

Agenda Report

March 27, 2023

TO: Honorable Mayor and City Council

FROM: Police Department

SUBJECT: CONTRACT TO PERFORMA LABS, INC. FOR A WEB-BASED DE-ESCALATION TRAINING PLATFORM NOT-TO-EXCEED \$350,000

RECOMMENDATION:

It is recommended that the City Council:

1. Find that the project proposed herein is exempt under the California Environmental Quality Act (CEQA) Guidelines Section 15061 (b)(3), the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment;
2. Authorize a contract with Performa Labs, Inc. for a web-based de-escalation training platform not-to-exceed \$350,000 over three years. Competitive Bidding is not required pursuant to City Charter Section 1002(C) contracts for labor, material, supplies, or services available from only one vendor; and
3. It is further recommended that the City Council grant the proposed purchase an exemption from the competitive selection process pursuant to PMC section 4.08.049(B) for contracts which the city's best interests are served.

BACKGROUND:

On November 21, 2022, City Council approved the recognition and appropriation of a State of California Board of State and Community Corrections distribution of \$350,000 through the Budget Act of 2022 for the Use of Force and De-escalation Training Pilot Program.

These funds can only be used for Use of Force and De-escalation training that meet the following criteria. This training must be approved by the California Commission on Peace officer Standards and Training (POST). The training must provide flexible modes of use, such as mobile platforms, or trainings that utilize the use of body worn camera footage.

The POST website (post.ca.gov) contains a course catalog of all POST approved training providers and courses. POST has a rigorous process in approving courses that are offered on the website. Part of the process includes submitting an expanded course outline (ECO). This outline details the course curriculum and how the curriculum will be taught. For example, is the class taught using case study analysis or class discussion or hands-on training. If the training course is approved, the course will receive a course number specific to the subject matter and the training provider will receive a unique Presenter Number and the ECO will be placed on the POST website. If the course outline and training content meet POST standards, the program and provider will be certified. This review includes a quality assessment process by POST.

Upon searching the POST website for De-escalation training, there were two providers listed; Performa Labs, Inc. and Lexipol, LLC. Performa Labs, Inc. was the only provider that satisfied all criteria by being POST approved, providing mobile platforms, and utilizing body worn camera footage.

Upon searching the POST website for Use of Force training, there were 199 providers listed, which included Performa Labs. Again, Performa Labs, Inc. was the only provider that satisfied all criteria by being POST approved, providing mobile platforms, and utilizing body camera footage. The vast majority of the other providers were police agencies that had created their own in-house curriculum to be taught as in-person classes. Performa Labs, Inc. is the only provider that teaches via a mobile platform using body worn camera footage as specified in the Bureau of State and Community Corrections mandate for use of funds received.

Staff recommends approving the contract with Performa Labs, Inc. as it is in the city's best interest to use the program money to provide the mobile platform training. Performa Labs, Inc. is the only training available that meets all the criteria established by the program. The mobile platform program utilizes advanced neuro cognitive science in developing and delivering the training.

COUNCIL POLICY CONSIDERATION:

The proposed action is consistent with the City Council's Strategic Plan Goals to ensure public safety and maintain fiscal responsibility and stability.

ENVIRONMENTAL ANALYSIS:

The proposed contract has been determined to be exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15061(b)(3), the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Such is the case with the proposed contract with Performa Labs, Inc. for a web-based training platform.

FISCAL IMPACT:

The cost of this action is \$350,000 for a three-year contract. Funding for this action will be addressed through the use of the State of California Board of State and Community Corrections Budget Act for Use of Force and De-escalation Training Pilot Program for Police Department (10133036-811400-91254) which was approved by Council on November 21, 2022.

Respectfully submitted,



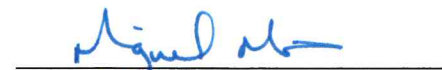
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