

## **G. CPD Non-Involvement in Schools<sup>11</sup>**

77. This Agreement acknowledges and define the limited role of CPD officers in schools.

### **1. Phase-out of CPD Officers from CPS Schools**

78. Within 90 days of the Effective Date, CPD shall revise its policies to ensure that CPD officers shall not serve as school disciplinarians. These policies should reflect the overarching principle that the school disciplinary process is the responsibility of school staff and not that of police officers.

79. Within one year of the Effective Date, CPD will stop assigning CPD Officers to be stationed in schools. As of the Effective Date, CPD will begin working with the Chicago Board of Education and the Chicago Public Schools District (CPS) to begin “phasing out” the assignment of CPD officers in schools. After the completion of the one-year phase-out period, CPD officers will not serve as School Resource Officers or Security Officers, or otherwise operate within CPS schools.

### **2. CPD Response to School Incidents**

80. CPD shall ensure that CPD officers who are stationed in schools during the phase-out period and officers responding to an incident in a school intervene only where necessary to address a real and immediate threat to a student, teacher or public safety, and do not intervene in any situation properly handled by a school’s internal disciplinary procedures. CPD officers shall in all circumstances de-escalate school-based incidents whenever possible and use the least amount of force that is necessary.

81. Accordingly, CPD shall ensure that CPD officers who respond to an incident in a school presenting a real and immediate threat employ age-appropriate de-escalation techniques, with the goal of decreasing youth involvement in the juvenile and criminal justice systems, including by relying on the City’s diversion programs, community-based alternatives to incarceration, and treatment options for youth in need of services. CPD shall develop and implement policies concerning the use of de-escalation and diversion techniques by officers responding to incidents in schools or on school grounds.

82. CPD will ensure that students are not 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 school or public assembly, trespass, loitering, vandalism, profanity, and fighting that does not rise to the level of a real and immediate threat, should be considered school discipline issues to be handled by school officials.

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<sup>11</sup> Ferguson Consent Decree; Meridian Consent Decree; [Handcuffs in Hallways](#): The State of Policing in Chicago Public Schools, by Shriver Center on Poverty Law; Center on Wrongful Convictions of Youth, Northwestern Pritzker School of Law.

### **3. Alternatives to Arrest**

83. CPD officers are prohibited from arresting students at school or on school grounds absent a showing of probable cause and a real and immediate threat to a student, teacher, or public safety. CPD will ensure that officers document in sufficient detail the basis for any arrest on school grounds, including any factors that justify arresting the youth at school and factors that support a determination of probable cause.

84. The execution of a judicial arrest warrant should be undertaken at a location other than a school.

85. In all cases where CPD officers have discretion in making an arrest, they shall exhaust all available options for appropriately addressing any harm that has been caused and resolving any ongoing safety threats before making an arrest. (Ferguson ¶ 212). Those alternatives may include: referring students to restorative justice processes, mediation and conflict resolution processes; utilizing de-escalation techniques; issuing verbal warnings; conducting parental outreach/engagement; referring students to school staff interventions, such as IEP meetings to discuss adjustments to a student's behavior intervention plan, and school disciplinary consequences, among many other possible alternatives. When possible, CPD officers shall consult with the school principal or a designee about available alternatives to arrest.

86. In the event that a student arrest is unavoidable, CPD agrees to ensure that officers make every effort to make the arrest in a private location that protects the privacy of the student and limits the disruption of school activities.

87. CPD shall ensure that upon arresting a student, officers notify the student's parent and/or guardian of the arrest as soon as practicable and in any event, no later than one hour after the arrest. Upon speaking to the student's parent or guardian, the officer must notify the student's parent/guardian of the nature of the incident leading to the arrest, the arrest charges, and if the student was removed from school grounds, the location of the student and relevant contact information. If a parent and/or guardian is not notified within one hour of the arrest, the arresting officer must document, in writing, the officer's reasonable attempts to locate and speak to the parent or guardian, and the reason for the delay. CPD officers may not delay contacting guardians of arrested students for the purpose of interviewing or interrogating that student without a guardian present. (Settlement Agreement with Meridian ¶ 1(b)(ii); Center on Wrongful Convictions of Youth, Northwestern Pritzker School of Law).

### **4. Rights in Interrogations and Interviews**

88. Officers shall only interview a juvenile in the presence of the student's guardian and/or attorney and with the guardian's permission, regardless of whether the student is being interviewed in a custodial capacity or as a non-suspect witness. All constitutional rights in such interviews shall apply, including *Miranda* and the right against self-incrimination, both for interviewing by CPD officers and for questioning conducted by school officials at the behest of CPD. Such rights shall apply as long as the officer is present during the interview or, in cases

where the officer is not present, the school official participated in the investigation of the underlying suspected crime or incident with the officer. To the extent possible, all interviews shall be electronically recorded in their entirety.

89. Absent exigent circumstances, interviews pertaining to non-school-related matters should take place off school grounds.

## **5. Prohibition on Use of Force**

90. CPD officers are prohibited from using force in school or on school grounds on anyone who does not present an imminent threat of bodily harm to another person and where there is no basis for a lawful arrest. CPD officers shall in all circumstances de-escalate school-based incidents whenever possible and use the least amount of force that is necessary.

91. CPD officers are prohibited from using restraints—including handcuffs and zip ties—on a student in school or on school grounds, unless the officer has probable cause for an arrest and the objective circumstances indicate that restraints are necessary to ensure the immediate physical safety of any person.

## **6. Prohibition on Collecting Information**

92. CPD officers are explicitly prohibited from exploiting their position to search for and collect information on behalf of CPD and/or any other law enforcement agencies.

93. CPD agrees to ensure that its officers do not use the information compiled in its Strategic Subject List, or any other dataset containing suspected gang affiliations, to influence the educational opportunities of, or take law enforcement actions against, any student. CPD further agrees that students' actions on school grounds, in school in school vehicles, or at school activities or school-sanctioned events shall not be input into CPD's Strategic Subject List or other databases for tracking suspected gang affiliations.

94. CPD officers shall not, under any circumstances, inquire about the immigration status of any student or member of a student's family. CPD officers shall not share any information about any student, provide access to any student, or otherwise cooperate with immigration enforcement activities of Immigration and Customs Enforcement (ICE) agents unless a valid judicial warrant has been produced or, after consultation with the City Law Department, it is determined that they are otherwise required by law to comply. Nothing in this section prohibits any officer from sending to, or receiving from, any local, State, Federal agency, information regarding an individual's citizenship or immigration status. "Information regarding an individual's citizenship or immigration status," for purposes of this section, means a statement of the individual's country of citizenship or a statement of the individual's immigration status. Nothing in this section is intended to violate 8 U.S.C. § 1373 and 8 U.S.C. § 1644.

95. Nothing in this section limits the applications of the other provisions of the Agreement to CPD Officers who respond to incidents in schools.

**7. Training and Screening for CPD Officers Who Respond to Schools**

96. All CPD Officers who are stationed in schools during the phase-out period or who respond to incidents in schools or on school grounds will receive the same training as CPS Security Officers or School Resource Officers, including on the following topics:

- a. The role and expectations of the CPS Security Officer;
- b. Technical training on core duties;
- c. Techniques for de-escalation; and
- d. Crisis prevention.

97. This training will be governed by the curricula provided to School Resource Officers by Chicago Public Schools, as well as by Illinois state law pertaining to the training of School Resource Officers, including but not limited to any provisions within the Illinois Police Training Act.

98. Within 90 days of the Effective Date, the Monitor shall establish eligibility screening criteria, both for officers assigned to schools during the phase-out period and for officers who respond to incidents on school grounds, based on best practices and in consultation with education experts and community members with expertise in youth, policing and education. These criteria should include but need not be limited to:

- a. Requiring a memorandum of interest or letter;
- b. Identifying applicants' views toward children;
- c. Talking with current and previous supervisor's about applicant's suitability;
- d. Informing candidates about job requirements;
- e. Examining personnel files, including complaint records;
- f. Psychological testing;
- g. Factoring in personal experiences with the candidate;
- h. Measuring an officers' implicit bias; and
- i. Assessing enthusiasm and capacity for the position, including through an oral interview involving hypothetical situations in schools.

99. Only CPD officers who have received the requisite training, including as set forth above, and who have been screened as eligible may respond to incidents in schools or on school grounds.