CITY OF OAKLAND

AGENDA REPORT

TO:	Sabrina B. Landreth City Administrator	**FROM:**	Anne E. Kirkpatrick Chief of Police
SUBJECT:	Supplemental Report on Racial Inequities In Traffic Enforcement	**DATE:**	January 5, 2018

City Administrator Approval		Date ǀ ǀ1ǀ18

RECOMMENDATION

Staff Recommends That The City Council Receive This Supplemental Report From The Oakland Police Department (OPD) That Includes Additional Information And Options For Actions To Identify And Remedy Racial Inequities In Traffic Enforcement, Fees and Fines.

REASON FOR THE SUPPLEMENTAL REPORT

On October 10, 2017, staff presented the original report to the Public Safety Committee. In response, the committee requested a supplemental report with the following additional information:

- Type of Violations
- Five-year analysis of the level of the violation
- Intelligence and non-intelligence based stops for November 1, 2016 to October 31, 2017
- Changes in geographical deployment of policing
- Arrest rates of those who could not pay tickets

Type of Violations

The Public Safety Committee requested that OPD provide data as to the type of violations for which individuals are stopped by OPD. This information is not available as part of the stop data dataset, as OPD does not include specific offense codes or violation types when collecting stop data. Stops are now only categorized and differentiated as encounter type (categorized as vehicle, pedestrian, or other) and the reason for encounter (categorized as consensual, probable cause, probation/parole, reasonable suspicion, or traffic violation). The OPD stop data collection program will begin to collect offense and violation codes for all stops beginning January 2019 under new state law collection and reporting standards.

Although there is no current ability to systematically capture the violation types providing the basis for traffic violation stops, such detail is articulated within the written narratives for each stop.

OPD Office of Inspector General (OIG) reviewed a random sample of 314 stop data forms associated with traffic violation vehicle stops conducted in September 2017 (there was a total of 1,822 traffic violation vehicle stops in September 2017). A random sample of the data was analyzed given the large volume of information collected for one year. Although the OIG does not suggest that the results are statistically significant, the review was completed to provide further insight as requested. The OIG assessed the written narratives of traffic violation stops and further described categories of stop types and offense specific violations below:

Categories and Specific Violations among the 314 Reviewed Traffic Violation Stops

- One-hundred and eighty (180) of the 314 stops of persons (57 percent) were primarily initiated due to moving violations; among the 180 moving violations:

  o Seventy-seven stops (43 percent) were documented instances of failing to stop for a stop sign as required.
  o Thirty-two stops (18 percent) were documented instances of unlawful cell phone or electronic device use
  o Twenty-eight stops (16 percent) were various instances of violations regarding unsafe driving, lane use, or unlawful turning
  o Nine stops (five percent) were documented instances of speeding
  o Seven stops (four percent) were documented instances of driving without headlights during darkness
  o Seven stops (four percent) were documented instances of failing to stop at a red light
  o Six stops (three percent) were documented instances of unlawful driving within bicycle lanes

- Eighty (80) of the 314 stops of persons (25 percent) were primarily initiated due to referenced equipment or mechanical related vehicle code violations; among these 82 violations:

  o Fifty-nine stops (74 percent) were for unattached or improperly displayed front or rear license plates
  o Ten stops (13 percent) were for malfunctioning lighting equipment

- Forty-nine (49) of the 314 stops of persons (16 percent) were primarily due to expired vehicle registrations and/or expired registration tabs
- Five (5) of the 314 persons (one and one-half percent) were contacted in relation to observed parking violations.

Past OPD reports regarding stop data analysis have transparently communicated that OPD is increasing precision-based focuses within policing practices. Past internal stop data assessments and published reviews have caused continuous evaluation of stop decisions,

strategies, expectations and outcomes to gauge the value of policing practices and resulting outcomes. Precision based strategies, which focus stop decision making as part of coordinated responses to known and communicated public safety issues, are expected to reduce the number of stops made for relatively minor or equipment-related vehicle code violations.

Additional information regarding stop and stop outcome assessments may be found in Stanford University's SPARQ (Social Psychological Answers to Real-world Questions) Strategies for Change[1] in which Stanford sampled 2013-2014 OPD stop data to determine the type of violation and the seriousness of violations committed by drivers that led to vehicle stops.

Five-year Analysis of the Level of the Violation

As stated above, OPD does not now include specific offense codes or violation types when collecting stop data. Performing an analysis of five years of such data would require reading approximately 150,000 stop data narratives. Such a task would require approximately 1,500 10-hour work days by OPD staff.

California law (Assembly Bill (AB) 953) now requires OPD to begin collection of information regarding types of stops no later than January 2019, and OPD is now redesigning stop data collection methods to comply with state law.

Even without the ability to readily identify stop trends by type of violation, OPD has provided direction, training, and analyses which specifically call attention to the use of generally uncoordinated "hot-spot" policing practices. These practices are generally found near and within locations of serious and violent crime and often result in increased police presence, patrol, and response in efforts to prevent crime. While well intentioned, the efficacy of such policing practices must be continually evaluated especially since resulting stop data have generally shown that a high number of stops are based on violations which carry relatively low risks to public safety and, when these violations are tied to abilities to pay for registration fees or vehicle maintenance, may disproportionately impact persons and families with low incomes. As a direct result of this focus, a higher percentage of stops are now directly tied to crime and/or public and traffic safety information and strategies. OPD believes there has been measurable change in the basis for stops due to increased coordination and communication regarding stop decision expectations and overall responses to serious crime and public safety issues.

Intelligence and Non-Intelligence Based Stops for November 1, 2016 to October 31, 2017

When last reviewed by Stanford and OPD OIG in 2015, less than two percent of all stops were documented as being associated to specific crime information or intelligence, suspects, wanted or described persons or wanted or described vehicles. OPD now has one year of stop data information. <u>The current overall rate of intelligence-led stops, for **all** stop types and stop reasons, is approximately 30 percent department-wide.</u>

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[1] Eberhardt, J. L. (2016). Strategies for change: Research initiatives and recommendations to improve police-community relations in Oakland, Calif. Stanford University, SPARQ: Social Psychological Answers to Real-world Questions

An intelligence-led stop is defined as one where an officer possesses knowledge, which can be linked to an articulable source of intelligence or information, leading to the initiation of the stop. An intelligence-led factor may be very specific, such as a named person who has a warrant, or it may be less specific, such as a recent crime trend or pattern. An officer's knowledge and intent when the stop is initiated are important in determining whether the stop is intelligence-led. Articulation of this knowledge and intent provides insight into the officer's mindset when initiating a stop.

Drawing a distinction between intelligence-led stops and other enforcement stops is not intended to value one over the other. OPD is engaged in a data-collection project intended to provide an ability to analyze this type of information – the extent to which crime and described or named suspects may affect stops, stop disparities, and stop outcomes.

Crime reduction strategies which value precision – and a higher degree of crime information and intelligence - have generally led to a lower proportion of equipment and registration stops. Although there is no expectation that all stops must be intelligence-led, having an ability to track the number and type of stops which are directly tied to criminal intelligence and information is important to assess stop trends, outcomes, and any resulting racial disparities.

In the sample review of the 314 **traffic violation** stops[2] above, approximately 15 percent of all reviewed stops were documented as intelligence-led:

- Fourteen of eighty (17.5 percent) of all equipment related stops were documented as intelligence-led
- Thirteen of one-hundred eighty (7 percent) of all moving violation stops were documented as intelligence-led
- Nineteen of forty-nine (39 percent) of all registration violation stops were documented as intelligence-led

Fewer traffic violation stops, on average, are intelligence-led. Other types of stops are more likely to be based on intelligence. (As provided above, the current rate of intel-led stops of all types is approximately 30 percent.)

There has been a learning curve in ensuring that field personnel understand the term "intelligence-led" and ensuring that they are properly recording such stops. OPD continues to ensure that a consistent definition of the term is used Department-wide.

Changes in Geographical Deployment of Policing

OPD continues to deploy its field resources in five geographical areas. As provided on the OPD website and elsewhere, these areas are known by number (Area One through Area Five). As provided in the Quarterly Report on Crime Trends and Crime Reduction Activities presented by OPD to the Public Safety Committee, the most violent crime occurs in Area Five followed by Area One. OPD therefore has the largest number of personnel assigned to Area Five and then

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[2] Excludes stops within the population that were documented as consensual encounters, stops based on probable cause or reasonable suspicion of criminal activity, and stops made pursuant to probation or parole conditions.

Area One. Table 1, below, was included in the Monthly Informational Report from the Police Department on Recruiting and Police Staffing Levels over the Last 30 Days ("Monthly Staffing Report") presented to the Public Safety Committee on October 24, 2017. This table is included in the Monthly Staffing Report and is provided by OPD to the Public Safety Committee every month.

Each of the five Patrol Areas is commanded by a Captain of Police. These five Captains provide quarterly reports to the Public Safety Committee on crime patterns and trends as well strategies to address these patterns and trends. These strategies change based on changes in the types and locations of crime. Each Patrol Area has its own distinctive crime patterns and trends, requiring commanders to frequently reassess their deployment strategies and adjust accordingly.

Table 1: Patrol Data

	Area 1	Area 2	Area 3	Area 4	Area 5
Number of officers assigned to patrol: 256	1st Watch 15 2nd Watch 16 Late Tac 10 3rd Watch 15 Total 56	1st Watch 15 2nd Watch 16 3rd Watch 16 Total 47	1st Watch 14 2nd Watch 15 3rd Watch 16 Total 45	1st Watch 14 2nd Watch 14 Late Tac 8 3rd Watch 15 Total 51	1st Watch 15 2nd Watch 21 Late Tac 5 3rd Watch 16 Total 57
Number of officers assigned to evening shifts	41	32	31	37	42
Number of officers assigned to CRO* / CRT**	CRO 7 CRT 7	CRO 7 CRT 7	CRO 7 CRT 8	CRO 6 CRT 8	CRO 7 CRT 8
# of open beats not filled by overtime in August	1st Watch: 2 2nd Watch: 1 3rd Watch: 2	1st Watch: 7 2nd Watch: 8 3rd Watch: 5	1st Watch: 5 2nd Watch: 8 3rd Watch: 7	1st Watch: 1 2nd Watch: 7 3rd Watch: 2	1st Watch: 3 2nd Watch: 6 3rd Watch: 4

*CRO=Community Resource Officer; **CRT = Crime Reduction Team

Data previously provided by OPD and Stanford indicates that most stops are in or near high-crime areas. One of the greatest challenges with precision-based policing are the overlaps between our most challenged communities in terms of greatest public safety need and few available resources. OPD has taken steps to address this head on. Precision-based and intelligence-based policing models are designed to impact fewer people.

Arrest Rates of Those Who Could Not Pay Tickets

The arrest rates of individuals who fail to pay traffic fines by OPD cannot be determined. If a warrant has been issued by the court, officers make arrests as mandated by the court.

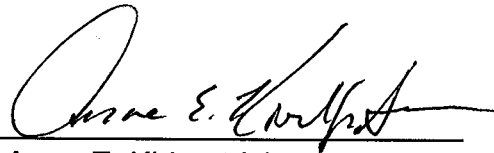*OPD Stops are Based on Reasonable Suspicion and Probable Cause*

Although officers have discretion in issuing warnings versus citations, reviews of OPD stops by the IMT (Independent Monitoring Team) and OPD have consistently demonstrated that a legal basis is articulated for each stop regardless of outcome. Accordingly, a lack of issuance of a citation does not indicate a lack of a violation but instead indicates that an officer has exercised discretion to issue only a warning.

ACTION REQUESTED OF THE PUBLIC SAFETY COMMITTEE

Staff Recommends That The City Council Receive This Supplemental Report From The Oakland Police Department (OPD) That Includes Additional Information And Options For Actions To Identify And Remedy Racial Inequities In Traffic Enforcement, Fees and Fines.

For questions regarding this report, please contact LeRonne Armstrong, Deputy Chief, at (510) 750-4569.

Respectfully submitted,

Anne E. Kirkpatrick
Chief of Police
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Public Safety Committee
January 23, 2018

CITY OF OAKLAND

AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: Anne E. Kirkpatrick
Chief of Police

SUBJECT: Racial Inequities In Traffic Enforcement

DATE: September 15, 2017

City Administrator
Approval _____

Date _9/28/17_

RECOMMENDATION

Staff Recommends That The City Council Receive This Informational Report And Options For Actions To Identify And Remedy Racial Inequities In Traffic Enforcement, Fees and Fines.

EXECUTIVE SUMMARY

This report responds to Councilmember Rebecca Kaplan's request that the Oakland Police Department (OPD) provide an Informational Report with the following:

- City Of Oakland-Issued fines, penalties, and fees for traffic violations and vehicle violations, including a list of categories of violations; number issued per year; total amount billed each year; what portion of funds come to the City Of Oakland, State Of California, or other recipients; and

- The proportion of racial inequity found in the issuance of each category of violation (including, specifically, the degree to which the portion of violations issued to African Americans exceeds the percent of African Americans in the Oakland population); and

- Options for actions to remedy racial inequities and economic harms from traffic and vehicle violation fees.

OPD is committed to reducing crime and serving the community through fair, quality policing. An essential part of this mission is an obligation to detect, assess, and address racial disparities within resulting police data. There are profound impacts to local OPD-community relations and to OPD's mission when stops, stop outcomes, or conduct exhibited during stops are influenced, or are perceived to be influenced, by bias or racial and identity profiling.

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This report provides a statistical overview of discretionary police stop and citation data collected by OPD from January 1, 2016 through December 31, 2016. OPD officers completed stop data forms for 32,569 persons within this period. Stop data analysis shows that 25,355 persons (78 percent of all persons) were contacted pursuant to an observed traffic violation, and 97 percent of traffic violation stops were vehicle stops, as differentiated from pedestrian, bicycle and other types of stops.

A total of 11,576 citations were issued as the result of a discretionary traffic violation contact in 2016. An additional 566 citations were issued to persons contacted for other reasons such as criminal offense related reasonable suspicion, probable cause, consensual encounter and probation or parole status. As explained in the analysis section of this report, the data reveals that African Americans are less likely to receive a citation after a traffic stop than other races; however, African Americans nonetheless represent the largest number of traffic stops and 50 percent of the overall number of traffic citations.

Data regarding motorist fines, penalties, and fees is neither collected nor maintained by OPD; this data is collected and maintained by the Alameda County Superior Court. The City only receives a small portion of the traffic fines ultimately collected by the Court. A review of accounts shows the OPD received $133,554 related to traffic fines or fees in Fiscal Year (FY) 2015-16, and $87,665 in FY 2016-17.

BACKGROUND AND LEGISLATIVE HISTORY

OPD Stop Data Program

The OPD stop data collection program has existed in various forms since 2005. Officers are required to complete stop data documentation after every discretionary detention or arrest, and discretionary encounters in which a search or request to search occurred. Discretionary stops and searches do not include detentions or arrests which happen as the result of a call for service, a citizen request, or stops occurring pursuant to a search warrant. As background to this report, stop data minimally includes basic information pertaining to each person stopped and the basic outcome of the stop, including:

1. Time, date and location;
2. Reason for stop (e.g., traffic violation);
3. Apparent race or ethnicity and gender of individual (s) stopped; and
4. Outcome of stop (e.g., citation or warning)

OPD does not collect data regarding which specific offenses lead to stops or stop outcomes. For instance, a stop for expired registration is documented as a "Traffic Violation." The same documentation would occur with a stop for unsafe speed or other unsafe driving.

California Penal Code Section 13519.4(e), the statute historically prohibiting racial profiling by law enforcement officers, did not require the collection or reporting of stop data prior to the passage of Assembly Bill (AB) 953, The Racial and Identity Profiling Act of 2015 (AB 953). AB 953 expanded and further defined racial and identity profiling. AB 953 also provides an impending requirement for all California law enforcement agencies to collect new and additional types of stop data. These reporting requirements have not yet been finalized by the Office of the Attorney General's Racial and Identity Profiling Advisory Board. The Advisory Board is now evaluating the requirement to collect offense-specific data.

OPD commanders routinely assess stop data during monthly risk management meetings. Recent analyses of stop data have helped OPD refine operational policies in the following ways:

- Define direction to more effectively use crime information and intelligence within operational deployments;
- Better understand racial disparities as related to public safety strategy;
- Examine organizational policy and practice, and how individual and squad performance may be influenced to reduce negative disparate impact on the community.

More information regarding this approach is provided below under Analysis and Policy Alternatives.

Strategies for Change; Stanford University

Current use of stop data is heavily influenced by the ongoing collaboration with Stanford University's SPARQ (Social Psychological Answers to Real-world Questions) and the Department's continued progress in pursuing SPARQ's recommendations in Strategies for Change – Research Initiatives and Recommendations to Improve Police-Community Relations in Oakland, Calif.[1] This report provided 50 recommendations that OPD could implement to effect cultural change, increase public trust, and improve relationships with the community.

The most notable recommendation implemented by OPD is the addition of the stop data form (described above). There were several new categories added to the form per the Stanford recommendations, including the "Intelligence Led Factors" check-box. This box is selected by officers when they possess knowledge which can be linked to an articulable source of criminal intelligence (e.g., about a person, vehicle, or specific criminal activity), and which serves as the underlying basis (along with reasonable suspicion or probable cause of a violation) for selecting the person for the traffic or pedestrian stop.

OPD is also examining and refining its use of its monthly risk management meetings on an ongoing basis, based in part on the SPARQ findings. These meetings are designed for Area Captains to provide a presentation to the executive team describing the activities of the officers assigned to their command. The commanders are expected to discuss the direction given to their staff, deployment strategies, and the implementation of Precision Based Policing in relation to stop data results and resulting racial disparities (discussed further below).

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[1] Eberhardt, J. L. (2016). Strategies for change: Research initiatives and recommendations to improve police-community relations in Oakland, Calif. Stanford University, SPARQ: Social Psychological Answers to Real-world Questions

Procedural Justice

OPD recognizes that the fairness and legitimacy of stops are evaluated by how well officers conduct themselves during encounters with community members. OPD has implemented fundamental training courses to ensure that fair, quality policing is reflected in how OPD officers conduct traffic stops.
OPD's Procedural Justice and Police Legitimacy training began in OPD's Ceasefire Unit in 2013. In 2014, OPD instituted a Procedural Justice training program for all new police officers as well as for all other OPD sworn personnel and professional staff. Procedural Justice refers to fairness and transparency in the context of policing and the law, and it requires ensuring that all people are treated fairly and with due process. In the context of policing in Oakland, Procedural Justice means that OPD interacts with the public in a manner that respects people's civil liberties just as officers are entrusted to maintain public safety and apprehend individuals when they commit criminal acts. The practical principles taught in the class are intended to help officers both personally and professionally. These principles include:

- Giving people a voice (listening)
- Being fair/unbiased (in your decision-making)
- Being respectful (in your treatment of people)
- Providing a trustworthy process

The first official class was held in May of 2014. By the end of 2014, this course had been certified by the California Commission on Peace Officers Standards and Training (POST). OPD conducted over 300 classes and trained over 1,100 police officers and professional staff by the end of 2016. OPD is currently preparing to start Procedural Justice 2 ("PJ2") training in October 2017. PJ2 training will be provided to all sworn and professional staff. The training provides a refresher of the first course and uses scenario-based training to allow attendees to participate in practical exercises based on the tenants of Procedural Justice.

ANALYSIS AND POLICY ALTERNATIVES

OPD Stop Data Analysis

Stop data analysis reveals that 25,355 persons[2] were contacted pursuant to an observed traffic violation, and 97 percent of traffic violation stops were vehicle stops as distinguished from pedestrian, bicycle and other types of stops. In 2016, a total of 11,576 citations were issued as the result of a discretionary traffic violation contact. Table 1 provides total OPD traffic violation stops, the number of citations resulting from traffic violation stops, and traffic violation citation rates by race in 2016.

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[2] This figure does not represent 25,355 traffic stops. Multiple individuals may be contacted during a single stop for a traffic violation.

Table 1: 2016 OPD Traffic Violation Stops and Resulting Citations by Race

Race	Traffic Violation Stops	Percentage of Total Stops	Citations Resulting from Traffic Violation Contact	Percentage of Stops Resulting in Citations	Percentage of Citations Resulting from Traffic Violations
African American	15,082	62%	5,818	39%	50%
Asian	1,370	5%	769	56%	7%
Hispanic	5,365	21%	2,895	54%	25%
Other	893	3%	520	58%	4%
White	2,645	10%	1,574	60%	14%
Total	25,355	100%	11,576	46% Traffic Violation Citation Rate	100%

The table above demonstrates that 62 percent of all stops in 2016 were of African Americans. Although African Americans receive less citations per encounter, 50 percent of all citations issued in 2016 after a traffic violation stop are issued to African Americans.

2010 Census data[3] provides Oakland's diversity as 27.3 percent Black or African American, 25.9 percent White, 25.4 percent Hispanic or Latino, 16.7 percent Asian, 0.5 percent Native Hawaiian and Pacific Islander, 0.3 percent American Indian and Alaska Native, 0.3 percent "some other race", and 3.6 percent "two or more races." Although racial disparity is apparent when comparing overall stop and citation proportions to Oakland's demographics, there are known limitations to using population demographics as a benchmark.[4] Stanford provides that these limitations include:

- Census data may systematically undercount undocumented residents and migrant workers, an issue that has been noted as a significant problem when trying to obtain accurate information about the percentage of Hispanics who reside in a given area.
- Most of the data on racial demographics include all residents of a particular area, regardless of their age or other characteristics. A particular census tract might be 50

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[3] Census data obtained from http://www.bayareacensus.ca.gov/cities/Oakland.htm; the Census Bureau collects race data per U.S. Office of Management and Budget guidelines, and these data are based on self-identification. People may choose to report more than one race group and people of any race may be of any ethnic origin. OPD stop data race is documented by subjective officer determination where only one race per person may be documented. Reporting standards may be adjusted by 2019 to comply with California Department of Justice reporting guidelines, AB 953.

[4] Hetey, R. C., Monin, B., Maitreyi, A., & Eberhardt, J. L. (2016). *Data for change: A statistical analysis of police stops, searches, handcuffings, and arrests in Oakland, Calif., 2013-2014.* Stanford University, SPARQ: Social Psychological Answers to Real-World Questions, pp. 30-34.

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percent African American, for example, but a significant portion of those African American residents might be small children or the elderly, who are statistically less likely to be stopped by police compared to 18- to 30-years-olds.

- Population demographics often do not take into account how many residents have a driver's license or otherwise drive regularly, which is of particular importance in areas in which the majority of police stops are vehicle stops.
- Another limitation of population demographics is that people routinely venture away from where they live, e.g., to go to work or school or church or to go shopping.

OPD's academic partnership with Stanford University has most recently analyzed racial disparity by more detailed methods with the goal of understanding "whether or not race influenced the rate at which people of different racial groups were stopped...and whether or not race affected the course of a given stop."[5] Although traffic citation outcomes were not analyzed in Stanford's report, the report's resulting recommendations and OPD's work to achieve recommendations are expected to positively affect traffic violation stops and resulting outcomes by enhancing precision-based and intelligence-led policing.

OPD Revenue from Traffic Violation Citations

OPD does not have data on the fines associated with each type of traffic citation. Citations issued by OPD do not list fine amounts – they list the type of violation and directions on how to proceed (i.e. payment and contesting the violation) with the Alameda County Superior Court. The Court—not the OPD—administers the actual fine amounts. In hopes of obtaining such information for this report, OPD sent two separate data requests to the Superior Court in August 2017. In terms of associated penalties and fees, the Court explained to OPD in writing that it "does not have responsive records to this portion of the request...penalties and fees are calculated for each individual case using an algorithm that depends on the alleged violations, prior convictions, and whether the defendant chooses to go to traffic school."

Traffic violation citation revenue received by Oakland from the Court is directed into the City's Traffic Fund (2416). The traffic citation revenue received by the City of Oakland is a portion of the fine paid. Table 3 below illustrates revenue to the City from the Court for traffic violation citations. OPD believes that the higher amount of revenue in FY 2014-15 is due to residual income from the now-terminated red-light camera program.

Table 3: Oakland Traffic Code Fine Revenue Received by the Alameda County Superior Court

Fiscal Year	Revenue Received
FY 2014-15	$312,207
FY 2015-16	$133,554
FY 2016-17	$87,665

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[5] Ibid., 27.

Strategies for Change

OPD is now meeting the challenge of implementing the 50 recommendations that resulted from past work and collaboration with Stanford University (See Strategies for Change Section below). Dr. Eberhardt's report states:

> "...we indeed uncovered evidence that OPD officers treat people of different races differently. At the same time, we found little evidence that these racial disparities arose from overt bias or purposeful discrimination. Instead, our research suggests that many subtle and unexamined cultural norms, beliefs, and practices sustain disparate outcomes. Our findings also suggest 50 evidence-based actions that agencies can take to change department cultures and strengthen police-community ties." [6]

Recommendations are far reaching and wide ranging, from research and development into body-worn camera footage and police report narrative analysis, to providing continuous training opportunities in social tactics. The recommendations (**Attachment A**) are in various stages of progress or completion, and all recommendations are designed, discussed, and implemented with the goal of improving public safety practices in ways that also improve community trust and legitimacy.

Policy and Practice Alternatives

Using the recommendations from the Stanford Report, one of the main goals of OPD's current risk management strategy is to assess how disparities may be impacted by policies, procedures, practices, crime reduction or public safety strategies and expectations surrounding individual and squad performance.

Past analyses of stop data patterns and trends suggested that officer deployment strategies were primarily focused on high crime beats. Neighborhoods suffering from disproportionate rates of serious crime received increased patrol presence -- either by design or by the proximity to higher call for service volumes. These patrols have historically produced a high number of discretionary vehicle stops for traffic violations. Internal sample reviews have consistently shown that close to half of traffic violation stops are made for observed vehicle equipment violations and that warnings are issued in about half of all stops. Although these "hot spot" or "directed" patrols were designed to impact the disproportionate amount of serious and violent crime, the resulting data demonstrate that patrols led to racially disproportionate stop rates. The data has also showed that persons stopped were not objectively connected to the serious and violent criminal offenses that these patrols were designed to ameliorate.

This stop data analysis led to a new focus and direction in OPD stop data collection. All officers were advised that more meaningful patrol activities may more effectively increase public safety and create more positive interactions and community relationships. OPD commanders are now routinely evaluating patrol strategies and results to better reduce crime and build community

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[6] Eberhardt, J. L, (2016). Strategies for change: Research Initiatives and recommendations to improve police-community relations in Oakland, Calif. Stanford University, SPARQ: Social Psychological Answers to Real-world Questions

relationships. Rather than discretionary traffic violation stops, more comprehensive expectations and results are communicated and expected. Examples include:

- Preliminary investigation enhancement or follow-up
- ShotSpotter response or follow-up operations
- Security checks
- Walking assignments with community education or engagement
- Measured participation and collaboration on Community Resource Officer and community projects
- Active follow-up and follow through on described or named suspects or suspect vehicle wants
- Problem-oriented policing projects
- Stop activity that is: i) closely aligned to person or gang based intelligence, ii) constructed to solve a particular or known problem, or iii) targeted to address a particular public safety issue (e.g., dangerous traffic violations near a school, where the stop reason is well understood and the cause for enforcement is well reasoned).
- Increased real-time crime communication and patrol coordination with Ceasefire
- Added ability to track and assess stops that are knowingly articulated to crime information and crime intelligence

Patrol strategies, expectations, and direction are designed by captains commanding each of Oakland's five police areas with the achievement of organizational mission and goals in mind.

Continued Stop Data Collection Practice and Evaluation:

In line with Stanford's *Strategies for Change,* the OPD stop data form was improved in October 2016 to require officers to document when a decision to stop – for a vehicle traffic violation or otherwise – is "intelligence-led." An intelligence-led stop is a stop in which officers possess knowledge which can be linked to an articulable source of criminal intelligence which then leads to the initiation of a stop. The intelligence-led factor (source) may be very specific, such as a named person, or the factor may be information about a recent crime trend or pattern tied to a specific location or area. An officer's knowledge and intent at the time the stop is initiated is important in determining whether the stop is intelligence-led or a purely discretionary enforcement stop. It is expected that a more strategic and thoughtfully-designed approach to patrol deployments and crime reduction strategy may specifically address a smaller number of individuals negatively impacting public safety overall. Preliminary reviews of intelligence-led stop data have demonstrated that approximately 25 percent[7] of OPD stops are now documented as precision- based and intelligence-led. Prior reviews of stop data by OPD's Office of Inspector General in 2015 and a comprehensive review conducted by Stanford University in 2014 were unable to identify more than 2 percent of stops as linked to criminal intelligence and precision-

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[7] While the other 75 percent of OPD stops represent discretionary enforcement, past internal audits and IMT reviews have consistently found both intelligence-led and discretionary stops are properly based on probable cause or reasonable suspicion. Using year-to-date stop data collected from Jan 17 through Aug 17, the Department wide intelligence-led stop rate for all stops is 25.78 percent (5,612 of 21,768 stops were documented as intelligence-led.) However, 4,284 of these stops were initiated by traffic enforcement squads that are primarily focused on traffic safety and traffic enforcement stops which are not linked to criminal offense or offender intelligence factors. When these stops are excluded, the intelligence-led stop rate for all other OPD units rises to 31.99 percent (5,593 stops of 17,484 are intelligence-led.)

based strategies. Sample reviews of different types of OPD units and OPD patrol areas have also indicated that a focus on intelligence-led stops may reduce the overall volume of stops while improving or substantiating stop outcomes such as arrest or search recovery rates.

Training

All commanders and officers attended an Office of Inspector General stop data and risk management class in 2016-2017. In this training, patrol deployments, stop rates, citation rates, and traffic stop results were discussed to better understand racial disparities. The course's objective was to evaluate how stop data may be used to assess field performance and quality decision making in line with Department mission, goals and values. This training was updated in September 2017 with a course designed for field supervisors in which OPD stop data trends, disparities, and community impacts are discussed. All OPD sergeants will attend this training course within the remainder of 2017 through early 2018.

Conclusion

OPD generated, on average, approximately 89 stops per day in 2016. These stops resulted in approximately 33 citations per day. The average annual amount of money received as a direct result of OPD citations during the 2016 calendar year is approximately $303.00 per day. Although these results suggest that OPD is not a department driven to produce traffic citations and citation related revenue, OPD acknowledges the evident risk of negative disparate impact through traffic stops and citations on the community. Efforts and progress to evaluate and address disparity by enhancing precision policing, evaluating strategy, policy and individual performance at all ranks will continue.

FISCAL IMPACT

There was no fiscal impact associated with this report. The Analysis and Policy Alternatives Section explains how limited amounts of traffic law violation citations comes to the City's Traffic and General Purpose Funds.

PUBLIC OUTREACH / INTEREST

No formal public outreach occurred for the development of this report; however, to support transparency and collaboration, the stop data used to inform this report is publicly available at https://app.box.com/v/Stopdata170915

COORDINATION

The Office of the City Attorney was consulted in the preparation of this report.

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SUSTAINABLE OPPORTUNITIES

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

Environmental: There are no environmental opportunities associated with this report.
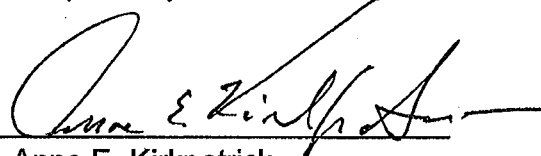
Social Equity: The public has broad interest in ensuring that OPD polices the public streets with fairness. OPD is interested in communicating with the public about efforts to ensure OPD uses procedural justice practices in all traffic-related policing.

ACTION REQUESTED OF THE PUBLIC SAFETY COMMITTEE

Staff Recommends That The City Council Receive This Informational Report And Options For Actions To Identify And Remedy Racial Inequities In Traffic Enforcement, Fees and Fines.

For questions regarding this report, please contact LeRonne Armstrong, Deputy Chief, at (510) 750-4569

Respectfully submitted,

Anne E. Kirkpatrick
Chief of Police
Oakland Police Department

Prepared by:
Deputy Chief LeRonne Armstrong,
OPD, Bureau of Field Operations 2

Lieutenant Chris Bolton
OPD, Office of Inspector General

Attachment (1)
A: List of 50 Recommendations for OPD, Stanford University Findings

List of the Strategies for Change 50 Recommendations[1]

Measure What Matters
1) Continue collecting stop data.*
2) Add a field on the stop data form to capture squad information.*
3) Add a field on the stop data form to capture squad sergeant information.*
4) Update the stop data form as needed.*
5) Standardize, track, and analyze crime-related communications provided to officers.*

Leverage Body-Worn Camera (BWC) Footage
6) Add a field on the stop data form regarding BWC usage.*
7) Tag BWC footage.*
8) Use BWC footage to train officers.
9) Require officers to self-audit racially charged BWC footage.
10) Use BWC footage to evaluate policies.*
11) Invest in the development of a BWC early warning system.

Make Data Accessible
12) Build a stop data dashboard.
13) Automate stop data analyses.
14) Automate narrative analyses.
15) Assist researchers in building an automatic speech recognition system for BWC footage.
16) Improve systems for backing up and accessing BWC footage.*

Collaborate with Data Partners
17) Hire a data manager.
18) Partner with outside researchers to analyze and use data.*
19) Partner with outside researchers to conduct high-quality studies.*

Improve Feedback Channels
20) Give officers individualized feedback on their stop performance.
21) Create new ways for officers to give feedback to command staff.
22) Use complaint data more effectively.*
23) Conduct customer-service audits after routine stops.
24) Regularly administer community surveys.

Train Officers in Social Tactics
25) Make trainings shorter and more frequent.
26) Expand training topics.
27) Let officers choose which trainings to take.
28) Incentivize "training-in-action" workshops.
29) Rigorously measure the effects of all trainings.
30) Hire a training coordinator.*

* Indicates recommendation has been implemented

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[1] Ibid. 41-42

Increase Positive Contact with Communities

31) Hold monthly relationship-building meetings.
32) Enhance the capacity of Community Resource Officers.*
33) Require squad-based community projects.
34) Train officers and community members together.
35) Encourage out-of-uniform contact with communities.*
36) Distribute personalized business cards.
37) Show more care in high-crime areas.
38) Hold "critical incident" discussions and trainings.
39) Host annual conferences on police-community relations.
40) Develop and track measures of community engagement.

Enhance Risk Management
41) Continue risk management meetings.*
42) Identify outlier officers.*
43) Monitor and reduce time pressure.*
44) Monitor and reduce stress and fatigue.*
45) Identify factors associated with high- and low-performing squads.*
46) Review policy: Handcuffing people undergoing a search.*
47) Review policy: Searching people who are on probation or parole.
48) Review practice: Asking people whether they are on probation or parole.*
49) Produce and publish an annual Racial Impact Report on stop data.
50) Analyze data for trends over time.*

* Indicates recommendation has been implemented