

# CITY OF OAKLAND

## AGENDA REPORT

OFFICE OF THE CITY ADMINISTRATOR

**To:** Office of the City Administrator  
**Attn:** Deborah Edgerly  
**From:** Police Department  
**Date:** June 12, 2007

2007 MAY 31 PM 8:48

**Re: A Report and Proposed Resolution Authorizing the City Administrator or Her Designee, on Behalf of the City of Oakland, to: 1) Waive the Competitive Bid Process, 2) Enter Into a Contract with Michael Palmertree, MFT for Behavioral Science Consulting in Support of the Police Department's Required Compliance with the Negotiated Settlement Agreement (Tasks 40 and 41) for Fiscal Year 2007-08 (July 1, 2007 Through June 30, 2008) at a Cost Not-to-Exceed Forty-Nine Thousand Nine Hundred and Ninety-Nine Dollars (\$49,999.00), And Appropriate Fifteen Hundred Dollars (\$1,500) to Cover the City-mandated 3% Contract Assessment Fee For This Agreement**

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### SUMMARY

As mandated by Negotiated Settlement Agreement (NSA) Tasks 40 and 41, the Police Department is required to develop and implement an early identification and intervention program designed to identify and address police personnel who are engaged in at-risk behavior or display substandard work performance.

Staff has prepared a resolution authorizing the City Administrator to 1) waive the competitive bid process, 2) enter into an agreement with Michael Palmertree, MFT for behavioral science consulting in support of the Police Department's compliance with NSA tasks 40 and 41, for Fiscal Year 2007-2008, at a cost not-to-exceed \$49,999, and 3) approve the appropriation of \$1,500 to covered the City-mandated Contract Assessment Fee.

### FISCAL IMPACT

Approval of this resolution will authorize the City to enter into a one-year, sole source professional services contract with Michael Palmertree, in an amount not to exceed \$49,999, for the purposes of providing behavioral science and mental health services to the Department in FY 2007-08 as required by the Negotiated Settlement Agreement. These funds are available in the Department's FY 2007-09 General Purpose Fund baseline budget and will be drawn from General Fund (1010), Police Personnel Organization (106210), Miscellaneous Contract Services Account (54919), and Program (PS01).

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The City-mandated Contract Assessment Fee associated with the \$49,999 contractual provision totals \$1,500, based on a 3% calculation rate. These funds are also available in the Police Department's General Purpose Fund baseline budget and will be drawn from General Fund (1010), Police Personnel Organization (106210), Miscellaneous Contract Services Account (54919), and Program (PS01).

## **BACKGROUND**

As part of the decision made by the US District Court in relation to the lawsuit brought forth in the case known as the *Riders*, the Department entered into a Negotiated Settlement Agreement. Tasks 40 and 41 of the NSA require the Department to establish an early identification and intervention program to detect and address police personnel engaged in at-risk behavior and substandard performance.

In compliance with this requirement, the Department conducted extensive research of existing early identification and intervention programs and has developed and implemented General Order D-17, *PERSONNEL ASSESSMENT SYSTEM (PAS)*. This policy, reviewed and approved as compliant by the Independent Monitoring Team (IMT), requires the Department to use the services of, and consult with, a behavioral science specialist. This specialist will assist staff in establishing a methodology for identifying at-risk behavior and substandard performance such as training of supervisors, managers and commanders in intervention techniques, and conducting assessments of the effectiveness of intervention efforts.

## **KEY ISSUES AND IMPACTS**

There is an urgent need to provide quality mental health services and behavioral science assessments within the Department to complete the reforms required by the NSA. The Department's policy requires the retention and use of an experienced police behavioral science specialist.

Mr. Michael Palmertree is a licensed therapist with over twenty years experience in addressing behavior and performance issues of police personnel. He has been involved in the development of the Department's current policy and is frequently consulted by supervisors, managers and commanders for his expertise in addressing police related behavior and performance issues. Mr. Palmertree also has extensive background in dealing with critical incident stress, one of the many factors contributing to at-risk behavior and substandard performance. He continues to serve as the *ad hoc* behavioral science consultant for the Department's Peer Support and Critical Incident Stress Management (CISM) teams. Mr. Palmertree also serves in this capacity when supervisors and commanders identify a need for a Department employee to be screened by a mental health professional before returning to regular duties.

Mr. Palmertree is a respected police therapist who has the support of Police Department personnel. He also has the respect of the IMT and Plaintiffs' Attorneys, providing much needed credibility to the Department's nascent early identification and intervention program. Additionally, Mr. Palmertree has vast historical knowledge (over 25 years) of the Department's culture, policies, community and associated stressors. He has been directly involved in a partnership with the Department in the development of all early identification and intervention policies and procedures. He has attended numerous IMT meetings and explained his role in the early identification and intervention process to the IMT, Plaintiffs' Attorneys and the Court. He has been introduced in Federal Court to Judge Thelton Henderson as the Department's resident mental health expert and behavioral science consultant, working with the Department on its early identification and intervention program.

Mr. Palmertree participates in all PAS Development Committee meetings, PAS Activity Review Panels, Peer Counseling Team trainings, Critical Incident Stress Management debriefings. No other consultant has the depth and breadth of knowledge about the NSA, Department policy, police practices and specific police job related stressors as Mr. Palmertree.

Furthermore, Mr. Palmertree has counseled the Department's staff on a myriad of issues impacting at-risk behavior and substandard performance. His experience with the Department in the vital management and NSA compliance area makes him the most qualified mental health professional and behavioral science consultant for the full implementation of the PAS program and ultimate compliance with the NSA. Accordingly, it would be prudent and in the best interest of the City and the Department to waive the competitive bid process and award this contract to Mr. Palmertree.

## **PROJECT DESCRIPTION**

The scope of services to be provided by Mr. Palmertree under this contract shall include:

- a. Continue to assist in the development, delivery, implementation and assessment of the Personnel Assessment System (PAS), the Department's NSA mandated early identification and intervention program.
- b. Assist the Department in the development of a supervisory and management intervention guide for sworn and professional staff personnel. This will involve providing additional training when and where necessary to Department supervisors, managers and commanders.
- c. Provide advice, direction and make recommendations to supervisory and management staff concerning the identification of personnel issues suspected to be related to employee personal, medical or behavioral problems. The Consultant will assist staff in assessing the nature of employee problems that appear to be impacting service standards and help formulate action plans to intervene and correct problems deemed to be of a personal nature.

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- d. Continue to assist in PAS policy development and refinement by reviewing and making recommendations reflecting best practices in areas pertaining to behavioral health issues.
- e. Refer Department personnel with behavioral healthcare concerns to clinical resources equipped to respond to the special needs of law enforcement. The Consultant will be available to assist when Department personnel are in need of urgent psychological assistance from a mental health professional.
- f. Attend all Peer Support and CISM team meetings as a clinical liaison between the team and the Department's Personnel Commander. The Consultant will make training and programmatic recommendations to the Departmental Peer Support and CISM programs.
- g. Serve as a member of the PAS Activity Review Committee. The Consultant will be responsible for reviewing files, meeting with other committee members, and making recommendations for appropriate interventions or other actions.
- h. Work closely with Department staff to review and assess decisions made and documented by supervisors regarding patterns of at-risk behavior or substandard performance and make recommendations for appropriate intervention strategies.
- i. Provide periodic reports to the Chief of Police, the IMT and Federal Court.

## **SUSTAINABLE OPPORTUNITIES**

***Economic:*** The Department's early identification and intervention program assists supervisors, managers and commanders identify personnel who may be engaged in at-risk behaviors and substandard performance. Early detection and intervention with personnel exhibiting these characteristics decreases the likelihood of Police misconduct complaints and the loss of personnel resources due to stress or illness. Furthermore, a decrease in misconduct complaints results in a corresponding decrease in the number and amount of financial claims against the Department and the City.

***Environmental:*** There are no environmental opportunities associated with this report. Addressing at-risk behaviors and substandard performance increases the productivity of personnel who are the subject of intervention by providing mentoring and performance improving counseling. These positive aspects of the program help to reduce adverse actions against the Department and its personnel, improving the Department's ability to respond more effectively to address issues of crime and blight.

## **DISABILITY AND SENIOR CITIZEN ACCESS**

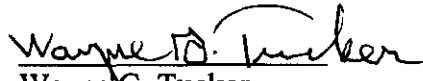
There are no disability or senior citizen access issues related to this contract.

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**RECOMMENDATION / ACTION REQUESTED OF COUNCIL**

Staff recommends acceptance of this report and approval of the proposed resolution authorizing the City Administrator to 1) waive the competitive bid process, 2) enter into a contract with Michael Palmetree, MFT, for behavioral science consulting services for Fiscal Year 2007-08, for an amount not-to-exceed \$49,999.00 and, 3) appropriate \$1,500 to covered the City-mandated 3% Contract Assessment Fee associated with this agreement.

Respectfully submitted,

  
Wayne G. Tucker  
Chief of Police

APPROVED AND FORWARDED TO  
THE CITY COUNCIL:

  
Office of the City Administrator

Prepared by:  
Lt. Kenneth W. Parris  
Personnel Division  
Bureau of Administration

**DRAFT**

City Attorney

**OAKLAND CITY COUNCIL**

OFFICE OF THE CITY CLERK

RESOLUTION No. \_\_\_\_\_ C.M.S.

2007 MAY 31 PM 8:48

**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OR HER DESIGNEE ON BEHALF OF THE CITY OF OAKLAND, TO: 1) WAIVE THE COMPETATIVE BID PROCESS, 2) ENTER INTO A CONTRACT WITH MICHAEL PALMERTREE, MFT FOR BEHAVIORAL SCIENCE CONSULTING IN SUPPORT OF THE POLICE DEPARTMENT'S COMPLIANCE WITH THE NEGOTIATED SETTLEMENT AGREEMENT TASKS 40 AND 41 FOR THE FISCAL YEAR 2007-08 (JULY 1, 2007 THROUGH JUNE 30, 2008) AT A COST NOT-TO-EXCEED FORTY-NINE THOUSAND NINE HUNDRED AND NINETY-NINE DOLLARS (\$49,999.00), AND 3) APPROPRIATE FIFTEEN HUNDRED (\$1,500) TO COVER THE CITY MANDATED 3% CONTRACT ASSESSMENT FEE FOR THIS AGREEMENT**

**WHEREAS**, the Oakland Police Department (hereinafter "OPD") has been subject to the requirements established in the Negotiated Settlement Agreement (hereinafter NSA) arising from the case *Delphine Allen, et al. vs. City of Oakland, et al.*; and

**WHEREAS**, consultation with a behavioral science specialist is critical to the successful development and implementation of an early identification and intervention program as required by the NSA Tasks 40 and 41; and

**WHEREAS**, OPD has previously retained the consulting services of Michael Palmertree, MFT for the development of an early identification and intervention policy that has been accepted by the US Federal Court as being compliant with the provisions of the NSA; and

**WHEREAS**, Mr. Palmertree has over twenty-five years experience counseling OPD personnel in areas of at-risk behavior and substandard performance, and

**WHEREAS**, Mr. Palmertree has been intimately involved in the development, drafting and acceptance of OPD's early identification and intervention program, affording him a unique insight into OPD personnel; and

**WHEREAS**, Mr. Palmertree has been introduced to and made presentations before the IMT, Plaintiffs' Attorneys and the Federal Court responsible for the Departments' compliance with the NSA; and

**WHEREAS**, Mr. Palmertree has been introduced to the same as OPD's resident mental health expert and behavioral science consultant working on its early identification and intervention program; and

**WHEREAS**, bringing another behavioral science consultant on to this project at this time would be seriously detrimental to the progress already made and hinder OPDs' ability to comply with the NSA; and

**WHEREAS**, OPD policy requires the participation of a behavioral science consultant in the conduct of the review process to identify officers and employees engaged in at-risk behavior, substandard performance or exceptional achievement; and

**WHEREAS**, the three percent (3%) City-mandated Contract Assessment Fee associated with the \$49,999 contractual provision totals \$1,500; and

**WHEREAS**, OPD is involved in an effort to obtain compliance certification from US Federal Court for its early identification and intervention program; now, therefore be it

**RESOLVED:** That the City Council finds that it is in the best interest of the City and the Department to waive the competitive bid process and hereby authorizes the City Administrator to waive the competitive bid process and enter into a contract with Michael Palmertree, MFT for behavioral science consulting in support of OPD’s NSA Tasks 40 and 41 compliance efforts in an amount not to exceed \$49,999.00; and be it

**FURTHER RESOLVED:** That funds to execute this agreement are included in the Department’s FY 2007-09 baseline budget and shall be drawn from General Fund (1010), Police Personnel Organization (106210), Miscellaneous Contracts Account (54919), and Program (PS01); and be it

**FURTHER RESOLVED:** That the City Council hereby appropriates \$1,500 from General Fund (1010), Police Personnel Organization (106210), Miscellaneous Contracts Account (54919), and Program (PS01) to cover the three percent (3%) Contract Assessment Fee associated with this contract; and be it

**FURTHER RESOLVED:** That the City Administrator or her designee is authorized to complete all required negotiations, certifications, assurances, and documentation required to accept, modify, extend and/or amend this agreement for services, except for any increase in the contract amount without returning to the City Council; and be it

**FURTHER RESOLVED:** That the City Attorney shall review and approve said agreement with Michael Palmertree, MFT as to form and legality and a copy of the fully executed agreement shall be placed on file with the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 20\_\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

AYES- BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

**DRAFT**

ATTEST: \_\_\_\_\_

LaTonda Simmons  
City Clerk and Clerk of the Council  
of the City of Oakland, California