Community Policing Advisory Board
Notice of Meeting

1 Frank Ogawa Plaza, Oakland City Hall, Oakland, California 94612

January 7, 2014 6:00 pm   **Council Chamber, 3rd Fl.**

AGENDA

Welcome / Roll Call/ Call to Order

Committee Membership: Jay Ashford (M), Derrick Bulls (Dist. 7), Frank Castro (NW), John Garvey (Dist. 2), Sal Gomez (District 5), Krista Gulbransen (Dist. 4), Angela Haller (NW), Chairperson Marcus Johnson (AL), Cathy Leonard (Dist. 1), Don Link (M), Sheryl Walton (M), and Renia Webb (OHA).

Vacancies: District 3, District 6, and OUSD

Staff: Joe DeVries

Appointee Notes: Dist. = District; M = Mayoral; NW = Neighborhood Watch; OHA = Oakland Housing Authority; OUSD = Oakland Unified School District

Each person wishing to speak on items must fill out a speaker's card. Persons addressing the Community Policing Advisory Board shall state their names and the organization they are representing, if any.

1. **Open Forum:** Public comment is an opportunity to speak on items not on the agenda but <u>within the jurisdiction of the Advisory Board</u>. *Speakers are limited to two minutes.*

Agenda

2. **OPD Stop Data analysis project:** *In June 2014, Stanford University Professor Jennifer Eberhardt was contracted by the Oakland Police Department to administer a Stop Data analysis project, designed to identify and address tensions between the Oakland Police Department and the Oakland Community. The project will last at least a year.*

   Presenter: Professor Jennifer Eberhardt; Documentation: OPD Stop Data Annual Report-- oak049861; **LINK** http://goo.gl/YurG6F

   Additional Reference Information: Nineteenth Quarterly Report of the Independent Monitor for the Oakland Police Department, Task 34: Vehicle Stops, Field Investigation, and Detentions, **LINK** http://goo.gl/nndiVi

3. **Ceasefire--Procedural Justice & Police Legitimacy** *is a field of study that is specific to how officers engage with the community and how this engagement impacts a community member's decision to comply, cooperate, or assist law enforcement.*

   Presenter: OPD Lt. Armstrong; Ceasefire Program Director Reygan Harmon; Documentation: Brief Outline—Procedural Justice, Procedural Justice--Expanded Course Outline, and

   Additional Reference Information: Procedural Justice- Fairness as a Crime Prevention Tool, **LINK** http://goo.gl/W2K8t8

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4. **NCPC Re-Certification**:

   1. Confirm Chair and NCPC Resource Committee findings that the following NCPCs should be re-certified: Beats 3Y, 9X, 10X, 12Y/13X, 13Y, 17XY, 22Y, and 25X. **ACTION**

   2. Confirm Chair and NCPC Resource Committee findings that the following NCPCs should be re-certified: Beats 2X/5X, 6X, 12X, 18XY/19, 25Y, 26XY, 30X, and 35Y. **ACTION**

5. Committee Updates

   1. Program and Resource Committee: Continued E-Newsletter and Tri-Fold Updates, Discussion /Possible Action.

   2. NCPC Resource Committee: NCPC Recertification status report and Beats under consideration for certification: are 2Y/5Y, 13Z, 16Y, 22X, 27X, 29X, 31YZ and 33/34X. Discussion / Action

6. Staff Report, i.e. status of vacancies

7. Chair Report & Updates

8. Agenda Building

   Adjournment

Community Policing Advisory Board Webpage
http://www2.oaklandnet.com/Government/o/CityAdministration/d/CPAB/

Adjournment

Community Policing Advisory Board meetings are wheelchair accessible. Please call 510.238.7570 or TDD: 510.238.3724 to request a sign-language interpreter. Interpretation services is available upon request five days prior to the meeting by calling the Office of Equal Access at 510.238.6448. Copies of explanatory documents and other related materials listed in the agenda are available for public inspection and/or copying at City Hall, the City Clerk's office.

Brief Outline—Procedural Justice

Reygan Harmon, Ceasefire Program Director

Procedural Justice & Police Legitimacy is a field of study that is specific to how officers engage with the community and how this engagement impacts a community member's decision to comply, cooperate, or assist law enforcement. This field of study is particularly of interest in jurisdictions that have a significant population of minorities and other groups that have a historical distrust of law enforcement and where traditional problem oriented community policing has not been as successful.
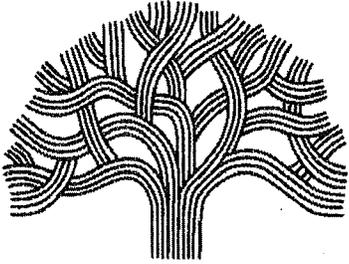
Two Yale Professors, Tom Tyler & Tracey Meares, are leading experts in this body of work and recently the DOJ announced a $4.5 million grant to implement and study the impact of Procedural Justice. Also, Oakland was recently chosen as one 6 cities to participate in the DOJ's Violence Reduction Network. At the conference in DC this Fall Eric Holder and Bill Bratton talked about the importance of implementing procedural justice.

The OPD began to look into this work as part of the Ceasefire strategy. One of the 3 goals of the strategy is to improve community police relationships. In 2012 when these goals were developed the California Partnership for Safe Communities (CPSC) and Bob Wasserman found out about a training being offered by Chicago PD that was being taught to sworn personnel and that was largely based on Tyler & Meares work. In May 2013 I traveled to Chicago with AC Figueroa to look at and participate in the training. We were very impressed by the training because it offered officers a better understanding of challenges between law enforcement and minority communities and gave them specific and tangible things that they could do to better serve those communities regardless of what unit they were assigned to and their race.

As a result of our initial experience in Chicago we decided to come back to Chicago with members of the Ceasefire community working group, the CPSC, sworn personnel from OPD, and staff from the Human Services Division to receive hands on intensive training with Chicago trainers so that we could come back to Oakland and implement it. Both Salinas and Stockton PD also attended but Oakland was the only city that brought community members. After the Chicago training the aforementioned Oakland contingent began adapting the curriculum to Oakland and training would be instructors. In March 2014 we had a "dry run" with a few would be instructors, and in May the Chicago training staff came to Oakland to provide a 2 day intensive training and feedback session. By late May Lt. Armstrong, Lt. Holmgren and community members began teaching the class to sworn personnel within the OPD. Ofc. Kyle Haye has also recently joined the instruction team. To date OPD is the only jurisdiction in California (and maybe the nation) that has community member instructors.

Since May 2014 the Oakland Police Department has been implementing the Procedural Justice & Police Legitimacy for sworn personnel. To date we have trained over 300 sworn personnel and received rankings that average 90% and above. The goal is to train all sworn personnel and non sworn personnel that have significant contact with the public.

Lt. Armstrong's presentation will focus on the aforementioned facts and provide the committee information about OPD's procedural justice training.

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of the Independent Monitor

for the Oakland Police Department

Robert S. Warshaw
Independent Monitor

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Task 34: Vehicle Stops, Field Investigation, and Detentions

Requirements:

1. *OPD shall require members to complete a basic report on every vehicle stop, field investigation and every detention. This report shall include, at a minimum:*

   a. *Time, date and location;*

   b. *Identification of the initiating member or employee commencing after the first year of data collection;*

   c. *Reason for stop;*

   d. *Apparent race or ethnicity, and gender of individual(s) stopped;*

   e. *Outcome of stop (arrest, no arrest);*

   f. *Whether a search was conducted, and outcome of search;*

   g. *Offense categories (felony, misdemeanor or infraction).*

2. *This data shall be entered into a database that can be summarized, searched, queried and reported by personnel authorized by OPD.*

3. *The development of this policy shall not pre-empt any other pending or future policies and or policy development, including but not limited to "Promoting Cooperative Strategies to Prevent Racial Profiling."*

(Negotiated Settlement Agreement VI. B.)

Discussion:

There are four Departmental policies that incorporate the requirements of Task 34: General Order M-19, *Prohibitions Regarding Racial Profiling and Other Bias-Based Policing;* Report Writing Manual (RWM) Inserts R-2, N-1, and N-2; Special Order 9042, *New Procedures Regarding Stop Data Collection* (published June 2010); and Special Order 9101, *Revised Stop Data Collection Procedures* (published November 2012). As the Department has trained at least 95% of relevant personnel on these policies, we find OPD in continued Phase 1 compliance with this Task.

Task 34.1 requires that officers complete Stop Data Forms for every vehicle stop, field investigation, and detention (compliance standard: 90%). To assess Task 34.1 compliance during this reporting period, we reviewed a random sample of 375 stops to match them with corresponding completed Stop Data Forms. This sample included 125 Computer Aided Dispatch (CAD) entries, 125 Field Contact Cards, and 125 traffic citations. Using the Department's Forensic Logic Quicksearch program, we were able to locate a corresponding Stop Data Form for 100% of the stops in our sample. OPD is in compliance with Task 34.1.

Task 34.2 requires that Stop Data Forms be filled out with the following information: 1) time; 2) date; 3) location; 4) identification of member making stop; 5) reason for stop; 6) apparent race/ethnicity of individual(s) stopped; 7) gender of individual(s) stopped; 8) outcome of stop (arrest or no arrest); 9) whether a search was conducted; 10) outcome of any search; and 11) offense category (felony, misdemeanor, or infraction) (compliance standard: 85%). The entry of stop data into the Field Based Reporting (FBR) system requires officers to make a selection in

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each form field. If an officer fails to fill in the information in any field, the system does not allow the form to be completed.

One of the more important data elements required by this Task is the capture of the reason or justification for the stop. This is essentially where any evaluation of the appropriateness of a stop commences. OIG periodically conducts internal reviews of Stop Data Forms to verify compliance with requirements, including the basis for stops. During this reporting period, we also focused on this important element in our review of 250 CAD entries and Field Contact Cards. Of the 250 stops, we eliminated 18 due to the lack of any narrative. Our analysis of the remaining 232 stops found seven to be questionable; accordingly, we determined that 97% of the stops in the sample were valid. This represents a continued improvement by OPD with its documentation of the stops. The Department is in compliance with Task 34.2.

In addition, we randomly selected 10 stops that occurred during this time period, and requested that the Department provide PDRD footage to evaluate the recording of the stop in comparison to the narrative report prepared by the officer. Of the 10 incidents, seven were traffic violations that resulted in two citations, three warnings, and two field interviews; three were probable cause stops that resulted in two field interviews and one felony arrest. OPD located 27 videos taken by officers during these 10 stops. Our review found that all of the reports were consistent and in compliance with the narrative report prepared by the officers.

Task 34.3.1 requires that OPD have a stop data database that can be summarized, searched, queried, and reported by personnel authorized by OPD (compliance standard: Yes/No). Special Order 9042 requires that officers "complete an electronic FBR [Field Based Reporting] Stop Data Collection Form (SDF) for certain arrests, every detention not resulting in an arrest (vehicle, walking, and bicycle stops), every consent search of a person conducted and any other investigative encounter." Officers must also complete a SDF "for consensual encounters (contacts) where the member talks with a person to confirm or dispel a suspicion that the person may be involved in criminal activity, although the person is free to leave." Data from the electronic Field Based Reporting system is automatically sent to the Department's Forensic Logic Quicksearch program, which allows Department personnel to search for and query officers' stop data.

During our quarterly and technical assistance site visits, members of our Team meet with OPD personnel to follow the Department's progress with data collection and analysis, and with the development of operational and intervention options. OPD organizes the data into tables and graphs depicting – both globally and by district – the breakdown of stops, the reasons for the stops, and any resulting action taken; including searches, the results of searches and arrests, and other actions.

In the prior reporting period, OPD completed its first Stop Data Analysis Report covering the period of April through November 2013. OPD released this report to the public on March 24 with the caveat that the report was preliminary, and that it did not represent an academic or research level analysis of the data. Nevertheless, the data contained in the report provides the

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basis upon which OPD can further explore and/or identify areas where there may be disparities in the treatment of identified population groups. As time passes and the database grows, its predictive value will also increase. The data should provide the basis for determining training and intervention options; and, in accordance with the requirements of the December 12, 2012 Court Order, the development of strategies to "address, resolve and reduce…incidents of racial profiling or biased-based policing."

The production of this report was a culmination of five years of work by OPD. The collection of data and its analysis is a continuing activity that is expected to result in additional public progress reports. In the meanwhile, we recommend that OPD continue to elevate interest and attention to stop data by officers, supervisors, and command staff through presentations during its regular risk management meetings and training bulletins. In addition, OPD must engage in discussions about the development of intervention options.

We are encouraged by the progress made during recent reporting periods. OPD has developed a data collection process that appears to be reliably accurate. Encouragingly, the Department periodically verifies the accuracy of its data with internal audits. OPD is, however, at a critical juncture where any indicators of disparate treatment among populations groups must be addressed in order to determine whether there is a constitutionally valid basis for the disparity or there is a need for corrective intervention. Recognizing that this is easier said than done, we stand ready to assist the Department wherever possible. OPD is not in compliance with Task 34.3.1.

Task 34.3.2 requires that the data captured on the Stop Data Forms be entered completely and accurately into the database (compliance standard: 85%). As noted above, the entering of stop data into the Field Based Reporting system requires officers to make a selection in each form field. If an officer fails to fill in the information in any field, the system will not allow the form to be completed. Task 34.3.2 was created to govern the submission of data from the written forms to the computerized system. Since this type of data entry is no longer necessary, the Department is in compliance with Task 34.3.2.

OPD is in partial Phase 2 compliance with Task 34.

Compliance Status:
Phase 1: In compliance
Phase 2: Partial compliance

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Next Steps:
During our next site visit and upcoming technical assistance visits, we will again meet with relevant Department personnel to discuss the Department's progress in this area. We will further discuss the Department's various Task 34-related data systems to assess their operability, accuracy, and utility in storage, and ease of access to stop data. We will continue to work with OPD on ways to verify the legal basis for stops, searches, and other related activities expeditiously. We will also discuss how conducting internal audits of its stop data forms can help the Department to identify any disparities in its treatment of citizens.

Task 35: Use of Force Reports - Witness Identification

Requirements:
1. *OPD shall require, by policy, that every use of force report, whether felonies were involved or not, include the names, telephone numbers, and addresses of witnesses to the incident, when such information is reasonably available to the members/employees on the scene.*
2. *In situations in which there are no known witnesses, the report shall specifically state this fact. Policy shall further require that in situations in which witnesses were present but circumstances prevented the author of the report from determining the identification or phone number or address of those witnesses, the*
3. *report shall state the reasons why the member/employee was unable to obtain that information. Reports shall also include the names of all other members/employees of OPD witnessing the use of force incident.*
(Negotiated Settlement Agreement VI. C.)

Discussion:
OPD published Special Order 8066, *Use of Force—Witness Identification* (April 12, 2004), which incorporates the requirements of Task 35. Additionally, OPD published Departmental General Order K-4, *Reporting and Investigating the Use of Force* (February 17, 2006), which also incorporates the requirements of Task 35. OPD revised DGO K-4 on August 1, 2007. The revised policy also incorporates the requirements of Task 35. As the Department has trained at least 95% of relevant personnel on these policies, we find OPD in continued Phase 1 compliance with this Task.

During all of the previous reporting periods, we found OPD in Phase 2 compliance with Task 35.

To assess Phase 2 compliance for Task 35 for this reporting period, we reviewed 14 use of force reports, including: two Level 1; three Level 2; and nine Level 3 use of reports covering incidents that occurred between April 1, and June 31, 2014. (Per DGO K-4, Level 4 use of force reports do not require witness identification.)