

CITY OF OAKLAND
AGENDA REPORT

FILED
OF THE CITY CLERK
OAKLAND

2007 AUG 30 PM 2:07

TO: Office of the City Administrator
ATTN: Deborah A. Edgerly
FROM: Police Department
DATE: September 11, 2007

RE: A Report and Proposed Resolution Authorizing The City Administrator to 1) Waive the Competitive Request for Proposals Process, and 2) Negotiate, and Enter Into a Contract With East Bay Community Foundation to Implement a Youth Early Diversion Program and to Conduct a Police Training Collaborative for an Amount Not-To-Exceed Ninety-Four Thousand Five Hundred Eighty-Eight Dollars (\$94,588) For a Period Not-to-Exceed One Year From the Date of Passage of This Resolution

SUMMARY

The Oakland Police Department, in collaboration with Safe Passages (East Bay Community Foundation), seeks to implement a Youth Early Diversion Program. Staff has prepared a resolution authorizing the City Administrator, on behalf of the City of Oakland, to 1) waive the competitive request for proposals process, and 2) execute a contract in an amount not to exceed \$94,588, between the City of Oakland and Safe Passages to provide an Early Intervention Program and a Police Collaborative Training. The terms of this contract are contained in this staff report and shall not exceed a period of one year from the date of the final approval.

FISCAL IMPACT

Approval of this resolution will authorize the Department to enter into a one-year contract with Safe Passages in an amount not to exceed \$94,588. Funding for this project will be provided through the Asset Forfeiture Fund that is held by the District Attorney's Office. Asset Forfeiture is governed by the Health and Safety Code Section 11489(i), which states that "assets seized by governmental entities shall be held in a special fund and 15% of the funds shall be used for the sole purpose of funding programs designed to combat drug abuse and divert gang activity, and wherever possible involve educators, parents, community-based organizations, and local businesses." The funds are governed by a panel consisting of the District Attorney, the Alameda County Sheriff, and a Chief of Police within the County who represents all of the Chiefs in Alameda County.

Funds are dispersed by a written request (attached) that identifies the amount requested and the purpose for the funds. The request is sent to the panel for approval. Upon approval, a payment will be made to Safe Passages on behalf of OPD. Should the request not be approved, OPD will identify an alternate source of funding and return to Council for authorization.

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The City-mandated Contract Assessment Fee associated with the \$94,588 contractual provision totals \$2,837.64, based on a 3% calculation rate. These funds will also be received from the Asset Forfeiture Fund.

BACKGROUND

In July 2006, Safe Passages (East Bay Community Foundation) proposed to its Board of Directors the expansion of its Youth Offender Strategy to include developing efforts to reduce Disproportionate Minority Contact (DMC)¹ in Alameda County. The Board accepted staff's recommendation to assist in the creation and implementation of a police administered Youth Early Diversion Program in Oakland.

During the 1970s and 1980s, many diversion programs were operated by police departments; a practice that appears to be resurfacing in many jurisdictions with positive results. An example of a successful program is the Civil Citation Program in Hillsborough County Florida. This program enables police officers to avoid taking a juvenile into custody by issuing sanctions which include up to 40 hrs. of community service, instead of arresting the juvenile for a minor offense.

In 1998, the City of Berkeley conducted a study of its Department's administered Early Diversion Program. The study found that of the 1,058 youth arrested in Berkeley that year, 676 (64%) of the youth were diverted to various programs operated by its Youth Services Detail and other community-based organizations. In contrast, Oakland youth are faced with only one option when arrested for minor offenses - to be processed in the Juvenile Justice System.

KEY ISSUES AND IMPACT

The East Bay Community Foundation (EBCF) and the Oakland Police Department have enjoyed a longstanding working relationship and have collaborated on numerous outreach programs focusing on at risk youth and youth violence prevention. In collaboration with the Youth Intake Desk, the East Bay Community Foundation has been an integral part of OPD's efforts to develop a youth mentoring and diversion program. Moreover, EBCF is familiar with Department procedures, and has worked closely with staff to gain the trust of officers, which has helped the Department bridge the gap between Oakland's police and youths. Therefore, it is in the best interest of the City to waive the Competitive Request for Proposals process, and enter into this agreement with the East Bay Community Foundation.

¹ DMC refers to the overrepresentation of minority youth in the Juvenile Justice System

With growing concern over youth violence in the City of Oakland, this program will provide the Police Department with a means of measuring its diversion programs and training and youth outreach efforts. There is currently no mechanism in place to measure these programs.

The prioritization and analysis of Measure Y programs for youth offenders lend to conditions in which public service providers and law enforcement staff can focus on providing quality outreach and intervention to at-risk youth. Moreover, this program will provide training for all officers in youth diversion and intervention strategies, which will in turn make officers more aware of the need to seek alternatives to arrest when appropriate.

PROJECT DESCRIPTION

A. DIVERSION PROJECT - *Oakland Police Department and EBCF (Your Ventures) will collaboratively:*

1. Establish and finalize OPD Diversion Program Development work plan and project timeline;
2. Identify and establish OPD Diversion Program internal work group;
3. Establish Programmatic and Policy Goals for Diversion Program;
4. Work to establish a cross-agency partner work group to improve coordination and efficiency of Diversion Program effort;
5. Work to establish work group meeting schedules and ensure that designated OPD staff is present at all scheduled meetings;

OPD will:

1. Provide Youth Ventures with juvenile arrest data, and any pertinent information related to OPD practices and protocols for juvenile contacts, citations and arrests;

B. DIVERSION PROJECT - *EBCF (Youth Ventures) will:*

1. Coordinate and convene all work group meetings;
2. Conduct a thorough analysis of juvenile justice system data to inform diversion policy and program development;

3. Conduct research concerning police department implementation of early diversion programs that produce meaningful outcomes;
4. Create an implementation plan including timelines and benchmarks;
5. Identify program evaluation indicators and data collection protocols;
6. Produce and disseminate communication materials to keep OPD and the community informed about project progress as well as how they can participate in the planning of the project;
7. Assist with development efforts including creation of a leverage plan to access other public system resources, maximizing existing resources such as Measure Y funding allocated for this common target population, and securing new resources to build out the model;
8. Work with partners, including OPD and Oakland's Department of Human Services, and Alameda County Probation Department to evaluate program development processes;
9. Work with partners, including OPD, Oakland's Department of Human Services, and Alameda County Probation Department to track youth referrals and referral outcomes.

C. POLICE TRAINING COLLABORATIVE - *Oakland Police Department will:*

1. Assign an OPD Training Unit officer to attend the police training collaborative meetings;
2. Assign officer(s) to assist Youth Ventures Police Training Collaborative members with internal OPD commitment and communication among units establishing training goals, affecting the necessary protocol changes concerning young children, and evaluating curriculum and trainings;
3. Provide centralized location at OPD Administration Building for Youth Ventures staff and collaborative partners to post referral materials/information, announcements pertaining to training and evaluation materials;

4. Provide Youth Ventures Intake Coordinator at the Family Justice Center with police reports and other related data pertaining to young children;
5. Post information pertaining to training and young children on a quarterly basis in the OPD bulletin.

D. POLICE TRAINING COLLABORATIVE - EBCF (Youth Ventures) Will:

1. Conduct the following police trainings:
 - 15-minute line-up trainings and one-hour Academy trainings;
 - One-hour CPT (Advanced Officers) School trainings;
 - Juvenile and Family Intake Unit;
 - Half-day Specialized Trainings for patrol officers;
2. Create resource and referral cards for officers, children, and families exposed to violence;
3. Provide officers with resources (stickers, hand-puppets, coloring books, etc) to facilitate communication and interactions with young children exposed to violence;
4. Evaluate the effectiveness of the training and resources along with officer knowledge through, the use of focus groups, pre- and post- surveys, and questionnaires;
5. Revise and further develop police training curriculum in accordance with best practices and evaluation feedback.
6. Develop community outreach materials that include: brochures for families and AC Transit posters that raise awareness about children exposed to violence and provide referral information to families.

SUSTAINABLE OPPORTUNITIES

Economic: The program will assist the Police Department in referring at-risk youths to the appropriate diversion/mentoring program. In turn, this will create better opportunities for youths to become employable thus providing for economic sustainability.

Environmental: There are no environmental opportunities identified in this report.

Social Equity: Youth who are mentored are more likely to become productive members of society, which will increase social equity in the City of Oakland. This project seeks to include all at-risk youths regardless of social or economical status.

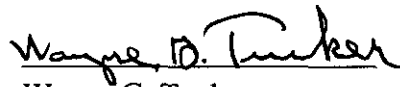
DISABILITY AND SENIOR CITIZEN ACCESS

There are no disability or senior citizen access related issues with this report.

RECOMMENDATION / ACTION REQUESTED OF THE COUNCIL

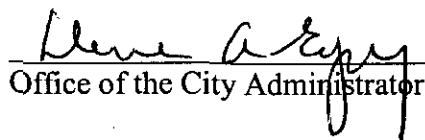
Staff recommends acceptance of this report, and approval of the proposed resolution authorizing the City Administrator to 1) waive the competitive request for proposals process, and 2) negotiate and enter into a contract with East Bay Community Foundation to implement a Youth Early Diversion program, and to conduct a Police Training Collaborative for an amount not-to-exceed \$94,588.

Respectfully submitted,



Wayne G. Tucker
Chief of Police

APPROVED AND FORWARDED TO
THE PUBLIC SAFETY COMMITTEE:


Office of the City Administrator

Prepared by:
Assistant Chief Howard Jordan
Office of Chief of Police
Oakland Police Department

Attachment:

1. Request for Funds

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CITY OF OAKLAND



POLICE ADMINISTRATION BUILDING • 455 - 7TH STREET • OAKLAND, CALIFORNIA 94607-3985

Police Department

Telephone Device for the Deaf (510) 777-3333

Patrol Desk (510) 238-3455

Fax (510) 238-2251

August 28, 2007

Thomas J. Orloff
Alameda County District Attorney
Rene C. Davidson Courthouse
1225 Fallon St. Room 900
Oakland, CA. 94612

Sir:

This letter serves as a formal request for \$94,588 in asset forfeiture monies be allocated to the Oakland Police Department for the purpose of subsidizing a one-year contract the City of Oakland is entering into with the East Bay Community Foundation, also doing business as Safe Passages, and additional funds in the amount of \$2,845.65, which is the amount needed to fulfill the City of Oakland's mandated 3% contract assessment fee.

Safe Passages, in collaboration with the Oakland Police Department, will develop a Youth Early Diversion Program to provide quality outreach and intervention to at-risk youth. Moreover, this program will provide training for all officers in youth diversion and intervention strategies, which will in turn make officers more aware of the need to seek alternatives to arrest when appropriate.

As you are aware Health and Safety Code Section 11489(i) states that "assets seized by governmental entities shall be held in a special fund and 15% of the funds shall be used for the sole purpose of funding programs designed to combat drug abuse and divert gang and drug activities, and wherever possible involve educators, parents, community-based organizations, and local businesses." This request will accomplish that by diverting youth from gang activity with the assistance of a community-based organization.

Specifically, the involved agencies will take the following steps to accomplish our goal:

1. Establish and finalize an OPD Diversion Program Development work plan and project timeline;
2. Identify and establish OPD Diversion Program internal work group;
3. Establish Programmatic and Policy Goals for Diversion Program;


4. Work with Youth Ventures to establish a cross-agency partner work group to improve coordination and efficiency of Diversion Program effort;
5. Provide Youth Ventures with juvenile arrest data, and any pertinent information related to OPD practices and protocols for juvenile contacts, citations and arrests;
6. Work with Youth Ventures to establish work group meeting schedules and ensure that designated OPD staff is present at all scheduled meetings;

With respect to the training component of our plan we shall:

1. Conduct 15-minute line-up trainings; one-hour Academy trainings; One-hour CPT (Advanced Officers) School trainings; Juvenile and Family Intake Unit; and half-day Specialized Trainings for patrol officers;
2. Create resource and referral cards for officers, children, and families exposed to violence;
3. Provide officers with resources (stickers, hand-puppets, coloring books, etc) to facilitate their communication and interactions with young children exposed to violence;
4. Evaluate the effectiveness of our training and resources along with officer knowledge through the use of focus groups, pre and post surveys, and questionnaires;
5. Revise and further develop police training curriculum in accordance with best practices and evaluation feedback.
6. Develop community outreach material that includes: brochures for families and AC Transit posters that raise awareness about children exposed to violence and provide referral information to families.

I can be reached at 510-238-7519 should you have any questions or require further detail.

Sincerely,



Howard Jordan
Assistant Chief of Police
Oakland Police Department

FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

2007 AUG 30 PM 2:07 **RESOLUTION No. _____ C.M.S.**

A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO 1) WAIVE THE COMPETITIVE REQUEST FOR PROPOSALS PROCESS, AND 2) NEGOTIATE, AND ENTER INTO A CONTRACT WITH EAST BAY COMMUNITY FOUNDATION TO IMPLEMENT A YOUTH EARLY DIVERSION PROGRAM AND TO CONDUCT A POLICE TRAINING COLLABORATIVE IN AN AMOUNT NOT-TO-EXCEED NINETY-FOUR THOUSAND FIVE HUNDRED EIGHTY-EIGHT DOLLARS (\$94,588) FOR A PERIOD NOT-TO-EXCEED ONE YEAR FROM THE DATE OF PASSAGE OF THIS RESOLUTION

WHEREAS, In July 2006, the Office of the Oakland Chief of Police and the Youth Ventures Board of Directors accepted the recommendation to create and implement a police administered early diversion program in Oakland; and

WHEREAS, Oakland Police Department agreed to continue and expand the Youth Ventures Police Training Collaborative; and

WHEREAS, it would be in the City's best interests to waive the competitive request for proposal/qualifications requirement and select the East Bay Community Foundation (EBCF) for the above-described tasks because the Oakland Police Department has enjoyed a long-standing collaboration relationship on numerous outreach programs focusing on at risk youth, and youth violence prevention with EBCF and, EBCF has helped the Department bridge the gap between Oakland's police and youths by working closely with staff to gain the trust officers, therefore, EBCF is highly and best qualified to continue in the contract role; and

WHEREAS, East Bay Community Foundation (EBCF) would be retained to develop two joint projects with the Oakland Police Department: 1) The Oakland Police Department Early Diversion Program, and 2) the Youth Ventures Police Training Collaborative; and

WHEREAS, this contract amount is within the City Administrator's contract authority and funding for this project in the amount of \$94,588, will be provided through a trust (Asset Forfeiture) that is maintained in the District Attorney's Office which is governed by the Health and Safety Code 11489(i), which states that "assets seized by governmental entities shall be held in a special fund and 15% of the funds shall be used for the sole purpose of funding programs designed to combat drug abuse and divert gang activity, and wherever possible involve educators, parents, community-based organizations, and local businesses; and

WHEREAS, the services to be provided under the above-described contract are of a professional,

scientific or technical and temporary nature and shall not result in the loss of employment or salary by any person having permanent status in the competitive service; and be it

WHEREAS, the City’s mandated 3% contract assessment fee associated with this contract totals \$2,837.65, and will also come from the Asset Forfeiture account; now therefore be it,

RESOLVED: That pursuant to Oakland Municipal Code section 2.04.051.B and based on the reasons set forth in the City Administrator’s report accompanying this Resolution, the City Council finds and determines that it is in the best interests of the City to waive the City’s request for proposal/qualifications process and so waives it for the contract with East Bay Community Foundation to implement a Youth Early Diversion Program and to conduct a Police Training Collaborative; and be it

FURTHER RESOLVED: That the City Administrator is authorized to enter into a contract with the East Bay Community Foundation to implement a Youth Early Diversion Program and to conduct a Police Training Collaborative in an amount not-to-exceed \$94,588, for a period not-to-exceed one year from the final passage of this resolution; and be it

FURTHER RESOLVED: That all funding for this project, including the City of Oakland Contract Assessment Fee, shall be drawn from the Police Department’s Asset Forfeiture fund; 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 EBCF, 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-

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