



# AGENDA REPORT


**TO:** Jestin D. Johnson  
City Administrator

**FROM:** Floyd Mitchell  
Chief of Police

**SUBJECT:** OPD Eberhardt Consulting Contract

**DATE:** August 27, 2025

City Administrator

  
Jestin Johnson (Sep 23, 2025 17:13:26 PDT)

Date: 09/23/2025

## **RECOMMENDATION**

**Staff Recommends That City Council Adopt A Resolution 1) Authorizing The City Administrator To Enter Into A Professional Services Agreement With Jennifer Eberhardt DBA Eberhardt Consulting, Inc. To Provide Technical Assistance Services for The Negotiated Settlement Agreement (Delphine Allen V. City Of Oakland) To The Oakland Police Department From September 1, 2025, To August 31, 2028, In An Amount Not To Exceed Seven Hundred Fifty Thousand Dollars (\$750,000); And 2) Waiving The Competitive Request For Proposal/Qualifications (RFP/Q), And The Local/Small Local Business Enterprise Program Requirements.**

## **EXECUTIVE SUMMARY**

Adoption of the proposed resolution between the Oakland Police Department (OPD) and Eberhardt Consulting, Inc. will ensure the Department receives critical assistance in achieving and sustaining compliance with the Negotiated Settlement Agreement (NSA), particularly Tasks 34 (stop data) and 45 (consistency of discipline). Professor Jennifer Eberhardt and her team at Stanford University have been working with the City for the past 10 years to reduce racial bias in police stops. They have also provided crucial assistance with the Department's overall risk management process, including evaluating internal investigation and discipline data to identify possible disparities. The partnership with Eberhardt Consulting, Inc. played a key role in achieving full compliance with Task 34 and will continue to be important for identifying and addressing disparities that occur in the internal affairs process. Both the Court and the Federal Monitor have credited Dr. Eberhardt and Stanford for their work in reducing racial disparity and encouraged the City to maintain the partnership.

## **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 a co-director of Stanford SPARQ, a behavioral science research and intervention center on Stanford's campus. Dr. Eberhardt and her team's work with OPD has been and continues to be vital to the City's efforts to understand and combat racial disparity and racial bias in policing and, ultimately, to improve public safety through increased public trust. Their research has

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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 ([Resolution No. 84189 C.M.S.](#)), 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. 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 A: 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, Inc. 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 ([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 is 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 B: 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 Eberhardt and experts from Stanford University."

At the 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. And I hope the City will continue working with Dr. Eberhardt, to the extent that she and the City can identify additional projects to which they can commit time and resources" (See **Attachment C: Allen Court Transcript**, September 4, 2024 Case Management Conference).

Over the past several years, Dr. Eberhardt's team has worked with the Department to develop methodology and assist with the analysis of internal investigation and discipline data to identify and address disparities, which is a critical step in achieving and sustaining compliance with Task 45 (consistency of discipline). The Department is currently in "partial compliance" with Task 45, one of the three remaining tasks that are not in full compliance. The City's technical assistance contract with Eberhardt Consulting, Inc., expired on August 31, 2025.

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.

### **ANALYSIS AND POLICY ALTERNATIVES**

The City's partnership with Dr. Eberhardt and 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.

Dr. Eberhardt and her team also developed a procedural justice training for OPD, derived from its analysis of officers' interactions with members of the public during traffic stops, and has worked with OPD on analyzing internal investigation data to identify and address disparities in investigation outcomes and discipline.

The investment in resources and institutional knowledge that Dr. Eberhardt has from working with OPD throughout the last decade makes her and her team 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 and internal disparities, inform policy changes, and enhance officer training. The history of Dr. Eberhardt's work with OPD gives her 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 trust within OPD and between OPD and the public.

Dr. Eberhardt and her team'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 bias in policing. While OPD has achieved full compliance with Task 34 (stop data), it is still working toward full compliance with Task 45 (consistency of discipline). Both of these tasks focus on reducing disparity – disparity in stops and disparity in employee discipline. Compliance with Task 45, specifically, hinges on OPD's ongoing efforts to objectively analyze internal investigation and discipline data and employee survey data. Dr. Eberhardt and her team offer

expertise in these analyses and have several years of experience assisting OPD with methodology, statistical analysis, and data presentations.

While Court oversight may end at some point, OPD must continue to comply with the NSA under the City Charter. To that end, Dr. Eberhardt has been an important partner to OPD, and OPD sees the significant value in continuing to partner with her team in the future to sustain the progress it has made and to continue to make progress.

Adoption of this resolution aligns with the citywide priorities of **holistic community safety and responsive, trustworthy government**. OPD appreciates the historical assistance provided by Dr. Eberhardt and her team and recognizes the invaluable opportunity to effect positive change with their continued technical assistance for risk management and data analysis. Dr. Eberhardt's critical analyses will assist OPD in continuing to help identify systemic issues, inform policy changes, enhance officer training, and reduce disparity, all of which are vital to improving community trust and community safety.

Ordinance Nos. [13640 C.M.S.](#) and [13647 C.M.S.](#) require a minimum 50-percent (50%) Local Business Enterprise/Small Local Business Enterprise (LBE/SLBE) participation for all purchase of commodities, goods, and associated services for contracts valued at or over fifty thousand dollars (\$50,000) when there are at least three certified business listed in the industry, trade, or profession that constitutes a major category of work. However, the Council may waive the City's LBE/SLBE requirements due to a lack or limited availability of SLBEs or LBEs and because it is in the best interests of the City to do so.

Staff requests that the Council waive the multi-step solicitation process and the LBE/SLBE utilization requirements for this proposed contract award because it is in the best interests of the City to do so. Having a professor from a world-renowned academic institution, with over a decade of experience partnering with OPD, supporting OPD's risk management and data analysis efforts, is invaluable. OPD's partnership with Dr. Eberhardt and her team have helped the Department comply with the NSA, improve police-community relationships, promote better risk management practices, and reduce disparity.

Maintaining continuity in our partnership with such a prestigious academic institution will serve OPD in its ability to quickly and efficiently continue efforts to improve risk management and conduct data analysis. The time and effort to bring on a different partner to assist OPD would lead to delays and potentially impact NSA compliance. Dr. Eberhardt and her team are in the best position to continue their technical assistance, given their familiarity with OPD data and their history of success.

## **FISCAL IMPACT**

Funding for this proposed contract will be administered according to **Table 1**. The total of the three-year contract will be \$750,000.

***Table 1: OPD Eberhardt Contract***

<b>Fiscal Year</b>	<b>Fund Source</b>	<b>Organization</b>	<b>Account</b>	<b>Project</b>	<b>Program</b>	<b>Amount</b>
2025-26	1010	101110	54919	1000008	PS01	\$250,000
2026-27	1010	101110	54919	1000008	PS01	\$250,000

2027-28	1010	101110	54919	1000008	PS01	\$250,000
<b>TOTAL</b>						\$750,000

### **PUBLIC OUTREACH / INTEREST**

This item did not require any additional public outreach other than the required posting on the City's website.

### **COORDINATION**

Staff collaborated with the Budget Bureau and the Office of the City Attorney.

### **SUSTAINABLE OPPORTUNITIES**

**Economic:** There are no economic opportunities identified in this report. However, professional advice and counseling services, including stress debriefing, may enhance the City's risk management strategies.

**Environmental:** There are no environmental opportunities identified in this report.

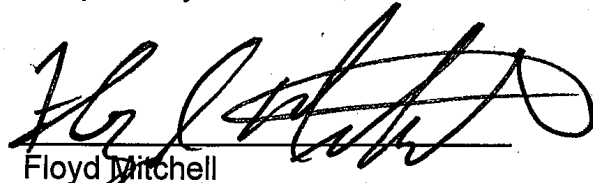
**Race & Equity:** OPD's long-term, ongoing partnership with Professor Eberhardt underscores OPD's commitment to fostering an inclusive environment, ensuring that all department members are equipped to serve our community with fairness and respect. The investment in resources and institutional knowledge that her team has from its work with OPD throughout the last decade makes her 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 and internal disparities, inform policy changes, and enhance officer training.

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff Recommends That City Council Adopt A Resolution 1) Authorizing The City Administrator To Enter Into A Professional Services Agreement With Jennifer Eberhardt DBA Eberhardt Consulting, Inc. To Provide Technical Assistance Services for The Negotiated Settlement Agreement (Delphine Allen V. City Of Oakland) To The Oakland Police Department From September 1, 2025, To August 31, 2028, In An Amount Not To Exceed Seven Hundred Fifty Thousand Dollars (\$750,000); And 2) Waiving The Competitive Request For Proposal/Qualifications (RFP/Q), And The Local/Small Local Business Enterprise Program Requirements.

For questions regarding this report, please contact Kristin Burgess-Medeiros, Data Manager, at kburgess@oaklandca.gov.

Respectfully submitted,



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**Attachments (3):**

A: OPD DGO R-02

B: *Allen Court Order*, May 12, 2022

C: *Allen Court Transcript*, September 4, 2024 Case Management Conference

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