



AGENDA REPORT

TO: Jestin D. Johnson
City Administrator

FROM: Floyd Mitchell
Chief of Police

SUBJECT: Stanford University Data Sharing
Agreement

DATE: November 18, 2024

City Administrator Approval

Jestin Johnson (Nov 25, 2024 13:12 PST)

Date: Nov 25, 2024

RECOMMENDATION

Staff Recommends That The City Council Adopt A Resolution Authorizing The City Administrator To Enter Into A Data Sharing Agreement (“Agreement”) With The Board of Trustees of the Leland Stanford Junior University (“Stanford”) For The Oakland Police Department To Share Police Data For Research On Police-Community Interactions With The Goal Of Reducing Disparity And Improving Police-Community Relations

EXECUTIVE SUMMARY

This no-cost data sharing agreement with Stanford (**Attachment A**) sets forth the terms of sharing police data, to include but not limited to, Body Worn Camera (BWC) video, stop data, use of force data, and complaint data. Pursuant to OMC 9.64.030(1)(D), City Council approval is required for OPD to enter into a “written agreement with a non-city entity to [share] surveillance technology or the information it provides, including data sharing agreements.” Body-worn cameras are “surveillance technology” as defined by the ordinance. OMC 9.64.010(14). The Agreement terms address protections for confidential data, secure storage of data and provide for City review of proposed research publications. The Agreement will continue a ten-year collaboration with Dr. Jennifer Eberhardt, a distinguished professor from Stanford University, that has led to updated police policies and training, reducing disparity in police stops and contributing to OPD’s sustained compliance with critical Negotiated Settlement Agreement (NSA) tasks. The City’s partnership with Stanford has been praised by the Court, and at the September 2024 Case Management Conference (*Allen v. City of Oakland, 00-cv-4599 WHO*) the Court urged the City to finalize a data agreement between Stanford and the City. The Agreement will allow Stanford to analyze BWC video and other police data to evaluate police-community interactions, police enforcement practices and the impact of Department-level interventions and approaches. Stanford’s analysis aims to shape law enforcement culture in ways that improve outcomes for law enforcement personnel and the community members they serve. The term of the Agreement is five years with the option to renew.

BACKGROUND / LEGISLATIVE HISTORY

The City has a ten-year history of collaborating with Dr. Jennifer Eberhardt and her team at Stanford University. Dr. Eberhardt is the Director of Stanford SPARQ, a behavioral science research and intervention center on Stanford’s campus. Stanford’s work with OPD has been and continues to be, vital to the City’s efforts to understand and combat racial disparity and

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racial bias in policing and, ultimately, to improve public safety through increased public trust. Stanford's research has been a crucial component in OPD's reduction of racial disparities in policing and, as a result, critical to the City's compliance with the Negotiated Settlement Agreement (NSA) and federal court oversight in *Allen v. City of Oakland, 00-cv-4599 WHO*.

In 2014, at the direction of the NSA Compliance Director, the City partnered with Stanford and Dr. Eberhardt to help OPD leverage its stop data and BWC video to manage risk and reduce racial disparity. Stanford analyzed OPD stop reports between April 1, 2013, and April 30, 2014. In 2016, Stanford published its independent, detailed, and rigorous assessment in [Data for Change: A Statistical Analysis of Police Stops, Searches, Handcuffings, and Arrests in Oakland, Calif., 2013- 2014](#). In addition, Stanford used its analyses and findings to develop a list of 50 recommendations for reform. See [Strategies for Change: Research Initiatives and Recommendations to Improve Police-Community Relations in Oakland, Calif.](#)

As just one example of the impact Stanford's research has had on the Department and the Community, the City cited Dr. Eberhardt and Stanford's analyses in support of the City's July 2019 City Council Agenda Report advocating a revision to OPD policy limiting searches of individuals on probation, parole, and post-release community supervision. See **Attachment B: Department General Order (DGO) R-02: Searches of Individuals on Probation, Parole, Mandatory Supervision and Post-Release Community Supervision (PRCS)**. Following the implementation of DGO R-02 in October 2019, the number of OPD searches justified solely based on a condition of supervision was significantly reduced. This reduction was reflected most significantly in the Black or African American community.

In 2017, the City entered into a separate Professional Services Agreement (PSA) with Eberhardt Consulting to provide technical assistance related to stop data collection and analysis and the implementation of the 50 *Strategies for Change* recommendations. Council approved an extension of the contract in 2018 (See **Attachment C: Resolution No. 87322 C.M.S.**). With Dr. Eberhardt's assistance, the City implemented the recommendations.

In March 2022, the Court-appointed Monitoring Team found OPD in compliance with Task 34, Vehicle Stops, Field Investigation, and Detentions. The Monitoring Team noted that "[s]top data has become a critical factor in the management of risk at OPD." And that what "began with attention to the number of stops being made [] has matured to include analysis of the justification for stops, characteristics of those stopped, the outcomes of those stopped, and the engagement of officers in stops." [Monitor's Eightieth Report](#) (Mar. 2022).

In 2022, based in part on the Monitor's March 2022 report, the Court issued an "Order Placing City of Oakland Into Sustainability Period." (See **Attachment D: Allen Court Order, May 12, 2022**). On the first page of its Order, the Court credited Stanford, among others, stating, "This would not have occurred without [] the expertise of Dr. Jennifer Eberhart and experts from Stanford University."

At the City's most recent Court hearing in September 2024, the Court again highlighted the importance of the collaboration between OPD and Stanford, stating, "I want to credit [] the work of Dr. Eberhardt and her team from Stanford. They've done an outstanding job for the City. I hope OPD will continue to embrace them and their work. I understand they want to set up a data use agreement between Stanford and the City that would allow the Stanford team to continue conducting novel research on police community interactions without any financial cost

to the City. I hope that's going to be finalized quickly.” (See **Attachment E: Allen Court Transcript, September 4, 2024 Case Management Conference**).

At present, the City remains in the “sustainability period” of the NSA. The Court and Monitoring Team currently affirmatively monitor three tasks, which are related to internal investigations and consistency of discipline.

City Surveillance Ordinance Requirements

Pursuant to OMC 9.64.030(1)(D), City Council approval is required for OPD to enter into a “written agreement with a non-city entity to [share] surveillance technology or the information it provides, including data sharing agreements.” Body-worn cameras are “surveillance technology” as defined by the ordinance. OMC 9.64.010(14). However, before OPD may seek City Council approval, it must obtain Privacy Advisory Commission review and recommendation. OMC 9.64.030(2)(B). The City Council “shall only approve any action [under the surveillance ordinance] after first considering the recommendation of the Privacy Advisory Commission, and subsequently making a determination that the benefits to the community of the surveillance technology outweigh the costs; that the proposal will safeguard civil liberties and civil rights; and that, in the City Council's judgment, no alternative with a lesser economic cost or impact on civil rights or civil liberties would be as effective.”

On November 20, 2024, the Privacy Advisory Commission reviewed the proposed data sharing agreement with Stanford and adopted a motion to recommend that the City Council approve the Agreement, provided that in Section 10.3, that the first sentence would be amended so that the word “collected” is replaced with the word “created. The recommended wording change was intended to clarify that OPD owns the data it provides to Stanford and that Stanford would own any work products resulting from the analysis of OPD’s data.

ANALYSIS AND POLICY ALTERNATIVES

Sharing police data with Stanford, a world-renowned research university, allows for continued ground-breaking research on police culture, police-community interactions, and police practices. The City’s partnership with Stanford over the past-ten years has already yielded positive change and is partly responsible for the reduced disparity in OPD stops.

OPD has invested many resources in developing a robust stop data collection program and risk management program to monitor officer behavior, identify performance issues, and develop strategies for improving interactions with the community. These programs and strategies have improved stop data analysis and led to policy changes, specifically related to police searches, handcuffing, and probation and parole stops. Dr. Eberhardt’s team has provided training to OPD on how to analyze stop data so staff can make more efficient use of the data on a real-time basis. A comprehensive analysis of the data helps Department supervisors and commanders mitigate risk, identify disparities, provide additional training, and evaluate their officers’ enforcement stops to ensure they are in line with command direction.

Stanford also developed a procedural justice training for OPD, derived from its analysis of officers’ interactions with members of the public during traffic stops. The recent publication, [*Leveraging body-worn camera footage to assess the effects of training on officer*](#)

[communication during traffic stops](#), reflects Stanford’s analysis of BWC video captured during traffic stops to measure officer-communicated respect in stops before and after receiving the procedural justice training. The study found that “officers employed more of [the trained] techniques in post-training stops; officers were more likely to express concern for drivers’ safety, offer reassurance, and provide explicit reasons for the stop. These methods demonstrate the promise of a footage-as-data approach to capture and affect change in police–community interactions.”

The investment in resources and institutional knowledge that Stanford has from its work with OPD throughout the last decade make Stanford uniquely positioned to provide OPD with the type of critical analyses necessary to assist OPD in continuing its progress to improve officers’ understanding of police-community interactions, help identify systemic issues, inform policy changes, and enhance officer training. The history of Stanford’s work with OPD gives Stanford an unparalleled ability to analyze OPD’s data efficiently and meaningfully and, as a result, provide OPD with objective, meaningful information to use to improve officers’ interactions with the public, shape policy, and build public trust.

Stanford’s research has led to OPD making reforms that have resulted in OPD’s sustained compliance in some of the most critical NSA tasks and reducing racial disparities in policing. While Court oversight may end at some point, OPD must continue to comply with the NSA under the City Charter. To that end, Stanford has been an important partner to OPD, and OPD sees the significant value in continuing to partner with Stanford in the future to sustain the progress it has made and to continue to make progress.

Terms of the Agreement

- The Agreement lasts 5 years with an option to extend the agreement.
- Stanford will cover the costs associated with data accessibility and storage.
- OPD may only share BWC video with Stanford that it is legally permitted to share.
- Stanford must return or destroy all OPD provided data 3 years following the termination of the Agreement. According to Stanford’s research data retention policies, research data must be retained for a minimum of three years after the final project close-out, ensuring the ability to address questions about accuracy and compliance with regulations related to the research conducted. See Stanford’s [Research Policy Handbook](#).
- Only Stanford researchers authorized by Dr. Eberhardt will have access to OPD data, including BWC video; Stanford will provide a list of authorized personnel to OPD before such personnel access the data.
- Stanford must keep OPD’s non-public data and information confidential and use confidential data only in its performance of research contemplated under the Agreement.
- In maintaining OPD’s data, Stanford shall exercise the same standard of care to protect such information as a reasonably prudent research institution would use to protect its own proprietary or Confidential Information of a similar nature. For BWC footage,

Stanford will take the extra step of securely storing the footage in accordance with a protocol approved by Stanford's Privacy Office.

- In the event of a data breach, Stanford must notify OPD promptly and disclose detailed information about the breach.
- Stanford agrees not to disclose or publish any confidential information, including personal identifying information of any person. Stanford will give OPD notice prior to the publication of any research papers relying on non-public OPD data to give OPD an opportunity to ensure no confidential information is disclosed via publication.
- Either party may terminate the data sharing agreement with 30 days' notice.
- Pursuant to the Privacy Advisory Commission's November 20, 2024 recommendation, the agreement will be amended so that that in the first sentence in Section 10.3, the word "collected" is replaced with the word "created."

Adoption of this resolution aligns with the citywide goals of holistic community safety and responsive, trustworthy government. OPD appreciates the historical assistance provided by Stanford and Dr. Eberhardt and recognizes the invaluable opportunity to effect positive change this no-cost data sharing agreement provides—the opportunity for data analysis by a renowned institution with particular expertise and insight regarding OPD, its policies and operations, and its data. Stanford's critical analyses will assist OPD in continuing to improve officers' understanding of police-community interactions, help identify systemic issues, inform policy changes, and enhance officer training, all of which are vital to improving community trust and community safety. Improvement in police-community relations can lead to increased community cooperation and more effective policing, thereby ensuring a safer community.

FISCAL IMPACT

There is no financial cost to the City to enter into this Data Sharing Agreement. Stanford will pay the costs associated with obtaining and storing the data.

PUBLIC OUTREACH / INTEREST

In light of national scrutiny on police-community relations and the NSA reforms addressing stop data, OPD has been building and improving its stop data and risk management programs. The goal is twofold: to ensure that officers do not profile people based on race and to develop positive and robust community relationships. OPD has made great progress in its stop data program, has embraced procedural justice training and tenets, and is committed to continued improvement. The partnership between OPD and Stanford will continue to support these efforts.

COORDINATION

OPD consulted with the City Attorneys office, Stanford University and the Privacy Advisory Commission in preparation for this agenda report.

SUSTAINABLE OPPORTUNITIES

Economic: There are no economic opportunities associated with this report.

Environmental: There are no environmental opportunities associated with this report.

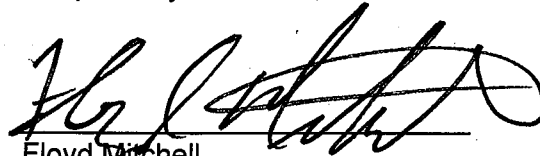
Race & Equity: OPD's long-term, ongoing partnership with Stanford underscores OPD's commitment to fostering an inclusive environment, ensuring that all department members are equipped to serve our community with fairness and respect. The investment in resources and institutional knowledge that Stanford has from its work with OPD throughout the last decade make Stanford uniquely positioned to provide OPD with the type of critical analyses necessary to assist OPD in continuing its progress to improve officers' understanding of police-community interactions, help identify systemic issues, inform policy changes, and enhance officer training.

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That The City Council Adopt A Resolution Authorizing The City Administrator To Enter Into A Data Sharing Agreement ("Agreement") With The Board of Trustees of the Leland Stanford University ("Stanford") For The Oakland Police Department To Share Police Data For Research On Police-Community Interactions With The Goal Of Reducing Disparity And Improving Police-Community Relations

For questions regarding this report, please contact Kristin Burgess-Medeiros, Data Manager, (510) 238-7097.

Respectfully submitted,



Floyd Mitchell
Chief of Police
Oakland Police Department

Reviewed by:

Tracey Jones, Police Services Manager I
OPD, Research and Planning

Prepared by:

Kristin Burges-Medeiros, Data Manager
Oakland Police Department

Attachments (5):

- (A): Data Sharing Agreement with Stanford
- (B): Department General Order R-02
- (C): Resolution No. 87322 C.M.S.
- (D): *Allen Court Order*, May 12, 2022
- (E): *Allen Court Transcript*, September 4, 2024 Case Management Conference