to being placed in a school. The courses in the SRO curriculum should provide each SRO with some form of educational credit i.e. college credit, upon completion. Partnering with academic institutions to provide educational courses relevant to school policing will improve an SRO's community policing skills while on the force and career opportunities upon retirement.

## ***CPS SHOULD CREATE AND MAINTAIN MECHANISMS FOR POLICE TRANSPARENCY AND ACCOUNTABILITY THAT ARE ACCESSIBLE TO SCHOOL DISTRICT EMPLOYEES, FAMILIES, AND THE GENERAL PUBLIC***

CPS should collaborate with local community stakeholders to provide mechanisms for transparency and accountability, including mandatory public reporting on SRO activities and a meaningful complaint resolution system. CPS and CPD should annually publicly publish:

- SRO regulations, policies, protocols and training materials
- SRO budget information including funding and itemized expenditures;
- The number of officers deployed to each school along with their names, districts, badge numbers, and all allegations of misconduct;

CPS and CPD should also annually publish information about all SRO incidents including arrests and use of force through an open data portal that provides at minimum:

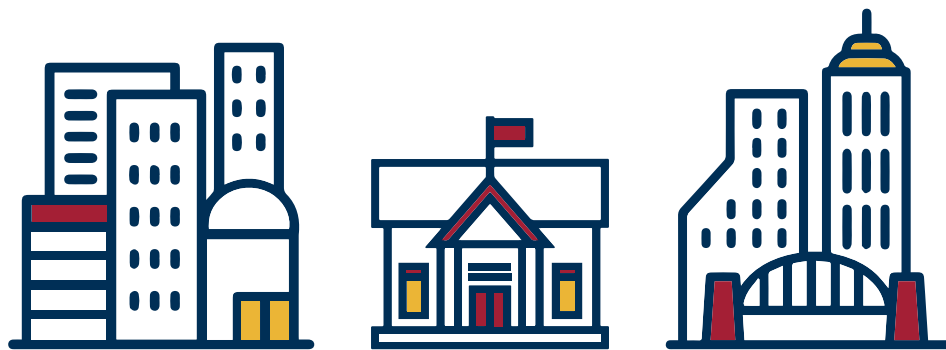
- Type of law enforcement intervention;
- Juvenile's age, grade level, race, sex, and disability status;
- Disposition/result for incidents resulting in a juvenile arrest for conduct on school grounds or at a school-sponsored event;
- Disposition for incidents resulting in other forms of law enforcement intervention for juvenile conduct on school grounds or at a school-sponsored event, including searches and seizures, questioning, issuance of a criminal citation, ticket, or summons, filing of a delinquency petition, or referral to a probation officer.

## ***CPS MUST DESIGNATE A COMPLAINT PROCESS***

Before implementing a SRO program, both the school district and police department must jointly establish systems of accountability to ensure quality performance. Key components of accountability include routine review of SROs' activities and the creation of systems that enable the school community to provide feedback and lodge complaints. School districts and police departments have taken various approaches to ensuring police accountability. In California, the Oakland Unified School District's police unit established a complaint and report process that may be used by any

member of the public to report an incident that pertains to the conduct of the police department. This process can also be used to offer criticism and recommendations regarding policies, or to report any activities or conditions requiring an investigation, attention, or reform. The complaint form is accessible online, and in-person at the school district headquarters, the police headquarters, and the main office at any school site. The District Ombudsperson also provides assistance over the phone for any member wishing to file a complaint. Complaints must be filed within 120 days of the alleged misconduct.<sup>100</sup>

CPS should intake and forward to the appropriate city agency any complaint about a school police officer made by a student, parent, teacher, principal, or other school administrator to submit a complaint, orally or in writing. Every student, parent, and guardian in the school system should be informed of the complaint procedure. Parents or guardians should be permitted to submit a complaint in their native language. The complaint system must be confidential and protect the identity of the complainant from the officer to the extent that is consistent with the officer's due process rights. The system should provide for an independent investigation into the allegations in the complaint. Complaints should be investigated and resolved, and complainants should be furnished with a written explanation of the investigation and resolution, within a set time frame. CPS should add language to the Student Code of Conduct providing disciplinary mechanisms for any staff or faculty who fails to properly forward a complaint.



Where serious allegations of abuse or misconduct are raised, the officer should be temporarily removed from having contact with students as appropriate. If an allegation of abuse or misconduct is sustained, the officer should either be suspended or permanently removed from any school assignments depending on the gravity of the situation. At minimum, the officer should receive additional training as appropriate. There should be a data sharing agreement with external law enforcement complaint systems, i.e. IPRA (or the future COPA) to ensure that all institutions are completely informed of a SROs misconduct on and off school grounds. CPD must be required to affirmatively inform administrators of allegations of misconduct against assigned officers, in addition to publishing disciplinary histories through a data portal.

Best practices across the nation vary according to size of school district and police department. Ultimately, community stakeholders, the school district, and the police department should collaborate in identifying ways in which best practices can be tailored to the educational and public safety needs of their school community.



## CONCLUSION

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Every day, parents send their children to school hoping that education will cultivate their children's minds and open new opportunities for their futures. But when safety and security operations in our schools criminalize student behavior, these opportunities and bright futures are often stripped away from our children.

A safe environment within Chicago Public Schools contributes to the educational opportunities and achievements of its students. SROs are one the many interconnected systems in the public education's complex network which impact school climate and the social, mental, and physical well-being of students. By failing to equip SROs with the skill set needed to advance CPS's educational mission, CPS puts its students at risk.

Students should not have their mental health issues treated with misdemeanors and their college and employment opportunities held hostage by criminalized adolescent behavior. The dignity, respect, and protection from harm that each and every child is entitled to should not be confiscated when those children walk through metal detectors at their school's entrance.

***IF CPS INSISTS ON THE PERMANENT PRESENCE  
OF POLICE WITHIN THEIR HALLWAYS, AT MINIMUM  
THEY MUST ARM THEM WITH COMPASSION FOR  
CHILDREN, COMPREHENSION OF BEST PRACTICES,  
AND A COMMITMENT TO THE EDUCATIONAL  
MISSION OF THE SCHOOLS THAT **THEY SERVE.*****

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# SHRIVER CENTER

Sargent Shriver National Center on Poverty Law

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The Sargent Shriver National Center on Poverty Law provides national leadership in advancing laws and policies that secure justice to improve the lives and opportunities of people living in poverty. We work to ensure that laws and policies provide low-income communities with access to adequate health care, decent housing, a social safety net, and opportunities to achieve their full potential. We advocate for positive policy and systems changes on a range of issues, including community justice, early childhood, economic justice, education, healthcare, housing, and challenges facing women and girls. Most importantly, we ensure that the voices of marginalized people are heard.

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