

Stockton Unified School District

FIFTH MONITORING REPORT TO THE
CALIFORNIA DEPARTMENT OF JUSTICE:
STATUS OF AGREEMENT COMPLIANCE

January 2024



MONITORING TEAM:
Michael Gennaco
Stephen Connolly
Teresa Magula



323-821-0586
7142 Trask Avenue | Playa del Rey, CA
90293
OIRGroup.com

Introduction

The Stockton Unified School District (“District”) entered into a Stipulated Judgment (“Judgment” or “Agreement”) with the California Attorney General’s Office in early 2019.¹ Prior to the Agreement, the Attorney General had launched a broad investigation into the policies, practices, and actions of the Stockton Unified School District Police Department, focusing on the impact the police activity had on students.² The Agreement established a series of corrective actions intended to address the overuse of the Police Department for matters that could have been best handled by the School District’s administrative processes, which was resulting in students being unnecessarily funneled into the criminal justice system. The Agreement further recognized that the police enforcement activity disparately impacted students of color and those with disabilities.

The corrective actions were divided into tasks with set due dates for the District and the Department. Their implementation has been overseen by Michael Gennaco and the OIR Group team, the District-selected “qualified third-party monitor.”³ In this capacity, we have provided a resource to the

¹ California Superior Court, People of the State of California, Ex Rel, Xavier Becerra, Attorney General of the State of California v. Stockton Unified School District, Case No. 34-2019-0024866 (2019).

² Since the entry of the Judgment, the Department was renamed the Stockton Unified School District Department of Public Safety.

³ OIR Group is a team of police practices experts led by former federal prosecutor Michael Gennaco. Along with over two decades of experience in the field of independent civilian oversight of law enforcement, OIR Group team members had direct familiarity with the issues in Stockton: we worked with the Attorney General during the underlying investigation that eventually led to the Judgment. Per agreement from the parties, we were selected to serve in the role of monitor. This included multiple visits to Stockton, extensive correspondence with District and

parties in achieving the completion and subsequent execution of designated tasks.

The Agreement was structured to last five years and that period will end in early 2024. Accordingly, the parties must determine if the Agreement has met its intended outcomes and the judicial supervision can be terminated, or whether to seek relief from the Court to extend the Agreement.

Per the agreement, as Monitor one of our critical roles is to prepare reports on the status of compliance with the Agreement. As set out in further detail below, we are pleased to report that the District and Department are in substantial compliance with the Agreement's specific tasks. We reached this conclusion based on our review of new policies, reporting requirements and training curricula⁴ and evaluated whether the new initiatives met the expectations and tasks specifically set out in the Agreement. That tentative conclusion was then informed by requesting feedback from the Attorney General to ensure that there was a consensus that a particular protocol met the letter and spirit of the various requisite tasks. Finally, we presented the reforms to stakeholders in the Stockton community through the regular Community Advisory Group meetings and obtained any feedback for further improvement and reform from attendees.

As importantly, it is apparent that the Department and District leadership are committed to continuing to extend the reforms in policy, practice, training, and transparency beyond the life of the Agreement. Assuming there is an agreement to continue with the spirit and details of the reforms that have effectuated the overarching goals of the initial Agreement, we are confident that the work that was necessitated to remedy the findings of the investigation has been accomplished and the objectives of the remedial plans will continue to resonate while the District continues to provide learning to its school community.

Department leadership, telephone conversations, consultations regarding relevant issues, document review, and regular attendance and presentations at the Community Advisory Group meetings.

⁴ With the Agreement of the parties, the Monitoring Team, consistent with its commitment to provide technical assistance, provided some of the training to Department officers.

This achievement did not come easily. The District and Department experienced numerous leadership transitions over the course of the Agreement -- four for the District and three for the Department, but all have recognized the importance of implementing the reforms required by the Agreement. Moreover, the attorneys advising the District played an instrumental role in working with District leadership to achieve the required reforms. Finally, as we have previously reported, the 2020-21 pandemic posed incredible challenges one year into the Agreement that significantly stalled progress, as the requisite training could not be effectively accomplished when District and Department employees were largely prohibited as a result of the pandemic from gathering in a group setting.

Despite this, the District and Department remained committed to the Agreement's main goals, and this commitment continues today, as best evidenced by the interest in making those reforms permanent. We are optimistic for the District and Department going forward but maintain that accountability – in the form of planning, tracking, auditing, and community engagement – are of paramount importance to maintain momentum.

In our last Monitoring report, we recommended that the District and Department create a data dashboard to track and measure progress in reducing disproportionalities. Recently, the District and Department delivered this data dashboard publicly at the most recent Community Advisory Group meeting, wherein they presented statistics to show their progress over the past five years. For example, the dashboard showed a progressive decrease in student arrests from the 2015-16 academic year (155 arrests) to the 2021-22 academic year (38 arrests), and fewer calls for a police response year-over-year. And, commendably, the Department significantly reduced its count of student mental health holds (referred to as “5150” holds⁵⁵) from 32 in the 2021-22 academic year to only four in this academic year to date, while the District continued to serve students experiencing mental health crises through school-based interventions.

⁵⁵ Section 5150 of the Welfare and Institutions Code allows a person who is experiencing a mental health crisis to be involuntarily detained for a 72- hour psychiatric hospitalization when evaluated to be a danger to others or him or herself, or gravely disabled.

These statistics showed a marked decrease in police involvement in matters that can and should be handled other ways and indicated that the District was more often utilizing its internal disciplinary system, a long-term goal of the Agreement.

Maintain a Plan to Reduce Disproportionalities

One of the core goals of the Agreement was to create systems and protocols intended to reduce the disproportionate treatment of students of color and with disabilities. One of the first tasks required was for the District to develop a concrete plan to achieve that goal. As it turned out, this plan was the *last* outstanding item to be completed, perhaps because it was the least tangible of the tasks: the District submitted a Plan to Reduce Disproportionalities (“Plan”) in late December 2023.

Even without a set plan, and as detailed above, the District and Department reported that they have significantly reduced police involvement into areas better handled by District administration and, as a result, have significantly curtailed the negative impacts such incursions have on all students, including students of color or those with disabilities. These successes are detailed in the Plan, which provides analysis of the past five years and action items for continuing progress over time.

In the Plan, the District provided a “root cause analysis,” a review of factors that they determined most likely contributed to the disproportionate treatment of certain students, and the action taken to address each of these factors. The District found of most concern was that it had been inconsistently applying or insufficiently using two established frameworks meant to standardize how staff responded to students who showed academic, behavioral, or socio-emotional challenges: the Multi-Tiered System of Support and the Disciplinary Matrix. This failure to use these standard frameworks, plus a lack of cultural sensitivity, consistent family engagement, and unidentified implicit biases, resulted in different outcomes for students of color and those who experienced disabilities.

Its work to simplify and update these two standard frameworks (especially the Disciplinary Matrix, now codified in Board Policy 5144), create new referral policies, and re-train District staff and Public Safety personnel in their use, significantly contributed to the overall objectives of the Agreement, which was to reduce the impact on *all* students enrolled in the District. So, too, did training staff in cultural competency and implicit bias and its increased engagement with stakeholder groups, such as parent organizations and specialized community groups.

In other words, according to the Plan, by accomplishing the discrete tasks laid out in the Agreement, such as drafting a new disciplinary matrix, changing the policy in order to decrease referrals to law enforcement, creating a diversion program, drafting a new Public Safety Use of Force policy, hiring a Disability Coordinator, and providing training across all categories, the desired outcome would be achieved for all students that could have been potentially impacted by public safety overreach.

In the Plan, the District also formalized its commitment to this work going forward by continuing to train staff (see our section on Training, below), conduct ongoing and regular data analysis, and engage stakeholder groups regularly. The District designated a leadership team that will guide progress moving forward and ensure compliance with the Agreement's intended outcomes. It also committed to retaining the Disability Coordinator and related staff, and the Police Practices Expert currently working with the District and Department.

Training

In our 2023 Monitoring Report we expressed concern that while training was being delivered at a more regular pace after being significantly delayed by the pandemic, it was still not being as effectively tracked by the District or the Department as it could be. To maintain the progress made to date, much of which can be attributed to better-trained staff, it is crucial that the training established by the Agreement continue to be delivered in a systemic and

transparent way. This becomes more challenging without an effective tracking system.

Our review has found that the District has completed its training requirements this year, including cultural competency training, Crisis Intervention Training, and on-going annual training on new policies and laws. But improvements can be made to how the District tracks individual training requirements as well as continuing to ensure the a comprehensive, long-term training plan.

Establishing these tracking mechanisms will be essential going forward to ensure that District training occurs in a timely manner, is delivered to the appropriate personnel who require it, and can be tracked in a systematic way over time.

Regarding the Department side, we also suggest that the Department set up a more rigorous automated internal tracking system for their training. As a law enforcement agency in California, the Department is required to complete annual officer training to remain in compliance with state requirements, many of which also address requisite training components of the Agreement. Currently, the Department tracks these training courses in an Excel workbook but would benefit from devising an automated tracking system.⁶

One of the Department's key courses –de-escalation – was provided by an outside vendor who was brought in to deliver customized training specific to the Agreement. Search and seizure principles consistent with the Agreement was provided by the law firm of the attorney assigned to represent the District. Both training curricula for the two presentations were reviewed favorably by the Monitoring team. Finally, the Monitoring team presented training on the policy changes required by the Agreement to DPS officers and supervisors.

On a going forward basis, specialized courses should be presented on at least a bi-annual basis. We recommend that the Department continue to ensure that the training on these critical topics are effectively delivered.

⁶ We understand that the Department has recently been challenged because of lost resources relating to records management personnel. We recommend that the District provide sufficient resources so that the Department can continue to prepare reports to its community, as well as ensure that critical training is scheduled and tracked.

Internal Accountability: Audits & Reviews

Under the Agreement, the Monitor, an outside Department policing specialist, and DOJ all currently provide external accountability to the District and Department; the Agreement requires that both the outside Department policing specialist and the Monitor provide reports on a regular basis related to progress on the requirements of the Agreement. Upon completion of the Agreement, however, this external reporting requirement ends.

The Department has made significant strides in internal accountability and public transparency over the past five years. For example, the Department has regularly provided quarterly reports required by the Agreement, and the quality and detail in these have improved over time. One of the most beneficial of these has been the “School Request for Assistance” report, which details every call for service from District staff requesting a Department response. This report provides a clear snapshot of all calls for service, which can be used to assess continued compliance with new policies that were intended to reduce law enforcement responses to campuses to only those essential for public safety. The Department should continue to prepare and publicly distribute this report on a regular basis.

In the transition, the District and Department should take on this accountability internally in the form of audits and data reviews to ensure that they maintain the progress made to date, as well as continue to advise its school community on the status of continued progress. The Department especially has benefited from the experience and expertise of the outside police professional particularly in the training arena. To that end, it may be helpful for the District to continue to engage with that individual to assist with maintaining an effective training program consistent with the objectives of the Agreement, to continue to review reports to ensure that the positive trends continue, and to provide public reports on the “State of the Department” to the Stockton school community.

We also found that the Department's own internal, administrative review of uses of force improved since the start of the Agreement. In addition to being more complete and carefully documented, the findings almost always include some component of team debrief or training for officer(s), even if the use of force was found to be in policy. And, per the requirements of the Agreement this review process is now also cemented in Department policy. We commend this progress and recommend that the Department continue to critically and holistically assess each use of force.

The District's internal accountability systems remain somewhat a work in progress. For example, the District provided, and we reviewed, a monthly "Behavior Emergency Report" (BER), wherein physical restraints used by staff are documented (**Task 25**). We reported that we found the BER itself to be lacking details regarding the restraints or the rationale for their use in all cases, and that there was no written documentation indicating any District analysis of these BERs overall. The District reported that this review and analysis is now being conducted, citing monthly meetings of a specialized expert committee designed to carefully review and monitor uses of force and restraints by school staff.

Similarly, **Task 6** requires that the District provide the monitor a bi-annual report summarizing all complaints against school officials. The District reported that it is currently working to provide this report; we have not received it as of the publication of this report.

It will remain a District responsibility to ensure that these review mechanisms occur. We urge leadership to focus on internal accountability by assigning audit functions, setting a methodology for on-going internal audits, and continuing to assess progress.

External Accountability: Community Advisory Group

The Community Advisory Group (“CAG”), a group of stakeholders and representatives from the public appointed by the Superintendent, has been essential to community participation and transparency. Over the course of the monitoring phase, the CAG has continued to meet quarterly. As a result of the contact restrictions during the COVID years, the CAG began to meet and continues to meet virtually. We commend the CAG, especially its leadership, for continuing to serve in this role; while the group has seen transition, many of the original members remain, a testament to members’ commitment to its students.

Department and District representatives continue to support the CAG, regularly appearing at their meetings to present and answer questions. The Department Chief is a regular attendee when able, and the new Superintendent recently attended to introduce herself and her goals for the District.

This engagement is essential. We urge the District and Department to continue supporting the CAG, and the CAG to continue to hold regular meetings.

We also recommend that the CAG continue to summarize their meetings through compiling and posting minutes of the proceedings.

We recommend that the District and Department continue to specifically collect and report to the CAG and Transformative Justice subcommittee, as well as the outside police professional, on a quarterly basis, the disaggregated and anonymized data on uses of force, law enforcement contacts, citations, arrests, and calls for assistance (¶ X(B)-(C)), as well as complaint summaries (¶ XI(B)), that are currently required by the Judgment. The specificity of the disproportionality plan, including the concrete action items, would allow for easy review of progress under the plan.

Conclusion

As the monitoring team, we have been uniquely situated to observe the District and Department respond to the concerns that were raised years ago and led to the execution of the Agreement. Once the Agreement was struck and we were appointed Monitor, our role transitioned from investigator to an impartial arbiter adjudging progress and completion of the requirements set out therein. We have appreciated the goodwill of the parties, District and Department leadership and each commitment to ensuring that the expectations and goals were met. We have enjoyed working on this assignment and being able to report on the accomplishments and challenges over the length of the monitoring period. We also expect that the District's future commitment to continued adherence to the underlying tenets of the Agreement will ensure that those reforms continue and that students of the Stockton community will be able to thrive in a safe yet supportive educational environment.