

# CITY OF OAKLAND

## AGENDA REPORT

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

TO: 2011 AP Office of the City Administrator  
ATTN: P. Lamont Ewell, Interim City Administrator  
FROM: Oakland Police Department  
DATE: April 12, 2011

Re: A Report and Resolution Waiving Advertising And The Request For Proposals/Qualifications And Authorizing The City Administrator To Enter Into An Agreement For The Period July 1, 2011 To June 30, 2012, With Michael Palmertree To Provide Behavioral Science Consultation And Training Services To The Oakland Police Department At A Cost Not To Exceed Fifty Thousand Dollars (\$50,000.00)

### SUMMARY

This report and resolution has been revised from the original documents submitted in the 10-day packet. After the printing of the 10-day packet, staff received notification of revisions needed as a result of the further review from the City Attorney's office.

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 2011-2012, at a cost not-to-exceed \$50,000.

### FISCAL IMPACT

Approval of this resolution will authorize the City to enter into a one -year professional services contract with Michael Palmertree, in an amount not to exceed \$50,000, for the purposes of providing behavioral science and mental health services to the Department in FY 2011-12 as required by the Negotiated Settlement Agreement. Funding in the amount of \$50,000 is included as part of the Police Department's 2011-12 budget appropriation and will be drawn from General Fund (1010), Personnel Section Organization (106210), Miscellaneous Contract Services Account (54919), Project (0000000), Program (PS01).

Item: \_\_\_\_\_  
Public Safety Committee  
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## 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.

Michael Palmertree has been providing his professional services to the Police Department dating back to 2005.

The Police Department conducted a Request for Proposals (RFP) process in June 2008, inviting qualified service providers to submit proposals to render behavioral science consultation and training services to the Police Department. As a result of the RFP process the contract was awarded to Michael Palmertree to provide said services. The initial two-year contract was extended by the City Council for one year, in June 2010.

## KEY ISSUES AND IMPACTS

The current contract with Michael Palmertree is due to expire on June 30, 2011. Michael Palmertree, Marriage Family Therapist (“MFT”), was retained in 2008 to work on the early identification and intervention program required by the Negotiated Settlement Agreement (“NSA”) in the Delphine Allen, et al. vs. City of Oakland, et al. case, and was intimately involved in the development, drafting and acceptance of program that was accepted by the US Federal Court as compliant with the NSA. The Oakland Police Department has reached full compliance with Tasks 40 and 41 and the need to continue the consultation and training services is necessary to maintain compliance. It is necessary to continue a services contract with Michael Palmertree for behavioral science consultation and training services to continue meeting the objectives of the NSA.

## PROGRAM DESCRIPTION

Michael Palmertree provides professional advice and counsel to the Police Department command staff. He participates as an active member of the Personnel Assessment System (PAS) Activity Review Panel and provides management consultations as needed. He develops and delivers training to personnel related mental health and behavioral science issues as required by the objectives of the PAS policy. He provides mental health consulting and support for the Police Department's Peer Support Team as well as counseling services for sworn and civilian employees following traumatic incidents such as officer involved shootings, in-custody deaths, etc.

## SUSTAINABLE OPPORTUNITIES

*Economic:* No economic opportunities are identified in this report. However, professional advice and counseling services, including stress debriefing, may enhance the City's risk management strategies.

*Environmental:* No environmental opportunities are identified in this report.

*Social Equity:* Professional advice and counsel related to mental health and behavioral science issues provided to the command staff of the Police Department, as well as counseling services provided to sworn and civilian employees following traumatic events benefit the entire community served by all employees of the Police Department.

## DISABILITY AND SENIOR CITIZEN ACCESS

There are no Americans with Disabilities Act (ADA) or senior access issues contained in this report.

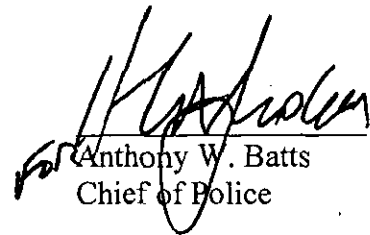
## RECOMMENDATION AND RATIONALE

As Michael Palmertree has a current contract with the Police Department and has effectively provided his professional services in the area of behavioral science consultation and training to employees of the Police Department, it is recommended that his contract be extended for an additional term of 12 months for the period July 1, 2011 through June 30, 2012.

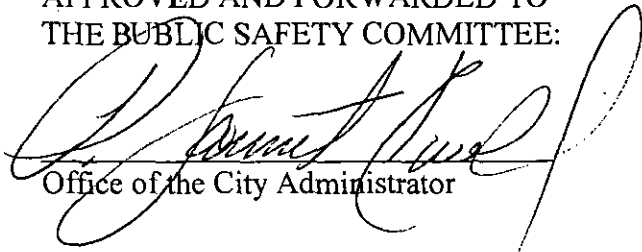
**ACTION REQUESTED OF THE COUNCIL**

Accept this report and adopt the resolution authorizing the City Administrator to execute a contract with the Michael Palmertree, MFT and, pursuant to Chapter 2.04, Article I, section 2.04.051.B of the Oakland Municipal Code ("OMC"), waive the advertising and the RFP/RFQ requirements for the purchase of professional services that are needed for the early identification and intervention program under the terms of the Negotiated Settlement Agreement in the Delphine Allen, et al. vs. City of Oakland, et al. case.

Respectfully submitted,

  
Anthony W. Batts  
Chief of Police

APPROVED AND FORWARDED TO  
THE PUBLIC SAFETY COMMITTEE:

  
Office of the City Administrator

Prepared by:  
Mr. Gilbert Garcia  
Personnel & Fiscal Services  
Oakland Police Department

2011 APR -7 PM 6:23

Oakland City Attorney's Office

# OAKLAND CITY COUNCIL

**REVISED**

Resolution No. \_\_\_\_\_ C.M.S.

**RESOLUTION WAIVING ADVERTISING AND THE REQUEST FOR PROPOSALS/QUALIFICATIONS AND AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO AN AGREEMENT FOR THE PERIOD JULY 1, 2011 TO JUNE 30, 2012, WITH MICHAEL PALMERTREE TO PROVIDE BEHAVIORAL SCIENCE CONSULTATION AND TRAINING SERVICES TO THE OAKLAND POLICE DEPARTMENT AT A COST NOT TO EXCEED FIFTY THOUSAND DOLLARS (\$50,000.00)**

**WHEREAS**, the Oakland Police Department ("OPD") is required to provide services of a behavioral science specialist to develop and implement an early identification and intervention program pursuant to Tasks 40 and 41 of the Negotiated Settlement Agreement ("NSA") in the Delphine Allen, et al. vs. City of Oakland, et al. case; and

**WHEREAS**, consultation with a licensed behavioral science specialist is critical to the successful development and implementation of the program, and Michael Palmertree, Marriage Family Therapist ("MFT"), was retained in 2008 to work on the program and was intimately involved in the development, drafting and acceptance of OPD's early identification and intervention program that was approved by the United States Federal Court as being compliant with 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 introduced to and made presentations before the Independent Monitoring Team, plaintiffs' attorneys and the Federal Court responsible for OPD's 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**, 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 and exceptional achievement; and

**WHEREAS**, Oakland Municipal Code section 2.04.051.B permits the Council to waive advertising and the request for proposal/qualifications ("RFP/Q") requirements upon a finding that it is in the best interest of the City to do so, and staff recommends that the Council waive

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advertising and RFP/Q requirements for the purchase of behavioral science and consultation services necessary for compliance with the NSA; and

**WHEREAS**, the services to be provided under said 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; now, therefore be it

**RESOLVED**: That for the reasons stated above and in the City Administrator's report accompanying this item and pursuant to Oakland Municipal Code section 2.04.051.B , the Council finds that it is in the best interest of the City to waive advertising and the request for proposal/qualifications requirements for the purchase of services from a behavioral science specialist for continued implementation of the early identification and intervention program required by the Negotiated Settlement Agreement in the case Delphine Allen, et al. vs. City of Oakland, et al., and so waives the requirements; and be it

**FURTHER RESOLVED**: The contract for behavioral sciences consulting in support of OPD's NSA Tasks 40 and 41 compliance efforts is awarded to Michael Palmertree, MFT, for the term July 1, 2011 through June 30, 2012, in an amount not to exceed \$50,000; and be it

**FURTHER RESOLVED**: That funds are available in the Department's FY11-12 budget appropriation and will be drawn from General Fund (1010), Personnel Section Organization (106210), Miscellaneous Contracts Account (54919), Project 0000000, and Program (PS01); and be it

**FURTHER RESOLVED**: That the City Administrator or his 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 contract with Michael Palmertree 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, \_\_\_\_\_

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, SCHAAF AND PRESIDENT REID

NOES -

ABSENT -

ABSTENTION -

ATTEST: \_\_\_\_\_  
LATONDA SIMMONS  
City Clerk and Clerk of the Council of  
the City of Oakland, California