

Stockton Unified School District

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

February 2023



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Table of Contents

Introduction	0
Department Training & Reporting	2
Use of Force Training.....	3
De-Escalation Training.....	4
Reporting	5
District Training & Reporting.....	6
District Training	6
District Reporting.....	8
Plan to Reduce Disproportionalities	9
Other Tasks	10
CSMs and CSAs	10
Diversion Program	11
Community Advisory Group	11
Conclusion.....	12
Appendix A: Matrix with Status	13

Introduction

As detailed in our first three status reports, the Stockton Unified School District (“District”) entered into a Stipulated Judgment (“Judgment” or “Agreement”) with the California Attorney General’s Office in early 2019. This Agreement was the result of an Attorney General investigation into practices in the Stockton schools, focusing on use of force by its police department and concerns that too many issues were being channeled into the criminal justice system.¹

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 (now renamed the Stockton Unified School District Department of Public Safety and hereinafter referred to as “the Department”), which ultimately answers to District leadership and whose practices were a focal point of the original investigation.

Using the specific language of the Judgment as the guiding authority, the District 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” (see **Appendix A** for a Status Chart with responsible party, frequency, current status, and next steps). These had designated “due dates” that extended for 180 days, 240 days, or (in some instances) even longer.

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).

These tasks and their implementation are overseen by Michael Gennaco and his OIR Group team, the District-selected “qualified third-party monitor.”² In this capacity, we provide a resource to the parties as needed in achieving the completion and subsequent execution of designated tasks.

The second half of 2022 saw schools return to some semblance of pre-pandemic operations with the loosening of many restrictions and students starting the school year entirely in-person. This transition, while welcome, brought challenges as both students and staff adjusted to post-pandemic life after a two-year disruption. And amid this, the District and Department both experienced yet another executive leadership transition, the fourth for the District and third for the Department since the Agreement’s inception.

In our April 2022 Report, we reported that the Department had completed tasks related to revising its use of force policy, an important element of the Agreement. But we expressed our concern that nearly all the tasks related to training, both for the Department and the District, were still “In Progress,” and urged that leadership redouble their efforts to achieve compliance.

The Department responded by completing its annual and on-going training requirements since our last Report (including use of force policy training provided by OIR Group and customized de-escalation training provided by an outside vendor, which we detail later). The District has also completed many of its training requirements, including Crisis Intervention Training, which focused on teaching de-escalation and limited restraint techniques appropriate to the school setting, and on-going annual training on new policies and laws.

² OIR Group is a team of police practices experts led by former federal prosecutor Michael Gennaco. 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. 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 when travel was allowed, along with extensive correspondence, telephone conversations, consultations regarding individual issues, and document review.

The training roll-out, while slow to commence, is now occurring at a more regular pace.

On the Department side, we received and continue to review quarterly uses of force and Requests for Assistance; we find that the Department's internal analysis of and reporting on both of these has become more comprehensive and robust. Unfortunately, the tasks related to the District's data analysis and reporting, which were intended to measure outcomes along various metrics, are still outstanding.

This Report also briefly discusses progress on management and training of Campus Security Monitors and Campus Safety Assistants (CSMs and CSAs) and an update on the implementation of the Diversion Program.

Department Training & Reporting

In our last Report, we noted that the Department did not have a concrete plan for training delivery. We are pleased to report that the Department has completed all three of their outstanding training tasks for 2022. However, we note that these three training items must occur on an annual basis and recommend that the Department incorporate these into its recurring Annual Officer Training.

- **Task 36:** Initiate training officers in crisis intervention and de-escalation for mental health calls
- **Task 38:** Train officers on all new policies per agreement
- **Task 60:** Provide required training on new use of force policies and de-escalation strategies

We received attendance logs for the 2022 sessions. But as we commented in previous reports, the logs alone do not confirm if all Department personnel who are required to receive the training attended. We again recommend that the Department submit a list of all personnel who require the training along with attendance logs as a cross-check.

Use of Force Training

Task 38 required the Department to train all officers on the new policies, including the Use of Force policy, and **Task 60** specified training on use of force strategies.

In October, OIR Group travelled to Stockton and offered two separate sessions of a new four-hour training block that revolved around the new Use of Force policy – and the extent to which it reflects not only the significant revisions prompted by the Agreement but also updates driven by new state law and by broader paradigm shifts within law enforcement. These policy shifts have been in development since soon after the Agreement was originally finalized. They created new, more restrictive standards for when force can be used, and enhanced the systemic processes by which the Department management reviews force deployments, both individually and cumulatively.

The training began with a focus on the distinctive features of the campus environment and the ways that those features appropriately shape the District’s law enforcement philosophy and strategy. The relatively controlled campus environment, the known identity of the school community’s members, the availability of other interventions, and –most significantly – the status of the involved parties as youth and students are all factors that change the calculus as to how problematic behavior and resistance should be addressed. The training emphasized the unique role of a school police officer as mentor and guardian and reinforced this key concept: “...***the Department’s role with respect to student conduct offenses is principally to reduce or eliminate harm to all students and staff involved and not to effectuate detention, arrest, or citation.***”

From there, the training delved into the specific ways that the new policy differs from the language and guidance provided by predecessor versions. This includes the express prohibitions on use of physical force “in response to truancy and other low-level disciplinary conduct,” and the new emphasis on “de-escalation techniques, crisis intervention tactics, and other alternatives to force prior to resorting to force when practicable.” It also highlighted new changes that stem from updates to California law, including the prohibition on carotid restraints and the legal formalization of witness officers’ “duty to intercede” in the face of excessive force by a colleague.

The training then discussed the mechanics of – and rationale for – the newly designed force review process. This provides multiple layers of supervisory assessment for each force incident, with an eye toward ensuring that each case will receive appropriate, holistic scrutiny in terms of both individual officer performance and learning opportunities for the agency.

We found the Department’s attendees to be engaged, responsive, and amenable to both the policy and the principles that animate it.

De-Escalation Training

Tasks 36 and **60** required the Department to provide crisis intervention and de-escalation training for officers, and specifically for mental health calls. Understanding the importance of this training to the overall success of the Agreement, the Department selected an outside vendor to prepare material specific to the school setting and aligned with the Agreement. We reviewed the vendor’s training materials and found the course content to be responsive to the Agreement and aligned with current best practices for de-escalation and crisis intervention. The course also included role-play scenarios based on actual Department incidents, which we found to be especially helpful and unique. In addition, the training integrated concepts of implicit bias into the lesson plan.

The vendor delivered this training sessions in October 2022, and a make-up session in November, to Department personnel; the Department provided proof of attendance.³ The Department will provide on-going training during the school year and will continue to upload training and attendance logs for review to ensure that all personnel are receiving the required training; again, we recommend that the Department create a comprehensive tracking system to better track the status of training.

³ It is our understanding that some personnel did not attend because they were/are on medical leave. The Department should create a mechanism to track training to ensure these personnel receive training when they return to duty.

Reporting

The Agreement requires that the Department provide a quarterly report of all complaints related to allegations of excessive force, racial profiling, harassment, or discrimination by Department personnel (**Task 67**) and any related use of force incident reviews. The Department has regularly provided these reports every quarter; the Department only had one complaint of officer misconduct in 2022, which is currently being investigated.

In our last Report, we requested that the Department include all uses of force per quarter in one stand-alone document. The Department created a new quarterly memo to serve this purpose that includes a brief summary of the force, if the incident occurred on or off campus, and whether the force was used on a student, non-student juvenile, or adult. This allows interested parties to more easily identify and track use of force cases.

And as cases become available, we continue to review the Department's own internal, administrative review of the force. We found that the Department's administrative reviews have 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.

District Training & Reporting

District Training

After a slow start, the District's training of personnel has seemed to gain some momentum; while the pandemic created significant challenges to training delivery, the District's training delivery is now occurring at a more regular pace. The District reported that the majority of their personnel have received or will be receiving training in the coming months.

The District also reported that it developed and is offering the following training to required personnel to meet the following tasks:

- **Task 37:** Train CSMs, CSAs, and other school staff to not use force except in exigent circumstances.

This training is part of the Crisis Prevention Institute (CPI) training curriculum called "Non-Violent Crisis Intervention." The District has delivered this training to a significant number of personnel and will continue to deliver training throughout the month of December 2022, including make-up sessions for those who may have missed their scheduled dates earlier this year.

The District reported that CSMs and CSAs received this training in March of 2022.

- **Task 39:** Train school administrators on all new policy. The District reported that it held this training in August of 2022.
- **Task 40:** Train school administrators annually on implicit bias, cultural competence, and restorative practices. The District reported that it provided training on these topics in various sessions from 2021 through 2022 and provided a list of training session names and dates. Of note, however, is that the training list provided did not specify a course to address the cultural competency component.

- **Task 41:** Use Dept of Education's "Restraint and Seclusion Resource Document" to train school staff. In our last report, we indicated that the District had provided training but had not yet provided a list of staff members who are trained in these techniques. The District provided this list in September of 2022.
- **Task 45:** Annual training on search and seizure per BP 5145.12. The District reported that this annual training was completed in April of 2022.
- **Task 67:** Annual training of school staff involved in responding to student misconduct. The District provided a list of all training related to this task that occurred in 2022.

Though training is taking place, we remain concerned that:

- Evidence of training, such as attendance logs, is not always provided in a timely fashion. When evidence *is* provided, it is not cross-referenced against a list of personnel required to take the training, making it difficult to know what percentage of total required personnel have received training. For example, the District provided lengthy sign-in sheets, but no lists of all personnel who are meant to be trained for cross-reference and tracking purposes.
- The District provides training materials and attendance evidence in a piece-meal fashion, which makes it difficult to track which of the Agreement's five training requirements (**Tasks 37, 39, 40, 45, and 67**) are meant to be addressed by the course, and if all required personnel have attended their required training. More recent training lists include the specific Agreement number that each session is meant to cover, which is a helpful new feature.
- When lists of certified personnel (e.g., those trained in restraint techniques) are provided, these do not always include other relevant information, such as the assigned school site or job title, making it difficult to know if these personnel are equally and appropriately distributed across District sites.

We are not clear how or where the District tracks individual training requirements (e.g., a Human Resources system), nor if the District has created a comprehensive, long-term training plan as required by the Agreement (**Task 30**). Both of these features 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.

District Reporting

Task 44 of the Agreement requires that the District report on use of force by staff on students and review these uses of force for appropriateness and to identify any disproportionalities. To date, the District has not provided these use of force reports.

Similarly, **Task 6** requires that the District provide the monitor with 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 publication of this report.

The District did provide, and we reviewed, a monthly "Behavior Emergency Report" (BER), wherein physical restraints used by staff are documented as required by **Task 25**. However, we found the BER itself to be lacking details regarding the restraints or the rationale for their use in all cases. We recommend that the District provide complete narratives for all cases in future BERs.

And while we were pleased to receive the BER itself, it was not accompanied by any analysis as required by the Agreement. Tasks 42 and 43 require that the District review monthly reports to identify disproportionalities in uses of restraint techniques (**Task 42**) and physical restraints (**Task 43**), and to create plans to remediate any concerning trends or individual behaviors. The District reported that this review and analysis is currently being conducted. We look forward to receiving the completed reviews and, more importantly, information about the audit/review process going forward.

We also have yet to see any data dashboard from the District. Early in the Agreement, the District opted to create a dashboard to track and measure

progress in reducing disproportionalities identified by the initial DOJ investigation (these included, for example, different disciplinary outcomes for disabled and students of color). This recurring dashboard could be updated regularly to show how (and if) the policy changes and training requirements in the Agreement impacted disciplinary rates. While the dashboard is not explicitly required by the Agreement, we urge the District to finalize a dashboard or another data analysis tool to begin measuring progress.

Plan to Reduce Disproportionalities

The Agreement requires that the District develop a plan designed to reduce disproportionalities. We were pleased to learn that the District has made significant progress in completing this task. As of late September 2022, the District had held several community engagement meetings and planned for six more; the latest meeting occurred in December.

Other Tasks

CSMs and CSAs

We remain concerned about the management structure of two types of non-sworn security personnel on school campuses: Campus Security Monitors and Campus Safety Assistants. In our last Report, we wrote about the intention to move CSMs and CSAs into the Department's chain of command so that all security-related personnel would be under the same umbrella. If that had occurred, the Department would be responsible for training and reporting requirements these personnel according to the requirements of the Agreement. But, as we reported, this transition did not occur as intended. It is our understanding that the District still retains management of these positions.

However, to date we have not reviewed any materials related to their on-going training (**Task 37**) or reports regarding their uses of force (**Tasks 44**).⁴ We learned that CSMs and CSAs declined to attend the use of force training presented to Department members, though, as noted above, they did receive the District's CPI training for crisis intervention.

We urge the District and Department to review management of CSAs and CSMs to determine the best placement for these non-sworn security personnel. Once this has been determined, the management entity must ensure that these non-sworn personnel receive training and adhere to Department and/or District policies related to the treatment of students.

⁴ The District's monthly "Behavior Emergency Report," or BER, references where physical restraints were used on students by staff, including CSMs and CSAs. However, there is no review protocol to ensure that these restraints are appropriate or within policy. Further, the BER is not intended to capture all uses of force, only the use of restraints.

Diversion Program

In our last Report, we described the Department's collaboration with the San Joaquin County Probation Department and community-based organizations to implement a "Youth Deflection Program" (**Task 70**). According to their quarterly School Request for Assistance log, the Department has referred nearly 20 students into this program in lieu of arrest in the summer and fall (quarters 2 and 3). The offenses diverted included drug possession on campus for personal use (marijuana) or intent to sell (Xanax), battery, and weapon possession. In all cases, the victim, if one was identified, was not desirous of prosecution.

We have not yet received any data about the effectiveness of this program but remain optimistic that it is successfully rehabilitating students instead of moving them into the criminal justice system.

Community Advisory Group

The Community Advisory Group ("CAG"), a group of governmental stakeholders and appointed representatives from the public, has continued to meet quarterly on a virtual platform during this reporting period to review new policies and other related items. We commend the CAG, especially its leadership, for continuing to serve in this role despite the challenges of the pandemic.

As part of the Agreement, the CAG must also provide a quarterly summary of these meetings in a formal Report to be shared with the Monitor, the Superintendent, the Chief of Police, and the public (**Task 74**). The creation, review (**Task 72**), and dissemination of these reports has been, at times, delayed in this reporting period.

However, Department and District representatives continue to appear, present, and are available to answer questions at the CAG meetings. For example, recently the new Disability Coordinator introduced herself and her mission to the CAG. And at another CAG meeting, representatives responsible for the diversion program appeared to provide attendees with an overview of the program.

Conclusion

Both the District and the Department have made great strides consistent with the Agreement and significant majority of the tasks have been achieved.

Now that hopefully, the worst of the pandemic is behind us, it is crucial that the District training requirements be completed in a systemic and transparent way. We expect that the momentum gained in the second half of this year will continue as education returns to a pre-pandemic state. But it is imperative that progress continue on the outstanding tasks.

As the majority of tasks are nearing completion, we now also look forward to seeing metrics to indicate how the new systems and training have served Stockton's students, personnel and community, as well as plans for how the District and Department will continue to implement these important trainings, programs, and tools beyond the Agreement.

Appendix A: Matrix with Status

Task	Task Name	Frequency	Task Owner	Next Steps	Status
1	Hire Monitor	One-time	District		Completed
2	Hire a Disability Coordinator	One-time	District		Completed
3	Invite participants to the CAG	One-time	District		Completed
4	Revise CAD form to include "ethnicity" field	One-time	Department		Completed
5	Matrix for BP 5144	One-time	District		Completed
6	Provide monitor report summarizing all complaints against school officials	Bi-annual	District	Reports from 2022-23 school year required	In Progress
7	Adopt Police Assistance & Referral Policy	One-time	District		Completed
8	Report on Department's contacts with students and school staff quarterly	Quarterly	Department	Provide Q1 2023 Reports	Completed
9	Revise BP 5145.11 to require parent/guardian contact before interrogation of student by police	One-time	District		Completed
10	Policy to prohibit transfer of students who misbehave	One-time	District		Completed
11	Revise BP 5145.11 to maintain student interviews	One-time	District		Completed
12	Protocol for UOF complaints against CSM, CSA, or other school staff	One-time	District		Completed

Task	Task Name	Frequency	Task Owner	Next Steps	Status
13	Record calls for service from school site staff that did not warrant a police response	Quarterly	Department	Provide Q1 2023 Reports	Completed
14	Revise BP 5144 re physical restraint may only be used by school staff trained in their application	One-time	District		Completed
15	Goal to develop a formal diversion program	One-time	Department/ District		Completed
16	Hire a Police Professional	One-time	Department/ District		Completed
17	Stakeholder evaluation of formal diversion program	One-time	District		Completed
18	Revise BP 5144, Discipline	One-time	District		Completed
19	Prohibit "out of control" in Police Assistance Policy	One-time	District		Completed
20	Plan for referrals of students with disabilities/mental issues	One-time	District		Completed
21	Create a Protocol to continue the Community Policing Model	One-time	Department/ District		Completed
22	Protocol for referral of psych/counselors v. PD	One-time	Other		Completed
23	Policy to identify mental health issues that can be managed at school site	One-time	District		Completed
24	Protocol for de-escalation techniques	One-time	District		In Progress

Task	Task Name	Frequency	Task Owner	Next Steps	Status
25	Protocol to document all use of physical restraint used by staff	One-time	District		Completed
26	Protocol for supervisor approval for PC 148 (resisting/delaying officer)	One-time	Department		Completed
27	Protocol for dispatchers	One-time	Department		Completed
28	Expunging PC 415.5 violations	One-time	Department		Completed
29	Revise format of 1020 Personnel Complaints	One-time	Department		Completed
30	Create mandatory training plan	One-time, and updated as needed	Department	Provide 2023-24 Training Plan	Completed
31	Procedure for Formal Complaints against school officials	One-time	District		Completed
32	Revise BP and AR 5145.12, Search and Seizure	One-time	District		Completed
33	Protocol for Mental Health Assessments	One-time	District		Completed
34	Procedure for calls re: mental health crisis	One-time	Department		Completed
35	Develop mediation and alternative dispute resolution model	One-time	Department		Completed
36	Initiate training officers in crisis intervention and de-escalation for mental health calls	Annual	Department	Provide training for 2023-24	Completed
37	Train CSMs, CSAs, and other school staff to not use force except in exigent circumstances	Annual	District	Determine chain of command for CSM/CSA	In Progress

Task	Task Name	Frequency	Task Owner	Next Steps	Status
38	Train officers on all new policies per agreement	Annual	Department	Provide training for 2023-24	Completed
39	Train school administrators on all new policy	On-going	District	Provide training for 2023-24 School Year	Completed
40	Train school administrators annually on implicit bias, cultural competence, and restorative practices	Annual	District	Deliver scheduled training; provide documentation	In Progress
41	Use Dept of Ed's "Restraint and Seclusion Resource Document" to train school staff	On-going for new staff	District	Provide list of personnel by site	In Progress
42	Review behavioral emergency reports monthly re: if use of restraint techniques violates law or used disproportionately	Monthly	District	Provide additional information re: review process	In Progress
43	Review data on use of physical restraints by staff; develop remediation plan if needed	Annual	District	Provide additional information re: review process	In Progress
44	Document any use of force by a CSM, CSA, or school staff for review by the District	Monthly	District	Provide additional information re: review process	In Progress
45	Annual training on search and seizure per BP 5145.12	Annual	District	Deliver 2022-23 Training	Completed
46	Submit State of Department report to District	Annual	Department	Provide 2022 State of Department	In Progress
47	Sign language interpreters (Policy #369)	One-time	Department		Completed

Task	Task Name	Frequency	Task Owner	Next Steps	Status
48	Policy for referral of students with disabilities to law enforcement	One-time	Department/ District		Completed
49	Formalize hiring preferences for officers who have experience with children/the community	One-time	Department		Completed
50	Policy for students with disabilities that ID disciplinary dispositions that are consistent with laws	One-time	Department/ District		Completed
51	Create a Community Advisory Group (CAG)	On-going as members term out	District		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	One-time	District		Completed
53	Revise 300 to include Captain to regularly convene supervisors to review UOF incidents for performance review	One-time	Department		Completed
54	Revise UOF review policy (#300) to include Lt. and above review	One-time	Department		Completed
55	Review 300.6 to include parent/guardian notification of student injury	One-time	Department		Completed
56	Revise 306, Leg Restraint Device, to describe use and reporting	One-time	Department		Completed
57	Revise UOF policy (#300) to include new UOF review process	One-time	Department		Completed

Task	Task Name	Frequency	Task Owner	Next Steps	Status
58	Revise 457 and 314, Foot and Vehicle Pursuits, to include communication/office safety/interagency communication	One-time	Department		Completed
59	Training curriculum for de-escalation in school-based policing settings	One-time, updated as needed	Department		Completed
60	Provide required training on UOF and de-escalation strategies	Annual	Department	Provide 2023-24 Training	Completed
61	Identify a community policing philosophy in the Strategic Plan	One-time	Department/ District		Completed
62	Write supervisor expectations for documenting findings in UOF reviews	One-time	Department		Completed
63	Policy for not citing/booking students for conduct that directly resulted from their disability	One-time	Department		Completed
64	Ensure Performance Evaluation system reinforces alternatives to UOF	One-time	Department		Completed
65	Revise UOF policy (#300) to include new definition of UOF per final judgement	One-time	Department		Completed
66	Convene annual meeting of parties to discuss questions/issues/changes to policies	Annual	District	Convene 2023 meeting	Completed
67	Annual training of school staff involved in responding to student misconduct	Annual	District	Provide training plans and attendance	In Progress

Task	Task Name	Frequency	Task Owner	Next Steps	Status
68	Develop training re: working with students with disabilities	One-time	Department	Provide disability training material	In Progress
69	Plan for reducing disproportionalities in referrals by admin to law enforcement	On-going	Department/ District	Complete community meetings; create plan	In Progress
70	Implement a Formal Diversion Program	One-time	Department/ District		Completed
71	Publish DOJ Report of Citizen Complaints on website, provide to CAG	Annual	District	Publish 2023 Report	Completed
72	Review CAG's written summary	Quarterly	Department/ District	Publish 2022 Q4 Meeting Summary	Completed
73	Provide Superintendent quarterly summary report of complaints	Quarterly	Department	Provide Q1 2023 Reports	Completed
74	Provide a written summary of each CAG meeting to public, monitor, Superintendent, COP	Quarterly	CAG	Publish 2022 Q4 Meeting Summary	In Progress