



CITY OF OAKLAND

AGENDA REPORT

TO: Jestin D. Johnson
City Administrator

FROM: Floyd Mitchell
Chief of Police, Oakland
Police Department

SUBJECT: Pre-Employment Polygraph
Professional Services Agreement

DATE: August 15, 2024

City Administrator Approval


Jestin Johnson (Aug 22, 2024 14:52 PDT)

Date: Aug 22, 2024

RECOMMENDATION

Staff Recommends That The City Council Adopt A Resolution: (1) Extending A Pre-Employment Polygraph Professional Services Agreement With Get Polygraphed! For An Initial Four-Year Term With The Option To Extend The Agreement Two Years In An Amount Not To Exceed Six Hundred Thousand Dollars (\$600,000), And (2) Awarding A Professional Services Agreement With Pacific Coast Polygraph And Investigations, Inc. For An Initial Four-Year Term With The Option To Extend The Agreement Two Years Not To Exceed Two Hundred Thousand Dollars (\$200,000).

EXECUTIVE SUMMARY

The Oakland Police Department (OPD) conducts polygraph examinations during the pre-employment background investigation process for California Commission on Peace Officer Standards and Training (POST) certified positions. OPD is requesting authority to select Get Polygraphed! as a primary vendor and to extend the current agreement. Additionally, OPD is requesting authority to add Pacific Coast Polygraph Investigations, Inc as a supplemental vendor to provide services when the primary vendor is unavailable or when scheduling needs require additional resources. OPD is requesting approval to enter into a professional services agreement from November 1, 2024, for an initial four years with one two-year option with each vendor.

BACKGROUND / LEGISLATIVE HISTORY

In July 2014, OPD conducted an RFP for pre-employment polygraph services. Get Polygraphed! submitted the only qualified proposal. On January 28, 2016, the City Council approved professional Resolution No. 86005 C.M.S. allowing OPD to enter into a professional services agreement. The Get Polygraphed! agreement was effective from January 1, 2015, to October 31, 2016, in the amount of \$95,000, with two additional years plus two one-year extensions. The agreement was amended in September 2022, and currently extends services and funding through October 31, 2024.

ANALYSIS AND POLICY ALTERNATIVES

City Council
September 17, 2024

This policy advances the Citywide priority of responsive, trustworthy government. OPD is utilizing all available resources to ensure qualified candidates are selected for employment.

OPD uses polygraph examinations as a tool during the pre-employment background investigation for POST certified positions. Pursuant to California Labor Code Section 432.2, polygraph examinations are permissible for prospective city government employees. Candidates are not eliminated from the background investigation process based on the indication of deception. In many cases, additional background information that was not initially provided by the candidate is discovered during the polygraph examination. The process aids the background investigator in quickly identifying background information that may require follow up.

Polygraph examiners must receive more than 200 hours of industry-specific training. Examiners must conduct 200 verified polygraph exams before they receive American Polygraph Association (APA) certification. Additionally, they must receive 30 hours of continuing training every two years. Both vendors that responded to the RFP meet the standards and training requirements set forth by the APA. OPD does not have staff or training to perform pre-employment polygraph examinations and relies on vendors to provide this professional service.

Currently, OPD has a pre-employment polygraph services agreement with Get Polygraphed! that is set to expire on October 31, 2024. In June 2024, OPD partnered with the City of Oakland's Contract Administration Unit and conducted a Request for Proposal (RFP) for pre-employment polygraph services. Get Polygraphed! and Pacific Coast Polygraph Investigations, Inc. are the only vendors that submitted a response to the RFP.

This tool is used to determine applicant suitability in meeting the POST selection standards which include the ten dimensions listed on **Table 1** below.

Table 1: CA POST Background Investigation Dimensions

<u>MORAL CHARACTER</u>	<ol style="list-style-type: none">1. Integrity<ul style="list-style-type: none">• Honesty• Impartiality• Trustworthiness• Protection of Confidential Information• Moral/Ethical Behavior2. Impulse Control/Attention to Safety<ul style="list-style-type: none">• Safe Driving Practices• Attention to Safety• Impulse/Anger Control3. Substance Abuse and Other Risk-Taking Behavior
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<p><u>HANDLING STRESS AND ADVERSITY</u></p>	<p>4. Stress Tolerance</p> <ul style="list-style-type: none">• Positive Attitude and Even Temper• Stress Tolerance and Recovery• Accepting Responsibility for Mistakes <p>5. Confronting and Overcoming Problems, Obstacles, and Adversity</p>
<p><u>WORK HABITS</u></p>	<p>6. Conscientiousness</p> <ul style="list-style-type: none">• Dependability/Reliability• Personal Accountability and Responsibility• Safeguarding and Maintaining Property, Equipment, and Belongings• Orderliness, Thoroughness, and Attention to Detail• Initiative and Drive• General Conscientiousness
<p><u>INTERACTIONS WITH OTHERS</u></p>	<p>7. Interpersonal Skills</p> <ul style="list-style-type: none">• Social Sensitivity• Social Interest and Concern• Tolerance• Social Self-Confidence/Persuasiveness• Teamwork
<p><u>INTELLECTUALLY- BASED ABILITIES</u></p>	<p>8. Decision-Making and Judgment</p> <ul style="list-style-type: none">• Situation/Problem Analysis• Adherence to Policies and Regulations• Response Appropriateness• Response Assessment <p>9. Learning Ability</p> <p>10. Communication Skills</p>

FISCAL IMPACT

Typically, OPD requires services for approximately 300 to 350 polygraph examinations per fiscal year. The current cost of a polygraph examination is \$350. OPD is seeking a professional services agreement amount of \$800,000 for a total of six years, which amounts to approximately \$133,000 per fiscal year. OPD anticipates receiving academy funding to cover the cost of pre-employment polygraph examinations. Academy projects are listed on **Table 2**. If academies are do not occur, funding will not be used.

Table 2: Academy Project Funding Codes

Academy	Project	Task	Award	Organization
196th	1006591	196-BR	20406	106610
197th	1006592	197-BR	20406	106610
198th	1006593	198-BR	20406	106610

The most immediate funding from the 196th Academy will be paid from the General-Purpose Fund (1010), Background and Recruiting Organization (106610), Miscellaneous Services Account (54919), 196th Police Academy Project (1006591), Police Training Program (PS09).

PUBLIC OUTREACH / INTEREST

No outreach was deemed necessary for the proposed policy beyond the standard City Council agenda noticing procedures.

COORDINATION

This report and the resolution have been reviewed for form and legality by the Office of the City Attorney and the Budget Bureau.

PAST PERFORMANCE, EVALUATION AND FOLLOW-UP

Get Polygraphed! has provided pre-employment polygraph services for OPD for approximately eight years. The Get Polygraphed! polygrapher graduated from an APA accredited polygraph basic education course. The vendor is fully recognized by the American Association of Police Polygraphists (AAPP) and the National Organization of Law Enforcement executives. Get Polygraphed! consults with OPD staff on polygraph examinations and reports. OPD background investigators are satisfied with the services Get Polygraphed! provides.

The Pacific Coast Polygraph Investigations, Inc. polygrapher graduated from an APA accredited polygraph basic education course. The vendor is fully recognized by the AAPP, the National Polygraph Association (NPA), the American Association of Police Polygraphists (AAPP), the California Association of Polygraph Examiners (CAPE), and the Northwest Polygraph Examiners Association. The vendor provided references from several law enforcement agency clients. OPD reached out to references and received responses that testified to receiving

excellent pre-employment polygraph services. OPD is confident that services provided by the vendor will prove to be satisfactory.

SUSTAINABLE OPPORTUNITIES

Economic: Adopting this resolution will provide an additional tool in early identification of critical information that support pre-employment decisions. Polygraph examinations serve as an investigative tool that saves time and resources associated with the background investigation process.

Environmental: There are no environmental issues associated with this report.

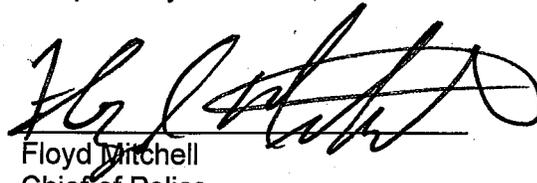
Race and Equity: Adopting this resolution will assist the City of Oakland with utilizing all available resources to ensure qualified candidates are selected for employment. Hiring qualified candidates is in alignment with OPD's plan to reduce crime, improve public safety, improve community engagement, strengthen community trust, and foster a high quality, involved, and respected workforce.

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That The City Council Adopt A Resolution: (1) Extending A Pre-Employment Polygraph Professional Services Agreement With Get Polygraphed! For An Initial Four-Year Term With The Option To Extend The Agreement Two Years In An Amount Not To Exceed Six Hundred Thousand Dollars (\$600,000), And (2) Awarding A Professional Services Agreement With Pacific Coast Polygraph And Investigations, Inc. For An Initial Four-Year Term With The Option To Extend The Agreement Two Years Not To Exceed Two Hundred Thousand Dollars (\$200,000).

For questions regarding this report, please contact Antoné Hicks, Police Personnel Operations Specialist, OPD Recruiting & Backgrounds Unit, at (510) 238-2089.

Respectfully submitted,



Floyd Mitchell
Chief of Police
Oakland Police Department

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