JULY 2, 2020

STATEMENT TO THE JOINT COMMITTEE ON PUBLIC SAFETY AND EDUCATION AND CHILD DEVELOPMENT REGARDING THE CHICAGO POLICE DEPARTMENT’S MANAGEMENT OF SCHOOL RESOURCE OFFICERS IN CHICAGO PUBLIC SCHOOLS

Thank you, Committee Chairs and Members, for the opportunity to speak to you this morning on the Office of Inspector General’s (OIG) review of the Chicago Police Department’s management of School Resource Officers (SROs) assigned to Chicago Public Schools (CPS).

In many communities across the nation, sworn local law enforcement personnel are assigned to public school districts as SROs to help ensure school safety and security. SRO programs are generally established as “collaborative efforts by police agencies, law enforcement officers, educators, students, parents, and communities” with the ultimate goal of “provid[ing] safe learning environments . . . foster[ing] positive relationship with our nation’s youth, and develop[ing] strategies to resolve problems affecting our youth with the objective of protecting every child so they can reach their fullest potential.”

Law enforcement officers assigned to work in public schools are therefore expected to fulfill a multitude of functions. According to the National Association of School Resource Officers (NASRO), an SRO serves as an “educator, informal counselor, and law enforcer.” This multi-faceted orientation can create numerous challenges, including a lack of clarity regarding officers’ roles, operational mission creep, and challenges in the realms of selection, training, and accountability. The Department of Justice (DOJ) and the Department of Education (ED) recommend that school districts, local law enforcement agencies, students, families, and community advocates work collaboratively to determine the specific role and responsibilities of SROs in their schools.

To assist schools interested in developing and maintaining “appropriate” and “effective” SRO programs, the Obama Administration DOJ and ED jointly issued guidance in 2016 and 2017, culminating in the SECURE Local Implementation Rubric and SECURE State and Local Policy Rubric (The National Rubrics). According to the Department of Education, when school districts and police departments work in partnership to develop programs using these guidelines, SROs are better prepared to
foster school safety without violating students’ civil rights or unnecessarily involving students in the criminal justice system. In theory, this reduces the likelihood that SRO programs will contribute to the pernicious phenomenon of the “school to prison pipeline.” The National Rubrics counsel that each school district/police department partnership:

- be grounded in an intergovernmental Memorandum of Understanding (MOU) that, among other things, outlines SROs’ roles and responsibilities, while explicitly prohibiting SROs from intervening in routine student disciplinary matters;
- involve collaboration with community stakeholders on hiring guidelines that prioritize officers’ qualifications for working with young people in a school environment;
- establish policies for school-specific training for SROs, as well as regular refresher trainings;
- continually evaluate SROs in a manner that incorporates feedback from school staff, school administrators, students, and families; and
- develop performance measures to track and evaluate SROs’ use of alternatives to citations, tickets, and arrests.

CPD has assigned sworn officers to serve as SROs in select Chicago Public Schools for decades. Until 2006, the SRO program was managed through a dedicated, Department-level School Patrol Unit. In 2006, CPD disbanded the School Patrol Unit, delegating responsibility for SROs to individual district commands. According to CPD, this allows school sergeants and district commanders to supervise the SROs in their districts more effectively, and to better address each school’s unique needs. However, in the absence of clear selection criteria and protocols, district-level control can also produce unacceptable outcomes and fundamental inconsistencies across the program.

My office’s original report concerning SROs published in September 2018, was prompted and informed by concerns expressed in numerous public engagement sessions and forums. Diverse communities from various parts of the City shared their objections, fears, and misunderstandings regarding law enforcement presence in schools. At the time of our original report, 74 CPS schools located in 21 of the City’s 22 police districts hosted SROs. Unfortunately, our 2018 report concluded that CPD’s recruitment, selection, placement, training, specification of roles and responsibilities, and evaluation of these officers were insufficient to ensure successful execution of SROs’ highly specialized duties. Among other things, we found:
• CPD had assigned officers to CPS without an intergovernmental agreement between the two agencies—a situation that ultimately extended over parts or the duration of three school years;
• CPD lacked directives addressing SRO-specific recruitment, selection, placement, training, and evaluation;
• CPD’s lack of guidance and structure for SROs significantly amplified community concerns and underscored the high probability that students were unnecessarily becoming involved in the criminal justice system, despite the availability of alternate solutions.

For the benefit of CPS students, their families, and the Chicago community at large, our report provided CPD with recommendations for reforming the SRO program to align with national best practices. Specifically, OIG recommended that CPD:

• draft and implement an MOU in collaboration with CPS and community stakeholders
  ○ describing the purpose of the SRO partnership,
  ○ defining the roles and responsibilities of CPD, CPS, and principals in schools, and
  ○ emphasizing that SROs should not be involved in routine student disciplinary matters;
• collaborate with CPS, students, families, and the community to establish hiring guidelines for SROs;
• establish and require initial and ongoing training for officers assigned as SROs;
• establish performance evaluations aligned with established SRO roles and train SROs to de-escalate situations and use alternatives to student arrest;
• designate an SRO program coordinator to enhance coordination and accountability; and
• maintain and regularly update rosters of officers assigned to CPS.

CPD concurred with many of the findings and recommendations detailed in the report. Among other things, the Department committed to:

• Undertaking best efforts to enter into an MOU with CPS clearly delineating each entity’s authority and specifying procedures for CPD officer interaction with students;
• developing a policy defining roles, responsibilities, and appropriate actions of SROs, including an express prohibition on the administration of school discipline by CPD officers and provisions for the collection, analysis, and use of data regarding CPD activities in schools;
• developing and implementing screening criteria to ensure SROs have the qualifications, skills, and abilities necessary to work safely and effectively with students, parents/guardians, and school personnel; and
• ensuring that SROs receive initial specialized training and annual refresher trainings, and encouraging SROs to exercise their discretion to use alternatives to arrest and referral to juvenile court.

However, the reforms proposed by CPD in their response did not address other crucial areas of concern outlined in OIG’s report. Specifically, CPD did not acknowledge or respond to OIG recommendations:

• to include a broad range of community stakeholders in the creation of the MOU;
• to create hiring guidelines and include a broad range of community stakeholders in the process;
• to state the purpose of the SRO partnership with CPS in the MOU;
• to define the data and information to be shared between CPD and CPS;
• to establish performance evaluations for SROs; and
• to maintain and regularly update rosters of SROs.

CPD indicated that its proposed changes would be implemented as part of the consent decree before the start of the 2019-2020 school year. While that timeframe was permitted under the consent decree, CPD’s failure to act more expeditiously left students, teachers, parents, and community stakeholders without the protections and assurances of an appropriate school safety program for another entire school year. Essentially, CPD and the City used the consent decree as a shield to slow readily achievable reform that they acknowledged was needed.

Recent events have helped us all to better understand that the consent decree—an agreement negotiated between the lawyers of two elected officials—establishes a meaningfully high threshold or floor for needed CPD reforms, but that it should not be treated as a ceiling, in terms of either substance or schedule. Indeed, the Mayor recently delivered a pointed public exhortation to quicken the pace and raise the bar of reform efforts.

CPD and the City’s less than urgent response did not sit well in the community or with numerous members of this body, who signed a letter to the then-Chair of the Committee on Public Safety, triggering the mandatory hearing provision Council passed as part of the first round of legislative reforms relating to police oversight. But the Committee ignored the legal mandate. No hearing was ever called, to the angrily expressed frustration of numerous constituents and groups across the City, who were moved to question the very legitimacy of the oversight legislation and system.
One consequence of this sequence of events was the amplification of protest and polarization around the SRO issue, turning a “how to” moment into a “whether” moment. I offer this uncomfortable observation for two reasons—first, to highlight that this state of affairs was avoidable, and, second, as a cautionary tale of what may happen on one or more police oversight and reform issues that have yet to be the subject of ordinance-mandated hearings (in particular, the Gang Database report that we issued in April 2019 and are in the process of following up). The City can and must do better in this regard—OIG welcomes this precedential moment and I commit the office’s full support to make Committee hearings a routine part of the work of the Council.

In June 2019, in accordance with standard practice for OIG reports, we reported out on a follow-up inquiry regarding the 2018 SRO review—a progress report. To cut to the chase, we found evidence that CPD was working hard behind the scenes, but that little had been implemented and would not be prior to the start of the 2019-2020 school year. CPD had ensured that the roster of officers assigned to schools was being regularly updated, but the Department:

- had not adopted OIG’s recommendation to assign an SRO program coordinator;
- had not entered into and implemented a MOU with CPS;
- had not defined the data and information to be shared between CPD and CPS; and
- had not established SRO policies, procedures, or hiring guidelines

CPD’s slow pace and minimal deliverables were, again, within the accommodating timeframe of the consent decree. But an earlier convening of this legally mandated Committee hearing likely would have both accelerated the SRO review and mitigated continuing public frustration. I note this especially in reference to one observation of sharp concern in our June 2019 follow-up, namely that CPD declined to include a broad range of community stakeholders in working toward fulfilling OIG’s recommendations.

This tendency to give short shrift to quality community engagement is a broader issue for CPD and municipal government generally. The tightly controlled and orchestrated community dialogue exercises that have become the norm exclude and alienate many concerned and engaged constituents and community members. On the other end of the spectrum, entirely free-form exercises make it difficult for the participants to share meaningful insights. Particularly problematic in the SRO context is that directly impacted constituents within the schools themselves—teachers, students, administrators, and parents—are among those excluded by the process. The National Rubric makes clear that these groups should have a meaningful voice
and input in numerous aspects of an SRO program, including the threshold question of whether to have SROs at all, as well as the selection criteria and process, the specification of roles and responsibilities, and criteria for formal performance evaluation. OIG’s ongoing community engagement work continues to beget numerous expressions of dissatisfaction with the choice to limit community representation on this issue to Local School Councils, which the National Rubric strongly suggests are insufficient, standing alone.

The good news is that the City implemented many of OIG’s recommendations during the 2019-2020 school year. But these new policies and procedures remain works in progress in need of version 2.0 adjustments. I expect that CPD and CPS will each acknowledge this, and I leave to them to explain their intentions moving forward. Last week’s unsuccessful motion before the CPS Board of Education to terminate the existing SRO contract answers the “whether” question, but only temporarily—a new MOU and contract for the coming school year will require approval.

Again, much of the debate around SROs has been binary in nature—should the City continue or terminate the program? Today’s hearing offers a timely platform for best assuring that when that binary decision next comes for vote, it is fully informed and based on a transparent, accountable, and fully collaborative program.

Accompanying my statement I have provided a list of questions for your consideration that, in addition to those prompted by the information brought to you by the speakers who follow me, may bring us closer to the model program that CPD and CPS want and the public deserves.

Thank you again for the opportunity to speak to this very important subject.

Respectfully,

Joseph M. Ferguson
Inspector General
City of Chicago
POUNDS FOR CONSIDERATION

Regarding criteria for school eligibility for an SRO:
- Does CPD conduct and provide to CPS (and/or individual principals) safety risk analyses for schools? Is there a risk threshold for eligibility for having an SRO detailed to a school? Is any of this information made public?

Regarding schools opting in:
- What criteria does CPS provide to principals and LSCs to guide the decision of whether to host an SRO? Are those criteria publicly available?

Regarding SRO selection criteria and process:
- Although there was a re-application process for the 2019-2020 school year, what percentage of SROs were carry-overs from prior school years?
- How competitive is the process by which CPD members bid for SRO positions? Are there sufficient applicants to create real competition?
- Is CPD applying selection criteria to a pool of resumes which are then passed on to principals?
- Are specific criteria or guidelines for the selections of SROs made by principals?
- Are there criteria for evaluating the prior medical and disciplinary histories of applicants? Are there currently SROs with multiple sustained CRs? Are there current SROs with prior sustained CRs resulting in significant discipline (i.e., 10 days or longer)?

Regarding SRO roles and responsibilities:
- What training will be provided to school staff concerning new guidelines for situations where SROs should not be involved? (OIG has received anecdotal information indicating that some principals, despite guidance from CPS, continue to press SROs to respond to school disciplinary situations and processes, which threaten escalation of administrative situations into law enforcement situations.)
- Are the same selection criteria and training expectations assigned to CPD members assigned to roving school cars, as to SROs assigned to a specific school?
- What are the criteria or parameters distinguishing the role and responsibilities of an SRO from a CPS Security Officer?
  - What percentage of current CPS Security Officers are off-duty or retired police officers?

Regarding SRO training:
- How many assigned SROs have received full NASRO training?
- How many have received CIT training?
• How many have received the training CPS gives to its Security Officers?
• How many Security Officers receive any of the training given to SROs?
• How many SRO supervisors have received the same training?

Regarding SRO performance and performance evaluations:
• Is the permissive (rather than mandatory) language in Section VI of the SRO directive intended to suggest that supervisors are not required to consider the evaluative metrics set out therein?
• Is there a defined time interval/cycle for performance evaluations? Does it align with the school year?
• Is input from the school community—administrators, teachers, students, and parents—solicited, received, and factored into performance evaluations?
• Is there an accessible and publicized process for members or the school community to lodge complaints against SROs? How is it publicized?

Regarding SRO data collection and sharing:
• Section X of the Special Order does not restrict/guide/speak to data sharing with other components of CPD and outside agencies. What are the plans for data sharing? Who will create and implement those policies—CPS or CPD?
• Do SROs have on-site read or write access to CPD databases containing gang designations? What is the planned on-site read or write access for the Criminal Enterprise Database?
• Are SROs authorized to make gang designations or provide information for that purpose?
• Do SROs either mandatorily or discretionarily execute ISRs (Individual Stop Reports) for school ground encounters with students?
• Are SROs authorized or tasked with conducting any surveillance or intelligence gathering activities?