

Stockton Unified School District Department of Public Safety

State of the Department

A report pursuant to the Agreement between the Stockton Unified School
District and the California Department of Justice

Report #3
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EXECUTIVE SUMMARY

In April of 2019, the Stockton Unified School District (District) entered into a formal, court-approved, five-year Agreement (see attachment) with the California Department of Justice after an investigation of community reports of excessive arrests and disproportionate treatment by the District's police department. The Agreement required the District to implement changes in policies, practices, and procedures intended to accomplish the following:

- Reduce student referrals to law enforcement
- Reduce disproportionality of any referrals to law enforcement
- Reduce the number of citations and bookings by law enforcement and any disproportionalities within these classifications
- Reduce uses of force on students
- Expand community policing efforts

This Third Annual State of the Department report, required by the Agreement, provides an overview of the progress made by the District's Police Department (retitled in 2021 as the Department of Public Safety) since the inception of the Agreement.

BACKGROUND

The Stockton Unified School District Department of Public Safety (Department) provides continuous services to over 40,000 students at over 60 locations. The Department is authorized to staff 37 police officer positions, defined as peace officers pursuant to California Penal Code 830.32 and California Education Code 38000. In addition, 8 dispatchers, 3 professional staff and 90 non-sworn campus safety personnel work to provide a safe environment for staff and students. The Department is certified by the California Commission on Peace Officer Standards and Training (POST).

The following expresses the Department's organizational philosophy:

Mission

The Mission of the Department is to advocate for equality and inclusivity by embracing a guardian mentality to reduce disproportionality and promote a positive educational environment; to create and maintain a vital, healthy, safe, and just community; and, to improve the quality of life for all.

Vision

To bring our core values to life in our work to prevent our students from entering the 'School to Prison Pipeline' through the implementation of our Four Cornerstones of Redesigning School Safety: Restorative Justice, Youth Engagement, Community Involvement, and a Holistic Approach.

Guiding Principles

These principles reflect procedural priorities, shared processes, and the rules of engagement on how the Department will implement efforts designed to meet its desired objectives.

- Support a positive view of employees within the Department through community involvement
- Show outcomes transparently and show follow-through on decisions at all meetings

- Focus on the best interests of students to improve their quality of life as students and community members
- Develop partnerships by providing services and support to the community
- Collaborate with the public through proactive and open listening in the community
- Pursue and support accountability
- Seek to achieve prioritized goals as a Department
- Educate schools and the community on the roles of police officers and their responsibilities
- Treat others as you want to be treated. Be open and honest with each other. Acknowledge and recognize good work.

Core Values

The Department believes that justice must be fair, justice must be transparent, and justice must be equal. The District is committed to our core value of “Safeguarding our Future” by providing a safe educational environment in order for students to graduate college -- career and community ready.

- Dependability
- Support for staff development and growth
- Open and honest communication
- Open-mindedness and curiosity
- Trustworthiness
- Respect for all
- Understanding of the chain of command
- Acceptance of input and differing opinions
- Honesty and transparency at all levels
- Interact with and support all community groups
- Consistent support and representation for school sites
- Support and encouragement for officers
- Consistent professionalism
- Teamwork and staff unity
- Common courtesies
- Support for public safety
- Mentoring for students and children
- Quality customer service

STATE OF THE DEPARTMENT

Staffing

Among the most notable changes to the Department in 2021 were significant changes in staffing. Interim Chief Richard Barries was formally promoted to Chief of Police in November. Other interim positions in effect at that time, including Captain and a Lieutenant, were removed. The Department’s only Captain position and the position of Emergency Services Coordinator were eliminated due to budget reductions. Three officers and one office assistant resigned, and one officer and one sergeant

retired. At the time of this writing, of the four sergeant positions, one is on medical leave and one on administrative leave. Currently, there are five police officer vacancies; however, two candidates are in the selection process. The Department is recruiting to fill the remaining officer positions.

Safety and Security

During the 2020-2021 school year the Department answered 4,128 calls for service, significantly below the 7,494 calls for service in the previous school year. Officers responded to 1,537 alarm activations (slightly down from 1,564 in the prior school year) of which 679 were attributed to burglary or attempted burglary. The Department issued 180 citations for traffic infractions, but none were issued to juveniles¹. Officers booked or cited 155 persons for misdemeanor or felony criminal offenses. Warrants were the highest category of arrests with 84, followed by 18 arrests for drug offenses and eight for alcohol violations. Juveniles accounted for only 15 of these bookings or citations² with nine juveniles issued citations for driving without a license, three for burglary and one for assault (see Figure 1). Two Juveniles were booked into a juvenile facility; one for a warrant and one for possession of a firearm.

The Department reports that bookings and citations of students (adults and juveniles) enrolled in the District at the time of the offense are down 98% over the six-year period from 2015-2016 to 2020-2021. Only four District students (adults and juveniles) were booked or cited during the 2020-2021 school year, representing less than one percent of the student population. These numbers speak very well of the Department's stated efforts to reduce the number of arrests and citations of students; however, the reduction should consider the Pandemic's effect on reducing opportunities for in-person learning during the past two school years. Indeed, the return of students to District campuses has resulted in an increase of juvenile arrests in the first semester of the 2021-2022 school year (see Figure 2). Nevertheless, the multi-year trend of significant reductions in arrests is very encouraging. These tangible signs of systemic change reflect the Department's commitment to embracing the intent of the Agreement which was exemplified by the Cornerstones initiative.

Implemented last year under then Interim Chief Richard Barries, Cornerstones publicly pledges a formal shift from traditional law enforcement strategies of arrest and subsequent entry into the criminal justice system to a "guardian mentality" model which diverts minor offenders from criminal sanctions and the resulting stigma. It provides opportunities for mentoring youth, enhances communication with the community, partners with resource providers for families, and promotes positive officer-community interaction.

Cornerstones works in conjunction with the District's *Discipline and Intervention Matrix* that prohibits referrals to the Department of Public Safety for specified low-level student behaviors more appropriately handled by school staff. This ensures officers are responding only to serious offenses that put persons and property at serious risk.

¹ Traffic infractions include vehicle code offenses such as speeding, making an illegal turn, or motor vehicle equipment violations. Infractions do not subject a person to jail or prison time but usually include a fine. Adults can pay the fine, contest the citation in court, or provide proof of correction (for correctable violations). Juveniles must appear in court with a parent or guardian for disposition by the court.

² All juvenile arrests were reported prior to the implementation of the Department's diversion program. All low-level criminal arrest records referenced will be sealed to comply with juvenile arrest procedures.

Juvenile Arrests (Detentions) 2020-2021 School Year						
SUSD Student	Age	Gender	Ethnicity	Special Ed	Arrest Type	Offense Classification
No	17	Male	Hispanic	No	Citation	Unlicensed Driver
No	17	Male	Hispanic	No	Book	Warrant
No	15	Male	African American	No	Citation	Burglary
No	16	Male	African American	No	Citation	Burglary
Yes	16	Male	African American	No	Citation	Burglary
No	17	Male	American Ind	No	Citation	Unlicensed Driver
No	17	Male	Hispanic	No	Citation	Unlicensed Driver
Yes	16	Male	Hispanic	No	Citation	Unlicensed Driver
No	17	Male	Hispanic	No	Citation	Unlicensed Driver
Yes	16	Female	Hispanic	No	Citation	Unlicensed Driver
No	15	Male	African American	No	Citation	Unlicensed Driver
No	16	Male	Hispanic	No	Citation	Battery
Yes	15	Male	Hispanic	No	Citation	Unlicensed Driver
No	14	Male	Hispanic	No	Citation	Unlicensed Driver
No	17	Male	African American	No	Book	Weapon

Figure 1

Juvenile Arrests (Detentions) First Semester 2021-2022 School Year						
Case#	Age	Gender	Ethnicity	Special Ed	Arrest Type	Offense Classification
Yes	16	Male	Hispanic	No	Citation	Substance Abuse- Marijuana
Yes	16	Female	Hispanic	No	Citation	Unlicensed Driver
Yes	14	Male	Hispanic	No	Citation	Battery
Yes	15	Male	Two or More	No	Citation	Weapon Offense
Yes	16	Male	Hispanic	Yes	Book	Weapon Offense
Yes	15	Male	Hispanic	No	Citation	Unlicensed Driver
Yes	15	Female	Hispanic	No	Citation	Weapon Offense
Yes	17	Male	Hispanic	No	Book	Arson
Yes	17	Male	Hispanic	Yes	Book	Weapon Offense
Yes	15	Male	African American	Yes	Citation	Trespassing
Yes	16	Male	African American	Yes	Citation	Weapon Offense
Yes	16	Male	African American	Yes	Book	Weapon Offense

Yes	16	Male	Hispanic	No	Citation	Battery
			African			
Yes	15	Male	American	Yes	Citation	Battery
Yes	15	Male	Hispanic	No	Book	Burglary
Yes	14	Male	Hispanic	Yes	Book	Burglary
Yes	17	Male	Pacific Islander	No	Citation	Battery
Yes	16	Male	Hispanic	No	Citation	Battery
			African			
Yes	15	Male	American	Yes	Citation	Battery
Yes	17	Male	Hispanic	No	Citation	Battery
Yes	16	Male	Two or More	No	Citation	Battery
Yes	17	Male	Hispanic	No	Book	Trespassing
Yes	14	Male	Hispanic	No	Book	Assault
Yes	16	Male	Hispanic	No	Citation	Unlicensed Driver
Yes	17	Female	Hispanic	No	Citation	Unlicensed Driver
			African			
No	16	Male	American	No	Book	Assault
			African			
No	17	Male	American	No	Citation	Trespassing
No	16	Male	Hispanic	No	Citation	Unlicensed Driver
No	14	Male	Hispanic	No	Citation	Unlicensed Driver
No	14	Male	Hispanic	No	Book	Conspiracy
No	14	Female	Hispanic	No	Book	Trespassing

Figure 2

Training

As with last year, the Pandemic continues to pose significant challenges for the Department, most notably in the area of training their personnel. The most effective model of training for changing behavior is that which allows for the demonstrated application of course content. Training mandated by the Agreement and designed to impart effective strategies for de-escalation, crisis intervention, and other behavior-based tasks demands active student participation, critical thinking, and collaboration to resolve realistic scenarios and ill-structured problems. This level of training is difficult to accomplish without in-person learning.

The Agreement requires the Department to submit an annual training plan for approval by the DOJ and this was not accomplished during this reporting period. Although many training venues have significantly curtailed or cancelled in-person instruction during the Pandemic, a projected training plan is nevertheless needed to ensure DPS personnel are trained in new and modified policy and procedures stemming from the Agreement. The training plan would have also provided evidence of the training the DPS did provide during this reporting period to include:

- SUSD Trauma Informed Care
 - April 2021: 28 employees
 - August 2021: 1 employee

- POST Campus Law Enforcement for New Personnel
 - March 2021: 3 employees
- GetSafeUSA: Use of Force and De-escalation
 - March 2021: 14 employees
 - April 2021: 3 employees
 - July 2021: 1 employee
 - September 2021: 1 employee
- GetSafeUSA: Implicit Bias and Racial Profiling
 - March 2021: 4 employees
 - May 2021: 1 employee
 - August 2021: 1 employee
- GetSafeUSA: Cultural Diversity
 - March 2021: 5 employees
 - May 2021: 1 employee
- Department Training on Diversion
 - May 2021: 31 employees
 - June 2021: 1 employee
- Department Training on Policy 369 Communications with Disabled Persons
 - July 2021: 19 employees
- Department Training on Policy 306 Handcuffing and Restraints
 - July 2021: 19 employees
- Department Training on CPC 148
 - July 2021: 19 employees
- Department Training on DOJ Unwarranted Calls Procedure
 - July 2021: 19 employees
- Department Training on Policy 300 Use of Force Review Process
 - July 2021: 19 employees
- Department Training on Policy 314 Vehicle Pursuit
 - July 2021: 19 employees

Community Outreach

The Department's ability to provide community outreach programs and events was also challenged by issues surrounding the Pandemic; however, a meaningful number of events were held during 2021 and include the following:

- **Shop with a Cop:** (December) Officers, in conjunction with the Sherriff's Office, shopped for Christmas presents obtained from a list provided by students and families in need.
- **Toy Drive for Mary Graham Hall:** (December) A toy-drive was held in partnership with Walmart to fill a patrol car. All toys received were donated to the Mary Graham Hall for children and to families in need.
- **Sky Zone Christmas Gift Drive:** (December) A partnership with Peyton Elementary for a Christmas gift toy drive. The classroom with the largest number of gifts participated in a special event at Sky Zone where they and officers jumped on trampolines.

- **Thanksgiving Gift Card Drive:** (November) Collected over \$3,000 in gift cards from restaurants and grocery stores to provide a warm meal to families in need on Thanksgiving.
- **Police Athletics League:** (July, August and November) The PAL hosted several events for youth in the community. Two events were held at Van Buskirk and Brotherhood Park and consisted of training and a scrimmage in football and soccer. The third event was held at the Sky Zone Trampoline Park. The PAL is working in partnership with Merlo High School to sponsor a gaming league for students.
- **Trunk or Treat:** (October) Officers participated in “Trunk or Treat” events throughout the city of Stockton in partnership with community schools and the Stockton Police Department.
- **DEA National Takeback Event:** (April and October) Participated in taking back unwanted or expired legal narcotics and medications for proper disposal.
- **Hometown Hero’s Celebration:** (September) In partnership with local agencies to honor hometown heroes.
- **National Night Out:** (August) Held at Fremont Square Park to promote police and community partnerships.
- **Sherwood Child Safety Event:** (August) A safety fair where officers engaged the community and handed out giveaways.
- **Boggs Track Sustainable Community Transportation Plan:** (August) Handed out backpacks to students from Washington Elementary.
- **209 Cares Car Show:** (July) Engaged the community by handing out stickers, toys, and allowing kids to explore the inside of a patrol car.
- **Block Party:** (July) Participated in a community block party at Chase Chevrolet Car Dealership in partnership with various community organizations.
- **Food Giveaway:** (June) Partnered with Community Resource and Bank to distribute food boxes to families in need.

In addition to the special events listed above, the Department maintains ongoing community programs, which include:

- **Youth Advisory Board:** The 5 members of the Youth Advisory Board (YAB) meet the second Tuesday of every month. An introductory meeting was hosted in December where students provided input into the design of the YAB room and worked on an assignment reviewing 21st Century Policing and how it correlates to current perceptions of police by area youth.
- **Police Explorers:** The Department’s Explorer Program continues to grow with 13 current members. The program meets every Thursday and receives instruction on a variety of topics related to leadership and law enforcement. Explorers participated in several competitions and won an award for placing third in the Response to Bomb Threat category at the California Highway Patrol Explorer competition.
- **Police and Communities Together (PACT):** Promoting community involvement and positive interaction with officers through a variety of community events
- **Public Safety Academy:** Designed to model and teach area youth the necessary cognitive, behavioral, and physical skills required for a career in public safety.

Agreement Status

The 2019 Agreement between the District and the California Department of Justice (DOJ) required corrective actions that were subsequently organized as 74 specific “tasks,” each of which have specific due dates within the Agreement’s five-year period of oversight. Forty of these tasks fell under the purview of the Department. As used in this report, the term “task” refers to an internal designation used by the Department to organize Agreement requirements and is not a designation found in the Agreement itself. Some requirements, depending on their complexity, were subsequently broken into smaller tasks to assist Department staff with managing the workload and reporting progress to the DOJ-approved Monitor (the OIR Group) and the DOJ.

As the Department completes required tasks, documentation is sent to the Monitor for evaluation and approval. The Monitor subsequently forwards these documents to the DOJ for initial approval and then to the Community Advisory Group for review and comment. When this review process has been completed, the tasks are considered approved and ready for dissemination, training, and implementation.

The creation of the Community Advisory Group (CAG) is a requirement of the Agreement and was formed to provide public oversight of the progress made by the Department to comply with Agreement mandates. The CAG provides feedback on how the Department has chosen to meet these mandates through new or modified policy and practices and monitors their effectiveness. The CAG meets quarterly, and their reports can be found online at: <https://www.stocktonusd.net/Page/13517>.

During the first two years of the Agreement, the Department successfully completed most of the required tasks. Details about these accomplishments can be found in the State of the Department reports for the years 2020 and 2021. These reports, and annual reports by the Monitor, can be found on the District’s webpage at: <https://www.stocktonusd.net/Page/13517>. Significant Agreement tasks yet to be accomplished included the complex revision of the Department’s primary use of force policy and related training, the creation of a formal diversion program, and the training necessary to implement other previously approved tasks.

STATUS OF AGREEMENT TASKS

Task #65 Section IV (A) (1-8)

Use of Force (Completed)

Most Agreement tasks related to the use of force (UOF) by District officers were completed and documented in the 2021 State of the Department Report. Although more in number, these modifications to policy supplement the overarching UOF mandates of Department Policy #300. The status of UOF revisions required by the Agreement can be found in the chart below:

53	Revise UOF Review Process	III (C)	Completed*
54	Revise UOF Policy by Department Chain of Command	II (B)	Completed*
55	Revise UOF Policy to Include Mandated Parental Notification	IX (A)(5)	Completed*
56	Revise UOF Leg Restraint Policy	XII (E)	Completed*
57	Revise UOF Policy to Include Criteria for Accountability	XI (B)	Completed*
58	Revise Foot Pursuit Policy	XII (D)	Completed*
59	Develop Training for De-escalation in a School Based Setting	IV (C)	Pending

60	Provide Training on UOF Appropriate for Student Behavior	IV (C)	Pending
62	Establish Expectations for Supervisors Documenting UOF	IV (D)(4)	Completed
64	Revise Officer Evaluation System to Reinforce Options to the UOF	IV (D)(8)	Completed*
65	Revise the Department's Use of Force Policy (#300)	IV (A)(1-8)	Completed

* These tasks were completed during the previous reporting period.

Completion of Task 65³ is a noteworthy accomplishment as it had been in progress since the inception of the Agreement. The policy contains requirements of California law and District policy. It contains specific mandates which reflect the unique role of school police officers responsible for providing safety and security in a school-based environment where most of their contact is with minors. The policy incorporates the aforementioned Discipline and Intervention Matrix and reinforces the limited circumstances under which officers are permitted to interact with students in an enforcement capacity.

Where officers are authorized to take enforcement action, and where the use of appropriate force appears objectively reasonable to accomplish enforcement, the policy strongly encourages prior de-escalation, crisis intervention, and conflict resolution strategies be employed when reasonably possible. Should force ultimately be required, the policy authorizes only the least intrusive means to gain compliance and to provide for the safety of the officer(s), the community, and the offender. The policy includes extensive provisions for the effective reporting, investigation, and evaluation of all use of force incidents. UOF Policy #300 can be found on the Department's website.

Task #59 and #60 Section IV (C)

De-escalation Training (Pending)

Task #38 Section VIII (A)

Train Officers in New Policy Training (Pending)

As mentioned previously, training for officers has been significantly hindered by the social distancing mandates and safety practices arising from the Pandemic. Effective de-escalation training requires placing officers in scenarios where they must demonstrate the ability to apply appropriate techniques. Lecture-based training, or training via the distribution of policy or memorandum does not accurately assess the officer's ability to competently perform the tasks for which they are being trained. As a result, training required under this task (and others) has been delayed until in-person and collaborative training can safely be conducted.

The Department has recently completed a search for an outside vendor to develop tailored curriculum to provide the training required of the Agreement. At writing, a contract between the District and vendor is being finalized. The initial course will be de-escalation training. The curriculum will meet instructional best practices and the requirements of the California Commission on Peace Officer Standards and Training.

Task #15 Section II (A)

Task #17 Section II (B)

Create a Formal Diversion Program (Completed)

The Department joined with the San Joaquin County grant-funded Juvenile Deflection Program to provide alternatives to arrest and diversion that steer youth away from the criminal justice system. As

³ As with most policies, the Use of Force policy will require frequent revision to stay current with changes in law, case law, and best practices. DPS Policy 300 is currently being updated to incorporate new laws effective in 2022.

described by the Department, *“This Youth Deflection Program aims to assist in reducing arrests and seeks to address racial disparities in the county. It is designed on the principles of shared safety and is adaptable to the needs of the youth allowing for a variety of culturally relevant interventions.”* No citation, arrest, or referral for prosecution shall result from any incident within the parameters of the San Joaquin County Protocol.

Offenders eligible for referral to the program are limited to the following offenses:

- All misdemeanor crimes
- All non-violent felonies

Non-qualifying criteria include:

- Juveniles 12 and under
- All violent felonies listed in California Penal Code Section 667.5(c)
- All crimes listed in Welfare and Institutions Code Section 707(b)
- All crimes deemed low-level disciplinary conduct per the Department of Justice Agreement
- No citation, arrest, or referral shall result from any of the below listed offenses:
 1. Defiance
 2. Disorderly Conduct
 3. Disturbing the Peace
 4. Trespassing
 5. Loitering
 6. Using Profanity
 7. Verbal Altercations unless threats of serious bodily injury or involves hate speech
 8. Fights with no injuries unless more than two combatants are involved
 9. Possession of Alcohol and Tobacco
 10. Vandalism less than \$400 unless vandalism pertains to gang affiliation or hate group
 11. Theft less than \$50

At writing, the Department has referred 22 persons to the Diversion program. The Department’s involvement ceases upon referring the youth to the program. Criminal charges against the youth are dismissed in the interest of justice. An assigned program case manager completes a needs assessment and develops a plan for the juvenile while monitoring his/her progress. There are no legal consequences for youth who refuse to participate in the program; however, their participation and ultimate success in the program is strongly encouraged.

CONCLUSION

Despite two years of facing the challenges of the ongoing Pandemic, and significant changes in District and Department leadership and staffing, the Stockton Unified School District Department of Public Safety continues to champion the intent of the Agreement with the DOJ. The Department accomplished two complex and critically important Agreement requirements last year: The creation and implementation of a viable diversion program to keep minor juvenile offenders from the potential harms of the criminal justice system, and the revision of the Department’s use of force policy. The changes to the use of force policy help ensure student and community safety by providing policing that is controlled and impartial and which meets the unique needs of a school environment.

Although nearly of all the Agreement mandates regarding policies and procedure for the Department have now been completed, mandatory training and implementation of these new policy and procedures entails significant planning and the acquisition of resources under challenging staffing conditions. New and modified Department policy means little if not properly introduced and taught, and subsequently embraced and practiced by its personnel. The Department is now moving into a critical phase which will ultimately determine whether the intent of the Agreement, and the community expectations behind it, will be fully and effectively met through the decision-making and actions of their officers, actions which must be worthy of community appreciation and emulation by other police department.

ATTACHMENT



Agreement.pdf