

CITY OF OAKLAND

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OFFICE OF THE CITY CLERK
OAKLAND

2017 MAR -2 PM 1:52

AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: David Downing
Assistant Chief of Police

SUBJECT: CA DOJ Stop Data MOU

DATE: February 7, 2017

City Administrator Approval

Date:

3/1/17

RECOMMENDATION

Staff Recommends That The City Council Approve A Resolution Authorizing The City Administrator Or Designee To Enter Into A Memorandum Of Understanding (MOU) With The California Department Of Justice (CA DOJ), To Assist In The Development Of Preliminary Guidelines And Best Practices For Law Enforcement Data Collection, Analysis, And Reporting, From January 3, 2017 To September 30, 2018.

EXECUTIVE SUMMARY

This resolution will authorize a MOU which will stipulate how OPD will collaborate with CA DOJ on a police stop data study. The U.S. Department of Justice (US DOJ) Office of Community Oriented Policing Services (COPS) has awarded a grant to the CA DOJ to identify and document the type of encounters on which stop data should be collected, in light of new U.S. and California initiatives to promote better data collection and transparency in how law enforcement agencies (LEAs) collect data.

The MOU will establish protocols by which the OPD will collaborate with the CA DOJ and three research partners (New York University, on behalf of the New York University School of Law's Policing Project, the University of California at Los Angeles and the Center for Policing Equity affiliated with the John Jay School of Criminal Justice). The MOU will be in effect from the date all parties sign the MOU until September 30, 2018. CA DOJ can choose extend this agreement for up to one year, with the prior approval from the COPS office and the written agreement of OPD.

BACKGROUND / LEGISLATIVE HISTORY

A growing number of law enforcement officials have recognized the pressing need for more and better data on policing to guide policymaking, to promote transparency and accountability, and to identify and address the instances of bias where they arise. The Final Report of President Barack Obama's Task Force on 21st Century Policing (the Task Force) urges law enforcement agencies to collect and make public data on a variety of department practices, including all

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police-citizen encounters such as stops, frisks, searches, summons, and arrests. The California state legislature recently passed Assembly Bill (AB) 953, known as the Racial and Identity Profiling Act of 2015. This law now requires CA LEAs to collect data regarding law enforcement stops and detentions, as well as other provisions. The law requires LEAs to submit the data to the California Attorney General's (CAAG) Office.

The Task Force emphasized the importance that LEAs be given the resources and guidance necessary to collect, analyze, and report data in meaningful ways. Stop data in particular poses a number of challenges, from establishing uniform standards on the types of encounters that ought to be reported, to developing the appropriate benchmarks against which to compare demographic variation, to providing the context necessary to interpret the results properly.

The US DOJ COPS Office awarded a grant to identify and document the type of encounters on which stop data is to be collected, to identify the appropriate demographic benchmarks, and to provide guidance on the proper analysis and interpretation of stop data. The CA DOJ plans to develop a guidebook for LEAs (the "Guidebook") to support national stop data analysis and reporting efforts.

OPD has already begun to play a leading role in stop data analysis. The OPD Stop Data Policy and Data Collection Program¹ have been implemented with the intention of creating an internal culture of accountability and ensuring that OPD policing practices are constitutional. OPD contracted with the Stanford University SPARQ (Social Psychological Answers to Real-world Questions), led by Stanford University Professor Dr. Jennifer Eberhardt, in 2015, to begin the process of instituting best practices around police stops.

ANALYSIS AND POLICY ALTERNATIVES

OPD will collaborate with CA DOJ to identify and document the type of encounters on which stop data is to be collected, to identify the appropriate demographic benchmarks, and to provide guidance on the proper analysis and interpretation of stop data. The MOU will stipulate how OPD will collaborate with the CA DOJ and its three grant-authorized research partners: New York University, on behalf of the New York University School of Law's Policing Project, the University of California at Los Angeles and the Center for Policing Equity affiliated with the John Jay School of Criminal Justice.

OPD and CA DOJ will participate in planning meetings, focus groups, and a final evaluation meeting, for the purpose of developing the Guidebook and preliminary guidelines and best practices for data collection, analysis and reporting. The MOU will stipulate how OPD will share stop data, analysis and findings for review and further analysis by CA DOJ and the Research Partners. The MOU will not require OPD to share data that would allow the identification of any individual officer (such as badge number or other unique identifying information) or that is otherwise protected from disclosure under state law, federal law, OPD policy or a negotiated labor agreement. Additionally, OPD data will not be shared with the Research Partners until they execute separate confidentiality agreements. The MOU also provides that OPD will maintain its own discretion to implement any of the recommended best practices.

¹ <http://www2.oaklandnet.com/government/o/OPD/a/data/stop/index.htm>

This MOU will be in effect from the date all parties have signed the agreement, until September 30, 2018; CA DOJ can choose extend this agreement for up to one year, with the prior approval from the COPS office and the written agreement of OPD. The MOU can be terminated by either the CA DOJ or the OPD for any reason with 30 days' notice.

FISCAL IMPACT

This MOU shall not affect normal OPD operations or cause additional fiscal impacts.

PUBLIC OUTREACH / INTEREST

No public outreach was required in connection with this report and City Council Resolution.

COORDINATION

The Office of the City Attorney reviewed the MOU, this report and accompanying resolution.

SUSTAINABLE OPPORTUNITIES

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

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

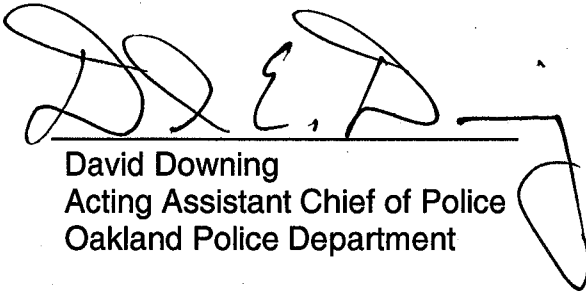
Social Equity: The MOU will allow for law enforcement collaboration that leads to best practices policies for how police interact with the public while striving to maintain public safety. All Oakland residents and visitors benefit from programs like this which support the development of highly professional and well trained police organizations. Ultimately, this MOU will help OPD and other U.S. police agencies implement policies that lead to more just and constitutional policing procedures. All Oakland residents and visitors benefit from policies that help to ensure public safety and civil rights equally.

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That The City Council Approve A Resolution Authorizing The City Administrator Or Designee To Enter Into A Memorandum Of Understanding (MOU) With The California Department Of Justice (CA DOJ), To Assist In The Development Of Preliminary Guidelines And Best Practices For Law Enforcement Data Collection, Analysis, And Reporting From January 3, 2017 To September 30, 2018

For questions regarding this report, please contact Acting Captain Leronne Armstrong at (510) 774-6543.

Respectfully submitted,



David Downing
Acting Assistant Chief of Police
Oakland Police Department

Reviewed by:
Acting Captain Leronne Armstrong
Bureau of Field Services 1, Area 1

Timothy Birch, Police Services Manager I
OPD, OCOP, Research and Planning


Prepared by:
Bruce Stoffmacher, Legislation Manager
OPD, OCOP, Research and Planning

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2017 MAR -2 PM 1:58

OAKLAND CITY COUNCIL

Approved as to Form and
Legality


City Attorney

RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OR DESIGNEE TO ENTER INTO A MEMORANDUM OF UNDERSTANDING (MOU) WITH THE CALIFORNIA DEPARTMENT OF JUSTICE (CA DOJ), TO ASSIST IN THE DEVELOPMENT OF PRELIMINARY GUIDELINES AND BEST PRACTICES FOR LAW ENFORCEMENT DATA COLLECTION, ANALYSIS, AND REPORTING, FROM JANUARY 3, 2017 TO SEPTEMBER 30, 2018

WHEREAS, a growing number of law enforcement officials have recognized the pressing need for more and better data on policing to guide policymaking, to promote transparency and accountability, and to identify and address the instances of bias where they arise; and

WHEREAS, the Final Report of President Barack Obama's Task Force on 21st Century Policing (the Task Force) urges law enforcement agencies to collect and make public data on a variety of department practices, including all police-citizen encounters such as stops, frisks, searches, summons, and arrests; and

WHEREAS, the California state legislature recently passed a bill requiring all law enforcement agencies in the state to collect and report to the California Attorney General's (CAAG) Office demographic and other data on all stops conducted by police officers in the state; and

WHEREAS, the Task Force has articulated that it is essential that law enforcement agencies be given the resources and guidance necessary to collect, analyze, and report their data in meaningful ways; and

WHEREAS, stop data in particular poses a number of challenges, from establishing uniform standards on the types of encounters that ought to be reported, to developing the appropriate benchmarks against which to compare demographic variation, and to providing the context necessary to interpret the results properly; and

WHEREAS, the CA DOJ was awarded a grant through the U.S. Department of Justice (US DOJ) Office of Community Oriented Policing Services (COPS) to identify and document the type of encounters on which stop data is to be collected, to identify the appropriate demographic benchmarks, and to provide

guidance on the proper analysis and interpretation of stop data; and

WHEREAS, the stop data typology developed by the CA DOJ will be used to develop a guidebook for law enforcement agencies (LEAs) (the "Guidebook"); and

WHEREAS, the Guidebook will be designed for a nationwide LEA audience, and will provide information that will assist LEAs with their stop data analysis and reporting; and

WHEREAS, OPD has already begun to play a leading role in stop data collection and analysis through its Stop Data Policy and Data Collection Program, and has accordingly been asked by the CA DOJ to assist in the development of the Guidebook, preliminary guidelines and best practices; and

WHEREAS, the CA DOJ and the OPD desire to enter into an MOU that will stipulate how the OPD will collaborate with the CA DOJ and its three grant-authorized "Research Partners" (New York University, on behalf of the New York University School of Law's Policing Project, the University of California at Los Angeles and the Center for Policing Equity affiliated with the John Jay School of Criminal Justice) for the purpose of developing the Guidebook and preliminary guidelines and best practices for data collection, analysis and reporting; therefore be it

RESOLVED: That the City Administrator or designee is authorized to complete all required negotiations, certifications, assurances, and documentation required to execute, modify, extend and/or amend the MOU without returning to the City Council; and be it

FURTHER RESOLVED: That in accordance with Article IV, Section 401(6) of the City Charter, the MOU authorized by this resolution shall be approved by as to form and legality before execution, and a copy of the fully executed agreement shall be placed on file with the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, GIBSON
MCELHANEY AND PRESIDENT REID

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____
LATONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland, California