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16 **UNITED STATES DISTRICT COURT**
 17 **NORTHERN DISTRICT OF CALIFORNIA**

18 DELPHINE ALLEN, et al.,
 19 Plaintiffs,
 20
 21 v.
 22 CITY OF OAKLAND, et al.,
 23 Defendants.

Case No. C 00-4599 WHO
JOINT STATUS CONFERENCE
STATEMENT

Date: June 1, 2018
 Time: 3:00 p.m.
 Courtroom 2 – 17th Floor

The Honorable William H. Orrick

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I. PLAINTIFFS' CURRENT POSITION

At the last status conference, the court asked the parties to report on the status of Doctor Jennifer Eberhardt's 50 recommendations and for an update on the Oakland Police Department's Risk Management Meetings. Plaintiffs' attorneys also wish to report the status of the OPD's efforts to address Mr. Burris' concern about possible disparate treatment in the discipline process.

As the City of Oakland will report in detail, the City has completed 37 of the 50 recommendations. Of the remaining 13 tasks, 9 are in progress, 1 is the responsibility of Stanford University, 2 are being undertaken by the City of Oakland IT Department, and 1 (Recommendation Number 17) cannot be completed because the City of Oakland has declined to fund the position of Data Manager that was recommended by Doctor Eberhardt.

Plaintiffs' attorneys believe the position of Data Manager is essential for the full use of the Prime System. If properly operated and fully utilized by the Oakland Police Department, Prime is capable of accomplishing a significant part of the remaining work needed to obtain compliance with Task 34. As we have stated many times, meaningful compliance with Task 34 is the single most important remaining item needed to achieve full compliance with the Negotiated Settlement Agreement.

The City of Oakland believes that it can substantially comply with Doctor Eberhardt's recommendation Number 17 by reclassifying an existing funded position and creating a new position that in effect will function as a Data Manager. They have presented this proposal to their Human Relations Department and are hopeful that their request will be approved. We have been told that the City will not know if this reclassification has been approved by the time of this Case Management Conference.

A fully operational Prime System will never be effective unless it is widely accepted and appropriately operated and valued by the entire Oakland Police Department. It is critical that there is an infrastructure present to fully maintain it. The system must really work most of the time. Problems will always occur and they must be fixed in a reasonably prompt and thorough manner.

1 The police officers, particularly supervisors, who use the Prime system, must not only be properly
2 trained to use it, but they must also have a resource person that can assist them when there are
3 problems. Only then will the stop data material, the training data, the Body Worn Camera videos,
4 and more be of real benefit to the Oakland Police Department.

5 A Data Manager is the ideal position to centralize the operation of PRIME. If the City of
6 Oakland does not wish to fund this position, the burden is on them to come up with a reasonable
7 substitute that will make PRIME really work for OPD officers, and not be an underutilized,
8 expensive toy of no real value.

9 Plaintiffs' attorneys believe the City has made an effort to meaningfully respond to
10 Professor Eberhardt's recommendations. However, those recommendations that are still incomplete
11 include important tasks that simply must be accomplished. The two assigned to the ITD are
12 essential to the successful launch of Prime which in turn is critical to Task 34 compliance.

13 We look forward to the City's further progress in implementing Doctor Eberhardt's
14 recommendations and we appreciate their keeping us informed of their progress. We encourage the
15 City to regularly report the status of the recommendations to the court. We have received target
16 dates for completion of the remaining recommendations not yet completed with the exception of the
17 recommendation to be completed by Stanford. We hope the OPD will continue to keep the court
18 and the parties informed as to whether these deadlines will be met and will develop a completion
19 date for the recommendation to be completed by Stanford. The deadline for the recommendations
20 assigned to ITD are particularly important since those completion dates have changed over the years
21 and the July 2019 date is the latest completion date of all the recommendations.

22 The Oakland Police Department's Risk Management meetings are an indication of the vital
23 cultural change that has begun to permeate the Oakland Police Department. Mr. Chanin has
24 attended only two meetings and cannot make definitive conclusions at this time. Some initial
25 impressions, however, can be made now.

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1 The Risk Management meetings examine stop data statistics (i.e. stops by race) on a regular
2 basis in detailed sessions with the highest ranking officers of each District. These meetings are
3 largely devoted to evaluating racial disparities and attempting to minimize them. The OPD has
4 developed a growing recognition that people stopped for an arbitrary reason can become alienated
5 and not be cooperative when a crime occurs and their help is needed.

6 There is a specific emphasis on intelligence-led policing and a precision-based policing
7 model. An “intelligence-led” stop is a stop in which officers possess knowledge that can be linked
8 to an articulable source of criminal intelligence, which then leads to the initiation of a stop.
9 “Precision-based policing” is the design, communication and evaluation of strategies reducing the
10 “footprint” the department has on the community. This is an effort to limit unproductive—and
11 often racially disparate—stops.

12 The OPD has drastically reduced saturation patrols or hot spot policing, adjusted handcuff
13 policies, and changed search practices where citizens were routinely asked if they were on probation
14 or parole.

15 Not surprisingly, all of these efforts have resulted in a significant decline in the number of
16 African Americans stopped by the Oakland Police and an increase in the yield, or tangible results,
17 of those who are stopped. While there are still some issues in these areas, there is no doubt that
18 there has been an effort to deal with problems that the OPD has never really confronted. We
19 commend the OPD for their efforts and look forward to even more progress in the future.

20 There has been discussion as to how to address Mr. Burris’ concerns about possible
21 disparate treatment in the discipline process. Mr. Burris’ issue goes to the heart of Task 45 which is
22 the Consistency of Discipline Provision of the NSA. Task 45 is not yet in compliance according to
23 the most recent Monitor’s report. Therefore, there is no reason why this study cannot be a criteria
24 for completion of Task 45 given the serious nature of the subject matter and the importance that
25 every OPD officer feel that they are subject to impartial discipline.

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1 Mr. Burris suggested one possible expert who could look into this matter. The City has
2 suggested retaining Doctor Eberhardt. Doctor Eberhardt would be acceptable to Plaintiffs' counsel
3 if she had the time and willingness to undertake this project.

4 The parties disagree as to whether addressing Mr. Burris' concern is essential to attain NSA
5 Compliance. Rather than submit the matter to the court, the parties have agreed to try and develop a
6 plan to address this important matter and resolve it prior to the conclusion of the NSA. It is hoped
7 that a viable study can be developed that will not delay NSA Compliance and thereby satisfy all of
8 the concerns in this matter. The Court will be kept up to date on our progress.

9 The City of Oakland and Sierra Systems signed a contract on May 4, 2018 to develop
10 PRIME 2.0. The importance of this development is significant. Sierra has a proven track record
11 and there is now a timeline for completion of this project that is really credible, and not just a
12 random date in the future. The City has set a timeline where all three of the types of data Plaintiffs
13 emphasized as vital for inclusion in PRIME (See Case Management Conference Statement filed
14 January 26, 2018 6:11-8:3) will be incorporated into PRIME by June 1, 2019. This development
15 would be a major milestone in compliance with the Negotiated Settlement Agreement.

16 Plaintiffs' attorneys have followed the decline of complaints against the Oakland Police
17 Department since 2014. Recently, however, there has been an approximately fifteen percent rise in
18 complaints against the OPD (465 through May 5, 2018 as compared to 406 through May 5, 2017).
19 This could be due to a variety of factors including people feeling more comfortable filing
20 complaints against the Oakland Police Department. The fact remains, however, that there was a
21 large drop in the number of complaints once the OPD began to become more committed to reform
22 after the creation of the Compliance Director in December 2012, and this trend has now reversed.
23 We will continue to watch these figures in the future and will meet and confer with the
24 Monitor/Compliance Director and the City of Oakland about their significance.

25 We are now entering a critical phase in the long road towards NSA compliance. We have
26 seen a collaborative approach from City leaders that is essential to completing the remaining tasks

1 in an efficient and effective manner. We see significant recognition that what is involved here is
 2 more than checking off unfinished tasks and going back to business as usual. It is instead the
 3 complete cultural transformation of the Oakland Police Department into an organization that has the
 4 trust and support of the community and whose members are proud to be part of a dynamic and
 5 responsive law enforcement agency. We will continue to work with the City and do our part to
 6 achieve this goal.

7 **II. CITY OF OAKLAND**

8 At the last Case Management Conference, the Court indicated its interest in two particular
 9 topics: 1) the Department's monthly risk management meetings with a specific emphasis on how
 10 the Department uses data to identify and address "outlier" squads and officers, and 2) crime. In
 11 addition, the Court requested an update on the Department's implementation of all 50 of Stanford's
 12 recommendations. The Department will accordingly focus its Task 34 update on those issues. This
 13 statement will also include updates on the Department's recent efforts with respect to the other two
 14 remaining NSA tasks—5 (IAD) and 45 (Consistency of Discipline)—as well as the implementation
 15 of the Department's personnel assessment system, "PRIME."

16 **A. Task 34: Stop Data**

17 Task 34 addresses the Department's collection and analysis of stop data for every
 18 discretionary vehicle stop, field investigation and detention in an effort to ensure that the
 19 Department is addressing crime through fair, quality policing. Although both the IMT and the
 20 Department have noted additional areas of improvement related to Task 34, it is worth noting the
 21 Department's industry-leading stop data achievements, including:

- 22 • The collection of more and better stop data than any other law enforcement
 23 agency in California (and perhaps even in the nation)
- 24 • The publication of stop data for review and study by third parties, including the
 25 public
- 26 • A partnership with a leading scholar (Dr. Jennifer Eberhardt of Stanford) in the

1 area of implicit bias and procedural justice

- 2 • The Department's development and standardization of statewide training for law
- 3 enforcement agencies on the topics of procedural justice and implicit bias; OPD
- 4 leaders have taught these subjects to other local, state and nationwide agencies
- 5 • The integration of Stanford's recommendations regarding the collection and
- 6 analysis of stop data into the Department's risk management process¹
- 7 • The analysis of stop data to inform the Department's crime reduction strategies
- 8 and stops (intelligence-led and precision-based)
- 9 • The analysis of stop data has resulted in policy changes in an attempt to reduce
- 10 disparate impacts on communities of color (e.g., with respect to handcuffing and
- 11 searches)
- 12 • An established and sustained practice of executive command level reviews of
- 13 stop data with subordinate commanders
- 14 • An industry-leading requirement that officers use body-worn cameras to record
- 15 discretionary stops
- 16 • Required supervisor reviews of every discretionary stop to ensure that stops and
- 17 searches are objectively and lawfully based, backed up with monthly reviews of
- 18 body camera footage
- 19 • Mandated and sustained supervisory span of control to increase supervision and
- 20 awareness of stop and search behavior and decisions
- 21 • Departmental reviews of stops for purposes of inspecting the quality and
- 22 consistency of supervisor reviews

23
24 ¹ As noted in the last Case Management Conference statement, AB 953 (the Racial Identity and
25 Profiling Act of 2015) will require the Department to collect certain state-mandated categories of stop data
26 starting on January 1, 2019, and report its data to the state no later than April 1, 2020. The Department
continues its work on implementing AB 953. At the same time, it remains committed to collecting,
analyzing and publishing a more robust set of stop data categories necessary—as determined with
Stanford's technical assistance—to continue its industry-leading risk management efforts.

1 **1. Monthly Risk Management Meetings**

2 The Department's current Task 34 efforts are centered on its monthly Risk Management
3 Meetings ("RMMs"), during which the Department uses stop data to examine and assess area,
4 squad and officer performance. In particular, the Department's analysis of stop data during RMMs
5 seeks to: 1) identify policies and practices which adversely impact communities of color (and, in
6 particular, African-Americans) in order to reduce the Department's "footprint" on these
7 traditionally over-policed communities; and 2) identify and examine "outlier" squads and officers to
8 determine whether their actions are consistent with constitutional policing and Department
9 directives, or are rather indicative of potential bias and/or disparate treatment.

10 In collaboration with Stanford, the Department has been constantly and collaboratively
11 refining the data sets and analyses that it uses during RMMs. This process has resulted in the
12 Department's development of "intelligence-led" and "precision-based" policing strategies, as
13 opposed to discretionary enforcement efforts or "fishing expeditions" which are not tied to
14 communicated and expected policing strategies.²

15 As discussed during the City's oral presentation during the February 2018 Case
16 Management Conference, the Department's focus on intelligence-led stops has significantly reduced
17 the overall number of stops—thus reducing the Department's impact (or "footprint") on the
18 community—while simultaneously improving stop outcomes such as arrest and search recovery
19 rates. Attached hereto as Exhibit B are stop data charts (prepared by Dr. Monin at Stanford)
20 comparing the Department's stops in the six-month period of December 2016-May 2017 with those
21 conducted in the subsequent six months, or June 2017-November 2017. After OPD began focusing
22 on intelligence-led policing in its risk management process (and OIG trained all officers on the
23 definition and importance of intelligence-led stops), OPD made 3,040 fewer stops—a compelling

24 _____
25 ² An "intelligence-led" stop is a stop in which officers possess knowledge which can be linked to an
26 articulable source of criminal intelligence which then leads to the initiation of a stop. "Precision-based"
policing is the design, communications and evaluation of strategies and tactics which serve to solve public
safety problems and reduce crime while simultaneously reducing the "footprint" the Department has on the
community.

1 21% reduction. In particular, this reduction meant that a total of 1,723 fewer African-Americans
2 were stopped over the six-month time period.³ Thus, a focus on Department-wide policing
3 strategies, and not just on outlier squads or officers, substantially reduced the Department's impact
4 on the community, and particularly on African-Americans.

5 That being said, the Department absolutely continues to examine stop data at the squad and
6 officer level and "drill down" on squads and officers whose data is not in line with the
7 Department's expectations or deviates from the norm. Prior to the RMMs, Area Commanders are
8 provided with their respective area's stop data and are expected to review stop data narratives, and,
9 if necessary, body camera footage to analyze whether their officers' stops are both constitutional
10 and in line with Department and Area policy and direction. This Area Commander review is then
11 discussed with the Executive Command Team, including the Office of the Inspector General, during
12 the RMM. When necessary, the review of squad or officer data results in corrective action,
13 including the placement of officers on intervention or monitoring. (By way of example, Captain
14 Joyner's review and presentation of Ceasefire's data during the April 2018 meeting resulted in the
15 placement of two officers on monitoring—one to more closely evaluate the officer's decision-
16 making with respect to stops and searches, and the other because his body camera footage review
17 revealed a need to improve his procedural justice skills during stops and encounters.)

18 After the RMM, Area Commanders receive an RMM recap and deliverables. The RMM
19 recap provides an opportunity for the Executive Command to reinforce the Chief's direction and the
20 Department's goals—*e.g.*, the recap from the most recent Risk Management meeting in April 2018
21 included the following reminder and direction for Area Commanders:

22 The Department will continue its approach of reducing the
23 "footprint" of stop and search decisions which are neither designed
24 nor made with the intent of intelligence-led or precision-based
25 policing strategies; these types of stop and search decisions
26 typically yield lower rates of search recoveries and arrest

26 ³ As noted by Stanford, "reducing disparities in policing outcomes is notoriously difficult because they are multiply determined, including by sociological factors outside of the police's control." (Exhibit B at pg. 5.)

1 dispositions, and they are arguably most likely to be viewed as
2 arbitrary where patterns for low level vehicle code violations are
3 coupled with high proportions of racial disparity. Although some
4 amount of non intel-based stops are always necessary to address
5 public safety and traffic issues, the based Departmental goal –
6 through use of intelligence or precision based policing tactics – is
7 to reduce the volume to non-intelligence led stops[.]

8 Along with the RMM recap, the Department assigns deliverables to Area Commanders, developed
9 in conjunction with the Executive Command. Where Area Commanders have not adequately
10 addressed outlier officers and squads during the RMM, their deliverables require them to do so and
11 to respond in writing. For example, after the April RMM, one Area Commander received a
12 deliverable to examine two squads and two officers with the highest number of discretionary stops
13 and determine the need to address “how improved stop decisions [by the squads and officers]...
14 may 1) impact racial disparities, 2) impact overall footprint, 3) improve community trust and
15 transparency and 4) ... reduce opportunities for racial bias.” The Department shares both the
16 deliverable assignments and the responses with the IMT and Stanford.⁴

17 The Department is working to institutionalize (and provide sustainability of) the
18 Department’s RMM procedures. Recent efforts in that regard include:

- 19 • An informal OIG audit in March 2018 with respect to RMM deliverables with
20 reported findings to the Executive Command and the IMT. OIG’s review of
21 stops and searches (including those conducted by outlier officers) found them
22 to be objectively- and lawfully-based and free of objective indicators of racial
23 or identify profiling or bias. Nonetheless, OIG’s recommendations included a
24 focus on disparate impact, including: 1) the need to continue the
25 Departmental focus on “any practice, trend or pattern of stop or search activity
26 that may be ineffective at meeting objectives and/or potentially unnecessarily
impacting communities and persons of color at disproportionate rates; and 2)

⁴ Recently, pursuant to the terms of a Court-approved protective Order, Plaintiffs’ counsel, Jim Chanin,
has begun attending Risk Management meetings and has also been provided with the Area Commanders’
written deliverables responses.

1 documentation in PRIME of Commander review of outlier squads, supervisors
2 or officers including whether such review identified any need for changes to
3 training, practice, policy or strategy.

- 4 • The development of *written* guidelines for Area Commanders with respect to
5 RMMs, commonly referred to at the Department as the Risk Management
6 “Playbook.” The Playbook is meant to institutionalize (and provide
7 sustainability of) the Department’s processes for identifying and addressing
8 outlier squads and officers. It discusses, *inter alia*, the process for further
9 investigation and evaluation of outliers to determine, if possible, whether data
10 abnormalities are a result of bias, including in-person discussions with officers
11 regarding their stop data. An initial draft of these written guidelines was
12 provided during a recent site visit meeting to Stanford, the IMT and Plaintiffs’
13 counsel. The Department anticipates meeting with Drs. Eberhardt and Monin
14 in early June to discuss and incorporate their feedback. The City fully
15 expects to include the finalized playbook in a future CMC filing, once it has
16 been reviewed and approved by all stakeholders, including the IMT.
- 17 • Stanford’s training of OPD staff members to produce the tables and charts that
18 provide a visual representation of the Department’s stop data has been moved
19 in-house. This move supports sustainability of the risk management process,
20 and allows for greater flexibility as OPD, Stanford and the IMT continue to
21 perfect the risk management process.
- 22 • The lengthening of RMMs (starting in June) to allow a more fulsome analysis
23 of the Department’s voluminous stop data, as well as the other risk
24 management factors reviewed during such meetings (including complaints,
25 uses of force, pursuits and collisions, and a review of officers on intervention
26 and supervisory monitoring).

2. Crime and Use of Force Rates Continue Downward Trends

The Department's focus on intelligence-led and precision-based policing strategies is also benefiting the Department's core mission: fighting crime and promoting public safety.

The Department tracks and publishes crime statistics on a weekly basis. Attached hereto as Exhibit C is the year-to-date Citywide Crime Report published on May 20, 2018. The data reveals a decrease of the crime rate in the overwhelming majority of crime categories, and a significant *overall* drop in both violent and non-violent crime. Total crime is down 23% in the first five months of 2018 when compared to the same time period in 2017 and down 14% over the three-year year-to-date-average. While crime rates in Oakland have been trending down in the past five years, the Department believes that the even more significant drop from last year's numbers shows the effect of the Department's intelligence-led policing strategies, which have focused the Department's resources on those individuals who commit serious violent and non-violent crime in Oakland.

The Department's focus on intelligence-led policing is also resulting in an increase in the Department's homicide "clearance rate"—calculated by dividing the number of crimes that a law enforcement agency solves and the District Attorney subsequently charges, by the total number of crimes recorded. OPD's 2017 homicide clearance rate was 71 percent—well over the national average of 59 percent in 2016.⁵

Consistent with the values the City committed to in the NSA, and the Chief's goal of "transformation," this reduction in crime is being achieved at the same time the Department continues to reduce its use of force. As noted the last Monitor's Report, the Department achieved a substantial 75% reduction in the number of police encounters involving a use of force over the five-year period of 2012-2017. (Doc. 1198 at pg. 5.) Attached hereto as Exhibit D is a chart showing the number of incidents involving a use of force for each of the last 5 years, from 1244 in 2012 (which saw Occupy Oakland and the beginning of the Department's Ceasefire partnership strategy)

⁵ For national statistics, see <https://ucr.fbi.gov/crime-in-the-u.s/2016/crime-in-the-u.s.-2016/topic-pages/clearances> (visited May 21, 2018).

1 to 309 in 2017. Data for 2018 suggests that use of force continues a significant downward trend,
 2 driven primarily by a reduction in the Level 4⁶ uses of force, as seen in year-to-date data comparing
 3 2017 to 2018:

Uses of Force Totals				
January 1-May 19, 2017				
L1	L2	L3	L4	Total
1	11	28	216	256

Uses of Force Totals				
January 1-May 19, 2018				
L1	L2	L3	L4	Total
4 ⁷	11	27	110 ⁸	152

13 **3. Status of Implementation of the Stanford “50 Recommendations”**

14 In the past few months, the Department has worked to advance its implementation of the
 15 remaining Stanford 50 recommendations. While the Department has consistently updated the IMT
 16 regarding its progress during monthly site visits, it has recently increased its communication with
 17 both Dr. Eberhardt and Plaintiffs’ counsel to ensure that all parties have the same understanding of
 18 the status of this important project.

19 _____
 20 ⁶ Pursuant to Department General Order K-4 (Reporting and Investigation the Use of Force), Level 4
 21 uses of force include: the intentional pointing of a firearm at a person; a weaponless defense technique
 22 applied to a vulnerable area (such as a hair grab); the use of a control hold; an on-duty firearm discharge to
 23 euthanize an injured animal; and, a canine deployment that does not involve a bite. The majority of Level 4
 24 uses of force are the intentional pointing of a firearm at a person during a high-risk stop or arrest. The
 25 Department’s Use of Force policy—along with all of its general orders—is available online at:
 26 <http://www2.oaklandnet.com/Government/o/OPD/s/DepartmentalPublications/OAK034257> (visited May
 21, 2018).

⁷ In these charts, the use of force numbers are pulled from PRIME, and includes force used by multiple
 officers within each use of force incident. In both 2017 and 2018, the Department had a single officer-
 involved shooting incident. In 2018, that incident involved four officers (as opposed to one) discharging
 their firearms—hence the “increase” in Level 1 uses of force.

⁸ The IMT and the Department’s OIG are both currently conducting reviews in an attempt to ascertain
 the cause of this significant reduction in 2018 Level 4 uses of force.

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2 To that end, the Department created a simplified “Stanford Strategies for Change 50
3 Recommendations” spreadsheet to allow easy tracking of the status of each recommendation (*see*
4 Exhibit A), which includes anticipated completion dates for those recommendations that are still “in
5 progress.” The Department has recently confirmed the status of each of the recommendations with
6 Dr. Eberhardt to ensure that the Department’s implementation meets Stanford’s expectations. The
7 Department’s command staff and Departmental Counsel also recently met with Plaintiffs’ Counsel
8 to discuss the tracking spreadsheet and answer any questions they may have regarding status of the
9 recommendations.

10 As reflected in Exhibit A, the Department has now completed 37 of the Stanford
11 recommendations. The additional 13 recommendations are in progress as follows:

12 **Leverage Body-Worn Camera (BWC) Footage**

13	11	Invest in the development of a BWC early warning system
14		As part of PRIME 2.0, the Department will be integrating body worn camera footage to
15		allow supervisors and commanders to immediately review stops, arrests and uses of
16		force. The Department anticipates this recommendation to be completed along with the
17		implementation of PRIME 2.0 in July 2019.
18	12	Build a stop data dashboard
19		This recommendation will also be implemented as part of the development of PRIME
20		2.0, to be completed in July 2019.

21 **Make Data Accessible**

22	14	Automate stop data narrative analysis
23		Stanford has developed a software tool that improves OPD’s abilities to search and
24		analyze officers’ narrative accounts, which will particularly assist the Department’s
25		Office of Inspector General in conducting audits of stops, handcuffing, searches and
26		uses of force. Stanford needs to train individuals in the Department on the use of the

1		software, to be completed no later than July 2018.
2	Collaborate with Data Partners	
3	17	Hire a data manager
4		In prior Court filings, the Department identified this recommendation as one that could
5		not be implemented because the Department's request for funding for such a position
6		was not approved as part of the overall City budget. Currently, the Department is
7		working with City's human resources department to determine whether or not an
8		existing and funded position within the Department could be reclassified and redefined
9		to also include the types of data management skills recommended. The Department
10		hopes to have this issue resolved before December 2018.
11	Improve Feedback Channels	
12	23	Conduct customer-service audits after routine stops
13		This recommendation was for an independent entity—such as a research team—to
14		contact community members who have recently undergone a police stop and ask about
15		their experience. The Department has elected to have Stanford conduct these
16		interviews. Stanford is currently developing an audit protocol and determining an
17		appropriate start date.
18	24	Regularly administer community surveys
19		The Department is currently working to identify an outside partner, including potentially
20		Stanford, to conduct these surveys. The Department hopes to start survey work on or
21		before September 2018.
22	Train Officers in Social Tactics	
23	25	Make Trainings Shorter and More Frequent
24		The Department's training division is currently developing scenario-based classes
25		designed to improve police-community relations that range from 2-4 hours in length,
26		

1		and which will be offered more frequently. The Department hopes to have the classes
2		developed no later than September 2018.
3	26	Expand training topics
4		The Department conducted a Department-wide survey to determine what training topics
5		both sworn and professional staff members would like to see offered. The Training
6		Division is working on finalizing classes on or before September 2018.
7	27	Let officers choose which trainings to take
8		The Department's Training Division is developing an online course catalog and calendar
9		to allow personnel to select the elective trainings they would like to attend. Along with
10		the new training classes, the Department is projecting a September 2018 completion
11		date.
12	28	Incentivize training-in-action workshops
13		The Department is working on developing both internal and external opportunities for
14		officers to receive continued training, particularly on social tactics. Officers who attend
15		outside, non-mandatory trainings already receive positive supervisory notes in their
16		personnel files. As with the other training-related recommendations, the Department is
17		targeting a September 2018 implementation date.
18	29	Rigorously measure the effects of all trainings
19		The Department has started this process by engaging Stanford to evaluate the
20		mandatory, Department-wide Procedural Justice II training. All Department members
21		will have undergone such training by mid-July 2018, and the Department expects that
22		Stanford will complete their analysis of the training and effects around September 2018.
23	Increase Positive Contact With Communities	
24	39	Host annual conference on police-community relations
25		This conference will be held in conjunction with the Mayor's office and is currently
26		

1 | scheduled for July 19, 2018.

2 |
 3 |
 4 | **Enhance Risk Management**

5 | **47 Review search policies**
 6 | Stanford’s recommendation questions whether the discovery that an individual is on
 7 | probation or parole should always trigger a search, and, if so, whether such practice
 8 | helps or hinders community-police relations, individuals’ rehabilitation processes, and
 9 | the protection of the community from crime. A Departmental working group was
 10 | formed and a new draft General Order R-02: Searches of Individuals On Probation Or
 11 | Parole was written. The City Attorney’s Office has reviewed and approved the draft
 12 | policy, which emphasizes that the primary purpose of probation and parole searches is to
 13 | further legitimate law enforcement or rehabilitative interests, and that probation and
 14 | parole searches shall not be arbitrary, capricious or harassing. The policy will also
 15 | require officers to document articulable facts underlying their decision to initiate a
 16 | parole or probation search. The Department anticipates that final command staff review
 17 | will be completed, and the draft policy will be provided to the IMT, at or before the
 18 | upcoming site visit on May 31-June 1.

19 | **49 Produce and publish an annual Racial Impact Report**
 20 | This report is its final review stages, and the Department anticipates publishing the
 21 | report before the annual conference on police-community relations scheduled for July
 22 | 19, 2018.

23 | The Department looks forward to updating the Court on its continued progress on the remaining
 24 | Stanford Recommendations at a future Case Management Conference.

25 | **B. Task 5 (Complaint Procedures)**
 26 | As noted in the Monitor’s Fiftieth Report (Document 1183), OPD remains in compliance

1 with a large number of the Task 5 subtasks, and not all are actively being monitored. Thus, the City
2 believes that its inability to achieve full compliance with Task 5 is related to the need to achieve
3 final implementation of several of the recommendations contained in the June 21, 2017 Court
4 Investigator's report (the "Swanson Report"). In particular, the Swanson Report made five
5 recommendations directly related to Task 5 subtasks:

- 6 • Recommendation 5: IAD Should Involve [the] OCA Before Subject and Witness
7 Interviews in Investigations of Serious Allegations
- 8 • Recommendation 6: Only the IAD Commander Should Be Permitted To Reject
9 Advice From [the] OCA
- 10 • Recommendation 7: IAD Investigators Should Be Trained Regarding When It is
11 Appropriate to Downgrade a Subject Officer to a Witness
- 12 • Recommendation 8: IAD Lieutenants Overseeing Investigations Should Review
13 Investigative Plans, Interview Questions and Interviews In Serious Cases
- 14 • Recommendation 9: IAD Should Continue To Brief the City Administrator Monthly
15 on Major Investigations; the Chief of Police Should Meet With the Mayor Regularly
16 to Discuss IAD Matters

17 The City is providing a more thorough status report on its implementation of the Swanson
18 recommendations in the concurrently-filed Eleventh Progress Report. In short, Recommendation
19 No. 9 has been fully implemented, while Recommendation Nos. 5, 6, 7 and 8 have been
20 incorporated into drafts of a new Policy 611 ("Criminal Investigation of Members of the
21 Department and Sworn Law Enforcement Personnel") and a revised Training Bulletin V-T.1
22 (Internal Investigation Procedures) (the "Proposed Policies"). The Proposed Policies have been
23 reviewed and approved by OPD Command staff, the Office of the City Attorney, Plaintiffs' counsel,
24 the Independent Monitoring Team and the Oakland Police Officer's Association.

25 Under the recent amendments to the City's Charter establishing a civilian Police
26 Commission, the Proposed Policies must also be submitted to the Police Commission for approval.

1 Accordingly, the Department submitted the Proposed Policies to the Commission for its formal
 2 approval on April 23, 2018, along with a cover memorandum detailing the history of the Swanson
 3 Report and Recommendations. Under the Charter, the Commission has 120 days, or until August
 4 21, 2018 to take action on the Proposed Policies or they become final.⁹

5 The Department is accordingly hopeful that it will obtain Commission approval of the
 6 Proposed Policies incorporating the remaining Swanson recommendations before the next Case
 7 Management Conference this fall and that full implementation of the Swanson recommendations
 8 will result in Task 5 compliance.

9 **C. Task 45: Consistency of Discipline**

10 **1. Partial Compliance**

11 The Monitor's latest Report assessed and approved several subtasks related to Task 45,
 12 including:

- 13 • The Department's maintenance of a centralized system for documenting and
 14 tracking discipline and corrective action
- 15 • The Department's appropriate application of its Discipline Matrix (adopted
 16 in March 2014) to all 24 of the cases with sustained findings that were
 17 approved between December 1, 2017 and February 28, 2018
- 18 • The Department's conduct of three *Skelly* hearings, resulting in *Skelly*
 19 reports that were "generally well-written", "followed the established format"
 20 and "contained adequate justification for the results documented"
- 21 • The Department's receipt of an arbitration decision upholding the
 22 termination of a sworn officer for misconduct

23 The Department nonetheless remains in "partial compliance" with Task 45, which the City again
 24 believes is based on the need to complete implementation of the Swanson Recommendations
 25

26 ⁹ If the Commission rejects the Department's proposed changes, the Charter requires the Department's proposed changes to be submitted to the City Council for review and further action.

1 | codified in the Department’s revised Training Bulletin V-T.1 (Internal Investigation Procedures).
2 | As noted above, the City is hopeful that the Police Commission will approve the Department’s
3 | proposed policy changes and that the Swanson Recommendations will be fully-implemented before
4 | the next Case Management Conference.

5 | **2. Plaintiffs’ Proposed Study of Consistency of Discipline**

6 | Plaintiffs’ counsel have indicated a desire to have the Department conduct a study of the
7 | “consistency of discipline” across race. The parties continue to meet and confer and work
8 | cooperatively on the scope of a study to ensure that the Department’s discipline policies and
9 | practices are race neutral. The Department is exploring working with Drs. Eberhardt and Monin
10 | from Stanford on this project, given their preexisting relationship with the Department and their
11 | work and expertise on implicit bias.

12 | The City strongly disagrees, however, that the completion of such a study is a Task 45
13 | compliance issue. The NSA is now 15 years old—and this is the first time such a study has been
14 | proposed. And there are no findings – from the IMT’s consistent review of the Department’s
15 | discipline cases, from arbitrators who review and assess officers’ challenges to discipline or from
16 | civil employment cases against the Department – that would suggest that racial bias has in fact
17 | affected discipline outcomes, particularly since the Department’s adoption of most recent discipline
18 | policy and matrix in 2014.

19 | The Department nonetheless understands the value of ensuring the integrity of its discipline
20 | process to all of its members and its community. Accordingly, the Department will continue to
21 | work cooperatively with Plaintiffs’ counsel on this issue, and the parties—including presumably,
22 | the intervener OPOA—will raise the compliance issue for the Court in detailed briefing only if
23 | necessary.

24 | ///

25 | ///

26 | ///

1 **D. Redevelopment of PRIME 1.0 (“PRIME +”) and Development of**
 2 **PRIME 2.0**

3 Earlier this year, a team made up of OPD members and DIT staff received and evaluated
 4 proposals from four potential vendors to re-engineer PRIME 1.0 (labeled the “PRIME +” project),
 5 and selected Sierra-Cedar (“Sierra”). Sierra has experience working on law enforcement early
 6 intervention systems, including for departments under federal consent decrees, such as Los Angeles
 7 and New Orleans.

8 As the most recent Monitor’s Report indicates, the City’s contract negotiations with Sierra
 9 were unfortunately protracted. The City is pleased to report, however, that since the last IMT site
 10 visit, the City and Sierra have finalized and signed a Professional Services Agreement. The parties
 11 are now working cooperatively on finalizing the scope of Sierra’s anticipated work on Prime +, a
 12 process that should be complete before the June 1st Case Management Conference.

13 As the City has noted before, the development of PRIME 2.0 will proceed in tandem with
 14 Prime +, and PRIME 2.0 will include the following four functionalities:

- 15 **1) A new personnel database to track employee and supervisor assignments that is easier**
 16 **to use and integrates with other PRIME functions.** The City’s DIT has recently
 17 completed development an initial version of such a database, called “OPD HRM”, which is
 18 currently being tested by the Department. DIT anticipates that OPD HRM will be fully
 19 implemented and functional within the next few months. When PRIME 2.0 is completed, it
 20 will draw data from OPD HRM.
- 21 **2) Risk Management analytics (being developed in collaboration with Stanford) and**
 22 **dashboards that assist in automatic analysis of stop data and other early warning**
 23 **indicators.** The City is currently entertaining vendor proposals to develop this portion of
 24 the project, and anticipates vendor selection by June 29, 2018.

25 ///

26 ///

1 **3) Ability to access an officers' complete training history.** The City is currently working on
2 obtaining a cost quote and project timeline with a proposed vendor for a training database to
3 be integrated with PRIME.

4 **4) Integration of body worn camera footage into PRIME to allow immediate review of**
5 **stops, arrests and uses of force.** The City recently executed a contract with VieVu for new
6 body worn cameras and is working with VieVu on the method for including body worn
7 camera footage in PRIME.

8 The City anticipates final implementation of PRIME + and PRIME 2.0 in July 2019.

9 **III. INTERVENOR, OAKLAND POLICE OFFICERS ASSOCIATION**

10 Intervener, Oakland Police Officers Association (“OPOA” & “Association”) continues to
11 work collaboratively with the City of Oakland (“City”), Oakland Police Department (“Department”)
12 as well as Plaintiffs’ counsel to achieve full compliance with the NSA. To that end, members of the
13 OPOA leadership routinely engage in direct discussions with members of the City, Department and
14 Plaintiffs’ counsel in order to offer input on issues impacting NSA compliance. Since the last Case
15 Management Conference, there have been no OPOA/NSA related issues that have come to the
16 attention of the OPOA that would require intervention or assistance from the Court. That said, the
17 OPOA is aware that the City, Department and Plaintiffs’ counsel have engaged in preliminary
18 discussions concerning a review of the disciplinary process for sworn members of the Department
19 vis-à-vis possible implicit bias. As of yet, the OPOA has not attended any meetings or participated
20 in any substantive dialogue on the issue of implicit bias in the disciplinary process.

21 As has been communicated to Plaintiffs’ counsel, the City and Department, the OPOA will
22 not condone, nor be party to any disciplinary process or procedures that result in disparate treatment
23 amongst its members. While the OPOA is not privy to all disciplinary matters, the leadership of the
24 Association is unaware of any facts which would support a claim of institutional or department
25 wide bias or prejudice in the disciplinary process. However, the OPOA would support a fair and
26 objective process whereby disciplinary actions initiated and taken against sworn members of the

1 Department be reviewed for implicit bias. The review process should consider a broad and
2 sweeping array of factors that take into consideration the makeup, diversity, challenges and unique
3 organizational aspects of OPD. Therefore, the OPOA is hopeful that the City, Department and
4 Plaintiffs' counsel will include the Association in further discussions regarding allegations of
5 disparate treatment and implicit bias in the disciplinary process.

6 **IV. PROPOSED DATE FOR NEXT CASE MANAGEMENT CONFERENCE**

7 The parties have met and conferred and—given the professional and personal travel plans of
8 the attorneys of record and the main client representatives which would make an October CMC
9 difficult—would respectfully request that the next Case Management Conference be set for
10 September 28, 2018.

12 Dated: May 24, 2018 BARBARA J. PARKER, City Attorney
13 OTIS McGEE, JR., Chief Assistant City Attorney
14 RYAN G. RICHARDSON, Special Counsel
KIMBERLY A. BLISS, Supervising Deputy City Attorney
JAMILAH A. JEFFERSON, Senior Deputy City Attorney

15 By: /s/ Barbara J. Parker
16 Attorneys for Defendants
CITY OF OAKLAND, et al

17 Dated: May 24, 2018 JOHN L. BURRIS
18 Law Offices of John L. Burris

19 By: /s/ John L. Burris
Attorney for Plaintiffs

20 Dated: May 24, 2018 JAMES B. CHANIN
21 Law Offices of James B. Chanin

22 By: /s/ James B. Chanin
Attorney for Plaintiffs

23 Dated: May 24, 2018 ROCKNE A. LUCIA, JR.
24 Rains Lucia Stern St. Phalle & Silver

25 By: /s/ Rockne A. Lucia, Jr.
26 Attorney for Intervenor
OAKLAND POLICE OFFICERS ASSOCIATION

EXHIBIT A

STANFORD STRATEGIES FOR CHANGE 50 RECOMMENDATIONS

#	Original Recommendation	Status	Projected Completion
1	Continue collecting stop data	COMPLETED	
2	Add a field on the stop data form to capture squad information	COMPLETED	
3	Add a field on the stop data form to capture squad sergeant information	COMPLETED	
4	Update the stop data form as needed	COMPLETED	
5	Standardize, track, and analyze crime-related communications provided to officers	COMPLETED	
6	Add a field on the stop data form regarding Body Worn Camera usage	COMPLETED	
7	Capture Body Worn Camera footage	COMPLETED	
8	Use Body Worn Camera footage to train officers	COMPLETED	
9	Require officers to self-audit (racially charged) Body Worn Camera footage (Review of 2017 closed IAD cases of race allegations)	COMPLETED	
10	Use Body Worn Camera footage to ensure policy compliance	COMPLETED	
11	Invest in the development of a Body Worn Camera early warning system	ITD	Jul-19
12	Build a stop data dashboard	ITD	Jul-19
13	Automate stop data analysis	COMPLETED	
14	Automate stop data narrative analysis	STANFORD	
15	Assist researchers in building an automatic speech recognition system for Body Worn Camera footage	COMPLETED	
16	Improve systems for backing up and accessing Body Worn Camera footage	COMPLETED	
17	Hire a data manager	IN PROGRESS	Dec-18
18	Partner with outside researchers to analyze and use data	COMPLETED	
19	Partner with outside researchers to conduct high-quality studies	COMPLETED	
20	Give officers individualized feedback on their stop data performance	COMPLETED	
21	Create new ways for officers to give feedback to command staff	COMPLETED	
22	Use complaint data more effectively	COMPLETED	
23	Conduct customer-service audits after routine stops	STANFORD	
24	Regularly administer community surveys	IN PROGRESS	Sep-18
25	Make trainings shorter and more frequent	IN PROGRESS	Sep-18
26	Expand training topics	IN PROGRESS	Sep-18
27	Let officers choose which trainings to take	IN PROGRESS	Sep-18
28	Incentivize training-in-action workshops	IN PROGRESS	Sep-18
29	Rigorously measure the effects of all trainings	IN PROGRESS	Sep-18
30	Hire a training coordinator	COMPLETED	
31	Implement living room meetings with residents and other monthly relationship-building (Stanford 31) meetings with residents out of uniform whenever possible and encourage other out-of-uniform community contact (Stanford 35)	COMPLETED	
32	Enhance the capacity of Community Resource Officers through attendance at relationship-building tables and living room meetings and use of social media platforms and electronic communications	COMPLETED	
33	Require squad-based community projects	COMPLETED	

34	Train officers and community members together	COMPLETED	
35	Implement living room meetings with residents and other monthly relationship-building (Stanford 31) meetings with residents out of uniform whenever possible and encourage other out-of-uniform community contact (Stanford 35)	COMPLETED	
36	Provide business cards for every investigative consensual encounter, detention, and community contact	COMPLETED	
37	Show more care in high-crime areas (through making contact with residents following reports of shots being fired)	COMPLETED	
38	Hold critical incident discussions and trainings	COMPLETED	
39	Host annual conference on police-community relations	IN PROGRESS	19-Jul-18
40	Develop and track measures of positive community engagement	COMPLETED	
41	Continue risk management meetings	COMPLETED	
42	Identify outlier officers	COMPLETED	
43	Monitor and reduce time pressure	COMPLETED	
44	Monitor and reduce stress and fatigue	COMPLETED	
45	Identify factors associated with high- and low-performing squads	COMPLETED	
46	Review handcuffing policies	COMPLETED	
47	Review search policies (In final review stage)	IN PROGRESS	Draft to IMT on or before May 31, 2018
48	Review officer inquiries concerning probation or parole status and justification for inquiries	COMPLETED	
49	Produce and publish an annual Racial Impact Report (In final review stage)	IN PROGRESS	19-Jul-18
50	Analyze (stop) data for trends over time	COMPLETED	

	Count
Completed	37
In Progress	10
Stanford	1
ITD	2

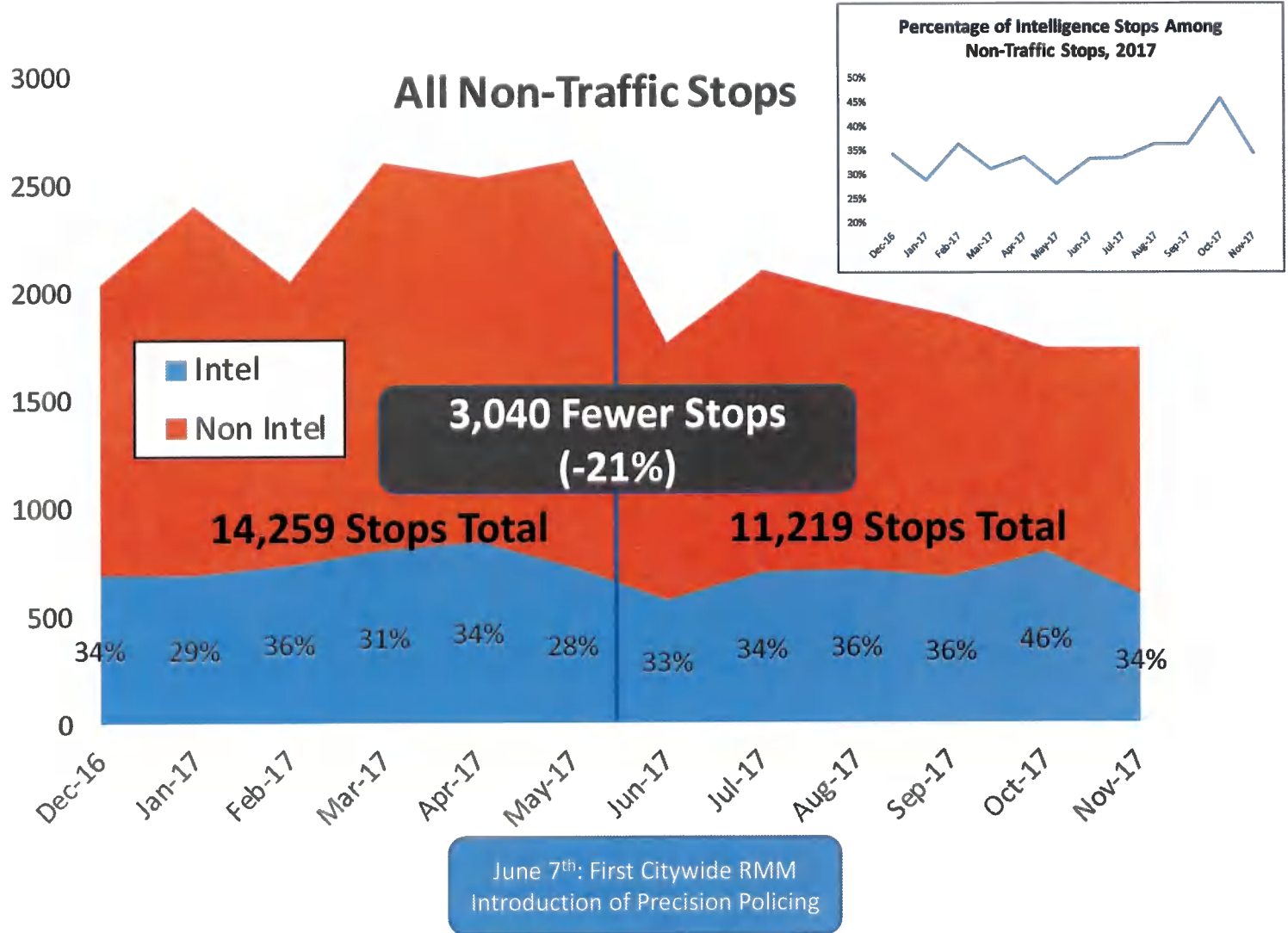
***#17 - Position not funded but alternative position being reviewed at this time**

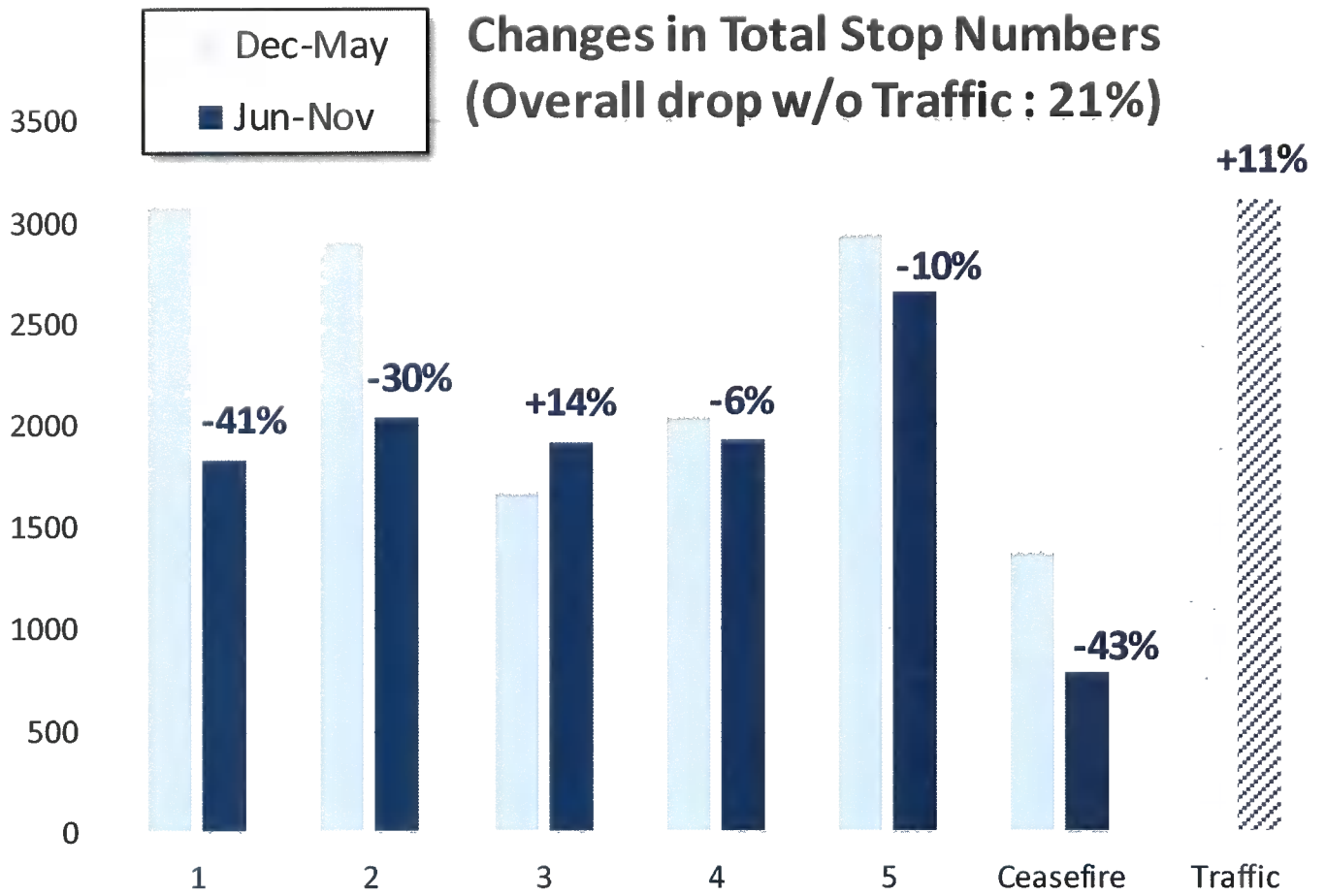
EXHIBIT B

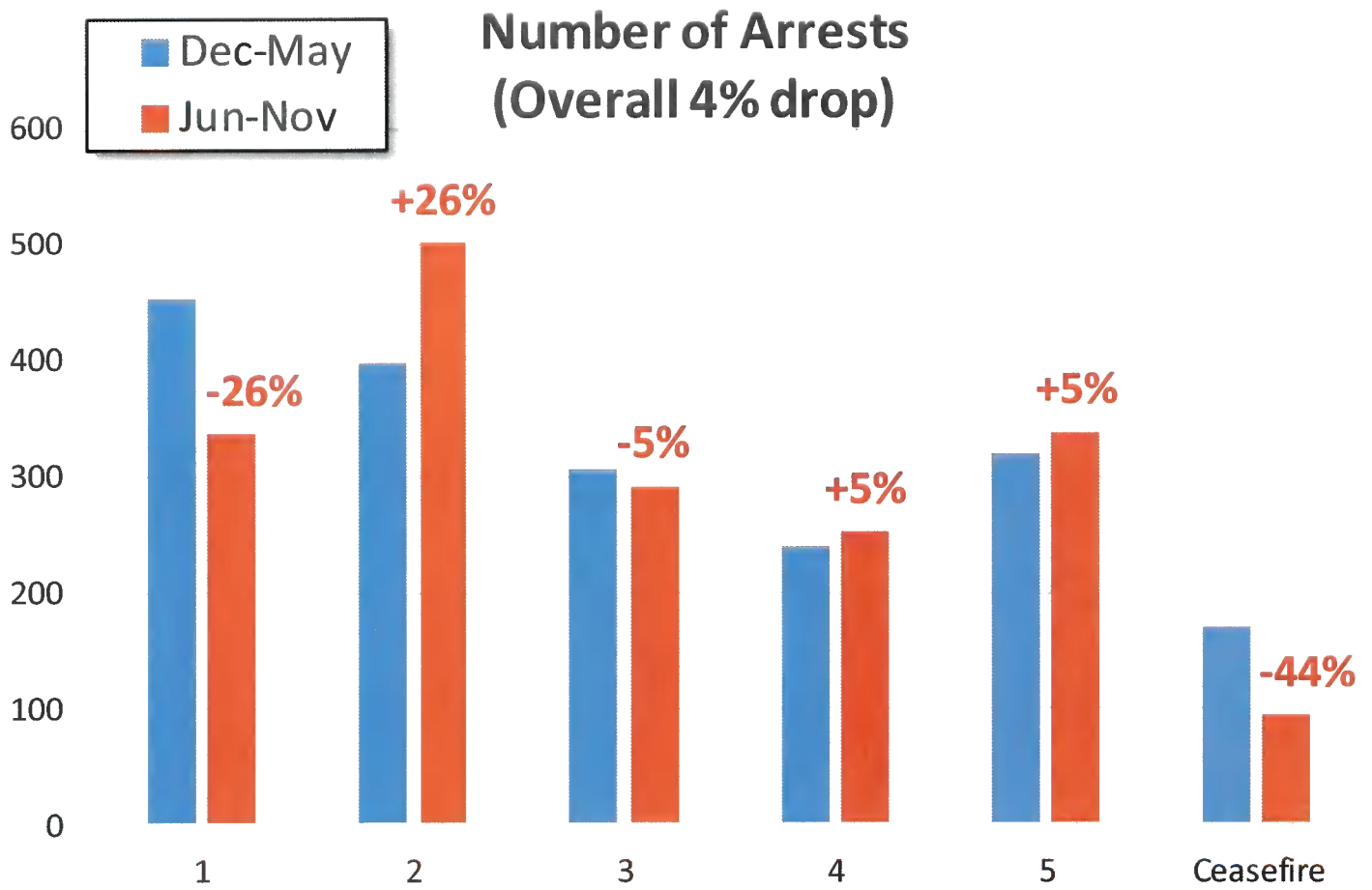
Observations on the Sharp Drop in Number of Stops Following the Introduction of Precision Policing in June 2017

**Presented on Feb 2, 2018 to the OPD Command Staff and
the Independent Monitoring Team by Professor Benoît
Monin from the Stanford Technical Assistance Team.**

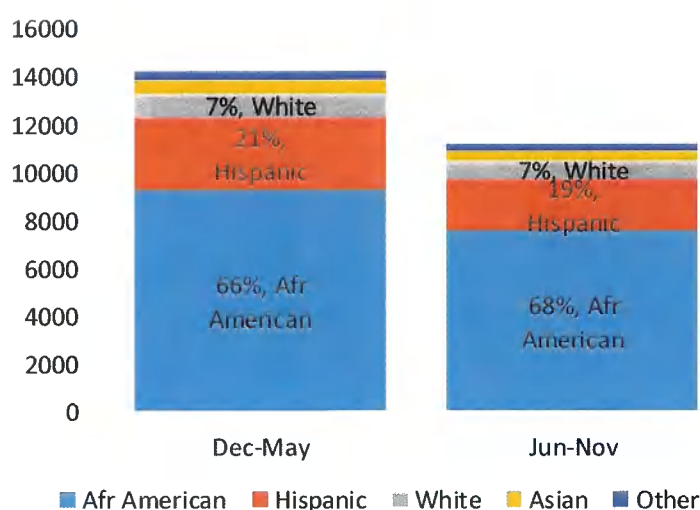
(Revision 2.0, 2/4/18)







“Disparities” vs. “Footprint”



In a “disparities” focus, we would conclude that very little progress has been made, as the share of African Americans (in non-traffic stops) goes up slightly from 66% to 68%, while Hispanic stops drop from 21% to 19%, and White stops stay at 7%. Looking at absolute numbers, however, note that 1,723 fewer African Americans were stopped, a drop of 18%. More specifically, the number of African Americans who were stopped with no ensuing citation or arrest (one measure of the “policing footprint”) dropped from 6,420 to 5,259, also a drop of 18%.

In the footprint perspective, it is actually useful to eschew percentages to see that in a 6-month period, **1,161 fewer African Americans were stopped in non-traffic stops with no definitive police outcome**. Whites see an even larger percentage drop (-34%) as their footprint goes from 622 to 413, but we see that in terms of impact on the community the numbers are much smaller. Reducing disparities in policing outcomes is notoriously difficult because they are multiply determined, including by sociological factors outside of the police’s control. But changing policies to reduce footprint can make an immediate difference in terms of impact on populations of color, and reduce the greater cost they bear for policing.

EXHIBIT C



OAKLAND POLICE DEPARTMENT

455 7TH ST., OAKLAND, CA 94607 | OPDCRIMEANALYSIS@OAKLANDNET.COM

CRIME ANALYSIS

Year To Date Crime Report—Citywide 14 May — 20 May 2018

Part 1 Crimes <i>All totals include attempts except homicides.</i>	Weekly Total	YTD 2016	YTD 2017	YTD 2018	YTD % Change 2017 vs. 2018	3-Year YTD Average	YTD.2018 vs. 3-Year YTD Average
Violent Crime Index (homicide, aggravated assault, rape, robbery)	116	2,146	2,277	2,100	-8%	2,174	-3%
Homicide – 187(a)PC	1	17	23	22	-4%	21	6%
Homicide – All Other *	-	-	2	5	150%	2	114%
Aggravated Assault	69	976	1,070	1,085	1%	1,044	4%
Assault with a firearm – 245(a)(2)PC	8	110	109	101	-7%	107	-5%
Subtotal - Homicides + Firearm Assault	9	127	134	128	-4%	130	-1%
Shooting occupied home or vehicle – 246PC	5	97	81	85	5%	88	-3%
Shooting unoccupied home or vehicle – 247PC	9	138	144	169	17%	150	12%
Non-firearm aggravated assaults	47	631	736	730	-1%	699	4%
Rape	4	84	90	75	-17%	83	-10%
Robbery	42	1,069	1,094	918	-16%	1,027	-11%
Firearm	16	430	430	341	-21%	400	-15%
Knife	-	60	70	55	-21%	62	-11%
Strong-arm	22	414	436	403	-8%	418	-4%
Other dangerous weapon	1	33	43	31	-28%	36	-13%
Residential robbery – 212.5(a)PC	-	35	39	30	-23%	35	-13%
Carjacking – 215(a) PC	3	97	76	58	-24%	77	-25%
Burglary	43	3,700	5,005	3,029	-39%	3,911	-23%
Auto	21	2,597	3,931	2,232	-43%	2,920	-24%
Residential	10	855	867	535	-38%	752	-29%
Commercial	8	175	137	208	52%	173	20%
Other (Includes boats, aircraft, and so on)	-	64	48	37	-23%	50	-26%
Unknown	4	9	22	17	-23%	16	6%
Motor Vehicle Theft	71	3,106	2,940	2,359	-20%	2,802	-16%
Larceny	32	2,275	2,293	2,073	-10%	2,214	-6%
Arson	3	49	33	63	91%	48	30%
Total	265	11,276	12,550	9,629	-23%	11,152	-14%

THIS REPORT IS HIERARCHY BASED. CRIME TOTALS REFLECT ONE OFFENSE (THE MOST SEVERE) PER INCIDENT.

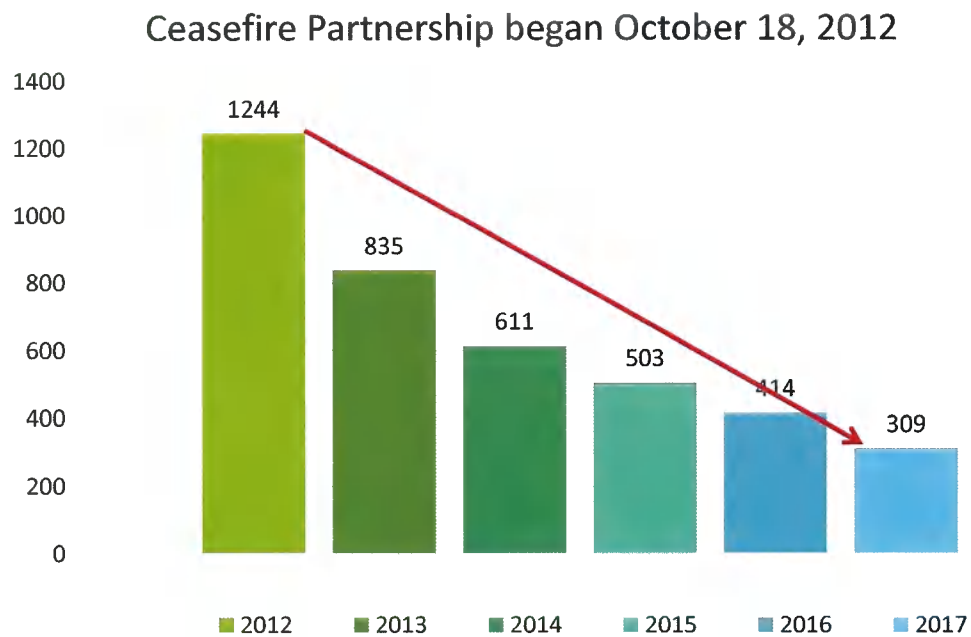
These statistics are drawn from the Oakland Police Dept. database. They are unaudited and not used to figure the crime numbers reported to the FBI's Uniform Crime Reporting (UCR) program. This report is run by the date the crimes occurred. Statistics can be affected by late reporting, the geocoding process, or the reclassification or unfounding of crimes. Because crime reporting and data entry can run behind, all crimes may not be recorded.

* Justified, accidental, fetal, or manslaughter by negligence
PNC = Percentage not calculated — Percentage cannot be calculated.
All data extracted via the LEAP Network.

EXHIBIT D

Oakland Police Department Use of Force Data*

2012-2017



*Source: OPD Office of Inspector General