

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

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

WHEREAS, the City of Oakland has achieved compliance with nearly all reforms mandated by the Negotiated Settlement Agreement (NSA) in *Delphine Allen v. City of Oakland*, Case No. C00-4599 WHO (N.D. Cal.); and

WHEREAS, there are three NSA-mandated reforms outstanding related to internal investigations and discipline; and

WHEREAS, the City is required to achieve full compliance with all reforms and sustain compliance for at least one year; and

WHEREAS, in 2014, at the direction of the Compliance Director, OPD partnered with Stanford University and Professor Jennifer Eberhardt to address tensions between OPD and the community and to better manage risk through analysis of stop data and Body Worn Camera (BWC) footage; and

WHEREAS, as a result of their analysis of OPD's stop data, BWC footage, and related research, Professor Eberhardt and Stanford University published 50 recommendations for reform meant to reduce OPD's footprint on communities of color and improve police-community relationships; and

WHEREAS, on September 1, 2017, the City entered into a contract with Eberhardt Consulting for \$249,999, to provide technical assistance to OPD regarding the collection and analysis of stop data and the implementation of the 50 recommendations to help achieve full compliance with Task 34; and

WHEREAS, the contract with Eberhardt Consulting was amended four times, increasing the contract to a not to exceed amount of \$500,000 and extending the contract period through August 31, 2025; and

WHEREAS, the recommendations from Professor Eberhardt and her Stanford team were partly responsible for the Department achieving full compliance with Task 34 (stop data); and

WHEREAS, Eberhardt Consulting has worked closely with OPD on analyzing internal investigation and discipline data to identify and address disparity, which is a key component of achieving compliance with one of the three outstanding NSA-mandated reforms, Task 45 (consistency of discipline); and

WHEREAS, the Court *in Allen* has encouraged the City to continue its collaboration with Stanford and Professor Eberhardt, stating at the September 4, 2024 Case Management Conference, “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 D: *Allen Court Transcript*, September 4, 2024 Case Management Conference); and

WHEREAS, continuing the partnership with Eberhardt Consulting for a period of three years will help the City achieve and sustain NSA compliance, improve OPD’s risk management practices and data analysis efforts, and reduce disparity; and

WHEREAS, The City Administrator has determined that this agreement is for services that are professional, scientific or technical and temporary in nature, and that this Agreement will not result in the loss of employment or salary by any person having permanent status in the competitive service; and

WHEREAS, That the funds for the services described above will be allocated from the General Purpose Fund (1010), Org (101110), Project (1000008), Program (PS01); and

WHEREAS, Section 2.04.051(B) of the Oakland Municipal Code (OMC) authorizes the City Council to waive the competitive RFP/Q selection requirements of OMC section 2.04.051(A) upon a finding that it is in the best interests of the City to do so; and

WHEREAS, the City Council may waive the City’s Local/Small Local Business Enterprise Program (L/SLBE) requirements pursuant to Part I of Oakland’s L/SLBE Program guidelines (Ordinance No. 13647 C.M.S.); and

WHEREAS, it is in the best interests of the City to waive the L/SLBE and RFP/Q requirements because Eberhardt Consulting has developed expertise in OPD’s data, policies, and risk management processes over the past 10 years; now, therefore, be it

RESOLVED: That the City Administrator or designee is authorized to execute a three-year professional services agreement from September 1, 2025, to August 31, 2028 with Jennifer Eberhardt DBA Eberhardt Consulting, Inc. for technical assistance to help OPD achieve and sustain compliance with the NSA for an amount not to exceed Seven Hundred Fifty Thousand Dollars (\$750,000); and be it

FURTHER RESOLVED: That for the reasons stated herein and in the report that accompanies this Resolution, the City Council hereby finds and determines that it is in the best interests of the City to waive the L/SLBE and RFP/Q requirements, pursuant to OMC section 2.04.051(B) and Part I of Oakland’s Local and Small Local Business Enterprise Program guidelines adopted by Ordinance No. 13647 C.M.S

FURTHER RESOLVED: That the City Administrator is authorized to complete all required negotiations, certifications, assurances, and documentation required to execute, modify, extend, renew and/or amend such an agreement, provided that no additional costs are incurred, without returning to the City Council.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROWN, FIFE, GALLO, HOUSTON, RAMACHANDRAN, UNGER, WANG, AND
PRESIDENT JENKINS

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____
ASHA REED
City Clerk and Clerk of the Council of the
City of Oakland, California

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