



July 21, 2023

Angel Novalez  
Chief  
Office of Constitutional Policing and Reform  
Chicago Police Department  
3510 South Michigan Avenue  
Chicago, Illinois 60653

Re: Recommendations for CPD and CPS vetting and hiring of School Resource Officers

Dear Chief Novalez

Currently, the Civilian Office of Police Accountability (COPA) is implicated in the attached Intergovernmental Agreement (IGA) between the Chicago Police Department (CPD) and Chicago Public Schools (CPS) where it explains the process of vetting officers to be considered to serve as a School Resource Officer (SRO) as well as monitoring the eligibility of current SROs to continue their assignment.<sup>1</sup> COPA has identified gaps in the way the vetting and monitoring processes are supposed to be implemented when CPD members are selected as SROs, per the IGA. For example, pursuant to Clause 11 of the agreement, regular updates about new complaints and the status of open complaints are to be provided to CPS during bi-weekly meetings between CPS and CPD. COPA intakes all complaints against members of CPD and makes the initial determination of jurisdiction. Once COPA initiates an investigation, all updates about that investigation are inaccessible to CPD's Bureau of Internal Affairs (BIA). CPD alone can only access limited information about newly opened COPA cases against SROs. This will often mean that CPD has limited or dated details about the allegation within a complaint.

Pursuant to COPA's establishing ordinance, allegations of excessive force, sexual misconduct, verbal abuse, domestic violence, and uses of lethal force all fall within COPA's jurisdiction.<sup>2</sup> This means the three categories of disqualifying allegations mentioned in the IGA: "excessive force", "verbal or physical interactions with a juvenile", or "verbal action or physical conduct on school grounds"<sup>3</sup> will largely fall under COPA's jurisdiction and details are therefore not visible to CPD within any open complaint. In practice, once a case is assigned to COPA, CPD's BIA cannot see updates to the case, including served allegations of misconduct or the identity of additional CPD Members later determined to be involved, until the case is closed at COPA. Because of this, COPA is the sole source for the required details about new and open allegations outlined in the IGA. COPA understands the value of this complaint information in the vetting and monitoring process for SROs, but the IGA does not sufficiently specify the process by

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<sup>1</sup> Intergovernmental Agreement Between the City of Chicago and the Board of Education of the City of Chicago, Section (4), effective August 08, 2022

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which complaint information is to be requested or received from COPA, who was neither an active participant in the drafting nor a signatory of the existing IGA.

In addition to the above issue, the IGA asks for a determination of the reasonable probability that an open/pending allegation will lead to discipline for the accused officer. Specifically, Clause 4 of the current IGA mirrors language in CPD's School Resource Officer directive, Special Order S04-01-02, which mandates that Department members who are seeking to work as school resource officers must have an excellent disciplinary history, including but not limited to: No sustained complaint allegations within the past five years involving excessive force; no sustained allegations within the past five years where the sustained finding directly relates to a verbal or physical interaction with a juvenile or conduct that occurred on school grounds; and no open/pending allegations which, upon review of the evidence underlying such complaint(s), indicates in the judgement of the Department as determined by the Chief of BIA, that a reasonable probability exists that the officer may receive discipline.<sup>4</sup> As previously stated, much of the misconduct mentioned by the IGA falls under COPA's jurisdiction and, prior to closure, COPA typically does not opine on the probability that an officer may receive discipline stemming from an allegation. COPA can provide data about the *types* of open investigations and allegations against SROs.

Also related to Clause 4 of the IGA, since the current agreement between CPD and CPS does not allow cases with findings outside of the stated bounds to be considered in the eligibility to be an SRO, officers with several serious open or "Closed/No finding" allegations made against them can be put on the SRO eligibility list and/or continue to be on assignment as an SRO. COPA, CPD, and CPS have handled these issues on a case-by-case basis in the past when it has come to our attention. COPA seeks to formalize the process by which these situations are addressed and to recommend proactive solutions.

During an analysis of complaint data, COPA found several serious allegations were received by officers assigned as SRO within CPS at the time.<sup>5</sup> The analysis revealed that between February 11, 2019 and February 11, 2023, there were a total of 104 complaints made against the 48 current SROs.<sup>6</sup> These complaints included allegations of excessive force, sexual misconduct (including with juvenile(s)), and verbal abuse. Of the 104 complaints identified, COPA retained 21 and served 45 allegations of misconduct.<sup>7</sup> At the time of the analysis, 24 of those 45 allegations were closed, leaving 21 still open. The nature of many of the open allegations may not call for immediate removal of an SRO, but even one unresolved severe complaint against an existing SRO may be critical in the context of policing schools and children. Aside from the open cases, 16 (67%) of the closed allegations were categorized as "Closed/No finding," meaning the allegation was not fully investigated, no finding was rendered, and it was not determined whether the conduct occurred or not. Importantly, of the 16 allegations "Closed/No finding," 13 were closed without findings due to a lack of cooperation from the complainant.<sup>8</sup> This is not

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<sup>4</sup> Chicago Police Department Special Order S04-01-02 (III)(B)(6), effective June 30, 2022

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<sup>6</sup> Not all complaints were made while an officer was assigned as an SRO, but some were.

<sup>7</sup> Allegations are about distinct actions that represent misconduct based on a specific violation of department policy. There may be multiple allegations of misconduct that all fall under one complaint, which is also known internally as a "log" or "case."

<sup>8</sup> Two cases were closed without findings because they resulted from civil suits (pursuant to COPA's Policy, "Civil and Criminal Complaint Review" effective December 15, 2022, which limits cases stemming from civil suit

surprising given that COPA allegations that are closed with no findings have been found to most often be associated with a lack of cooperation from complainants.<sup>9</sup>

COPA, CPD, and CPS should consider that complainants may be less cooperative for a myriad of reasons, including when they fear potential retaliation from accused officers.<sup>10</sup> In schools, there are many related reasons why students (or teachers) may not cooperate with an investigation. For example, COPA spoke with CPS teachers who shared their observations of students' social norms around not reporting misbehavior to authorities.<sup>11</sup> Relatedly, a student who files a complaint against an SRO may fear retaliation or other negative consequences for violating such social norms. These fears could be amplified by potential identification of the complainant through the nature and details of a complaint and the complainant's proximity to peers, SROs, and other authority figures while attending school. These potential issues could exist in combination with a general lack of trust in police and other authorities, including those responsible for taking or investigating a complaint against police. Rigorous research on student and teacher reporting of SRO misconduct is scarce, but the school environment has the potential to contain and amplify barriers to reporting and cooperation.

COPA is recommending revisions to the most recent IGA between CPD and CPS to more clearly and accurately reflect the role COPA is to play in the vetting process. Furthermore, COPA is making the recommendations listed below as they relate to SROs and CPD members working in CPS. These recommendations are being made to guide COPA internally as well as to advise CPS<sup>12</sup> and CPD. The goal is to create an effective, comprehensive, and proactive approach to the vetting, retention, training, and monitoring of CPD members working in schools that mitigates the risk of misconduct and places a high value on the wellbeing of staff and students in CPS.

### **Recommendations for CPD**

1. **Clarify the definition of what is considered an "excellent disciplinary history" in both the IGA and SRO directive.** Only where an allegation is found to be unfounded or exonerated is an explicit determination made that misconduct either did not happen, or was lawful and within policy, respectively. Therefore, no such determination has been made in open, "Closed/No finding," and not sustained cases. The IGA allows for the consideration of open investigations likely to lead to discipline, but COPA does not opine about the probability of discipline prior to closing a case. However, COPA can recommend relieving a member's powers during the pendency of an investigation without necessarily making any determination of the probability of

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notifications to cases of "misconduct that include Great Bodily Harm, death, highly objectionable conduct, or conduct of actual or possible high public interest"), were "Closed/No finding." One was closed as a duplicate of a previous, fully investigated allegation.

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<sup>11</sup> COPA approached and met with multiple CPS teachers early-on in the process of developing this policy advisory to better understand and integrate their perspective on SROs (in July and August 2022). The teachers that participated had experience at multiple CPS schools.

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discipline.<sup>13</sup> Clarification of the definition of “excellent disciplinary history” would assist COPA in contributing to the IGA.

2. **Require successful completion of NASRO training for all CPS SROs and give assignment preference to those who have completed the *advanced* NASRO training.** COPA acknowledges that the IGA requires NASRO training or an alternative approved by the Consent Decree Independent Monitoring Team (IMT). CPD currently offers an alternative we are aware of no independent audit of its efficacy or equivalence to NASRO training standards. In the report from the 6th reporting period,<sup>14</sup> the IMT stated, “In the sixth reporting period, the City and the CPD maintained Preliminary compliance but did not achieve Secondary compliance by not delivering the School Resource Officer (SRO) in-service and supplemental training in a timely manner. The SRO annualized training needs to be delivered close to the beginning of the school year, and improvements required in documenting the SRO vetting and selection process.” Subsequently, in the 7<sup>th</sup> report from the IMT,<sup>15</sup> they stated, “The IMT also reviewed supplemental SRO in-service training curriculum and conducted interviews with SRO and school leadership and the CPD achieved Secondary compliance.” Notably, none of these reports mention NASRO standards or evaluate the current training’s equivalence.
3. **Revise secondary employment reporting requirements for members, especially those who engage in secondary employment where youth are present.** Because there is no published or available list of CPD members working in CPS, COPA does not know the full extent of which CPD members may be working in schools beyond assignment as an SRO and in secondary employment where youth are present. Off-duty secondary-employment roles and conduct can violate Rule 2.<sup>16</sup> COPA has investigated misconduct allegations involving off-duty officers working as security guards, and incidents of misconduct have occurred while officers work in schools in this capacity.<sup>17</sup> Given the vulnerability of juveniles, CPD should require any officer with secondary employment involving youth to report that employment to CPD to be included in his/her Employment Record. Directive E01-11 of Employee Rights and Responsibilities, III, B.1 explicitly states, “Sworn Department members covered by labor agreements are not required to submit a City of Chicago Department of Human Resources Outside Employment Form (PER-125) when working secondary employment.”<sup>18</sup> However, this lack of documentation prevents the department from implementing proactive training, monitoring, or restrictions on members’ secondary employment where it may be relevant to their ability to be an SRO. As stated in E01-11, III, A:

“The Chicago Police Department has the right to restrict secondary employment for good cause. The duties and obligations of the Chicago Police Department take priority

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<sup>13</sup> COPA Policy. “Recommendations Regarding Department Member Duties and Powers,” Effective June 24, 2021.

<sup>14</sup> Independent Monitoring Report 6, Reporting Period January 1, 2022, through June 30, 2022 (Section “¶138”)

<sup>15</sup> Independent Monitoring Report 7, Reporting Period July 1, 2022, through December 31, 2022 (Section “¶138”)

<sup>16</sup> Chicago Police Department. “Rules and Regulations of the Chicago Police Department,” Effective April 16, 2015

<sup>17</sup> Civilian Officer of Police Accountability 2023 analysis of youth-related misconduct cases for off-duty officers. See Logs 2018-1091813, 2019-0005037, 2019-000357, 2021-0004611, and 2021-0004631.

<sup>18</sup> Chicago Police Department Employee Resource E01-11 (III)(B)(1), effective April 7, 2023

over any other employment. Department members who engage in secondary employment are reminded that their primary responsibility is to the Chicago Police Department. Department members are subject to call at any time for emergency situations or situations where the employer reasonably anticipates civil disorder will or does occur. Secondary employment will not infringe on this obligation.”<sup>19</sup>

4. **Proactively monitor and restrict secondary employment.** Addressing the above inconsistency would enable CPD to actively monitor and restrict secondary employment as it relates to interactions with youth or assignment as an SRO. Restricting secondary employment that involves interactions with youth for members with open or sustained allegations of misconduct involving verbal abuse, excessive use of force, domestic violence, or sexual assault should still fall within the bounds of the CBA. Section 16.1 of the CBA states,

“The employer reserves the right to restrict secondary employment when it has reasonable cause to believe that the number of hours which the officer spends on secondary employment is adversely affecting his or her performance as a police officer. The employer retains the existing right to limit, restrict, or prohibit the nature or type of secondary employment that an officer undertakes.”<sup>20</sup>

#### **Advisory for CPS**

1. Revise the IGA to clarify the role of COPA with the support of COPA leadership.
2. Collaboratively develop a plan to support a liaison between COPA and CPS.
3. Ensure CPS principals can request a disciplinary history from COPA to make hiring decisions about CPD members working in their schools.
4. Clarify the intended goals for SROs being placed at schools, define measures of success in obtaining those goals, and evaluate the efficacy of the SRO program in achieving those goals.
5. Ensure all relevant details about any open or closed COPA complaints and investigations against SROs are regularly shared with CPS.
6. Further specify the process by which it is to be determined that a reasonable probability exists that the officer may receive discipline or develop alternative criteria whereby open cases may be considered when determining the excellence of disciplinary history.
7. Post the IGA between CPD, CPS, and COPA in a publicly available online location within 60 days of it being signed.

#### **Recommendations for COPA**

1. Work with CPS to draft a policy and a clause within a new IGA with CPS/CPD in which prior to an officer’s placement in a school (possibly during application process), CPS contacts COPA, who will provide complete information about any open and closed complaint investigations against eligible officers provided by CPD to CPS.

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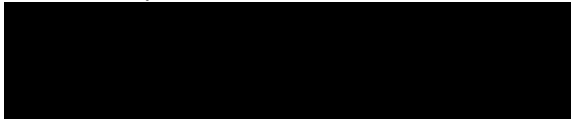
<sup>19</sup> Chicago Police Department Employee Resource E01-11 (III)(A), effective April 7, 2023

<sup>20</sup> Agreement between Fraternal Order of Police and City of Chicago 7/2012-6/2017

2. The existing agreement between CPD/CPS implicates COPA in the process of providing information about open complaints against current SROs as the allegation categories of concern mentioned in the IGA (e.g.: use of force) fall under COPA's jurisdiction. The processes by which that occurs should be clarified collaboratively with COPA leadership.
3. Increase outreach to the Chicago Teachers Union and COPA engagement within schools that employ CPD members. This will aid in building relationships with school employees, students, and parents/guardians and support the filing of complaints about member misconduct to COPA.
4. Collaboratively develop a plan to support a liaison between COPA and CPS.
5. Keep allegations by students/involving students confidential as long as possible to ensure best practices are followed to minimize fear of potential retaliation, and support students who come forward. Specifically, consider ensuring confidentiality until the complainant or subject can be meaningfully protected from retaliation from the accused. This could be accomplished by recommending a "relief of powers" or a change in member detail at the discretion of the Chief Administrator or their designee in cases where the allegation is serious enough to warrant such a response.<sup>21</sup>

COPA requests a response from the Superintendent of Police or his or her designee within 60 days, pursuant to COPA's establishing ordinance, 2-78-130(b).

Sincerely,



Andrea Kersten  
Chief Administrator  
Civilian Office of Police Accountability

cc:

Fred Waller, Superintendent of Police, Chicago Police Department  
Allyson Clark-Henson, Managing Deputy Director, Office of Constitutional Policing and Reform, Chicago Police Department  
Dana O'Malley, General Counsel, Chicago Police Department  
Matthew Burke, Deputy Director of Litigation, Chicago Police Department  
Scott Spears, Assistant General Counsel, Chicago Police Department  
Justin Escamilla, Deputy Chief Administrator, Civilian Office of Police Accountability

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<sup>21</sup> COPA Policy. "Recommendations Regarding Department Member Duties and Powers," Effective June 24, 2021.

See Attachment A



Brandon Johnson  
Mayor

Department of Police · City of Chicago  
3510 S. Michigan Avenue · Chicago, Illinois 60653

Fred L. Waller  
Interim Superintendent of Police

September 19, 2023

**VIA EMAIL (andrea.kersten@chicagocopa.org)**

Andrea Kersten  
Chief Administrator  
Civilian Office of Police Accountability  
1615 West Chicago Avenue, 4<sup>th</sup> Floor  
Chicago, Illinois 60622

RE: Recommendations for CPD and CPS Vetting and Hiring of School Resource Officers

Dear Chief Administrator Kersten:

On behalf of the Chicago Police Department ("Department") I write in response to your letter of July 21, 2023, regarding the School Resource Officer ("SRO") program. The Department shares your desire to ensure the safety of all students and appreciates your thoughtful commentary on the SRO program. As set forth in section 2-78-130(b) of the Municipal Code of Chicago, the Department provides the following responses to COPA's recommendations that are specific to the Department.

**1. Clarify the definition of what is considered an "excellent disciplinary history" in both the IGA and the SRO directive.**

Beginning in 2020, both Chicago Public Schools ("CPS") and the Department entered into an intergovernmental agreement ("IGA") defining an excellent disciplinary history to mean no sustained complaint register allegations within the past five years involving (a) excessive use of force; (b) a sustained finding directly relating to a verbal or physical interaction with a juvenile or the sustained finding directly relates to verbal action or physical conduct that occurred on school grounds; and (c) no open or pending complaint register ("CR") that, in the judgment of the Chief of Internal Affairs, indicates that a reasonable probability exists that the officer may receive discipline covered by items (a) or (b) above. This standard, coupled with the other stringent screening criteria to become an SRO that the IGA specifies, ensures that officers who are selected for this position are among the most qualified members of the Department.

The Department notes that during negotiations in 2020, both the Department and CPS requested COPA's involvement in the officer vetting process and COPA declined to participate. The Department developed a protocol for COPA to share limited information about a pending CR with the Chief of Internal Affairs to make the determination set out in (c) if the Department identified a pending CR involving the type of incident identified in the IGA. Further, as indicated in CPS's August 14, 2023, response letter to COPA, CPS and COPA entered into a separate agreement intended to prevent and address situations involving police misconduct that would impact the SRO program. It is the Department's and CPS's understanding that this agreement remains in force.

The IGA represents the outcome of extensive negotiations between the Department and CPS. The Department and CPS have since renewed the IGA each school year in a substantially similar form following annual review



and, if appropriate, negotiations. The Department cannot unilaterally amend the IGA, but instead welcomes a dialogue that includes CPS to address COPA's concerns.

**2. Require successful completion of NASRO training for all CPS SROs and give assignment preference to those who have completed the *advanced* NASRO training.**

As COPA states in its advisory letter, the IGA requires that all SROs complete either 40 hours of NASRO training or replacement training approved by the federal monitor, as well as an additional eight hours of Chicago-specific training that is developed by the Department and CPS. The Department continues to use NASRO as a national best practice. SROs are further required to complete 32 hours of annual training, as well as eight hours of Chicago-specific training. The Department and CPS have met this standard, as indicated in the IMR-7 report in which the Department achieved secondary compliance. The Department will also give due consideration to a candidate who has advanced NASRO training.

The Department welcomes a dialogue with COPA and CPS to discuss any concerns that COPA may have about the adequacy of training that SROs receive.

**3. Revise secondary employment reporting requirements for members, especially those who engage in secondary employment where youth are present.**

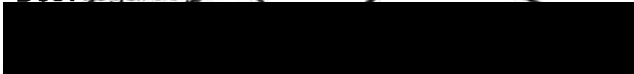
The Department is seeking to put requirements concerning secondary employment in place that are consistent with those of lieutenants and captains. However, these are not requirements that the Department has authority to impose unilaterally. Requirements consistent with COPA's recommendation require negotiation with the Fraternal Order of Police.

**4. Proactively monitor and restrict secondary employment.**

The Department is seeking to put requirements concerning secondary employment in place that are consistent with those of lieutenants and captains. However, these are not requirements that the Department has authority to impose unilaterally. Requirements consistent with COPA's recommendation require negotiation with the Fraternal Order of Police.

The Department appreciates COPA's interest in the School Resource Officer program and welcomes the opportunity to discuss opportunities to improve the program's effectiveness as well as ensure the safety of all students.

Best regards,

  
Chief Angel L. Novalez  
Office of Constitutional Policing and Reform  
Chicago Police Department



July 21, 2023

Jadine Chou  
Chief of Safety and Security  
Chicago Public Schools  
42 W. Madison Street  
Chicago, IL 60602

Re: Recommendations for CPD and CPS vetting and hiring of School Resource Officers

Dear Chief Chou

Currently, the Civilian Office of Police Accountability (COPA) is implicated in the attached Intergovernmental Agreement (IGA) between the Chicago Police Department (CPD) and Chicago Public Schools (CPS) where it explains the process of vetting officers to be considered to serve as a School Resource Officer (SRO) as well as monitoring the eligibility of current SROs to continue their assignment.<sup>1</sup> COPA has identified gaps in the way the vetting and monitoring processes are supposed to be implemented when CPD members are selected as SROs, per the IGA. For example, pursuant to Clause 11 of the agreement, regular updates about new complaints and the status of open complaints are to be provided to CPS during bi-weekly meetings between CPS and CPD. COPA intakes all complaints against members of CPD and makes the initial determination of jurisdiction. Once COPA initiates an investigation, all updates about that investigation are inaccessible to CPD's Bureau of Internal Affairs (BIA). CPD alone can only access limited information about newly opened COPA cases against SROs. This will often mean that CPD has limited or dated details about the allegation within a complaint.

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which complaint information is to be requested or received from COPA, who was neither an active participant in the drafting nor a signatory of the existing IGA.

In addition to the above issue, the IGA asks for a determination of the reasonable probability that an open/pending allegation will lead to discipline for the accused officer. Specifically, Clause 4 of the current IGA mirrors language in CPD's School Resource Officer directive, Special Order S04-01-02, which mandates that Department members who are seeking to work as school resource officers must have an excellent disciplinary history, including but not limited to: No sustained complaint allegations within the past five years involving excessive force; no sustained allegations within the past five years where the sustained finding directly relates to a verbal or physical interaction with a juvenile or conduct that occurred on school grounds; and no open/pending allegations which, upon review of the evidence underlying such complaint(s), indicates in the judgement of the Department as determined by the Chief of BIA, that a reasonable probability exists that the officer may receive discipline.<sup>4</sup> As previously stated, much of the misconduct mentioned by the IGA falls under COPA's jurisdiction and, prior to closure, COPA typically does not opine on the probability that an officer may receive discipline stemming from an allegation. COPA can provide data about the *types* of open investigations and allegations against SROs.

Also related to Clause 4 of the IGA, since the current agreement between CPD and CPS does not allow cases with findings outside of the stated bounds to be considered in the eligibility to be an SRO, officers with several serious open or "Closed/No finding" allegations made against them can be put on the SRO eligibility list and/or continue to be on assignment as an SRO. COPA, CPD, and CPS have handled these issues on a case-by-case basis in the past when it has come to our attention. COPA seeks to formalize the process by which these situations are addressed and to recommend proactive solutions.

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### **Advisory for CPS**

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3. Ensure CPS principals can request a disciplinary history from COPA to make hiring decisions about CPD members working in their schools.
4. Clarify the intended goals for SROs being placed at schools, define measures of success in obtaining those goals, and evaluate the efficacy of the SRO program in achieving those goals.
5. Ensure all relevant details about any open or closed COPA complaints and investigations against SROs are regularly shared with CPS.

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6. Further specify the process by which it is to be determined that a reasonable probability exists that the officer may receive discipline or develop alternative criteria whereby open cases may be considered when determining the excellence of disciplinary history.
7. Post the IGA between CPD, CPS, and COPA in a publicly available online location within 60 days of it being signed.

### Recommendations for CPD

1. **Clarify the definition of what is considered an “excellent disciplinary history” in both the IGA and SRO directive.** Only where an allegation is found to be unfounded or exonerated is an explicit determination made that misconduct either did not happen, or was lawful and within policy, respectively. Therefore, no such determination has been made in open, “Closed/No finding,” and not sustained cases. The IGA allows for the consideration of open investigations likely to lead to discipline, but COPA does not opine about the probability of discipline prior to closing a case. However, COPA can recommend relieving a member’s powers during the pendency of an investigation without necessarily making any determination of the probability of discipline.<sup>13</sup> Clarification of the definition of “excellent disciplinary history” would assist COPA in contributing to the IGA.
2. **Require successful completion of NASRO training for all CPS SROs and give assignment preference to those who have completed the *advanced* NASRO training.** COPA acknowledges that the IGA requires NASRO training or an alternative approved by the Consent Decree Independent Monitoring Team (IMT). CPD currently offers an alternative we are aware of no independent audit of its efficacy or equivalence to NASRO training standards. In the report from the 6th reporting period,<sup>14</sup> the IMT stated, “In the sixth reporting period, the City and the CPD maintained Preliminary compliance but did not achieve Secondary compliance by not delivering the School Resource Officer (SRO) in-service and supplemental training in a timely manner. The SRO annualized training needs to be delivered close to the beginning of the school year, and improvements required in documenting the SRO vetting and selection process.” Subsequently, in the 7<sup>th</sup> report from the IMT,<sup>15</sup> they stated, “The IMT also reviewed supplemental SRO in-service training curriculum and conducted interviews with SRO and school leadership and the CPD achieved Secondary compliance.” Notably, none of these reports mention NASRO standards or evaluate the current training’s equivalence.
3. **Revise secondary employment reporting requirements for members, especially those who engage in secondary employment where youth are present.** Because there is no published or available list of CPD members working in CPS, COPA does not know the full extent of which CPD members may be working in schools beyond assignment as an SRO and in secondary employment where youth are present. Off-duty secondary-employment roles and conduct can violate Rule 2.<sup>16</sup> COPA has investigated misconduct allegations involving off-duty officers

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<sup>13</sup> COPA Policy. “Recommendations Regarding Department Member Duties and Powers,” Effective June 24, 2021.

<sup>14</sup> Independent Monitoring Report 6, Reporting Period January 1, 2022, through June 30, 2022 (Section “¶138”)

<sup>15</sup> Independent Monitoring Report 7, Reporting Period July 1, 2022, through December 31, 2022 (Section “¶138”)

<sup>16</sup> Chicago Police Department. “Rules and Regulations of the Chicago Police Department,” Effective April 16, 2015

working as security guards, and incidents of misconduct have occurred while officers work in schools in this capacity.<sup>17</sup> Given the vulnerability of juveniles, CPD should require any officer with secondary employment involving youth to report that employment to CPD to be included in his/her Employment Record. Directive E01-11 of Employee Rights and Responsibilities, III, B.1 explicitly states, “Sworn Department members covered by labor agreements are not required to submit a City of Chicago Department of Human Resources Outside Employment Form (PER-125) when working secondary employment.”<sup>18</sup> However, this lack of documentation prevents the department from implementing proactive training, monitoring, or restrictions on members’ secondary employment where it may be relevant to their ability to be an SRO. As stated in E01-11, III, A:

“The Chicago Police Department has the right to restrict secondary employment for good cause. The duties and obligations of the Chicago Police Department take priority over any other employment. Department members who engage in secondary employment are reminded that their primary responsibility is to the Chicago Police Department. Department members are subject to call at any time for emergency situations or situations where the employer reasonably anticipates civil disorder will or does occur. Secondary employment will not infringe on this obligation.”<sup>19</sup>

4. **Proactively monitor and restrict secondary employment.** Addressing the above inconsistency would enable CPD to actively monitor and restrict secondary employment as it relates to interactions with youth or assignment as an SRO. Restricting secondary employment that involves interactions with youth for members with open or sustained allegations of misconduct involving verbal abuse, excessive use of force, domestic violence, or sexual assault should still fall within the bounds of the CBA. Section 16.1 of the CBA states,

“The employer reserves the right to restrict secondary employment when it has reasonable cause to believe that the number of hours which the officer spends on secondary employment is adversely affecting his or her performance as a police officer. The employer retains the existing right to limit, restrict, or prohibit the nature or type of secondary employment that an officer undertakes.”<sup>20</sup>

## Recommendations for COPA

1. Work with CPS to draft a policy and a clause within a new IGA with CPS/CPD in which prior to an officer’s placement in a school (possibly during application process), CPS contacts COPA, who will provide complete information about any open and closed complaint investigations against eligible officers provided by CPD to CPS.
2. The existing agreement between CPD/CPS implicates COPA in the process of providing information about open complaints against current SROs as the allegation categories of concern

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<sup>17</sup> Civilian Officer of Police Accountability 2023 analysis of youth-related misconduct cases for off-duty officers. See Logs 2018-1091813, 2019-0005037, 2019-000357, 2021-0004611, and 2021-0004631.

<sup>18</sup> Chicago Police Department Employee Resource E01-11 (III)(B)(1), effective April 7, 2023

<sup>19</sup> Chicago Police Department Employee Resource E01-11 (III)(A), effective April 7, 2023

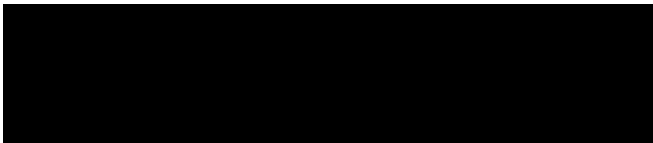
<sup>20</sup> Agreement between Fraternal Order of Police and City of Chicago 7/2012-6/2017

mentioned in the IGA (e.g.: use of force) fall under COPA’s jurisdiction. The processes by which that occurs should be clarified collaboratively with COPA leadership.

3. Increase outreach to the Chicago Teachers Union and COPA engagement within schools that employ CPD members. This will aid in building relationships with school employees, students, and parents/guardians and support the filing of complaints about member misconduct to COPA.
4. Collaboratively develop a plan to support a liaison between COPA and CPS.
5. Keep allegations by students/involving students confidential as long as possible to ensure best practices are followed to minimize fear of potential retaliation, and support students who come forward. Specifically, consider ensuring confidentiality until the complainant or subject can be meaningfully protected from retaliation from the accused. This could be accomplished by recommending a “relief of powers” or a change in member detail at the discretion of the Chief Administrator or their designee in cases where the allegation is serious enough to warrant such a response.<sup>21</sup>

While COPA and CPS have no relationship formalized in ordinance, and this advisory letter falls outside of normal operations for our agency, we are hopeful that this will serve to create a path to collaboratively address these concerning allegations of misconduct. We have requested a formal response from the Superintendent of Police within the next 60 days (pursuant to our establishing ordinance) and hope to pursue a similar timeline in collaboration with CPS.

Sincerely,



Andrea Kersten  
Chief Administrator  
Civilian Office of Police Accountability

cc:

Ruchi Verma, General Counsel, Chicago Public Schools  
Justin Escamilla, Deputy Chief Administrator, Civilian Office of Police Accountability

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<sup>21</sup> COPA Policy. “Recommendations Regarding Department Member Duties and Powers,” Effective June 24, 2021.

See Attachment A





42 W. Madison | Chicago, IL 60602

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August 14, 2023

Andrea Kersten  
Chief Administrator  
Civilian Office of Police Accountability  
Via Email

RE: Advisory Letter July 21, 2023

Dear Chief Kersten,

Thank you very much for your letter regarding recommendations related to the School Resource Officer Program. We greatly appreciate the thoughtful feedback and would like to continue to collaborate with you on this important effort.

In late 2020, CPS worked with COPA to develop a process that we agreed upon with the goal of working together to prevent and address situations involving police misconduct that would impact the SRO program. The process was agreed upon between CPS and CPD in December, 2020 and incorporated the feedback from the COPA team. The final recommendations from COPA were incorporated and accepted. The published process was memorialized in an email dated December 21, 2020 that was addressed to: Sydney Roberts (previous Chief Administrator), Matt Haynam, Ephraim Eaddy and Andrea Kersten. The spirit of this arrangement has been since referenced in the recent years' Intergovernmental Agreements and has not changed in the most current IGA which is being implemented for the coming school year, SY23-24.


CPS is fully supportive of a process of continuous improvement and would be open to a conversation where we can work together to review your recommendations with your team. We will look forward to setting up a conversation to facilitate this review.

We fully appreciate the collaboration in ensuring that we have a best in class SRO program that works to ensure that we have the most appropriate vetting and monitoring process in place for the benefit of our students.

We look forward to the continued cooperation that we have enjoyed over the past recent years.

Thank you again.

Sincerely

DocuSigned by:  


Jadine Chou  
Chief of Safety and Security  
Chicago Public Schools