

Second Monitoring Report to the California  
Department of Justice re Stockton Unified  
School District:

Status of Agreement Compliance

December 2020

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# I. Introduction

Early in 2019, the Stockton Unified School District (“District”) entered into a Stipulated Judgment (“Judgment” or “Agreement”) with the California Attorney General’s Office that had arisen from an Attorney General investigation into the conduct of the Stockton Unified School District Police Department with respect to students in the Stockton schools. The parties chose to address the findings from that investigation by entering into an Agreement that addressed the full range of identified concerns that was filed in 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).

That Agreement established “affirmative corrective actions” that the District agreed to implement on a stipulated timeline. Some of these actions were directed at District policies and procedures. Others were the primary responsibility of the Stockton Unified School District Police Department (“SUSD PD” or “the Department”), which ultimately answers to District leadership and whose practices were a focal point of the original investigation. Some were straightforward and required relatively prompt completion, while others were understood to be more complex or substantial in nature.

Using the specific language of the Judgment as the guiding authority, the District soon produced a working matrix that divided these stipulated corrective actions into seventy-four (74) separate “tasks” along with attendant due dates, and assigned their completion to respective “Responsible Parties.” These had designated “due dates” that extended for 180 days, 240 days, or (in some instances) even longer.

Moreover, and as often accompanies large-scale, action-oriented Agreements like this one, the Judgment called for two other concrete steps to help ensure that its overarching goals and meaningful reforms would come to fruition. One was for the Court to retain jurisdiction for a period of five years, so that it could resolve any evolving compliance issues as needed. The other was for the District to select (subject to Attorney General approval) a “qualified third-party monitor” to oversee the Judgment’s implementation and provide a resource to the parties as needed in achieving the completion and subsequent execution of designated tasks.

OIR Group, a team of police practices experts led by former federal prosecutor Michael Gennaco, was ultimately selected by the District as the monitor. Along with nearly 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. OIR Group's focus at that time had been on the District's referral policy as well as the Department's "use of force" policies, procedures, and internal accountability; our findings and recommendations helped guide specific terms set out in the Agreement between the parties.

We were pleased to have been mutually agreed-upon by the parties to serve in the role of monitor. This initially included multiple visits to Stockton from our base of operations in southern California, along with extensive correspondence, telephone conversations, consultations regarding individual issues, and document review.

In March 2020, we issued our First Report to the Attorney General on the status of the required tasks as required by the Agreement. The District commendably agreed to make that report public. It can be found on the District's webpage devoted to the Community Advisory Group: <https://www.stocktonusd.net/CAG>. The First Report related the significant progress made by the District in achieving the requisite reforms and described those that the District completed within that timeframe.

This Second Report — offers our independent accounting of progress in achieving compliance as of September 1, 2020. As with the initial report, this update seeks to provide specific information about the status of the tasks set out in the Agreement.

As detailed further below, the District has been especially challenged during this review period – a stretch of time marked by global hardship that has had significant local implications. The disruptions of the COVID-19 pandemic have, of course, had direct impact on schools throughout the country, and Stockton's schools have been closed to in-person learning since March. More specifically, this same period has also seen changes in executive leadership at both the District and Department level, with resulting in the appointment of a new interim Superintendent and interim Police Chief. And, against this already daunting backdrop, renewed opposition to the Department's ongoing existence has been a feature of the local reaction to the George Floyd protest movement.

Obviously, these combined dynamics have complicated the work of the Agreement implementation. But our continued general sense is that the District and the

Department have undertaken their compliance responsibilities in good faith – and with a genuine commitment to the philosophies of positive education, student development, and progressive policing that the Agreement reflects.

## II. Unanticipated Intervening Events

Perhaps obviously, the most impactful event that has occurred during this review period is the COVID-19 pandemic. It caused all in-person learning to stop at the Stockton campuses and forced education to transition to a virtual model. With no students on campus, policing duties shifted as well. With the social distancing requirements, trainings and briefings became more challenging and District resources became strained and uncertain.

The pandemic had necessary impacts on those in the District responsible for effectuating reforms necessitated by the Agreement. The working group assembled by the District was no longer able to meet in person and had to substitute with virtual meetings. Some of the training being devised to educate administrators and police was placed “on hold” in the hope that the pandemic would be shorter lived than it has turned out to be.

The pandemic has also challenged our work as the monitoring team. With our team unable to travel to Stockton, all meetings with District and Department leadership have had to be accomplished virtually, and the closure of District offices has precluded site visits and in-person “check-ins” with key personnel. Similarly, the Community Advisory Group (“CAG”) meetings, which bring together relevant governmental stakeholders and appointed representatives from the public for quarterly updates and input, have had to transition to a virtual platform.

Moreover, there have been consequential changes at all leadership levels at the District and Department. The Superintendent announced his resignation in April, and the District is now being led by an Interim Superintendent. Shortly thereafter, the Chief of Police announced her retirement, and the police are now being led by an interim police chief. Additionally, the attorney who had been advising the working group on reform measures as counsel for the District left his position. The overlapping departures of such influential persons resulted in a loss of institutional knowledge regarding the

Agreement's various obligations and initiatives and meant that their replacements would need time to acclimate. That being said, the new leadership has been unified and consistent in both articulating and manifesting a commitment to the established arc of progress.

In some ways, considering all that has occurred during this reporting period, it is impressive how much has been done to advance the change in policies and protocols necessitated by the Agreement. As detailed below, in August a wide array of Board Policies and Administrative Regulations that needed Trustee approval were approved by the Board in a unanimous vote. And the Police Department continued to move forward toward completion of its remaining tasks. The Community Advisory Group continues to meet virtually and provide feedback to policies as they are advanced for consideration.

As the majority of the requisite policies are near completion, effective training to those policies by District staff and officers is the next critical component. While there has been some training over the past year – but since March, necessarily through distance learning – more needs to be done as the newer policies are approved. And there should be more “lead up” to the training and presentation of training curricula and other materials for review, so that the Monitor and the Attorney General have an opportunity to review them to ensure that they effectively cover the policy precepts. Moreover, the Monitor expects to be able to actually attend training but will need lead time in order to effectively do so. The Monitor will work with the District to ensure an effective and coordinated training component that teaches to the new policies and fulfills the training requisites of the Agreement. And even if the lingering pandemic requires that at least some of the training be through distance learning, the creativeness shown by the District in providing distance learning to its students can be similarly applied to the training on the Agreement to staff.

While these fraught times have challenged us all, we can report that the District has moved forward toward achievement of the tasks required by the Agreement. We look forward to continued work on the training component so that all understand and become adept at the new policies set out in the Agreement.

### III. Methodology and Mechanics

As with the first report, OIR Group used the District Task Timeline, tracking by the Attorney General, and its own internal tracking system to create this report. On the whole, OIR Group is pleased to report that, while not all tasks are yet finalized, significant progress has been made toward completion of those requirements. Moreover, the District and Department continue to be actively engaged in working on the remaining tasks outlined in the Agreement.

As noted in our initial report, early on, the District delegated completion of some Agreement tasks to the Police Department and initiated a working group to complete the remaining ones. Once those assignments were made, the Department began working on modifying its policies, creating data sets, or otherwise responding to the Agreement requirements. The monitoring team then reviewed the Department's work, comparing the documents with the dictates of the agreement, and suggesting revisions or additional work when appropriate. After this process, the monitor forwarded the draft materials to the Attorney General for feedback, including additional suggestions. The monitor facilitated draft documents between the parties until a consensus was reached. The final step was presentation of the materials to the CAG for feedback.

A similar process is followed for District-assigned tasks, with the addition of the working group component described above. Because the District-assigned tasks tend to be more substantial and extend well beyond law enforcement, there is more involvement by District experts, such as the Disability Coordinator, during the working group process. Once the working group believes that the policy meets the Agreement's requirements, it is then forwarded by District Counsel to the monitor and a similar process occurs between the District, the monitor, and the Attorney General.

All parties continue to be receptive to suggested modifications and improvements in what has proven to be an interactive process. The feedback is timely and constructive in each direction, to the benefit of the finished product. Moreover, to both the Department and District's credit, as policies and protocols have become developed, there has not been slavish insistence on treating the Agreement's prescribed compliance levels as both floor *and* ceiling for its own performance. Reforms that transcend the Agreement's specific language continue to be embraced during the development process. For example, while the Agreement left room for the police to conduct suspicion-less searches, the District determined that the technique was not

conducive to a learning environment and modified policy to cease use of these searches altogether.

In addition, as we stated in our initial report, District policies that have not been visited in over twenty years are being upgraded to correspond to contemporary educational practices – another enhancement not dictated by the Agreement. This progressive orientation and mindset are a testament to an organization intent on providing quality education and service to its communities.

## IV. Completed Tasks (As of December 30, 2020)

Task	Description (Abbreviated)	Section No.	Status
1	Hire Monitor	XIV	Completed
2	Hire a Disability Coordinator	III(C)	Completed
3	Invite participants to the CAG	XII (B)	Completed
4	Revise CAD form to include "ethnicity" field	X(A)	Completed
5	Matrix for BP 5144	I(C)	Completed
6	Provide monitor report summarizing all complaints against school officials	IX(A)(7)	First Report Received
7	Adopt Police Assistance & Referral Policy	I(A); I(A)(3)	Completed
8	Report on Department's contacts with students and school staff quarterly	X(B)	Completed
9	Revise BP 5145.11 to require parent/guardian contact before interrogation of student by police	VI(A)	Completed
10	Policy to prohibit police transport of students who misbehave	VI(C)	Completed
11	Revise BP 5145.11 to maintain records of student interviews	VI(D)	Completed
12	Protocol for UOF complaints against CSM, CSA, or other school staff	V(B)	With Working Group
13	Record calls for service from school site staff that did not warrant a police response	I(E)	In Progress
14	Revise BP 5144 so that physical restraint may only be used by school staff trained in such application	V(C)	Completed
15	Goal to develop a formal diversion program	II(A)	In Progress
16	Hire a Police Professional	XI(A)	Completed
17	Stakeholder evaluation of formal diversion program	II(B)	In Progress
18	Revise BP 5144, Discipline	I(A)	Completed
19	Prohibit "out of control" in Police Assistance Policy	I(D)(2)	Completed



Task	Description (Abbreviated)	Section No.	Status
20	Plan for referrals of students with disabilities/mental issues	I(F)	In Progress
21	Create a Protocol to continue the Community Policing Model	II(A)	In Progress
22	Protocol for referral of psych/counselors v. PD	III(A)	Completed
23	Policy to identify mental health issues that can be managed at school site	III(A)	Completed
24	Protocol for de-escalation techniques	V(A)	In Progress
25	Protocol to document all use of physical restraint used by staff	V(D)	With Working Group
26	Protocol for supervisor approval for PC 148 (resisting/delaying officer)	I(D)(1)	Completed
27	Protocol for dispatchers	I(E)	Completed
28	Expunging PC 415.5 violations	II(C)	Completed
29	Revise format of 1020 Personnel Complaints	IX(A)	In Progress
30	Create mandatory training plan	VII(A)	Completed
31	Procedure for Formal Complaints against school officials	IX (A)(6)	Completed
32	Revise BP and AR 5145.12, Search and Seizure	VII(A)	Completed
33	Protocol for Mental Health Assessments	III(D)	Completed
34	Procedure for calls re: mental health crisis	III(D)	Completed
35	Develop mediation and alternative dispute resolution model	IX(A)(2)	Completed
36	Initiate training officers in crisis intervention and de-escalation for mental health calls	III(D)	In Progress
37	Train CSMs, CSAs, and other school staff to not use force except in exigent circumstances	V(B)(C)	In Progress
38	Train officers on all new policies per agreement	VIII(A)	In Progress
39	Train school administrators on all new policy	VIII(A)	In Progress
40	Train school administrators annually on implicit bias, cultural competence, and restorative practices	VIII(B)	With Working Group
41	Use Dept of Ed's "Restraint and Seclusion Resource Document" to train school staff	V(C)	With Working Group
42	Review behavioral emergency reports monthly re: if use of restraint techniques violates law or used disproportionately	V(E)	With Working Group
43	Review data on use of physical restraints by staff; develop remediation plan if needed	V(A) (D)	With Working Group
44	Document any use of force by a CSM, CSA, or school staff for review by the District	V(B)	With Working Group

Task	Description (Abbreviated)	Section No.	Status
45	Annual training on search and seizure per BP 5145.12	VII(A)(2)	In Progress
46	Submit State of Department report to District	XI(A)	Completed
47	Sign language interpreters (Policy #369)	III(E)	Completed
48	Policy for referral of disabled students to law enforcement	III(B)	Completed
49	Formalize hiring preferences for officers who have experience with children/the community	XIII	Completed
50	Create policy for students with disabilities with disciplinary dispositions that are consistent with laws	III(B)	Completed
51	Create a Community Advisory Group (CAG)	XII(A)	Completed
52	Protocol to review the intervention and supports prior to requesting PD assistance for students with mental health disabilities or an IEP or 504 plan	III(B)	Completed
53	Revise policy to require Captain to regularly convene supervisors to review use of force incidents	IV(D)(7)	Completed
54	Revise use of force review policy to require lieutenants to holistically review uses of force	IV(D)(5)	Completed
55	Revise use of force policy to include parent/guardian notification of student injury	IV(A)(9)	Completed
56	Revise 306, Leg Restraint Device, to describe use and reporting	IV(B)(1)	Completed
57	Revise UOF policy (#300) to include new UOF review process	IV(D) (1-3, 5, 7)	In Progress
58	Revise foot and vehicle pursuits policies to ensure consistency with principles of communication and officer safety	IV(D)(9)	Completed
59	Develop training curriculum for de-escalation in school-based policing settings	IV(C)	Completed
60	Provide required training on UOF and de-escalation strategies	IV(C)	Awaiting Approval of Policy
61	Identify a community policing philosophy in the Strategic Plan	II(D)	Completed
62	Write supervisor expectations for documenting findings in UOF reviews	IV(D)(4)	In Progress
63	Devise policy for not citing/bookings students for conduct that directly resulted from their disability	III(C)	Completed
64	Ensure Performance Evaluation system reinforces alternatives to UOF	IV(D)(8)	Completed
65	Revise UOF policy (#300) to include new definition of UOF per final judgement	IV(A)(1-8)	In Progress

Task	Description (Abbreviated)	Section No.	Status
66	Convene annual meeting of parties to discuss questions/issues/changes to policies	XI(C)	In Progress
67	Annual training of school staff involved in responding to student misconduct	V(A)	In Progress
68	Develop training re: working with students with disabilities	III(C)	In Progress
69	Plan for reducing disproportionalities in referrals by admin to law enforcement	XI(D)	In Progress
70	Implement a Formal Diversion Program	II(B)	Due 4-17-21
71	Publish Report of Citizen Complaints Against Peace Officers on website and provide to CAG	IX(A)(5)	Completed
72	Review CAG's written summary	XII(E)	In Progress
73	Provide Superintendent quarterly summary report of complaints	XI(B)	Reports Received
74	Provide a written summary of each CAG meeting to public, monitor, Superintendent, COP	XII(D)	Completed

As of December 30, 2020, thirty additional tasks were completed by the District. Those requiring School Board approval were unanimously approved by the School Board on August 25, 2020. Those involving written documentation were distributed to the CAG for review and feedback. Following is a brief description of the tasks completed during this reporting period.

**Task 5. Matrix for Board Policy 5144.** The Agreement required that the District create a revised matrix that specifically delineates offenses and the graduated process of disciplinary and law enforcement-based interventions. The Agreement further required that the police assistance and student referral policy only authorized school site administrators to make referrals to law enforcement and that administrators were required to review, whenever practicable any documentation of prior interventions before making the referral. During this reporting period a requisite matrix was created, approved, and ratified by the School Board.

**Task 6. Provide Monitor Report Summarizing All Complaints Against School Officials.** The Agreement required the District to provide the monitor with a biannual report that contains a summary of all complaints against school officials and how they are handled. During this reporting period, the District provided the monitor the requisite report.

**Task 9. Revise BP 5145.11 to Require Parent/Guardian Contact Before Interrogation of Student by Police.** The Agreement required the District to revise its policy to require schools to take immediate steps to contact a parent/guardian to obtain oral consent before any police interrogation of a minor student and provide the parent/guardian a reasonable opportunity to be present for any police interrogation. The Agreement further required that absent extenuating circumstances, officers are to avoid interviewing and apprehending students at school for non-school-related issues. During the reporting period, the Board Policy was revised in accord with the Agreement and ratified by the School Board.

**Task 10. Policy to Prohibit Police Transport of Students Who Misbehave.** The Agreement required the District to create a policy prohibiting school administrators from requesting the transport of students by police officers after students misbehave and/or are disciplined. The Agreement further required that the policy would advise that officers would only transport students to their home if requested by the parent/guardian absent exigent circumstances. During the reporting period, a policy was created consistent with the Agreement.

**Task 11. Revise BP 5145.11 to Maintain Records of Student Interviews.** The Agreement required the District to modify Board Policy to include central maintenance of any interviews by officers on school grounds. A policy was created consistent with the Agreement during this reporting period and ratified by the School Board.

**Task 14. Revise BP 5144 so That Physical Restraint May Only Be Used by School Staff Trained in Such Application.** The Agreement required that District policy be modified to advise that physical restraint techniques may only be used by individuals trained in application. The Agreement also required that the policy advise that each school site determine which staff is trained and maintain a list of those trained. The Agreement required that the policy indicate that physical restraint techniques shall be avoided unless the student's behavior poses immediate danger of serious physical harm to the student or others, as well as federal and state law requirements relating to behavioral restraints. During this reporting period, a policy was created consistent with the Agreement and ratified by the School Board.

**Task 18. Revise BP 5144, Discipline.** The Agreement required that the District adopt a police assistance and student referral policy stating that police officers should not be involved in disciplinary infractions that are more appropriately the responsibility of school administrators and teachers and provide direction as to when school

administrators may call for police assistance. During this reporting period, the policy was adopted and ratified by the School Board.

**Task 19. Prohibit “Out of Control” in Police Assistance Policy.** The Agreement required that the District include in its police assistance and referral policy language prohibiting school administrators from using “out of control” as a catch-all category for referrals to law enforcement unless certain specified exceptions exist. During this reporting period, this language was included in the policy and ratified by the School Board.

**Task 22. Protocol for Referral of Psychologists/Counselors as Opposed to Police.** The Agreement required the District to create a protocol for school site administrators to refer students who exhibit indicators of mental health needs to a psychologist or counselor instead of police, unless it is for the purpose of a mental health evaluation under WIC Section 5150. This protocol was developed during this reporting period.

**Task 23. Policy to Identify Mental Health Issues that Can Be Managed at School Site.** The Agreement required the District to create a policy that set forth the requirements for staff requesting an assessment to assist in identifying mental health issues that could be managed at the school site with appropriate support and services. A protocol to that effect was developed during this reporting period.

**Task 27. Protocol for Dispatchers.** The Agreement required the Department to develop written protocols for dispatchers that would provide additional guidance in information gathering and in order to provide effective police response and/or resources/services. The protocols also required that the Department notify the school site if a call for service did not warrant a response. The protocols required the Department to keep a record of all calls for service that did not warrant a police response. Finally, the protocols required the Department to provide the District and the monitor to identify any school staff that may be in need of additional training regarding the appropriate role of Department officers. A protocol was written and implemented consistent with these requirements during this reporting period.

**Task 28. Expunging Disturbing the Peace Violations.** The Agreement required the Department to request that any disturbing the peace violations involving Stockton students be expunged. The Department worked with the District Attorney and identified three cases in which such charges had been lodged. The records of those three cases have been consequently expunged.

**Task 31. Procedure for Formal Complaints Against School Officials.** The Agreement required the District to create a formal complaint procedure that was easily understood and included a timeframe for handling complaints while avoiding conflicts of interest. The Agreement further required that the District ensure that any complaint of use of excessive force made against a school official is effectively investigated and reviewed and that the complainant is advised throughout the investigation regarding investigative status and resolution. A formal complaint procedure consistent with the Agreement requirements was adopted during this reporting period.

**Task 32. Revise BP and AR 5145.12, Search and Seizure.** The Agreement required that certain conditions be met before random suspicion-less searches were conducted. The District decided to go well beyond the requirements of the Agreement and revise its search and seizure policy to eliminate random searches entirely. A Board Policy and Administrative Regulation to that effect were enacted and approved by the School Board during this reporting period.

**Task 33. Protocol for Referral for Mental Health Assessments.** The Agreement required the Department to create a procedure to handle calls for students exhibiting behaviors that may be indicators of mental health needs or disabilities. The Department created this procedure during this reporting period.

**Task 34. Create a Procedure to Handle Calls for Students Experiencing a Mental Health Crisis.** The Agreement required the Department to create a procedure to handle such calls, including a District referral for a mental health assessment. The Department created this procedure during this reporting period.

**Task 35. Develop Mediation and Alternative Dispute Resolution Model.** The Agreement required that the Department create a mechanism for the potential resolution of complaints through mediation or other forms of alternative dispute resolution. The Department created such a mechanism during this reporting period.

**Task 48. Create Policy for Referral of Disabled Students to Law Enforcement.** The Agreement required that the District and Department collaborate in developing policies that outline law enforcement referrals for students with disabilities that are consistent with law. The District and Department developed such policies during this reporting period.

**Task 49. Formalize Hiring Preference for Officers Who Have Experience Working with Youth and Who Have Ties to the Community.** The Agreement required that the

Department formalize its hiring preference for officers who have experience working with youth and who have ties to the community. The Agreement further required that the Department reflect in its recruitment and application materials its preference for applicants with experience and interest in school policing and working with youth. The Department fulfilled these Agreement requirements during this reporting period.

**Task 50. Create Policies for Students with Disabilities with Disciplinary Dispositions that Are Consistent with Law.** The Agreement required that the District and Department collaborate in developing policies that outline disciplinary dispositions for students with disabilities that are consistent with law regarding potential changes in their educational placement. The District and Department developed such policies during this reporting period.

**Task 52. Create Protocol to Review the Intervention and Supports Prior to Requesting Police Department Assistance for Students with Disabilities or an Individualized Education Plan or 504 Plan.** The Agreement required the District to create protocols that required school administrators to review, in non-exigent circumstances, the documentation of any interventions and supports that have been undertaken prior to requesting police assistance relating to a student who has a mental health disability, an Individualized Education Plan or a Section 504 plan. The District created such protocols during this reporting period.

**Task 53. Revise Policy to Require Captain of Police Department to Regularly Convene Supervisors to Review Use of Force Incidents.** The Agreement required the Department to modify its use of force policy requiring the Captain to convene a group of supervisors on a regular basis to review use of force incidents and identify performance issues and trends. The Department modified its use of force policy accordingly during this reporting period.

**Task 54. Revise Use of Force Review Policy to Involve a Lieutenant in the Review Process.** The Agreement required the Department to modify its use of force review process to require that a Lieutenant review use of force investigations through the lenses of accountability, supervision, equipment, training and policy. The Department modified its use of force policy accordingly during this reporting period.

**Task 55. Revise Use of Force Policy to Require Parent/Guardian Notification of Student Injury.** The Agreement required the Department to modify its use of force policy to require that the parents or guardians of any student who is injured as a result

of police activity will be notified by the District as soon as practicable. The Department so modified its use of force policy accordingly during this reporting period.

**Task 58. Revise Foot and Vehicle Pursuit Policies to Include Communication/Officer Safety and Interagency Communication.** The Agreement required the Department to revise its foot and vehicle pursuit policies to ensure consistency with best-practice principles of communication and officer safety. The Department revised its pursuit policies accordingly during this reporting period.

**Task 59. Develop a Training Curriculum that Incorporates De-Escalation Techniques in a School-Based Policing Setting.** The Agreement required the Department to develop a training curriculum that incorporates de-escalation techniques in a school-based policing setting. The Department did develop such a curriculum during this reporting period.

**Task 61. Identify a Community Policing Philosophy in the Strategic Plan.** The Agreement required the Department to identify a community policing philosophy in its strategic plan with a goal of ensuring that officers serve as mentors or role models for students, as well as identifying avenues for positive interactions with students. The Department incorporated a community policing philosophy as a supplement to its strategic plan during this reporting period.

**Task 63. Develop Policy that Does Not Cite/Book Students for Conduct that Directly Results from Their Disability.** The Agreement required that the newly appointed Disability Coordinator work with the District and the Department to revise policies to ensure that students with disabilities are not cited or booked for conduct that directly results from their disability, unless the conduct is of a serious nature. The Agreement further required development of policies to ensure that officers, when determining whether to cite or book a student with a disability, shall make such determination in compliance with disability discrimination laws and guided by the totality of the circumstances, including whether referral to diversion or other interventions is appropriate, the age of the student, the specific disability of the student, and the intent of the student. During this reporting period, the District created the policies specified in the Agreement.

**Task 71. Publish Report of Citizen Complaints on Website and Provide to Community Advisory Group.** The Agreement required that the District publish its report of citizen's complaints against peace officers on its website and provide it



specifically to the Community Advisory Group. The District did publish such a report during this reporting period.

## V. Next Steps

As set out above, the District made important progress during this period toward completing the specific tasks outlined in the Agreement. Both the District and the Department recognize the priority in completing the outstanding tasks – a process which, in many cases, will also influence the timelines for effective training and implementation of new concepts. Continued focus on the deadlines established by the Agreement will be important in this regard, even if obstacles have hindered strict compliance in understandable ways.

While much has been accomplished, thirty tasks remain as set out in the Chart above with all but one “overdue” based on the District’s initial commitments. While the challenges set out above provide an explanation for this phenomenon, it will be important that there be continued sustained efforts towards achieving compliance with regard to the outstanding tasks.

As detailed above, a significant portion of the remaining tasks focus on training to the new policies and procedures. While the COVID pandemic has made any effective in-person training particularly challenging, some training has been accomplished and either virtual or in person training needs to continue apace depending on restrictions imposed by the current health crisis. Both the Monitor and the Attorney General should be provided training curricula as they are developed for review and advance notice of contemplated training.

After the initial training phases have been completed, the monitor will work with the District and the Attorney General’s Office to devise a monitoring of the District’s efforts at implementation. This phase will require review of incident reports and additional data (some set out in the Agreement) to determine whether the policy reforms have been implemented and taken root. If that review finds gaps or shortcomings, the monitor intends to work with the parties to devise corrective actions to ensure compliance with both the letter and spirit of the Agreement.

## VI. Conclusion

As stated above, while the District has accomplished much during this reporting period in responding to the dictates of the Agreement, there is still much more to do. But the optimism we projected in our initial report has endured through this second phase in spite of myriad unanticipated challenges. Much of that is attributable to the continued diligence and effort displayed to date by both the District and Department. We remain confident that the reforms envisioned by the Agreement will be achieved – as will the underlying promise of a more safe, fair, and constructive educational experience for each of the Stockton Unified School District’s students and families.