



*Final Report  
Evaluation of  
Law Enforcement Options  
City of Del Mar*

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***Project Staff:***

*Jim Armstrong*

*Greg Nelson*

*George Rawson*

***Ralph Andersen & Associates***

*[www.ralphandersen.com](http://www.ralphandersen.com)*

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# Chapter I

## Introduction

The City of Del Mar has asked Ralph Andersen & Associates to evaluate a variety of law enforcement organizational options to enhance public safety within the City. These options include augmenting the current contract for policing services with San Diego County by employing Del Mar Enforcement Officers who would be authorized to enforce a number of municipal code violations and provide general patrol services; contracting with a private security company to provide patrol services and possibly respond to specified non-emergency police calls for service; and lastly to evaluate the recent proposal by the County Sheriff's Department to provide additional services to the City through the employment of a Community Services Officer by the Sheriff's Department.

This request to evaluate various law enforcement options is a result of numerous concerns expressed in the community concerning law enforcement services currently provided by the County's Sheriff's Department. Among the concerns that have been expressed are the following:

- Cost of Sheriff's services is too high
- Response times to lower priority calls by the Sheriff's Department are too slow
- Lack of patrol "presence" in the City by the Sheriff's Department resulting in concerns about the community's overall safety
- Frequent turnover of Sheriff's deputies, resulting in a lack of familiarity of the community and its small town character

Del Mar is a small coastal city of 4,278 in San Diego County, embracing 2.1 square miles. The City attracts nearly 2,000,000 visitors to its beautiful beaches, and 3,000,000 visitors to the Del Mar Fairgrounds and Racetrack, which is operated by the State's 22nd District Agricultural Association. The City has a median household income of \$127,304 with the average price of a single family home exceeding \$1,600,000.

Since its incorporation in 1959, the City has contracted with the San Diego County Sheriff's Department for law enforcement services. Del Mar is the smallest of nine cities which contract with the County and the Sheriff for law enforcement services. The other eight cities include: Solana Beach, Encinitas, Imperial Beach, Lemon Grove, Poway, San Marcos, Santee, and Vista. The cost of the services to the City of Del Mar in Fiscal Year 2016 is budgeted at \$2,139,720.

## Chapter 2

# Methodology

The methodology of this study included the review of documents and data supplied by the City of Del Mar City Manager's Office and from the San Diego County Sheriff's Department. This material included financial and operational data including the program's budget, City staff reports, various correspondence, and opinions from the City Attorney's Office. In the course of this study, interviews were conducted with Scott Huth, City Manager; Mark Delin, Assistant City Manager; Pat Vergne, Community Services Director/Life Guard Chief; Adam Chase, Park Ranger; Kathy Garcia, Planning and Community Development Director; Patty Malik, Code Enforcement Officer; and Jacob Gould, Assistant City Attorney. Also interviewed by the Project Team were Captain Theresa Adams-Hydar, Commander of the San Diego County Sheriff's Department Encinitas Station; Lieutenant Amy Brown-Lisk, Patrol Division Commander at the Encinitas Station; Matt Wellhouser, Chief of Patrol for the Rancho Santa Fe Patrol; Steve Clark, City of Santa Cruz Deputy Police Chief; Andy Coleman, Vice President for Development at Universal Protection Services; and Christy Gramann, Business Development Manager, Universal Protection Service.

The Consultant Team also met with two members of the City's Law Enforcement Subcommittee of the Finance Committee, Jim Benedict and Barry Entous.

All of the interview participants were cooperative and helpful, and the Consultant Team appreciates their willingness to be candid and honest in expressing their opinions to our team.

## Chapter 3

# Background

Concerns about law enforcement services within the City of Del Mar have been expressed by members of the public and the City Council for several years. The primary concerns expressed have related to the following issues:

1. **Cost of Services** – The annual contract with the County Sheriff's Department totals \$2,139,720. The cost has risen steadily over the years as a result of several factors, including overall inflation, higher wage and pension costs, and moves by the County to ensure that contract cities pay the fully burdened cost of contract law enforcement services. The tension over contract law enforcement costs is prevalent in counties throughout California, as costs rise.

It is expected that law enforcement costs, for both county and municipal departments, will continue to rise at a rate higher than normal inflation over the next several years as law enforcement agencies grapple with high pension costs and demands by public safety unions to increase salaries and benefits that have grown little since the 2008-09 recession.

2. **Response Times** – A strong theme that was heard by the Consultant Team was the frustration expressed by members of the public concerning lengthy response times to lower priority calls for service, commonly referred to as priority 3 and priority 4 calls. These are calls in which there is no immediate danger to life or property, and, as a result, do not require an immediate Code 3 (lights and siren) response. The most common types of these calls include responding to a residential or auto burglary after the incident has occurred, petty thefts, vandalism; and responding to reports of loud parties. The biggest concern expressed to the Consultant Team was slow response to excessive noise complaints.

The Consultant Team reviewed the most recent response time data from the County Sheriff to determine how these response times compared to industry standards. According to the County's data, for the first nine months of 2014, the median response times to Priority 3 calls was 14 minutes, with an average of 15.4 minutes. For Priority 4 calls, the median response time was 29.4 minutes, with an average of 45 minutes.

According to the Sheriff's data for other contract cities nearby, these are typical response times. And based upon the experience of the Consultant Team, these are typical response times for urbanized law enforcement settings. However, when compared to smaller affluent communities with their own police departments, the response times for priority 3 and 4 calls is high. These agencies typically have a greater number of personnel assigned exclusively to their community and available to respond to these types of calls.

3. **Lack of Patrol Presence** – Another concern expressed to the Consultant Team is the lack of patrol presence in the community. Del Mar is a small compact city of two square miles, and residents and businesses have expressed a concern that they rarely see Sheriff's vehicles just patrolling local neighborhoods and business areas. The general feeling that was expressed is that if there could be more "police presence," it would be a deterrent to crime.

Sheriff's Department officials readily acknowledged that it is difficult to maintain a police presence in Del Mar due to the nature of how the Department is staffed, the frequent need for officers to cover each other in adjacent jurisdictions, and the time required to take reports, transport prisoners, process evidence, participate in long term investigations, and travel to/from the Sheriff's station in Encinitas. This is even more difficult during peak traffic times and in the busy summer season when there is frequent congestion on main arterial and collector streets.

4. **Frequent Turnover of Sheriff's Officers in Del Mar** – The Consultant Team also heard concerns expressed about the frequent turnover of individual officers in Del Mar. It is believed that this turnover results in a lack of familiarity by Sheriff's Officers of the community, and most importantly,

does not result in effective community policing in which there is a personal relationship between officers and local residents and businesses.

Again, the Sheriff's Department officials recognize that there is frequent turnover in Del Mar due to a variety of factors. The Sheriff's Department is a large organization in which deputies often travel long distances to commute to work. Individual officers have the right to "bid" on assignments based upon a number of factors, and often prefer to be closer to their residences which are often in more affordable areas of the County.

Throughout California, police agencies are grappling to fill vacant positions caused by retiring "baby boomers," high employment standards, and a lack of qualified applicants. It is not uncommon for law enforcement agencies in California to have vacancy rates for sworn officers approaching 10%. As a result, Sheriff's Officers can also be reassigned to fill critical vacancies throughout the County.

# Chapter 4

## Baseline Situation

### Current Law Enforcement and Municipal Code Enforcement Services Provided within the City of Del Mar

In order to effectively evaluate the various law enforcement options, it is important to briefly define the baseline situation existing within the City of Del Mar. The City currently has a number of functions within the City providing different law enforcement services as follows:

1. **Contract with the Sheriff's Department** – The City contracts with the Sheriff's Department for a total of 5.32 Deputy Sheriff's for round the clock 24 hour coverage. Under the existing contract, the Sheriff also provides 1.26 Deputy Sheriff's (42.5 hours) for traffic enforcement and one full time detective. The full-time detective splits his time between investigating crimes that occur within the City and issuing citations and managing the RedFlex red light enforcement program.

Because the Sheriff's Department covers other adjacent cities and is part of a large regional system, the City also receives automatic backup to officers in the field on a daily basis, and the use of many other regional Sheriff's Department resources such as specialized investigative assistance, crime analysis, access to sophisticated forensic specialties, aerial support, etc.

2. **Parking Enforcement** – Under the direction of the Community Services Department, the City employs three full-time parking control officers and three seasonal part-time Parking Enforcement Officers. These officers enforce City wide.

The full-time Parking Enforcement Officers are "PC-832 certified." This means they have completed at a minimum a 40 hour course approved by the Commission on Police Officer Standards and Training (POST). They are also authorized by the City Council to enforce municipal code violations and animal regulations as "Enforcement Officers," as designated by the City Council. This designation allows them to issue administrative citations, but not criminal citations.

In many ways, the Parking Enforcement Officers operate as Community Services Officers. They utilize a small Ford Ranger SUV as well as four electric assisted bicycles and operate City-wide. According to Parking Enforcement Lieutenant Eric Sandy, not only do they enforce parking regulations, but are used on a variety of other assignments as follows:

- Back-up lifeguards at dispatch and on first aid responses
- Support cliff rescues
- Respond to fire scenes
- Help evacuate residents during floods
- Fill sandbags during storms
- Clear drains
- Help find lost persons
- Assist Sheriff's Deputies in identifying suspected criminals
- Report low flying aircraft
- Help railroad police with track trespassers
- Contact Coast Guard regarding vessels in distress and suspicious boats
- Participate in beached dead whale removal and stranded sea lions

- Capture stray dogs, birds, and snakes
- Observe, report, and follow-up on building code violations
- Direct traffic during emergencies
- Patrol special events including Concerts in the Park, Art Stroll, Holiday in the Village, etc.
- Coordinate passenger loading for local school's Surf P.T.

The Parking Enforcement Program is managed by a Parking Enforcement Lieutenant, who supervises the other full-time employees and the part-time seasonal staff.

3. **Code Enforcement Officer** – Under the direction of the Planning and Community Development Department, the City employs one full-time Code Enforcement Officer to enforce a variety of municipal code sections relating to business licenses, the zoning code, building without a permit, excessive noise, taxi cab regulation, storm water violations, etc.

Both the Planning and Community Development Director and Code Enforcement Officer indicated that the existing program is able to keep up with code enforcement complaints, and does not have a significant backlog of work. If additional resources are added to the program, it would be utilized in more proactive code enforcement work such as sign enforcement or vacation rental regulation enforcement.

The Code Enforcement Officer is supervised directly by the Planning and Community Development Director.

4. **Park Ranger Program** – Under the direction of the Community Services Department, the City employs one full-time Park Ranger. The Park Ranger is a sworn peace officer with police powers within all designated park and beach areas in the City. The Park Ranger also has the ability to cite violators and make arrests outside park and beach areas when there is an immediate danger to people or property. As a peace officer, the Park Ranger has access to the California Law Enforcement Telecommunications System (CLETS), allowing access to criminal records and vehicle information.

The Park Ranger indicated to the Consultant Team that he currently has no administrative support. As a result, he spends a majority of his time in training, inputting data, maintaining current policy and procedures, and handling other duties to his administrative infrastructure.

The Park Ranger is also designated by the City Council as and “Enforcement Officer” and has the ability to issue administrative citations for violations of the municipal code throughout the City. However, there are some limits to this authority when the Park Ranger is acting in his peace officer status.

The Park Ranger is directly supervised by the Community Services Director/Chief Lifeguard.

5. **Lifeguard Program** – Under the direction of the Community Service Department, the City also employs 4 full-time and 55 part-time lifeguards. A number of the lifeguards are PC-832 certified. This allows them to issue citations for infractions that may occur on the beach. Those include underage drinking, animal violations, and parking violations.

The Lifeguard Program is supervised by the Lifeguard Lieutenant, who reports directly to the Community Services Director/Chief Lifeguard.

For a city the size of Del Mar, the community is fortunate to have the number of current law enforcement functions already in place that can assist in enforcing State and local laws and regulations.

# Chapter 5

## Limits on Ability of City Employees to Respond to Calls for Service to the Sheriff's Department

In preparing our report, the Consultant Team relied heavily on a recent analysis by the City Attorney's Office, which spells out the limits on various organizational configurations being analyzed in this study. This analysis is enclosed as Exhibit 1. The analysis is important, because it places important limits on the ability of existing and future staff to respond and handle certain types of calls. Some of the key points in the analysis are the following:

1. Existing and new City staff, such as lifeguards, parking control officers, and code enforcement officers, even with PC-832 Certifications and City Council authorization as "Enforcement Officers," can only enforce municipal code violations. They cannot respond to most Priority 3 and 4 calls, even if a method for dispatch existed, since they are not sworn peace officers. Crime related calls need to be handled by the Sheriff's Department.
2. The existing Park Ranger, under his peace officer status, can only handle crime related matters within his primary duty area, beach and park areas. His authority to respond to calls outside his primary duty area, is restricted to "emergency" type situations.
3. The Park Ranger, under his authority as an "Enforcement Officer," pursuant to the municipal code, can issue Administrative citations for violations of the Municipal Code, where administrative citations apply, throughout the entire City. However, there are significant limits on his ability to perform these enforcement activities, if it appears that he is acting in his capacity as an armed peace officer.
4. Private patrol services, neighborhood watch volunteers, and other volunteer programs such as the Retired Senior Volunteer Program (RSVP) have no authority to enforce criminal statutes or municipal code violations. All such calls need to be referred to either the Sheriff's Department or the appropriate City department.

The Sheriff's Department has indicated on a number of occasions that they will not dispatch City personnel or private patrol services to respond to Priority 3 or 4 calls that are phoned into the Sheriff's dispatch center. This position was affirmed in correspondence from Captain Theresa Adams-Hydar, Commander of the San Diego County Sheriff's Department Encinitas Station, in a letter dated June 1, 2015 as follows:

"If the City does opt to hire a security contingency or a modified Code Officer, the Sheriff's Department will not include that entity into the current dispatching system. Similarly, there will not be a division of duties or the assignment of non-priority calls to this unit. The Sheriff's Department will remain the primary responder in all calls for service regardless of call type and priority level. However, the Sheriff's Department would recognize the unit for the local service they provide to the community and establish a good working relationship for intelligence gathering and information sharing; similar to the relationship with the current Park Ranger."

As a result, any of the organizational options discussed in this report will have a limited ability to reduce response times for these types of incidents.

## Chapter 6

# Analysis of Options

### Option 1 – Hybrid Program – Continuation of Sheriff’s Contract Augmented by Del Mar Enforcement Officers

The first option the City has asked the Consultant Team to examine is the possible employment of one or more “enforcement officers,” who could be utilized to do generalized patrol and enforce provisions of the municipal code. It is also envisioned that these employees could serve as an additional “eyes and ears” for the Sheriff’s Department, by reporting suspicious activities, trends, etc.

There are a number of ways to create this type of structure. The Consultant Team has focused on three potential options as follows:

- a. 1 Full-time Community Services Officer
- b. 2 Half-time Community Services Officers
- c. Supplement existing operations with part-time staff as needed on a seasonal basis

Each of these options is discussed below in greater detail.

#### Option 1A – One (1) Full-Time Community Services Officer

The first option the Consultant Team focused upon is the employment of a full-time Community Services Officer. Key elements of the position would be as follows:

- The position would be designated by the City Council under the Del Mar Municipal Code as an “Enforcement Officer,” with authority to issue municipal code administrative citations throughout the City.
- The position would be PC-832 Certified in order to be able to issue specified municipal code citations.
- The position would work alongside the Parking Enforcement Officers, who already perform a variety of assignments in addition to parking enforcement duties.
- The position would wear a distinctive casual uniform, such as a golf shirt or short sleeve shirt, with a name badge identifying him/her as a Community Services Officer.
- The position would utilize a vehicle that identifies him/her as a Community Services Officer. The Consultant Team recommends a medium sized pick-up truck or sedan that is clearly different from a police vehicle. The vehicle should be equipped with yellow caution lights, but not be equipped with a police type light bar.
- Additionally, the position should also utilize an electric assisted bicycle, as is done by the Parking Enforcement staff.
- The job description for the position should be structured so that the schedule for the position is flexible, in order to meet the City’s needs on weekends and at night.

The Consultant Team struggled on our recommendation about which department would be most appropriate to supervise this position. The most feasible options include assigning the position to the Community Services Department under the supervision of the Parking Enforcement Lieutenant or Park Ranger, or assigning the position to the Planning and Community Department, under the existing Code Enforcement Officer.

After consideration, we came the conclusion that the position should be assigned to work under supervision of the Parking Enforcement Lieutenant. The parking enforcement function is city-wide in scope, in contrast to the Park Ranger Program, which is focused primarily on beaches and parks. Additionally, Parking Enforcement Officers already perform a number of functions traditionally performed by Community Services Officers in other communities.

We are not recommending the position be assigned to Planning and Community Development, since the Code Enforcement Officer focuses primarily on traditional enforcement issues such as zoning violations, business license enforcement, noise complaints in the commercial area, violations of the City’s taxi cab regulations, sign complaints, and vacation rental complaints. However, we do believe that the new Community Services Officer could be of assistance to the Code Enforcement Officer to assist on nights and on weekends for noise complaints and taxicab enforcement.

Should the City adopt this option, it should also consider whether to designate all of the Parking Enforcement Officers as Community Services Officers and officially broaden their scope of duties. Since they periodically already perform many of the functions of community services officers type positions, there is a real opportunity to create a greater presence in the community by broadening the role of all the Parking Enforcement Officers. Changing the job descriptions and duties of the Parking Enforcement Officers will require working with the impacted employees and employee organization as a part of the “meet and confer” process required under California State law.

Estimated cost per year of this position is approximately \$83,777 per year. The proposed budget is shown below as Table 1. We have utilized the same salary and benefit ranges as a full-time top step Parking Enforcement Officer II.

<b>TABLE 1 --Estimated Budget -- One Full Time CSO</b>			
	Units	Cost per unit	Total
Salaries -- Permanent	1	54,095	54,095
Employee Benefits	1	1,287	19,062
Worker's Compensation	1	3,246	3,370
Salaries -- Seasonal			
Overtime			
<b>Subtotal -- Employee Services</b>			<b>76,527</b>
Equipment/Radio Maintenance Repair	1	250	250
Vehicle Maintenance			1,000
Operating Supplies			1,500
Computer Software			300
Uniforms	1	600	600
Small Tools and Equipment		100	100
Gas and Oil			1,800
Telephone	1	1,200	1,200
Membership/Subscriptions			0
Training & Education			500
<b>Subtotal -- Maintenance and Operations</b>			<b>7,250</b>
<b>Contractural Services</b>			<b>0</b>
<b>Total</b>			<b>\$ 83,777</b>

Advantages and disadvantages of this approach are as follows:

**Advantages:**

1. Full-time position allows for long-term continuity, training, and ability to know individual businesses and community members.
2. The position can be used throughout the City for a variety of municipal code violations, based upon changing priorities and as issues arise.
3. If the City chooses to also designate all of the Parking Enforcement Officers as Community Services Officers, it would create a much greater presence in the community.
4. The new position can be assigned to work evenings and weekends.
5. Distinctive vehicle, electric bicycle, and uniform will create more of a presence in the community.
6. Flexible hours will allow greater emphasis at night and on weekends, especially for enforcement of noise and taxi regulations.
7. Over the long term, the position would be able to develop relations with the other parts of the City organization and the Sheriff's Department.

**Disadvantages:**

1. The position will not be able to respond to Priority 3 and 4 calls, since they cannot be dispatched by the Sheriff's Department.
2. Highest hourly cost option, due to the cost of health benefits and retirement costs.
3. The full-time nature of the employee will result in less flexibility to modify program based upon results, financial constraints, or community needs.
4. Would have limited ability to deal with certain high priority issues such as loud parties in residential areas, traffic violations, and drug issues, since they will not have full peace officer powers. These types of issues will need to be dealt with by the Sheriff's Department.

## **Option 1B – Two (2) Part-time Community Services Officers**

The second option the Consultant Team focused upon is the employment of two part-time (960 hours per year) Community Services Officers. Key elements of this approach are as follows:

- As with Option 1A, the positions would be designated by the City Council under the Del Mar Municipal Code as an "Enforcement Officers," with authority to issue municipal code administrative citations throughout the City.
- The positions would also be PC-832 Certified, to allow the issuance of specified municipal code citations.
- As with Option 1A, the Consultant Team recommends that the two part-time positions also be supervised by the Parking Enforcement Lieutenant.
- An optional organizational arrangement would be to have one of the part-time CSOs assigned to work with the Park Ranger to focus exclusively in park and beach patrols, and more importantly, to assist in his significant administrative workload, especially during the busy summer months. The position would also have access to the CLETS system if assigned to the Park Ranger Program.
- The job description, uniform, and vehicle recommendations for the full-time CSO would be the same for the part-time positions. If one of the CSOs is assigned to work with the Park Ranger, he would be able to use one of the two vehicles assigned to the Park Ranger Program.
- The City could also consider designating all of the Parking Enforcement Officers as Community Services Officers, in order to officially broaden their duties to involve patrolling the City and creating a greater presence. As noted previously, this may require meeting and conferring with the affected employees and employee organization.

- The Community Services Officers will be available to work with the Code Enforcement Officer on night and weekend enforcement activities, such as noise complaints in the commercial areas and taxicab regulation enforcement
- The estimated cost for this program would be approximately \$64,124 per year, assuming both positions are limited to working 960 hours per year, which will exempt these employees from participation in the CalPERS retirement program. The proposed budget for the program is shown below as Table 2. We have utilized the same top step hourly rate as a full-time Parking Enforcement Officer II. It is the Project Team's recommendation that the higher hourly rate be utilized in order to maintain greater program continuity and lower turnover of employees.

<b>TABLE 2 -- Estimated Budget</b>			
<b>Two Part Time Community Services Officers</b>			
	Units	Cost per unit	Total
Salaries -- Permanent	2	\$ 24,970	\$ 49,939
Employee Benefits	2	\$ 687	\$ 1,374
Worker's Compensation	2	\$ 1,556	\$ 3,111
Salaries -- Seasonal			\$ -
Overtime			\$ -
<b>Subtotal -- Employee Services</b>			<b>\$ 54,424</b>
Equipment/Radio Maintenance Repair	2	\$ 250	\$ 500
Vehicle Maintenance			\$ 1,000
Operating Supplies			\$ 1,500
Computer Software			\$ 300
Uniforms	2	\$ 600	\$ 1,200
Small Tools and Equipment		\$ 100	\$ 500
Gas and Oil			\$ 1,800
Telephone	2	\$ 1,200	\$ 2,400
Membership/Subscriptions			\$ -
Training & Education			\$ 500
<b>Subtotal -- Maintenance and Operations</b>			<b>\$ 9,700</b>
<b>Contractual Services</b>			<b>\$ -</b>
<b>Total</b>			<b>\$ 64,124</b>

Advantages and disadvantages of this approach are as follows:

**Advantages:**

1. Part-time program is lower cost option than the full time CSO program.
2. Utilizing part-time employees will allow for more flexibility to modify program elements over time as results are measured, or in times of financial stress.
3. The positions can be used strategically, based upon changing community priorities and needs.
4. If the City chooses to designate all of the Parking Enforcement Officers as Community Services Officers, it would create a greater presence in the community.
5. Both positions can be scheduled heavily in the busy summer months when work load is highest, providing a much greater presence than generated by one full-time position throughout the year.

6. Distinctive vehicle, bicycle, and uniform will create more of a presence in the community.
7. Flexible hours will allow greater emphasis at night and on weekends and can assist the Code Enforcement Officer in the enforcement of noise and taxi regulations.
8. If one position is assigned to work with the Park Ranger, it will allow the Ranger to increase time spent in the field.

**Disadvantages:**

1. Utilizing part-time positions will result in greater employee turnover, which would translate into more time devoted to training new employees, less program continuity, and less familiarity with local businesses and community members.
2. Like Option 1A, the part-time CSOs will not be able to respond to Priority 3 and 4 calls, since they cannot be dispatched by the Sheriff's Department.
3. Like Option 1A, the part-time CSOs would have limited ability to deal with certain high priority issues such as loud parties in residential areas, traffic violations, and drug issues, since they will not have full peace officer powers. These types of issues will need to be dealt with by the Sheriff's Department.

### **Option 1C – Supplement Existing Operations with Hourly Support**

In reviewing the City organization and itemizing existing resources, the Consultant Team observed that the City of Del Mar already has a robust program of law enforcement and municipal code enforcement resources already in place. With the existing Sheriff's contract, Park Ranger Program, Parking Enforcement program, Code Enforcement Officer, and Lifeguard Program, there are a number of resources already available. Therefore, one of the simplest options available to the City of Del Mar is to merely enhance existing operations in the City with part-time staff hours utilizing existing titles and classifications. This approach is already used by the City as a part of the annual budget process.

For example, if parking enforcement is a high priority, the City can use the existing organizational structure to add additional seasonal Parking Enforcement Officers. In a similar fashion, in prior years, the City has supplemented the Park Ranger's Program through the employment of part-time Beach and Community Services Officers, who patrolled portions of the City's beaches and parks, and assisted in the administrative functions of the Park Ranger office. This type of approach also allows the City to increase staffing during the busy summer months, when existing staff is stretched thin.

The Consultant Team did not develop any budgets for this option, since the various combinations are infinite. But we did want to point out that it may not be necessary to create a new organizational structure or new position classifications to meet community needs.

### **Option 2 – Continuation of Sheriff's Contract Augmented by Private Security Services**

A second option the Consultant Team was asked to analyze is the use of private security services to enhance the City's law enforcement services. Staff and citizens have frequently pointed to the successful program in Rancho Santa Fe as a possible model that Del Mar could build upon. Key questions in looking at the use of private security services are as follows:

1. Can the City, as a municipal government, legally contract with a private security service to provide specified law enforcement services within the City?
2. Can private security services be a first responder to specified calls in the City, especially burglar alarm calls and priority 3 and 4 calls?
3. Can the private security services be dispatched directly by existing dispatch resources to priority 3 and 4 calls?
4. Can private security services be contracted with to enforce specific sections of the municipal code such as noise complaints, parking regulations, or zoning/building code violations?

## **Rancho Santa Fe Private Patrol**

As a part of the Consultant Team's research, we looked extensively at the Rancho Santa Fe private patrol program and interviewed Patrol Chief Matt Wellhouser to determine how their program operates. Some of the key elements of their program are as follows:

- The program began in 1976 after an existing cooperative program with the Sheriff's Office was restructured.
- Rancho Santa Fe Patrol Officers patrol both public and private streets within this open community.
- All of their employees are directly employed by the Rancho Santa Fe Association. They are not employees of a separate private security firm.
- Dispatch services are provided to the Patrol from the North County Dispatch Joint Powers Authority, commonly referred to as North Comm. This arrangement was grandfathered in when North Comm was created in the 1980s.
- There is a longstanding close relationship with both North Comm and the Rancho Santa Fe Fire Protection District. The Patrol's offices are leased from the Fire District.
- The Rancho Santa Fe Patrol Officers are authorized to carry County radios, providing direct communications with the County Sheriff's Office.
- Most Rancho Santa Fe residents' who have burglar alarms have registered them with the Patrol service, so that the Patrol will be the first responder. Based upon pre-planned response protocols, North Comm will dispatch both the Rancho Santa Fe Patrol and Sheriff's Officers simultaneously, if necessary.
- Patrol Officers have no peace officer status to effectuate arrests, other than to make citizens' arrests. However, Chief Wellhouser could not recall when they have needed to make a citizen's arrest. The Sheriff's Office will be called if necessary.
- The Rancho Santa Fe Patrol Program has a unique and close relationship with the County Sheriff's Department that probably cannot be duplicated in Del Mar.

If the City wants to create a patrol presence similar to the model utilized by Rancho Santa Fe, it would need to employ the patrol officers directly. Just as with the Community Services Officer models discussed as Options 1A and 1B, the officers could be designated as Enforcement Officers by the City Council and granted authority to write citations for violations of the municipal code, including parking violations. However, if the City does employ the patrol officers directly, they would not be able to be dispatched through the County Sheriff's Department or able to respond to Priority 3 or Priority 4 calls.

## **City of Santa Cruz**

The use of private security firms by cities in California is rare, making it difficult to create comparisons or evaluate how effective they can be. For the most part, their use has been limited to patrolling specific facilities such as courthouses, airports, office buildings, and library facilities or remote facilities such as water reservoir sites.

One city that has found the use of private security firms helpful for patrol type activities is the City of Santa Cruz. According to Deputy Police Chief Steve Clark, Santa Cruz utilizes the firm of First Alarm, located in Northern California, to supplement existing police services in their downtown area, on their wharf and beach areas, and in the Harvey West Industrial area. The private security officers are unarmed and equipped with police provided radios. They utilize bicycles in their downtown area and use small Ford Ranger pickup trucks when on vehicle patrol. They serve as "extra eyes and ears" for their police department, but do not have the ability to issue any types of citations. While most of their work is self-initiated, they monitor the police radio frequencies and frequently offer to assist in evaluating problems in the areas they patrol. Much of their work revolves around monitoring and dealing with homeless issues, which is a major community concern in Santa Cruz.

Santa Cruz's contract for their downtown patrol is \$158,796 per year, for 18 hours of patrol time per day, 365 days per year (5,760 hours per year), which equates to \$24.17 per hour. There is an additional surcharge when vehicles are used of \$200 per month, plus fuel and oil expenses.

In addition to the private security services they utilize, Santa Cruz also employs Community Services Officers. These employees are PC-832 certified, and are authorized to write parking citations and other tickets for municipal code violations.

## **Business Improvement Districts**

While not many cities utilize private security services for general patrol services, in California there has been a proliferation in the use of private security services over the past few years by local business improvement districts (BIDs). These districts are formed voluntarily by businesses, in which they agree to assess themselves an annual fee, in order to pay for various services such as marketing and security. The formation of BIDs is pursuant to the California Street and Highways Code, Sections 36600-36604. In most cases, the monies for BID programs are collected by the local municipality as an additional assessment to business license taxes.

Two good examples of the use of private security services are the DowntownLA.com District Security Officer program in Los Angeles, and the Downtown San Diego Business Improvement District's Clean and Safe program. Both of these BIDs contract with Universal Protection Services. Security guards wear distinctive uniforms (in Los Angeles they are purple), travel on bikes and in patrol vehicles, and create a sense of security and safety in these downtown areas. They also have established strong relationships with local police officials and have created specific protocols regarding to handle various incidents and situations.

## **City Contract for Private Security Services**

The Project Team discussed a possible contract with Andy Coleman, Vice President for Development at Universal Protection Services. He indicated that Universal Protection Services is one of the largest providers of private security services in the United State, and has a number of contracts for providing services for Business Improvement Districts in California. In fact, he indicated that they provide services to 90% of BIDs in Los Angeles County.

He confirmed that they could provide private security services for the City of Del Mar in a fashion similar to the Santa Cruz model and the services they provide to Business Improvement Districts throughout the State. He indicated that the labor cost of the services would be approximately \$20 per hour for unarmed security guards, with extra charges based upon the City's desires regarding communications equipment, bikes, and vehicles. Costs for these services are typically as follows:

- Vehicles – \$750 per month (Fuel Extra)
- Bikes – \$70 per month
- Cell phones – \$85 per month
- Portable Radios – Typically provided by the agency

An estimated budget for a program utilizing 3,000 hours per year, or the equivalent of 1 ½ full time positions would be approximately \$90,140. The estimated budget is shown below in Table 3.

**TABLE 3 -- Estimated Budget for  
Private Security Services**

Item	Units	Annual Cost
Labor @ \$20 per hour	3000	\$ 60,000
Vehicles @ \$750 per month	2	\$ 18,000
Fuel @ 500 miles per vehicle	2	\$ 2,400
Bike @ 75 per month	2	\$ 2,040
Cell phones @ \$85 per month	3	\$ 2,700
Miscellaneous/Contingency		\$ 5,000
Estimated Total		\$ 90,140

Mr. Coleman indicated that their officers are required to have, at a minimum, California Guard Cards, which are issued by the California Bureau of Security and Investigative Services after completion of a background check and 40 hours of training. At the request of the contracting agency, they can also require that officers are PC-832 Certified, which would allow them to issue parking tickets and tickets for other infractions, if authorized by the City Council. He indicated that their officers do not have arrest power, except to make citizen arrests. He indicated they do use that power occasionally, when they directly observe illegal behavior. Examples might include disturbing the peace or urinating in public violations.

The Project Team confirmed with the City Attorney's Office that there is no prohibition under State law that would restrict the City from contracting directly with private security firms to provide services in the community. However, since they are not peace officers, they would not be authorized to respond to calls for service such as priority 3 or 4 calls. Private security services could be dispatched directly by the City to conduct premise checks, with property owner approval; observe suspicious activities; or for other non-emergency work.

In terms of municipal code violations, the City Attorney's Office was not aware of any prohibition in State law that would restrict a private contractor from issuing tickets or notices of violation. However, they indicated that this question would require additional research before a definitive response could be provided. They also expressed concern about potential liability to the City if private contractors are used to enforce sections of the municipal code.

Should the City of Del Mar choose to enter into a contract for private security services, the Project Team has identified the following advantages and disadvantages for this approach:

**Advantages:**

1. Relatively low cost option, at approximately \$30 per hour.
2. Contracting with a large security firm allows the City to take advantage of their experience in a variety of communities to tailor a program to meet the City's needs.
3. Utilizing a large security firm ensures all shifts will be filled, even when employees are on leave or vacancies occur.
4. Flexibility in use of equipment, uniforms, and communications systems.
5. City can direct patrols to areas that are not receiving frequent patrols from the Sheriff's Office or the Park Ranger, providing a higher sense of safety in those areas.
6. Additional eyes and ears for the Sheriff's Department and the community.
7. Ability to discontinue or modify relatively simply.

**Disadvantages:**

1. No guarantee of long-term service by contract employees, which may impact their ability to get to know the community and specific residents and businesses.

2. Like option 1A and 1B, a private security firm will not be able to respond to Priority 3 and 4 calls, since the Sheriff's Department will not dispatch employees who are not part of their Department to calls for service.
3. Like option 1A and 1B, private security patrol officers would have limited ability to deal with certain high priority issues such as loud parties in residential areas, traffic violations, and drug issues, since they will not have full peace officer powers.

## **Option 3 – San Diego Sheriff's Department Community Services Officer**

A third option seen as viable by the Consultant Team is to enhance law enforcement operations by the addition of a Community Services Officer through the existing contract with the San Diego Sheriff's Department. The option exists to add one or more Community Services Officers without renegotiating the terms of the contract.

A Community Services Officer is a non-sworn employee of the San Diego Sheriff's Department. As such, the Community Services Officer has the ability to complete a number of policing tasks that, by statute or policy, do not require the authority of a sworn peace officer. Community Services Officers are not armed, wear a distinctively different uniform than the Sheriff's Deputies and, likewise, drive vehicles that are marked distinctively different from marked patrol vehicles. The intent is to communicate their official capacity as Sheriff's Department employees without conveying they have law enforcement powers.

Community Services Officers are able to provide many services that are currently being provided by both the Sheriff's Department Deputies and the Park Ranger. Many lower priority calls for service can be handled by a Community Services Officer, as can non-injury traffic crashes, traffic direction, enforcing parking, and municipal code violations (if authorized by Del Mar), and simply having a visible presence in the community along with being a resource for citizens. Community Services Officers are not be able to respond to low priority calls where a suspect or violator may be present. These type of calls are rare.

If the City of Del Mar provides suitable office space, the San Diego Sheriff's Department Community Services Officer could be stationed in Del Mar and operate from that office on a full-time basis. The Community Services Officer could respond to any calls that he/she is able to handle from that office, providing a timely response. Since the Community Services Officer is not a sworn officer, he/she would not be called out of Del Mar to provide backup to deputies in other service areas.

The cost of adding a Community Services Officer from the San Diego Sheriff's Department is approximately \$121,000 annually. This includes the direct costs of labor, plus costs associated with equipping the COS with a radio and vehicle.

Like all options, this presents a number of key advantages but has some disadvantages as follows.

### **Advantages:**

1. The position can be directly dispatched by the Sheriff's Department to respond to certain Priority 3 and 4 calls when a suspect is not present. Communication with the rest of the San Diego Sheriff's Department organization would be seamless, as would coordination of labor and resources.
2. As an employee of the San Diego Sheriff's Department, this employee would fall under an established organizational structure with supervision, proper policy, resources, and support.
3. The CSO can be based in an office in Del Mar, resulting in a local presence in the community. The CSO would still need to attend regular shift briefings in Encinitas.
4. The CSO's hours can be varied, based upon need.
5. The CSO can be assigned to handle RedFlex citations. This will allow citizens disputing Redflex citations to review Redflex photos locally, rather than having to travel to the Encinitas Sheriff's Station. It will also free up the current Detective position handling Redflex work, to spend more time on investigative work and proactive crime prevention.

6. The Community Services Officers are hired for an assignment and rarely are transferred. This would allow the City of Del Mar to have consistency and provide the opportunity to develop strong community relationships. The Community Services Officer would have the benefit of developing a knowledge of the community, its interests, and its concerns which should translate to higher quality service delivery.
7. If authorized by the City Council, the position can be authorized to enforce sections of the municipal code.

**Disadvantages:**

1. The Community Services Officer remains an employee of the San Diego Sheriff's Department. The City of Del Mar has limited control over the Community Services Officer's job performance, operations, and service delivery. Likewise, the City of Del Mar does not have the opportunity to hire the Community Services Officer to ensure he/she is the best fit for the City. That responsibility lies with the Sheriff and there is the opportunity that an underperforming employee could be hired.
2. While communication with the Sheriff's Department is heightened, communications with the staff at Del Mar is diminished. There would likely exist a trade-off with communication and coordination versus having a City of Del Mar employee serving a similar role.
3. The Project Team encountered a much higher level of satisfaction from Del Mar staff with the San Diego Sheriff's Department under the current command of the Captain assigned to the North Coastal Station (formerly the Encinitas Station) than with periods when other Captains have been assigned to that station. At some point, another Captain will be assigned to command the North Coastal Station and it is unknown how that will affect service delivery, including the Community Services Officer under this option.
4. A CSO based in Del Mar 40 hours a week, will only be on duty to respond to Priority 3 and 4 calls approximately 20% of the time. Subtracting early morning hours with low call volume, this percentage increases to approximately 30% of the time.
5. This is a high cost option, especially when considering the actual cost per hour of services provided.

## **Chapter 7**

# **Recommendations**

In order for the City to determine if it wishes to implement any of the possible alternatives identified, it is important for City management and the City Council to identify what are the community's highest priority goals. Based upon the goals identified, the City of Del Mar can then select which alternative best provides the means to meet the goal.

From our analysis, we identified two different goals, with different recommendations based upon the specific direction the City wishes to pursue. And, of course, if the City wishes to address both goals, and resources are available, these two recommendations can be implemented simultaneously.

### **If the Highest Priority Goal is to Reduce the Response Time to Priority 3 and 4 calls**

If the City's highest priority goal is to reduce the response time to priority 3 and 4 calls when there is no suspect, the only feasible alternative is to implement the option of adding a new Community Services Officer to the contract with the County Sheriff's Department. This is the only alternative we evaluated that will meet this objective, since all of the other alternatives involve personnel that the Sheriff's Department has confirmed that they will not dispatch to these types of calls.

### **If the Highest Priority Goal is to Increase Patrol Visibility and the Sense of Safety in the Community**

If the City's highest priority goal is to increase patrol visibility and a sense of safety in the community, the Consultant Team recommends that the City implement Option 1B, hiring two or more part-time Community Services Officers. We are recommending this approach because it is cost effective, can be used flexibly, and provides greater control by the City to monitor performance and customer service skills. Since these employees may be utilized to do more proactive municipal code enforcement, ensuring that the employees are trained to not be too "heavy handed" in their approach will be critical.

If the City implements this recommendation, we believe that the City should consider designating all Parking Enforcement Officers as Community Services Officers and officially expand their role. By adding resources to this program through the addition of one or more part-time positions, and broadening the responsibilities of the Parking Enforcement Officers, all of the positions could spend additional time patrolling the entire community, creating a greater presence and sense of safety.

As noted in the description of this alternative, the City may want to assign one of the CSOs to work with the existing Park Ranger Program. This position could assist the Park Ranger to address a multitude of administrative duties, freeing up the Park Ranger for more patrol time at parks and beaches. If assigned to the Park Ranger Program, it is essential that the duties and jurisdiction of the position be clearly spelled out, to avoid any misunderstandings or legal conflicts.

# Exhibit 1

## LAW ENFORCEMENT OPTIONS AND COVERAGE ANALYSIS

### 1. Del Mar Police Department

Article XI, §7, of the California Constitution grants cities authority to make and enforce all local, police, sanitary, and other ordinances and regulations not in conflict with general laws. A Police Department is simply a function of a local agency authorized by State law, similar to a Planning Department or a Public Works Department. "The police department of a city is under the control of the chief of police." (Government Code §38630.) Depending on the structure of the city government, the city council may appoint the chief of police (Government Code §36505), or this power may be vested in the city manager (Government Code §34856). The required duties of a Police Chief are found in Government Code §§41601-41612.

Following the establishment of the police department under the authority of a police chief, the legislative body of a city may delegate to either the chief of police of the city or the city manager the authority to: (a) Appoint one or more police officers, and/or (b) Appoint additional police officers when he or she deems it necessary for the preservation of the public order. (Government Code § 38631)

In addition to a police chief, the legislative body must also establish all of the required policies and procedures under which the department will operate, negotiations with any officer representation group regarding, pay, hours, pensions, etc.; and acquisition of all required equipment, vehicles, building space, etc.

A Police Department may enforce all laws of the state and local agency under Article XI, §7, of the California Constitution and the laws of the State.

**Coverage:** *All police/law enforcement matters/tasks*

### 2. Sheriff under Contract

The authority to contract for law enforcement services is provided within the Government Code. Specifically, Sections 51300-51308, 51350 and sections 54980 et seq. of the Government Code authorize transfer of city functions under contract. This is the authority used for the Sheriff's contract with the City of Del Mar. The statutes are not compulsory and allow the two agencies to negotiate and that the agencies must "agree" to the terms thereof (see GC 51304).

A local agency may transfer all or a portion of its law enforcement authority to a County Sheriff Department pursuant to the Government Code.

**Coverage:** *All police/law enforcement matters/tasks*

### **3. Del Mar Patrol (City Staff)**

The City of Del Mar may regulate and enforce the regulations and ordinances of the City through "Enforcement Officers" as provided by the Del Mar Municipal Code (DMMC) Section 1.10.010. Code enforcement officers, parking enforcement officers, etc. are not "peace officer's" as provided by state law; however, these positions are generally "Public Officers" as defined by the Penal Code and defined as "Enforcement Officers" by DMMC 1.10.010 under the same authority. Such Enforcement Officers have the authority to issue citations, tickets and otherwise have the authority to "enforce the Del Mar Municipal Code". Enforcement Officers do not have "peace officer" authority, nor are they private security.

Enforcement Officers may not generally carry firearms as provided in Penal Code 830 et seq. as they are not authorized "peace officers" as defined therein.

Enforcement Officer positions under the existing DMMC or under a new ordinance may enforce any regulation or ordinance of the City of Del Mar with a notice of violation or an administrative citation. This would encompass any code enforcement violation, parking violation (not traffic violations), noise violation or any other provision of the DMMC. This authority would not extend to any alarm or other request for service which is within the jurisdiction or duty of law enforcement however.

While there is some overlap (parking violations, noise, etc.) between local law enforcement and DMMC Enforcement Officer, any request for service calls not arising out of a municipal code violation would not be within the authority of a Del Mar Enforcement Officer. Therefore, any Del Mar Patrol officer under the authority of DMMC 1.10.010 or any updated ordinance would not be able to respond to any matter not arising out of a Del Mar ordinance violation, nor would the enforcement officer be able to respond to any home or building alarm call.

**Coverage:** *General Patrol of City Streets, House Checks if authorized by property owner, Parties, Noise, Non-Crime calls (municipal code calls), and Del Mar Code Violations.*

### **4. Del Mar Patrol (Private Security)**

The general authority for private patrols (private security) is from State law and requires certain licensing and certifications (see Business and Professions Code Section 7582 et seq. – Private Security Services) The licensing is regulated by the California Department of Consumer Affairs Bureau of Security and Investigative Services (Department). As provided by the Department, private patrol companies employ security guards and dispatch them to protect persons or property or to prevent theft. The company must be licensed by the Department of Consumer Affairs, and the security guards must be registered with the Department. Licensing and registration involve criminal history background checks through the Department of Justice and FBI.

Private security may also respond to private security or home alarm systems under contract is properly licensed by the Department on private property and under direct contract with the property owner.

**Coverage:** *General Patrol of City Streets, House Checks if authorized by property owner – Call to law enforcement for all other issues*

## **5. Neighborhood Watch**

A Neighborhood Watch is essentially a loose partnership between community members and local law enforcement in keeping an eye on local streets and parks. There is no legal requirements for a neighborhood watch. It may be established on a block by block basis or on a larger scale such as Police Department backed Senior patrols.

**Coverage:** *General Patrol of City Streets – Call to law enforcement for all issues*

## **6. Park Ranger**

The Park Ranger has general peace officer authority within the beaches and parks of the City (the “Primary Duty Area”) and is a peace officer whose authority extends anywhere in the state in an immediate and emergency situation involving danger to person or property, or of the escape of the perpetrator of that offense, which also poses an immediate threat to the public health or safety. (Penal Code §§ 830.6 and 830.31.) Penal Code § 830.31 requires that in order for a Park Ranger to qualify as a peace officer, the primary duty of the officer must be limited to the “protection of park and other property of the agency and the preservation of the peace therein.”

Extra jurisdictional authority (outside the Primary Duty Area) has been limited by the court in *People v. Landis*, 156 Cal. App. 4th Supp. 12 (2007). The Court in *Landis* holds that extra-jurisdictional authority of a peace officer is limited to “emergency” type situations where there is an “immediate danger to person or property, or of the escape of the perpetrator of the offense.” Case law does note that traffic offenses do generally fall into this category, *however*, there needs to be some other factor beyond a mere infraction of the vehicle code to trigger the extra-jurisdictional authority.

In many cases, the “other factor” is a continuation of the infractions (crossing double yellow lines, repeated red light violations, etc.) which indicates driving under the influence or reckless driving which gives rise to an immediate danger to the public an property. Running a red light where there is no threat to public safety or property is insufficient to trigger the AG opinion extra-jurisdictional authority. (See *People v. Landis*, 156 Cal. App. 4th Supp. 12.) Tis limitation applies to ALL Peace Officers within the state not just Park Rangers.

Therefore the Park Ranger does not have the ability to “patrol” the streets of Del Mar when traveling from one park to another. When the Del Mar Park Ranger is outside the “primary duty area” he or she may only enforce the laws of the state when warranted by the *Landis* holding (which is not often used).

The Park Ranger as a peace officer may not perform non-peace officer duties due to the limitations of Penal Code § 538d and holding an incompatible office. Penal Code § 538d provides in part that “Any person who willfully wears or uses any badge that falsely purports to be authorized for the use of one who by law is given the authority of a peace officer, or which so resembles the authorized badge of a peace officer as would deceive any ordinary reasonable person into believing that it is authorized [as a peace officer]... is guilty of a misdemeanor ...” This section essentially creates a compatibility of office issue with a limited Peace Officer performing non-peace officer duties while in uniform.

Unlike “split time” positions where a building department employee may work as a code enforcement officer on certain days/times, there is no distinction between the Ranger’s “peace officer” time,

uniform, or title that would distinguish to the general public that the Ranger is not acting in his Peace Officer capacity when giving a parking ticket as a parking enforcement officer, or citing a home owner as a code enforcement officer. This creates the possibility for confusion to the public and the scope of his authority as a peace officer when outside the Ranger's "primary duty area". This would give rise to significant and material liability issues for both the Ranger and the City of Del Mar.

**Coverage:** *All police/law enforcement matters/tasks within the Beaches and Parks (Primary Duty Area) – Call to law enforcement for all other issues.*