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Via Email

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Dear Counsel and Monitor Hickey:

We write on behalf of the Coalition to comment on the proposed Chicago Police Department (“CPD”) policy, *Interactions with Youth and Children* (Gen. Order G02-05) (“CPD’s youth policy” or the “policy”). We urge CPD to revise this policy and adopt the below recommendations.

A. Community Engagement

As an initial matter, CPD has not conducted adequate community engagement in developing this policy. It did not consult the Coalition or any other community members or youth organizations, as far as the Coalition is aware, despite the fact that community members are deeply concerned about CPD’s longstanding pattern and practice of mistreating youth, especially youth of color.¹ As a result, this policy does not reflect the lived experience and expertise of the Chicago communities—particularly communities of color—who suffer from CPD’s harmful and discriminatory policing of youth and who will be most impacted by this policy. Their input is essential for creating an effective policy that addresses community needs and that has legitimacy

¹ As defined in the Consent Decree ¶ 799, the term “youth” means “an individual of the age 13 through 24.” While there may be more humanizing language for referring to children and young people, we use the Consent Decree’s defined term “youth” for clarity and consistency.

in the eyes of impacted communities. CPD should start over with developing this policy by engaging with directly impacted communities, particularly impacted youth of color, and by following communities' recommendations and explaining any policy decisions.

B. Naming the Problem of Racial and Ethnic Bias

CPD has an ongoing, deep-rooted pattern of unfairly targeting and stereotyping youth of color, and subjecting youth of color to unduly harsh, violent, harassing, and racist policing. As the U.S. Department of Justice's ("DOJ") pattern-or-practice investigation of CPD found, "[y]oung black residents" are "commonly stopped and suspected of engaging in criminal activity, or of being gang members, based solely on their appearance" and are "routinely called 'nigger,' 'animal,' or 'pieces of shit' by CPD officers." U.S. Dep't of Justice, Investigation of the Chicago Police Department 143, 146 (2017) [hereinafter "DOJ Report"]. Youth of color are frequently "stopped and searched by [CPD officers], handcuffed, and hav[e] background checks conducted before being let go, while doing everyday things like walking to the store." *Id.* at 143. Six years after DOJ's report, our clients and community partners continue to report that CPD officers routinely harass, degrade, and disrespect youth of color.

One fundamental flaw in CPD's youth policy is its failure to name this specific problem: CPD's historic and ongoing mistreatment of Black and Latine² youth. The policy refers to "youth" as a unitary category, rather than acknowledging that Black and Latine youth have experienced and continue to experience harm at the hands of CPD in ways that white youth do not, and as a result, often distrust the police for good reasons.

C. Least Harmful Means

CPD should adopt an overarching requirement that officers only take actions that are the least harmful, least intrusive, and least restrictive to youth, while ensuring public safety. *See* Baltimore Police Department Policy No. 1202, *Interactions with Youth* ¶ 1 ("Members shall be guided by the most effective and least intrusive enforcement response to Youth offenses.") [hereinafter "Baltimore Youth Policy"]. Like CPD's Use of Force policy, which requires officers to use the least amount of force necessary to accomplish a lawful objective, CPD's youth policy should require that officers use the least harmful approach in any encounter with youth.³ This least-harmful-means requirement should govern all officer interactions with youth, including the decision to stop, frisk, detain, charge, divert, interview, search, handcuff, and arrest.

D. Diversion

The policy states that its purpose is to "prioritize[] diverting youths and children away from the Juvenile or Criminal Justice System by using alternatives to arrest to hold youth accountable." Sec. I.A. However, the policy does not contain provisions to operationalize this goal and ensure that youth are in fact kept out of the criminal legal system whenever possible. For example, the

² "Latine" is a gender inclusive term for a person with Latin American heritage.

³ *See* Chicago Police Department's *De-Escalation, Response to Resistance, and Use of Force* policy (Gen. Order G03-02), Sec. II.C. ("Department members will only resort to the use of force when required under the circumstances to serve a lawful purpose."); *id.* at Sec. III.B.2. ("Department members will use the minimum amount of force needed to" accomplish lawful police objectives).

policy instructs officers to “exercise discretion to use alternatives to arrest” based on a list of different “factors,” including the seriousness of the alleged offense, the youth’s prior criminal record, and the age, circumstance, and mental health of the youth.⁴ Sec. IX.A. But the policy does not tell officers *how to weigh* these various factors or provide any bright-line constraints on officer discretion to ensure that arrest is used only as a rare, last resort option. By not providing specific restrictions or even guidance on how officers are to exercise their discretion, the policy fails to operationalize the Consent Decree’s requirement that CPD must “encourage officers to exercise discretion to use alternatives to arrest and alternatives to referral to juvenile court.” Consent Decree ¶ 33.

The policy should set clear limitations on officers’ discretion to arrest youth. Following best practice, CPD should adopt a standard that makes arresting youth a last resort option for extraordinary circumstances: *police should only arrest youth if no other effective alternative exists for ensuring public safety. See, e.g., D.C. Metro. Police Gen. Order 305.01., Sec. II.A.5.* (“The arrest of a juvenile shall be limited to cases where members make all reasonable efforts to divert the juvenile from entry into the juvenile justice system, while recognizing that certain crimes require taking juveniles into immediate custody.”) [hereinafter “D.C. Youth Policy”].⁵ The policy should prohibit officers from arresting youth unless doing so is absolutely necessary to address the harm that has been caused or to resolve an immediate safety threat. The policy should make clear that the *default* for all youth should be diversion away from the criminal legal system.

In addition to this broad default rule, CPD should develop a comprehensive framework or rubric for diverting youth from the criminal-legal system that contains *specific constraints* on officers’ decision-making. A detailed framework that instructs officers as to when different types of alleged criminal behavior by youth may be subject to arrest is necessary to ensure that officer discretion is exercised consistently and equitably in the field. This framework should be developed in consultation with community organizations, subject-matter experts, and directly impacted youth who have relevant lived experience, including Black and Brown youth, LGBTQ youth, youth with disabilities (including youth with Individualized Education Plans (IEPs) or 504 plans), immigrant youth, and youth with limited English proficiency.

⁴ The policy fails to include disability among the list of factors. *See* Sec. IX.A. The policy should be revised to expressly list a youth’s actual or perceived mental or physical disability among the factors that officers must consider when determining whether to exercise discretion not to arrest a youth.

⁵ *See also* National Juvenile Justice Network, *Reducing Youth Arrests: Prevention and Pre-Arrest Diversion* 11 (2019), https://www.njjn.org/uploads/digital-library/Reducing%20Youth%20Arrests%20Prevention%20and%20Pre-Arrest%20Diversion_UPDATEDAPRIL2020.pdf (“When police do contact youth, diverting them from justice system involvement through cautioning or warning them about their behavior without arrest is often the best intervention for many. For youth that require more guidance and would otherwise be arrested, a community-based pre-arrest diversion program to intentionally provide them a path away from the justice system should be the next step used.”); Center for Children’s Law and Policy (CCLP), *Baltimore Youth Diversion Assessment* 4–5 (Apr. 2019), <https://cclp.org/wp-content/uploads/2019/04/Baltimore-Youth-Diversion-Assessment-Final.pdf> (“Use of warn and release for the vast majority of young people in contact with the system as the first opportunity for diversion: Warnings without intervention should be available in every diversion program and should be the default response for the great majority of first-time offenses, particularly non-violent offenses.”).

One approach that other jurisdictions have adopted is to clearly delineate particular categories of crimes that may be subject to arrest, diversion, or warning/no action. For example, the Baltimore Police Department’s youth policy provides a three-tier framework: (i) minor offenses (e.g., City ordinance violations, disorderly conduct, and trespassing) that the officer must resolve “on-scene” through informal diversion such as a warning and release to parent/guardian; (ii) moderately serious offenses (e.g., misdemeanor assault, shoplifting, destruction of property) that the officer must resolve through more formal diversion measures; and (iii) serious offenses (e.g., felony assault) for which the officer must arrest the youth and initiate criminal charges. *See* Baltimore Youth Policy ¶ 21.

Following both Baltimore’s and D.C.’s Youth Policies, CPD should prohibit officers from arresting youth solely because they have committed a “status offense”—such as violating curfew, skipping school, running away, or drinking underage. *Id.*; D.C. Youth Policy, Sec. II.A.3. In these circumstances, officers should be required to return the youth to their residence or parent/guardian and may consider issuing a warning or referral to community resources. *See* Baltimore Youth Policy ¶ 23; D.C. Youth Policy, Sec. II.A.3.

In addition to more clearly defining when an officer may arrest a youth, CPD’s youth policy should be revised to make clear that, among the alternatives to arrest, citations are *not* an equal option to informal counseling, warnings, and referrals to community services. *See* Sec. IX.E. The policy should specifically state that citations, charges, and fines against youth should be avoided if less punitive means of diversion would be equally effective. As Baltimore Youth Policy ¶ 1 states: “[For] certain lesser offenses . . ., a warning, verbal counseling, or referral to Diversion services are *all* preferable to citation or arrest.” (Emphasis added.) In addition, the Baltimore Youth Policy prohibits officers from issuing citations for certain status offenses unless “less-intrusive measures have been exhausted or are ineffective.” *Id.* ¶ 23.3. CPD officers should likewise be instructed that it is their duty to protect youth from any criminal legal system involvement (including citations) whenever possible.

E. Developmentally-Appropriate and Trauma-Informed Responses

1. Developmentally-Appropriate Responses to Youth

The Consent Decree requires CPD to enact a policy that “provides officers *with guidance* on developmentally appropriate responses to, and interactions with, youth and children.” Consent Decree ¶ 32 (emphasis added). This policy fails to meet that requirement. The policy merely requires officers to “engage with youths and children in a developmentally appropriate manner, which includes taking into account their age and physical, cognitive, social, emotional, cultural, and linguistic development.” Sec. V.E. Nowhere does the policy explain what “developmentally appropriate” means, much less give actionable “guidance,” as required by the Consent Decree, so that officers will be able to provide developmentally-appropriate responses to youth of varying ages in the field.

CPD should develop the definition of and guidance for developmentally-appropriate responses in consultation with subject-matter experts and youth with relevant lived experience. As a starting point, the policy should explain that developmentally-appropriate responses include using a calm, respectful demeanor and not using language or tone that is aggressive or threatening. In addition, officers should calmly explain to the youth in easily understandable language *why* the

officer is taking any law enforcement action. This would help officers operationalize the policy’s requirement of adhering to the principles of procedural justice. Sec. V.F. Relatedly, CPD should revise Section V.H., which directs officers to “repeat[] instructions in a clear voice” as an example of force mitigation techniques. This provision should be rewritten to make clear that repeating the same instructions to youth multiple times can often *escalate* a situation; instead, officers should modify the original instruction using a step-by-step approach (often known as “one-step directions”).

Furthermore, the policy should explain *how* youth are developmentally and behaviorally different from adults. The policy currently states that youth “are developmentally different from adults and therefore require the use of unique approaches during [police] contacts,” Sec. II.B., but provides no explanation about what those developmental differences are. The policy should explain the unique nature of adolescent behavioral and psychological development so that officers understand *why* they are required to provide “unique approaches” to youth. *Id.* The Baltimore Youth Policy provides a starting point:

The nature of adolescent development makes it difficult for Youth to consider the consequences of their behavior, especially when faced with stressful situations, such as interactions with law enforcement. The part of the brain that controls rational thinking and long-term planning is not fully developed in adolescents. Therefore, adolescents are more prone to risky and dangerous behavior, making them vulnerable to delinquency. Youth also have normal developmental tendencies to react anxiously and distrustfully to unfamiliar adults, especially if the adult(s) appear physically or verbally angry, threatening, or intimidating.

Baltimore Youth Policy at 1.

2. Trauma-Informed Responses

Similarly, the policy requires officers to “employ trauma-informed communication techniques” but provides no definition of this term. Sec. V.G. The policy provides only an unhelpful list of two supposed trauma-informed techniques: “using a respectful tone and acknowledging any confusion or mistrust by the youth or child.” *Id.* The policy should be revised to give officers meaningful guidance on how to use trauma-informed techniques in the field.

The policy also incorrectly suggests that trauma-informed techniques are optional. Section V.G. requires officers to “employ trauma-informed communication techniques” but only “when appropriate.” Given the high prevalence of trauma affecting the Black and Latine youth who are most likely to have contact with CPD officers—and the significantly increased risk of harm caused by failing to use trauma-informed techniques with traumatized youth—it is *always* appropriate for CPD officers to use trauma-informed techniques when interacting with youth.

F. Handcuffing of Youth

There are well-documented cases of CPD officers needlessly handcuffing Black children as young as eight years old. *E.g., Tiny Wrists In Cuffs: How Police Use Force Against Children*, The Associated Press (Oct. 20, 2021), <https://www.npr.org/2021/10/20/1047618263/tiny-wrists-in-cuffs-how-police-use-force-against-children>. Yet the policy does little to restrict this deeply traumatizing use of force against youth. The policy merely requires officers to “consider . . .

whether such restraints are necessary”; it does not *prohibit* officers from putting youth in handcuffs when such restraints are *unnecessary*. Sec. IX.G.REMINDER.

To prevent the unnecessary handcuffing of youth, CPD should incorporate de-escalation requirements as a prerequisite for the use of handcuffs on youth. The policy should prohibit officers from handcuffing youth unless the officer has previously tried all available de-escalation techniques to prevent the need for handcuffs (*e.g.*, using verbal techniques, time, and distance to allow the youth to calm down). Like the requirements for de-escalation in CPD’s Use of Force policy, officers should be required “to develop and display the skills and abilities to act in a manner to eliminate the need to use [handcuffs on youth] and resolve situations without resorting to [handcuffs].” Gen. Order G03-02, Sec. II.C. CPD’s youth policy should specifically state that officers may not put a youth in handcuffs if a less restrictive alternative is available.

In addition, CPD should adopt the emerging best practice of establishing an age cutoff below which an officer cannot put a child in handcuffs unless the child presents an immediate danger of physical harm to themselves or another. The exact age cutoff should be determined in conjunction with subject-matter experts and directly impacted youth of color who have relevant lived experience. Both the Baltimore and D.C. Youth Policies prohibit handcuffing children age twelve or younger unless the child presents a danger to themselves or others. *See* D.C. Youth Policy, Sec. II.F.1.; Baltimore Youth Policy ¶ 35. For youth above this age cutoff, officers should be prohibited from using handcuffs unless the youth poses an immediate danger of physical harm to themselves or another, or the officer has reasonable articulable suspicion that the young person may attempt escape and less intrusive means are unavailable or would be ineffective. *See* Baltimore Youth Policy ¶ 35.

With respect to uses of force other than handcuffing, the policy should be revised either to address specific de-escalation techniques for avoiding the use of force in the context of interactions with youth or, at a minimum, the policy should cross reference CPD’s Use of Force policies and reiterate the particular importance of de-escalation principles when interacting with youth.

G. Interviewing of Youth

The policy’s provisions regarding the interviewing of youth are deficient in a number of respects. As an initial matter, the policy currently provides divergent instructions for conducting interviews of youth depending on whether the youth is a victim, a witness, or allegedly committed a crime. The different instructions for these different categories create many inappropriate or unnecessary distinctions. For example, officers should be required to “immediately request appropriate medical aid . . . and provide appropriate medical care” for *any youth* who is injured, not just youth who are crime victims. Sec. VI.B.1. The policy’s differing instructions for CPD’s different categories of youth will also make the policy difficult for officers to understand and apply in the field. CPD should streamline the provisions and eliminate these unnecessary category distinctions wherever possible, including in the ways detailed below.

1. Consent to Interview

The policy must make clear that an officer must *always* get affirmative, voluntary consent from the youth and their parent/guardian before the officer can proceed with an interview. The policy’s current language is ambiguous on this point. The policy’s section on “Interacting with

Youth and Child Witnesses” states that “[y]outh and child witnesses will not be subject to an interview against their will,” Sec. VII.; however, this same admonition is absent from the policy’s sections on youth victims, interviews of youth in school, youth “offenders,” youth in crisis, and youth who are reported missing. By telling officers that youth cannot be questioned “against their will” in one circumstance and omitting that admonition from other circumstances, the policy falsely suggests that officers are permitted to question youth against their will unless the youth is a witness.

2. Presence of Parent/Guardian at Interview

The policy does not do enough to ensure that a parent or guardian is present when a youth is interviewed by police. The policy should require that, before an officer interviews a youth—regardless of whether the youth is a witness, victim, or allegedly committed a crime—the officer must contact the youth’s parent/guardian and may not begin the interview until the parent/guardian is present. The only exception should be if the officer’s questions are necessary to address an imminent need to render aid or protect the youth’s safety or public safety, or if the only known parent/guardian is the accused (in which case the youth should be informed that they may have another supportive adult of their choosing present). *See* Baltimore Youth Policy ¶ 7.1 (requiring officers to notify youth’s parent/guardian prior to interview and wait until parent/guardian is present unless “there is an imminent need to render aid, to protect the [y]outh’s safety, or to protect public safety (e.g., immediately apprehending the perpetrator of a crime or locating a deadly weapon),” and requiring that officers’ questions be directly “related to [addressing] that need”).

3. Prohibiting Interviews about Immigration Status

The policy fails to instruct officers regarding youths’ or their family members’ immigration status—an area in which young people may be particularly vulnerable to coercion, intimidation, or confusion by law enforcement. The policy should expressly incorporate the provisions of Special Order S06-14-03, Sec. IV.F., IV.G.5., and remind officers that they are prohibited from inquiring about the immigration status of any youth or member of a youth’s family. Additionally, Section V.A.’s list of protected characteristics must be revised to add “immigration status,” which is one of the protected characteristics enumerated in CPD’s *Prohibition Regarding Racial Profiling and Other Bias Based Policing* policy (Gen. Order G02-04), Sec. III.C.1. & Glossary.

4. State Law Requirements for Police Interviews at School

The policy fails to follow the provisions of the Illinois School Code governing questioning of a student on school grounds when the student is suspected of a crime. *See* 105 ILCS 5/22-88. The policy should be revised⁶ to address the following deficiencies:

- a) The School Code requires that police officers “[e]nsure that notification or attempted notification of the student’s parent or guardian is made.” 105 ILCS 22-88(b)(1) (emphasis added). In contrast, the policy merely tells officers to “allow” a school official “a reasonable amount of time to notify the parent or legal guardian” prior to beginning the

⁶ CPD should make the same revisions to its *School Resource Officers and Investigations at Chicago Public Schools* policy, which contains substantively similar provisions regarding officer interviews of students at school, *see* Spec. Order S04-01-02, Sec. VII.B.5.–7.

interview. Sec. VIII.D. This distinction is important: the statute places the affirmative duty of ensuring parental notification *on the officer*, not on the school official.

- b) The School Code requires that police officers “[*m*]ake reasonable efforts to ensure that the student’s parent or guardian *is present* during the questioning . . .” 105 ILCS 5/22-88(b)(3) (emphasis added). The draft policy permits officers to proceed with the interview without a parent/guardian present if the parent/guardian failed to make a “prompt response . . . to the school.” Sec. VIII.E. However, the School Code places the responsibility on the officer to make reasonable efforts “to ensure” the parent/guardian’s presence; the burden is not on the parent/guardian to respond promptly.
- c) The School Code requires that “if the parent or guardian is not present” at the interview, the officer must “*ensure* that school personnel, including, but not limited to, a school social worker, a school psychologist, a school nurse, a school counselor, or any other mental health professional, are present during the questioning.” 105 ILCS 5/22-88(b)(3). The policy fails to comport with this requirement. The policy states that when a parent or guardian is not able to attend the interview, the officer should merely “*request*” that school personnel be present “*if available.*” Sec. VIII.F.

5. Other Recommendations Regarding Police Interviews at School

The policy also fails to protect students’ interests in other ways:

- a) The policy states that whenever the student’s parent/guardian cannot be notified or is unavailable to respond, the officer must “permit the school principal or designee to be present during the interview of the student.” Sec. VIII.G. CPD should reconsider this provision. A school principal is not an appropriate substitute for the youth’s parent/guardian for the purpose of protecting the youth’s rights and reducing the coercive nature of the interview. At a minimum, if the youth’s parent/guardian is unavailable, the youth should be informed that they may have another supportive adult of their choosing present other than the principal.⁷
- b) Section VIII of the policy should be revised to *prohibit* officers from entering schools when the sole purpose is a preliminary, follow-up, or non-emergency investigation that could be conducted after school hours and off school grounds. Police presence in schools is disruptive and stigmatizing, and the policy should reflect that it should be avoided except when necessary to address an immediate public safety need.⁸
- c) The policy should cross-reference and expressly incorporate the requirement from CPD’s *School Resource Officer* policy (Spec. Order S04-01-02), Sec. VII.A.5., that CPD officers conducting an investigation at a Chicago Public School must “request relevant information from school officials regarding student’s disabilities, impairments, or other behavioral modification plan, such as an Individualized Education Program (IEP), to the extent allowed under State and Federal guidelines.”

⁷ This recommendation also applies to Spec. Order S04-01-02, Sec. VII.B.8.

⁸ This recommendation also applies to Spec. Order S04-01-02, Sec. VII.B.

H. Searches of Youth

CPD’s youth policy does not provide any guidance or constraints on how officers are to conduct searches of youth. Nor do other CPD policies. CPD should develop specific provisions that protect youth against unnecessary searches, which are often a particularly degrading, humiliating, and confusing experience for young people. In addition, CPD should add detailed guidance to ensure that when a search of a youth is necessary, it is done in a developmentally-appropriate manner. CPD should develop these provisions with subject-matter experts and youth with relevant lived experience.

At a minimum, CPD should follow the lead of other jurisdictions that have placed unambiguous restrictions on consent searches and strip searches. With respect to consent searches, there should be a bright-line age cutoff below which an officer cannot conduct consent searches. *See, e.g.*, Baltimore Youth Policy ¶ 17.5.1 (“[C]onsent to search shall **not** be sought for Youth under 15 years of age.”) (emphasis original). For youth above that age, officers should be required to obtain approval from a supervisor, fully explain the youth’s right to refuse consent using developmentally-appropriate language, and inform the youth that they may call a parent, guardian, or supportive adult for guidance before giving consent. *Id.* ¶ 17.1–17.3.

As for strip searches, officers should be prohibited from conducting such searches on youth except in the extenuating circumstance where the officer has probable cause to believe that the youth is concealing a deadly weapon and is a threat to themselves or others, and the officer has obtained approval from a supervisor. *See* Baltimore Youth Policy ¶ 18 (“Field Strip Searches of Youth are **prohibited** except in the case where a member has probable cause to believe that the Youth is concealing a deadly weapon, the Youth is a threat to themselves or others, and the Youth cannot be transported safely to a private location (*e.g.*, district station or headquarters). Members must obtain express approval from a permanent-rank supervisor, lieutenant or above, unless taking the time to seek approval would pose an imminent threat to the safety of the Youth, the member, or the public.”) (emphasis original).

I. Youth in Crisis

The policy’s provisions on interacting with youth in crisis are woefully deficient. First, the cues that the policy lists as indicators for when a youth may be “in need of mental health treatment,” *see* Sec. X.A., must be thoroughly revised. The list of cues in this policy is identical to the list of cues in CPD’s policy on adults in crisis and should be revised to incorporate factors unique to youth. *See* S04-20, Sec. V.A. The policy’s list of cues is additionally flawed because it does not include key symptoms of trauma and PTSD—the very conditions that many youth of color in Chicago have who are likely to interact with the Chicago police and that place them at greater risk of harm during police encounters. Officers need to understand the specific signs of trauma, such as being easily startled or frightened and being on guard for danger.⁹ Otherwise, officers can misread mental health symptoms as aggression, leading officers to improperly escalate and use violence, with grievous consequences that further traumatize youth in crisis.

⁹ *See Post-Traumatic Stress Disorder (PTSD)*, Mayo Clinic, <https://www.mayoclinic.org/diseases-conditions/post-traumatic-stress-disorder/symptoms-causes/syc-20355967>.

Furthermore, the policy’s statement on how to recognize when a youth is in crisis is confusing and could be misinterpreted. Sec. X.A. The language incorrectly suggests that “temporary emotional crises” and substance abuse symptoms do not qualify as an individual in crisis. For clarity and consistent application of the full scope of the definition of an “individual in crisis,” the policy should instead include the following language: *One or more of the following cues can be indicative of a need for mental health, substance abuse, or intellectual/developmental disability services and not non-compliance.*

The policy also fails to instruct officers on the fundamental issue of what an officer’s role is at the scene of a youth in crisis vis-à-vis a mental health professional’s role. The policy must make clear that, when a youth is in a mental health crisis, the officer’s primary role and responsibility is to ensure that the youth immediately receives the appropriate mental health treatment, while ensuring public safety. The officer’s role should be secondary to any mental health professionals on-scene.

In any incident involving a youth in crisis in which mental health providers are not already present, the policy should require officers to immediately contact Screening, Assessment, and Support Services (SASS) through the Illinois Department of Healthcare and Family Services, as further specified in S04-20 Sec. VIII.A.6.

The policy must also emphasize the critical importance of diversion when interacting with youth in crisis. The policy currently makes no mention of diversion in the context of youth in crisis. CPD must give officers clear directives to implement diversion as the priority. The policy should specifically prohibit officers from arresting youth in crisis, except in the extenuating circumstances listed under “Diversion” in Part D, above.

Lastly, the policy should cross-reference and incorporate the relevant provisions of the Crisis Intervention Team (CIT) policy suite (*Recognizing and Responding to Individuals in Crisis* (S04-20) and related policies), which itself should be revised based on the comments previously submitted by the Coalition.

J. Youth Who Have Run Away from Home

When interacting with youth who have run away from home, the policy requires officers to “determine the cause” of the youth’s “reasoning for leaving home and develop a possible solution.” Sec. XI.B.4. The policy gives officers no guidance on *how* to do this. Working with subject-matter experts, youth, and families with relevant lived experience, CPD should develop specific directions to guide officers in undertaking this responsibility.

Additionally, the policy should direct officers to non-police community resources, such as social workers or other mental health professionals, to assist with the tasks of identifying why a youth ran away from home and developing potential solutions.

K. Community Resource Referrals

1. Process for Providing Community Resource Referrals

The policy contains a multistep process for providing youth and families with referrals to community resources: first, the officer directly interacting with the child or family must refer them

“to the appropriate district Community Policing Office or the Youth Investigations Division,” which then “can refer the[] family to a community agency for assistance” based on “the directory titled ‘Community Outreach Directory.’” Sec. VI.B.4.

CPD should simplify the steps for providing community resource referrals to youth and families and remove police officers from the process as much as possible. There should be a more streamlined process to prevent delays, minimize police contact, and provide a single “owner” to ensure accountability.

2. CPD’s Community Outreach Directory

CPD’s current Community Outreach Directory—the guide that officers are supposed to use for providing community resource referrals—contains an incomplete listing of community organizations and City agencies. In conjunction with 311 resources, CPD should overhaul the current Directory and convert it into a living document so that it represents a comprehensive, easily accessible, and continually-updated guide to connecting youth and families with relevant community resources. CPD also should reorganize the Directory so that it is indexed by substantive resource type (instead of CPD district numbers), and should make the Directory publicly available online so that community members can easily access it.

L. Supervision, Accountability, and Transparency

The policy does not contain any supervision, accountability, or transparency provisions to ensure that officers are complying with the policy’s requirements. First, the policy needs to make clear that any violation of this policy will result in discipline, up to and including termination. Given CPD officers’ longstanding record of harming youth, particularly youth of color, and the deep distrust that must be repaired between youth of color and CPD, an admonition about disciplinary consequences must be made explicit within the four corners of this policy.

CPD must also revise the policy to add detailed provisions that will ensure adequate supervision and accountability for appropriate officer interactions with youth.¹⁰ CPD must specifically require officers to record detailed information about their interactions with youth so that officers’ actions can be reviewed by supervisors, the Civilian Office of Police Accountability (COPA), the Office of the Inspector General (OIG), the Community Commission on Public Safety and Accountability (CCPSA), and members of the public. Supervisors must be required to systematically review Investigatory Stop Reports (ISRs), arrest reports, case incident reports, body-worn camera footage, and any other documentation related to officers’ interactions with youth to ensure compliance with law and policy. If a supervisor identifies any violation of law or policy or knows of any allegation of misconduct, the supervisor must promptly report the alleged violation to COPA.

Additionally, CPD should collect and periodically publish aggregate data about police interactions with youth, including the rate of stops, searches, citations, arrests, and uses of force,

¹⁰ For example, CPD’s *Foot Pursuits* policy contains in-depth provisions detailing the responsibilities of supervisory officers and Watch Operations Lieutenants to ensure that adequate supervision occurs both during the foot pursuit and in comprehensive after-incident reviews. *See* Gen. Order G03-07, Sec. XI.–XII.; *see also Department Review of Foot Pursuits* (Gen. Order G03-07-1).

with demographic breakdowns by age, race, ethnicity, disability, LGBTQ identity, and other protected categories. In the context of investigatory stops and protective pat downs, for instance, CPD has committed to collecting and publishing aggregate data with race and ethnicity, and agreed to public reports by a Consultant analyzing this data. CPD should also commit to publicly disclosing data and trends regarding youth interactions. Making this data publicly available is essential to building trust. It is also essential for enabling effective public oversight.

M. Issues with Terminology

1. Streamlining Terms

CPD should streamline and simplify the terminology that the policy uses to refer to youths. The policy currently contains four different, overlapping terms—“child,” “emerging adult,” “juvenile,” and “youth”—and uses these various terms in inconsistent and confusing ways throughout the policy. Sec. III. For example, the policy refers to *youth and children* in certain provisions and *juveniles and children* in other provisions, without any apparent reason for the distinction or for using multiple terms but not including others. *See, e.g.*, Sec. I.–II.; Sec. X.A.; Sec. X.C.7.–10. The term “emerging adult” is not used at all in the policy’s operative provisions. The confusing terminology makes the policy difficult to understand on the page, much less apply in real-time in the field.

2. Replace Unnecessary Loopholes and Equivocal Language with Clear, Mandatory Requirements

The policy needlessly weakens certain provisions by making some of them effectively optional, which undermines the policy’s purpose and the applicable Consent Decree requirements, and allows officers to evade compliance and accountability. For example:

- Sec. II.E. – “The Chicago Police Department is committed to . . . *encouraging* officers to avoid taking youths and children into secure custody unless no other effective alternatives exist.”
- Sec. V.I.–K. – “During all interactions with youths and children, Department members will . . . *make efforts to* slow down and not rush through interactions absent an emergency situation; *make efforts to* repeat back what the youth or the child says to demonstrate understanding and give an opportunity for clarification; *make efforts to* allow time for the youth or child to vent their frustrations, and give them an opportunity to comply[.]”
- Sec. XI.B. – “During each interaction [with a child who was reported missing], Department members *are encouraged* to use developmentally appropriate and, *if relevant*, trauma-informed communication skills to identify and determine the reason that caused the youth or the child to be missing from home.”

CPD should revise or delete phrases such as “encouraged” and “make efforts to” so that the policy’s provisions reflect clear departmental mandates to which officers can be held accountable.

3. Defining Vague or Technical Terms

The policy contains a number of vague or technical terms that are not defined, including but not limited to the italicized terms below:

- Sec. V.B. – requiring officers to “remain aware of and protect the *rights* of youths and children” and to “maintain a *sensitive approach*”;
- Sec. VII.A.2. – prohibiting officers from interviewing “a youth or a child witness that is not *emotionally stable*”; and
- Sec. VII.B. – requiring officers who are interviewing a youth witness to “ensure the *security and privacy* of the youth or the child witness to the extent possible[.]”

To the extent that these terms are defined in other CPD policies, this policy should cross-reference those definitions; otherwise, CPD should provide clear definitions and concrete examples in this policy.

N. Training

Rigorous, comprehensive, and community-informed training under this policy will be essential to eliminating CPD’s deep-seated culture of harassment, stereotyping, and brutality toward youth of color. The training on youth interactions must provide detailed instruction on topics including but not limited to: the history of CPD misconduct and violence toward Black and Latine youth, developmentally-appropriate communication techniques, trauma-informed communication techniques, child and adolescent brain development, child and adolescent behavioral health, interacting with youth with disabilities, and understanding the role of a youth’s IEP or 504 plan. Officers who have not yet received and passed this training should be prohibited from interviewing youth or interacting with youth who are in crisis.

CPD cannot develop or provide this training on its own. Directly impacted youth, mental health professionals, and other subject-matter experts must be involved at every stage of developing the training on youth interactions and in teaching the trainings. In particular, Black and Latine youth with relevant lived experience should be central participants in officer training programs, so that officers are learning from and interacting with the youth that are most heavily policed in Chicago. The goal of such youth participation in officer training is to disrupt officer stereotypes about youth, build trust between youth and officers, and eliminate the “us vs. them” mentality.

The Coalition is aware, however, that past efforts by young people to participate in CPD trainings have not gone well. Young people of color who have participated in CPD trainings in recent years report very negative experiences. They tell us that many officers were hostile, disrespectful, defensive, disengaged, and condescending. This experience led the youth participants to feel only *more* distrustful and disillusioned with CPD. Thus, while youth participation in trainings has the potential to achieve the important goals of eliminating stereotypes and humanizing young people of color to officers, progress will only be made if CPD embraces the participation of young people. CPD supervisors and instructors must require officers to

maintain an open-minded attitude and impose consequences on officers who fail or refuse to participate in the training actively and cooperatively.

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We urge the City to implement the Coalition's recommended changes to the *Interactions with Youth and Children* policy. We look forward to receiving CPD's written response to this letter and to discussing this draft policy at a future meeting between CPD and the Coalition, IMT, and OAG.

Sincerely,

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