

*Final Report  
Analysis of the  
Park Ranger Program  
City of Del Mar*

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# Chapter I

## Introduction

The purpose of this report is to evaluate the current Park Ranger Program within the City of Del Mar. This includes a review of the goals and objectives of the program when it was established and as modified over the years; analysis of the actual work and performance of the program; review of program costs, staffing, and support; and a review of the benefits and risks associated with the program as it is currently conducted.

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 house exceeding \$1,600,000.

Since its incorporation in 1959, the City has contracted with the San Diego Sheriff's Department (SDSD) 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 estimated to be \$2,139,720.

The Park Ranger Program was established on July 1, 2003 when the City hired its first Park Ranger. The initial purpose of this program was to provide for a lower cost beach patrol service, compared to the costs to the City to hire sworn Sheriff's Deputies during the summer tourist season. The program has evolved over the years as the incumbent Park Ranger, Adam Chase, has matured in the position and asked to take on additional responsibilities.

## 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 Community Services Department. This material included financial and operational data including the program's budget, City staff reports, training policies, incident reports, Commission on Police Officer Standards and Training (POST) records and correspondence, and opinions from the City Attorney's Office. Also reviewed was a comprehensive assessment prepared in 2013 by the current Park Ranger, Adam Chase, evaluating the Park Ranger Program. The report included an academic paper by Mr. Chase evaluating options to reduce law enforcement costs in the City of Del Mar. We also reviewed a feasibility study prepared by Mr. Chase dated September 1, 2014 entitled, "Del Mar Reserve Feasibility Study."

In the course of this study, interviews were conducted with Scott Huth, City Manager; Mark Delin, Assistant City Manager; Pat Vergne, Community Services Director/Lifeguard 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; and Lieutenant Amy Brown-Lisk, Patrol Division Commander at the Encinitas Station. The Consultant Team also consulted with Laura Seiler, General Manager of the San Diego Pooled Insurance Authority (SANDPIPA).

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.

A member of the Project Team also conducted an eight hour ride-along with the Park Ranger on Friday, September 4, 2015. The ride-along was very helpful in fully understanding the scope of duties and responsibilities of the Park Ranger Program.

# Chapter 2

## Results of Data Gathering and Interviews

### Description of Services Provided by the Park Ranger Program

The Park Ranger Program has evolved over the years based upon staffing levels, expertise of the Park Ranger, various legal interpretations and opinions, and community needs. However, from discussions with the Park Ranger, the most common types of incidents dealt with on a regular basis revolve around issues at the beach, especially during the summer months. These include enforcement of laws relating to the summer alcohol ban, possession of alcohol by juveniles, and dog leash laws. Other enforcement and patrol activities over the years have varied widely, ranging from extensive traffic and parking enforcement, trespassing enforcement, abatement of abandoned vehicles, enforcement of taxi regulations, etc.

One of the unusual aspects of the Del Mar Park Ranger Program is the fact that the only employee in the Park Ranger Program has full peace officer status. As a result, he is authorized to carry weapons, including a TASER device, cite offenders, collect evidence, preserve crime scenes, and arrest violators as provided by the California Penal Code. While his primary jurisdiction is within designated parks and beaches, he is also authorized pursuant to the Penal Code to enforce traffic and penal code violations outside his primary jurisdiction "when there is an immediate danger to person or property, or of the escape of the perpetrator of that offense."

The Park Ranger position is also authorized under Chapter 1.10.010A of the Del Mar Municipal Code as a designated "Enforcement Officer," with authority to enforce the Del Mar Municipal Code through the issuance of administrative citations.

The incumbent Park Ranger has also been utilized by the City of Del Mar in a variety of other areas due to a unique and extensive set of qualifications. These include:

- Qualified Lifeguard
- Certified Emergency Medical Technician
- Firearms instructor
- Technical Rope Rescue Technician
- Rescue Diver
- Animal Rescue Technician
- Swift Water Rescue Instructor
- Certified California Enforcement Telecommunications System (CLETS) Trainer
- POST certified Background Investigator
- TASER Instructor
- Certified in the calibration of alcohol screen devices for DWI enforcement

As a part of this study, the Project Team reviewed a number of documents provided by the City to better understand the actual work performed by the Park Ranger. These included several summary reports prepared by the Park Ranger for management, raw data Excel spreadsheets derived from Lifeguard dispatch logs, and data incorporated in reports prepared by the Park Ranger for academic and budget purposes.

City management, the Community Services Director, and the Park Ranger all acknowledged that there exists no standardized database or reporting system that automatically collects data concerning the actual

work performed by the Park Ranger, the types of citations written, or how patrol hours are spent. The large majority of citizen contacts on the beach and in parks result in verbal warnings without gathering any personal information. The warnings are relayed to a lifeguard dispatcher and are logged manually into a log-book as warnings. No summary reports of these contacts are prepared on a routine basis. The lack of standardized data collection and consistent management summaries makes it very difficult to fully evaluate the effectiveness of the Park Ranger Program.

Exhibits 1 and 2 include the last year (2012) for which incident data was compiled. This data covers only incidents in which a case file was opened, a citation was issued, or an arrest was made. This report was prepared by Park Ranger Chase as part of an overall assessment of the Park Ranger Program. The Exhibits include data for both Park Ranger Adam Chase, and Beach and Community Services Officer D. Welte. Mr. Welte worked with Mr. Chase during that period. In total, Park Ranger Chase and Community Services Officer Welte handled 106 incidents. Approximately 30% of their work involved enforcing local alcohol ordinances. The remainder of incidents varied widely with no noticeable trends.

In a self-assessment completed by the Park Ranger for management, shown as Exhibit 3, the Park Ranger made a rough estimate of how he spent his time for calendar years 2009-2014. He calculated that a majority of his time is spent enforcing municipal code violations on City beaches and in parks, with the greatest emphasis on enforcing the City's summer alcohol ban, juvenile alcohol violations, enforcing the City's dog leash laws, and after hours parking enforcement. Other areas receiving attention include enforcement of trespassing laws, enforcing of smoking restrictions, taxi cab enforcement, abandoned vehicle enforcement, and a variety of other violations.

Exhibit 3 also includes the total number of hours spent by the Park Ranger in the field, which varied from a high in 2011 of 1,435 hours, to a low in 2012 of 965 hours. The Park Ranger indicated that he is spending an increasing amount of his time in the office writing reports, at training events, and participating in various meetings. As a result, he indicated that he has been unable to track citations written, track his time, or complete periodic summary activity reports. The Park Ranger indicates that his time in the field has continued to decrease, and could be as low as 30% of the time, which would total approximately 500 to 600 hours per year.

## Budget, Finance, and Staff Support

The adopted Fiscal Year 2016 budget for the Park Ranger Program totals \$183,680. Primary expense areas are as follows:

• Salaries, Overtime, and Employee Benefits	\$156,430
• Maintenance and Operations	13,250
• Contractual Services	14,000
• Capital Outlay	_____0
• Total	\$183,680

The program is partially supported by a \$100,000 grant from the State of California Citizen Options for Public Safety (COPS) program, with the remainder of funding allocated from the City's General Fund.

In reviewing actual expenses compared to the adopted budget for the past four years, there has been a modest rise in expenditures from Fiscal Year 2012, when actual expenditures were \$175,693, through Fiscal year 2014, when expenditures totaled \$191,930. Primary areas of increase have occurred in the salary and benefits category. Based upon a review of the Park Ranger Program budget, program expenditures exceeded the adopted budget in Fiscal Year 2014 by approximately \$18,150, and exceeded the adopted Fiscal Year 2015 budget by \$5,591. As a result, it is expected that actual expenditures in Fiscal year 2016 will exceed the adopted budget by \$5,000 to \$20,000. Expected areas that will be overspent are employee salaries, overtime, and various accounts in maintenance and operations.

Additionally, the budget does not contain any allocation for vehicle replacement or facilities maintenance, utilities (except telephone costs), and custodial costs. Using a ten year replacement program for the primary

vehicle, and a modest cost of \$0.50 per square foot per month for maintenance and utilities, a rough estimate of the additional expenses total approximately \$7,000 per year.

Assuming these assumptions are correct, a more accurate cost estimate for the Park Ranger Program for Fiscal Year 2016 is approximately \$200,000 to \$210,000.

In interviews with the Park Ranger and the Community Services Director, the process for approving expenditures is fairly simple and routine, with requests prepared by the Park Ranger and then approved by the Director. A similar routine is used for travel and meeting expenses. The Park Ranger indicated that travel expenditures, especially for out-of-State travel, have been very limited. As a result, he has utilized personal monies and airline miles to attend training which he felt would be valuable.

In the early years of the program, the budget included an allocation of funding for seasonal part-time hours which were used to employ hourly Beach and Community Services Officers. In addition to patrolling beach and park locations and responding to calls for services, these employees were used to provide administrative support to the Park Ranger, write various incident reports, enter citation data, and organization of records. These hourly employees were PC-832 certified and were authorized to write citations, and process data and police reports. They also received background investigations and were authorized to utilize the California Law Enforcement and Communications System (CLETS).

Actual expenditures for the hourly Beach and Community Services Officers totaled \$23,474 in Fiscal Year 2011. The majority of the funding for this support was eliminated in Fiscal Year 2012. Currently \$5,000 is budgeted for seasonal support in the Park Ranger Program.

At current, there is no clerical or administrative support being provided within the Park Ranger Program. As a result, the Park Ranger spends a significant amount of time in the office on administrative duties and tasks, resulting in reduced time in the field.

## Field Observations (Ride-Along)

On Friday, September 4, 2015, a member of the Project Team conducted a ride-along with the Park Ranger from approximately 4:00 PM to 12:00 AM. This was the Friday preceding Labor Day which could have resulting in a busy evening, but it was not. This did, however, allow a good opportunity to observe the incumbent Park Ranger's daily duties and method of operation.

The Project Team is very impressed with the incumbent Park Ranger's dedication, work ethic, problem solving skills, and his genuine concern for the citizens in Del Mar. All encounters with members of the public were positive and sometimes outwardly complimentary of his service.

The vehicles, equipment, and office space in use by the Park Ranger Program were clean, orderly, and serviceable, as was the uniform and equipment carried by the Park Ranger.

Beyond his assigned duties, the incumbent Park Ranger has taken on a variety of tasks for the City of Del Mar. These include the installation of security cameras, equipping lifeguard towers with solar panels to power radios, and others.

The incumbent Park Ranger explained the purpose and history behind many of the City's parking restrictions and other municipal code provisions. These ordinances have been successful in reducing crime and disorder, as well as increasing traffic and pedestrian safety. As an example, there is a 10:00 PM to 4:00 AM parking restriction on the west side of Camino Del Mar, just south of Border Avenue. Prior to this parking restriction, patrons from Brigantine Seafood parked there and returned to their vehicles afterward, crossing a busy street in the dark and sometimes under the influence. The parking was also used by people who had bonfires and drinking parties on the North Beach. The parking restriction, and its enforcement, has remedied both problems. Evidence of this type of successful problem solving approach exists across Del Mar. In the experience of the Project Team, these lower levels of order maintenance are uncommon in the culture of larger law enforcement agencies whose training and direction often focuses on more serious crime and disorder.

## Management, Supervision and Operations

The Park Ranger Program is part of the Community Services Department, which is headed by the Director of Community Services/Lifeguard Chief. The four primary programs within the Department are as follows:

1. Lifeguarding
2. Parking Enforcement
3. Powerhouse Community Center
4. Beach/Park Patrol

The Department employs 10 full-time staff members, and approximately 60 part-time employees. Fifty-five (55) of the part-time employees are hourly lifeguards.

The Park Ranger Program is under the direct supervision of the Director of Community Services/Lifeguard Chief. Attached as Exhibit 4 is an organizational chart that shows the reporting relationships within the department.

The Project team met with Pat Vergne, the long-time Director of Community Services and Lifeguard Chief. Mr. Vergne has supervised the Park Ranger Program since its inception. Mr. Vergne indicated that the program requires little day-to-day supervision due to the experience and capabilities of the current Park Ranger. He allows the Park Ranger to manage his own schedule, identify enforcement priorities, and monitor his own training requirements. Mr. Vergne could not identify any regular reports that are submitted regarding the Park Ranger's activities, citations issued, or training activities. Mr. Vergne has strong confidence in the Park Ranger's ability to manage his own time and address key community priorities.

Mr. Vergne is responsible for annually evaluating the Park Ranger's performance. However, he indicated that such evaluations have not been done on a regular basis. City Human Resource records indicate that the Park Ranger has been evaluated twice since the inception of the Park Ranger Program, in 2008 and 2015.

Although Mr. Vergne does not have a law enforcement background, as a long-time lifeguard and Lifeguard Chief, he is very knowledgeable about the problems and challenges facing the City of Del Mar with respect to its beaches and open space areas. His lifeguard staff deals with these issues on a day-to-day basis.

By being uniquely situated in having a sworn Park Ranger, Del Mar must operate the program as a small law enforcement agency in most all aspects. Law enforcement is a public service that that requires substantial management and supervision. It is a field that is fraught with high liability exposure, high employee safety concerns, a myriad of legal and regulatory requirements for both employer and employees, and an increasingly intense amount of public scrutiny. Law enforcement agencies employ a lower span of control to help mitigate these concerns. That is, the ratio of supervisors to line-level employees is kept small because of the intense amount of necessary supervision.

By the nature of having an employee functioning as a sworn peace officer, Del Mar must adhere to many of the rigorous tenets of management and supervision for law enforcement agencies, even though there is only one employee in that role. In particular, there are twelve high-risk critical tasks that impact law enforcement operations and create exposure to liability litigation. These twelve areas must be adequately addressed by strong policy, training, and supervision:

1. Use of Force
2. Pursuit/Emergency Operation of Vehicles
3. Search and Seizure/Arrest
4. Care, Custody, Restraints, and Transportation of Juveniles
5. Domestic Violence/Agency Employee Involved Domestic Misconduct
6. Property and Evidence
7. Off-Duty Conduct of Officers/Off Duty Employment
8. Sexual Harassment/External Sexual Misconduct by Officers

9. Selection and Hiring
10. Complaints and Internal Investigations
11. Special Operations: SWAT, Narcotics, High Risk Warrant Service
12. Dealing with Mentally Ill, Emotionally Disturbed Persons, and Persons with Diminished Capacity

All but item 11 are applicable to the Park Ranger Program, including item 9 if the program continues in its current form. Effective management and supervision for these 11 items is needed, but is not currently present. By all accounts, the incumbent Park Ranger is a good and dedicated employee. However, that level of confidence in his abilities has created a hands-off and laissez-faire model of supervision – to the point that these critical tasks are not being properly managed or supervised.

## Jurisdiction Issues

The Project Team spent considerable time reviewing various documents relating to the jurisdiction of the Park Ranger. These documents include Penal Code Sections 830.6 and 830.31; an Attorney's General's Opinion date June 26, 2008; and a recent white paper issued by the Del Mar City Attorney entitled "Law Enforcement Options and Coverage Analysis." Jurisdiction of the Park Ranger Program was also a subject of considerable discussion in our interviews with City management, the Park Ranger, Community Services Director/Lifeguard Chief, and the Sheriff's Office.

For the most part, there is consensus on the primary duties and responsibilities of the Park Ranger, serving in his capacity as a peace officer. These responsibilities are spelled out in Penal Code Section 830.31, which 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 peace therein."

However, the Consultant Team found a difference of opinion on the legal authority of the Park Ranger, serving in his capacity as a peace officer, to enforce State and local laws outside the confines of City parks and beaches. This difference of opinion is based upon language in Penal Code Section 830.1, which provides that peace officers in California, including those designated by a local agency as a park ranger, have authority "any place in the State for the purpose of performing their primary duty or when making an arrest pursuant to Section 836 as to any public offense to which there is immediate danger to person or property, or of the escape of the perpetrator of that offense." This was also the subject of the opinion letter authored by the Attorney General's Office in 2008 (Exhibit 5). Over the years, the Park Ranger has performed a number of tasks outside the confines of Del Mar parks and beaches under this provision of the penal code. This work has included routine traffic stops for violations of the vehicle code, issuing citations for the City's red light camera system ("RedFlex"), and enforcement of drunk while driving (DWI) violations.

In a recent analysis, attached as Exhibit 6, the City Attorney's Office has clarified the jurisdiction of the Park Ranger both in terms of the geographical limits of his jurisdiction, and the types of incidents in which he can respond, when he is serving in his capacity as a peace officer. This opinion relies heavily upon current case law, especially a 2007 decision, *People v. Landis*, 156 Cal App. 4<sup>th</sup> Supp.12 which severely limits the ability of a peace officer to enforce traffic laws outside of his primary jurisdiction.

According to the City Attorney's Office analysis, in terms of geographical limits, the duties of the Park Ranger, when he is serving in his capacity as a peace officer, outside of his primary duty area (Parks and Beaches) are 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." This means that the Park Ranger does not have the ability to patrol streets when travelling from one park to another, perform routine traffic stops, or enforce speeding laws outside of the confines of park and beach areas unless there is an immediate danger to public safety.

In addition to the guidance provided by the City Attorney's Office, the Sheriff's Department has also indicated that pursuant to their contract with the City, they are the primary responder in all calls for service regardless of call type and priority level, including calls within beach and park areas.

In discussions with the Park Ranger and Community Services Director/Lifeguard Chief, there does not appear to be a clear understanding or concurrence regarding the limits identified by the City Attorney's Office concerning the Park Ranger's legal authority outside of his primary duty area. As a result, the Park Ranger continues enforcement activities outside the limits advised in the City Attorney's analysis. The Park Ranger also responds to calls for service that would normally be acted upon by the Sheriff's Department, when the calls are received directly or through the lifeguard tower.

The Park Ranger is also authorized to serve as an "Enforcement Officer" under the provisions of Section 1.10.010 A of the Del Mar Municipal Code. This section defines "Enforcement Officer" as "any officer of the City with the authority to enforce the Del Mar Municipal Code, including, but not limited to a code enforcement officer, park ranger, lifeguard, parking enforcement officer, inspector, and the fire marshal." This provision allows the various enforcement officers to issue administrative citations for violations of the City's Municipal Code.

Under the authority granted under Section 1.10.010 A of the Del Mar Municipal Code, the Park Ranger has been utilized outside the confines of Del Mar parks and beaches to enforce various sections of the City's Municipal Code, including taxicab regulation, excessive noise in the City's commercial areas, illegal signs, homeless encampments, and animal control. Much of this work is done in conjunction with the City's Code Enforcement Officer, who works in the Community Development Department. One of the major reasons cited as to why the Park Ranger is asked to assist in these types of activities is due to his law enforcement background and the authority he commands when in uniform and in possession of a weapon. However, as noted in the City Attorney's opinion and in discussions with the City Attorney's Office, the Park Ranger should not be assisting in these types of enforcement activities outside his primary duty areas unless it is clear that he is not acting in his capacity as peace officer. This is especially problematic, if he is in uniform, possesses a weapon, and is utilizing a vehicle that resembles a police patrol vehicle.

## **Lexipol Policy Manual, Including Daily Training Bulletin Option**

Two policy manuals exist for the Del Mar Park Ranger. In 2004, the City of Del Mar published the *City of Del Mar Community Services Department Park Ranger Polices & Procedures* and the *Del Mar Park Ranger Policy Manual* was last adopted on January 16, 2015. The latter is a result of a subscription with Lexipol. Lexipol is a nationally known and accepted source and allows each agency to customize their manuals to their needs, while fulfilling Federal and State statutes and case law. The Park Ranger indicates that he will be phasing out the older policy manual and converting all policies to the newer manual. However, due to time constraints this has not yet occurred. Conflicts between the two manuals are resolved by Policy 102 which states, "*All prior and existing manuals, orders and regulations that are in conflict with this manual are rescinded, except to the extent that portions of existing manuals, procedures, orders, and other regulations that have not been included herein shall remain in effect, provided that they do not conflict with the provisions of this manual.*"

In reviewing the Lexipol Del Mar Park Ranger Policy Manual, it is apparent that the majority of the original manual's content has been deleted. This is not unexpected, as the Del Mar Park Ranger does not perform many functions that larger agencies perform. However, essential and even statutorily required policies are absent. The standard Lexipol policy manual contains roughly 150 policies, yet the Del Mar manual contains a mere 16 policies. As one example of where it lacks, the Del Mar Park Ranger conducts traffic enforcement activities, but the entire chapter of Traffic policies (8 policies) is absent. The Use of Force policies supplied with the Lexipol manual are absent, leaving the 2004 Del Mar policy standing, which is grossly inadequate. The manual also does not contain a records management policy, yet there is a Ranger "on-line" policy on releasing reports.

Another essential missing policy relates to processing, storing, and purging of found property and/or seized evidence. On occasion, the Park Ranger Program comes in possession of miscellaneous items or evidence including watches, marijuana, and other drugs. The property/evidence storage location access and security should be periodically audited by someone other than the receiving officer, and policy guidance is needed to ensure property/evidence is safely stored until purging, destruction, or, in some cases, auctioning is the appropriate disposition.

The policy manual supplied to the consultants was last updated in January of 2015. Lexipol has issued numerous policy updates within the last six months, based on changes in Federal and State statutes, case law, and best practices. These updates appear to have not been accepted into the Del Mar manual. Agencies using Lexipol policy manual services often cite significant manpower needs to process and maintain policy manual updates.

Even some of the few policies that exist are flawed, in that they assign roles to non-existent personnel. For example, the Training Policy requires the "Training Officer" to create a Training Plan. The Pursuit Policy refers to the Park Ranger's "Field Supervisor" and another section refers to a "Watch Commander." These policies are vague as to who in the Park Ranger Program holds these titles.

It is clear that the Lexipol Policy manual adopted in 2015 was intended for larger law enforcement agencies with more than one employee and levels of supervision. As a result, there are numerous instances throughout the manual in which supervisory control and oversight is built into the policies by having multiple levels of approval. The Park Ranger has maintained that he can hold these multiple roles, and in effect supervise himself or approve his own actions. This is a fundamental deficiency within the policy manual and not consistent with professional law enforcement procedures.

The contract between the City of Del Mar and Lexipol provides that the City will pay \$495 annually for a Law Enforcement Policy manual with updates and for Lexipol's Daily Training Bulletin (DTB) service. The DTB service provides a daily, one question quiz for employees to test knowledge and comprehension of the policy manual. Given the scarcity of policy manual content, this service is likely providing little value. In addition to the policy manual and Daily Training Bulletin Service, Lexipol recently introduced a new service, Implementation and Management Services. Lexipol frequently updates their policy manual based upon changes in Federal and State statutes, case law, and best practices. With the Implementation and Management Service, Lexipol assigns staff to help agencies adopt these changes into their manuals in a manner that's tailored to their agency. Del Mar has subscribed to this optional service at a cost of \$1,267 annually for the policy manual and \$1,450 for the Daily Training Bulletins. The total of the contracts between Del Mar and Lexipol are \$3,212 annually.

As this report neared completion, the Project Team received a newly updated Lexipol Policy Manual. While a thorough review of this new manual would have added hours and costs to the completion of this study, a cursory review reveals the same problematic issues the January 2015 release of the manual had. It is missing critical policies (e.g., Use of Force, Care and Custody of Evidence, and others) and its predisposition toward larger agencies still exists. Roles and responsibilities that are intended to be assigned to different employees are assigned, by default, to the only employee available to receive them – the Park Ranger.

## **Training Requirements, Including Mandates From the Commission on Police Officer Standards and Training (POST)**

California law has established a state oversight agency known as the Commission on Peace Officer Standards and Training (POST), whose charge is to develop regulations and professional standards for accrediting law enforcement agencies and personnel across California. POST provides operational standards that strive to assist law enforcement agencies to best serve the interests of the people of this state. POST is constantly adopting new standards relating to the accreditation program, and there are significant benefits to agencies participating in this program, including standardized procedures for hiring and testing of personnel, proper background checks, extensive training, and potential for training cost reimbursements for attending POST approved classes. POST also offers professional support services to all agencies, and conducts audits on agencies to ensure they remain in good standing with POST standards.

Participation in the POST accreditation program is revocable and is limited to police departments, sheriffs' departments, and the California Highway Patrol, and other specified enforcement agencies who employ peace officers. Agency participation in POST is voluntary and must be initiated by an application by the chief executive officer of each agency. In the case of Del Mar, this would be the City Manager.

Most peace officers who are POST certified are employees of a POST participating law enforcement agency, be it local, county, or state. In some unusual cases, such as Del Mar, which has no police department but does employ a Park Ranger with peace officer status, the peace officer may apply and be awarded

a Basic POST Certificate. Ranger Chase fits into this category and was awarded a Basic POST Certificate in 2013. In short, the Park Ranger himself is POST certified, but not the Del Mar Ranger Program.

A review of correspondence between the POST Consultant and Park Ranger Adam Chase has confirmed that Park Ranger Chase underwent a comprehensive review by POST in terms of his background, qualifications, credentials, duties, and training. POST concluded Park Ranger Chase met all the domains/standards for hiring a peace officer as required by Government Code 1029 – 1031 and Post Regulations 1950 - 1955. Ranger Chase successfully qualified for and was issued a POST Basic Post Certificate in the category of PARK POLICE. Achieving this status with POST was no easy process and is a testament to Ranger Chase's initiative, diligence, and commitment to providing professional law enforcement services to the community of Del Mar.

Peace officers who are employed by a POST participating law enforcement agency are required to complete biennial POST training mandates of 24 hours every two years. Fourteen (14) hours will comprise of Perishable Skills/Communications, and 10 or more hours of other advanced officer training.

However, as previously mentioned, only the Park Ranger is POST certified with his "Basic" Certificate. The Del Mar Park Ranger Program as a whole is not a recognized POST participating law enforcement agency with POST. Therefore, the Park Ranger Program and the Ranger himself are not under the jurisdiction of POST mandates requiring certain biennial POST training classes. From POST's perspective, they have no legal authority to require the Ranger to do so. Although the Park Ranger is not obligated to attend the POST mandated biennial classes, the Park Ranger may take the prescribed classes at his or Del Mar's discretion. Of course, it would be prudent if the Park Ranger were to maintain the POST bi-annual training requirement for purposes of due diligence, competency, and defense to a possible legal claim against Del Mar for failure to adequately train a peace officer.

Apart from the POST training issue, there are other applicable **legislative** Federal and State training mandates imposed on California peace officers. Some examples are pursuit training, OSHA blood borne pathogens, First Aid/CPR, Domestic Violence, and others. A check with Ranger Chase indicates his training history is in compliance with the legislative mandates for peace officer training.

The Park Ranger is in conformance with the current Lexipol Policy Manual provisions relating to firearms and use of a Taser device. He has partnered with State Parks who instructs the Park Ranger on several critical skills essential to peace officer training: quarterly handgun qualification, annual qualification with long barrel weapons, defensive tactics, arrest and control, tactical communications, and pursuit driving.

## Training Plan

Included within the Park Ranger Policy Manual is a policy that requires the establishment of a Training Plan to be completed by the "Training Officer." Such a Training Plan does not exist. A comprehensive training plan updated periodically, in conjunction with up-to-date training records, is an important tool for the City when defending certain types of liability claims. These types of documents are frequently the subject of subpoenas and discovery actions, to determine if the agency provided appropriate training for employees.

The Park Ranger has attended numerous training courses and programs and appears to have been diligent in attempting to maintain appropriate skill levels. However, other than records maintained by POST regarding POST training, there does not appear to be a comprehensive record of training programs attended.

## Records and Reporting Systems

The Park Ranger uses an internet based software Records Management System (RMS) known as "Report Exec." This RMS system costs about \$70 per month, and provides a dynamic range of some 25 modules of categorical automated data that can be tailored to the Park Ranger Program needs. This RMS can generate important and valuable reports for front line users and summary reports for management. It is limited to one user at a time but this has not caused a problem since the Park Ranger is the primary sole user of the system.

The Park Ranger has administrative rights to allow others to access the system such as a Community Services Officer. All sorts of reporting and enforcement activity can be inputted into the program – including

public accessible on-line case reporting, traffic stops, traffic warnings, traffic citations, alcohol violations, field interview contacts with persons, and many more data summary categories as needed. The database is searchable by different criteria including name, dates, type of incident, and many other search parameters. If a citizen were to file a report using the on-line access, the RMS program can send a text message to the Ranger informing him a report has been filed.

The California Department of Justice (DOJ) has approved use of this software, which is encrypted and easy to control in terms of third party viewing. DOJ has advised that third party viewing is acceptable, subject to all third parties completing DOJ training relating to handling confidential information.

Report Exec is a good match for the functions of the Park Ranger Program. It can be tailored to fit the specific needs of what data or other categories of information should be tracked. It is robust, can be customized, and satisfies the myriad of needs to store, retrieve, archive, and view records, logs, documents, and reports. Monthly, quarterly, or yearly reports can be generated to summarize nearly any type of Ranger activity desired to be tracked during any time period.

However, Report Exec is not being utilized to its fullest potential due to the lack of data entry. There are no support personnel to take on this responsibility which at this time is solely the duty of the Park Ranger. Therefore, the potential of this RMS system is being underutilized. Statistical reports that could be routinely prepared on a monthly basis are not available. The absence of these reports makes it difficult for city management and the Park Ranger himself to accurately track important elements of his duties. This results in a lost opportunity to facilitate workload analysis data that can help all interested parties gauge the efficiency and effectiveness of the Ranger program.

A review of the Ranger policy manual indicates there are no written records management policy guidelines to establish what data needs to be reported in what format, how often, and by whom. For example, the Dispatch Center which operates in the Lifeguard tower, is manually tracking incidents on the beach by hand. The possibility of logging these incidents in the existing RMS "Report Exec" should be assessed and implemented. Report Exec has an interface that could archive incidents reported to the Lifeguard Tower in an efficient standard typically referred to as "one time" data entry.

The lack of a written records management policy also means that there are no clear policy guidelines concerning the release of arrest reports, confidential information, or records retention. There is also no formal Records Administrator or internal controls in place to ensure the integrity of records in the system. These are essential elements of a records management program.

Report Exec also offers capability to automate evidence and found property tracking, a feature that would be helpful to the Ranger Program which does store evidence and property on site.

## **Communications and Dispatch Systems**

The Park Ranger is dispatched primarily by the City's Lifeguard tower, which receives telephone calls from persons on the beach and residents. The Park Ranger also receives calls on a mobile phone from residents directly, since many know his cell phone number. He also accepts online reports for non-criminal activities on beaches and parks.

During the hours the Lifeguard Tower is open, on routine traffic stops, the Park Ranger will communicate directly with the Lifeguard Tower. Call information will then be logged by hand. But after hours, there are no dispatchers. During these times the Park Ranger calls out his stop "in the blind" meaning no one may hear his radio traffic but the 24/7 recorder will archive the radio traffic for future reference.

If the Ranger believes he needs emergency backup he can activate a button on his radio that declares he needs urgent assistance. Specifically, North Comm will make inquiry if he is declaring an emergency. The Park Ranger radio is programmed with an SDSD tactical channel that gives him capability to talk directly to SDSD dispatch, assuming the dispatcher is monitoring that channel. This is not to be confused with the SDSD primary channel where the bulk of Del Mar deputy traffic occurs.

In cases where the SDSD is the first agency notified of an in progress crime on the beach or park, some deputies will request the SDSD Dispatch to notify the Lifeguard dispatch tower. Other deputies do not. This practice is inconsistent and depends on which deputy is responding to the call and newer versus veteran deputies familiar with the Park Ranger services.

The Lifeguard Tower tracks Ranger calls for service manually on paper form. There is no automated Computer Aided Dispatch and there is no mechanism to electronically retrieve archived calls for service. If the call is made direct to the Ranger phone, the call is not tracked in any automated retrievable database.

## Connectivity to Other Agencies and Departments

The Park Ranger has an office computer as well as a mobile computer with full access to the California Law Enforcement Telecommunications Systems (CLETS) and Automated Regional Justice Information System (ARJIS). ARJIS is a Joint Powers Agency (JPA) under the California Government Code, and provides connectivity to over 80 local, county, state, and federal agencies. ARJIS assists the Park Ranger with identifying wanted criminals, unknown of offenders, crime trend awareness, and many other features including photo-facial recognition.

The CLETS system is the primary pipeline of national, state, and local law enforcement data. The CLETS system allows the Ranger to perform essential duties relating to vehicle licenses, driver's licenses, stolen property, wants and warrants, firearms registration, stolen property files, and many other valuable databases relating to the law enforcement function.

## Review of Citations, Arrest Reports, etc.

The Consultant Team reviewed samples of citations, arrest reports, and investigative work prepared by the Park Ranger over the past several years. The large majority of arrests and citations are for minor infractions and misdemeanors relating to alcohol and minors use of alcohol in parks and beach areas. Reports are of an acceptable quality and those submitted to the District Attorney were typical of proper investigative processes with case closure having a high rate of conviction. Based upon the Park Ranger's submissions and commentary, it would appear he is diligent and thorough in conducting investigations and preparing them for the District Attorney's Office review and prosecution. Adjudications of citations in court have a high rate of conviction.

## Vehicles and Equipment

A review of the vehicles and equipment in use by the Park Ranger Program reveals they are more than adequate and in an excellent state of repair. The program currently utilizes two marked patrol vehicles, keeping the older vehicle when a new vehicle was recently put into service. The older vehicle is used when the newer vehicle is being serviced and also is routinely placed in view of traffic as a decoy to encourage motorists to obey traffic laws. Both vehicles were clean, orderly, and in a good state of repair. The Park Ranger had anticipated the older vehicle would have been used in the Reserve Park Ranger Program he had proposed.

A visual inspection of equipment showed it to be suitable for its application and in a good state of repair. There was no evidence of a formal replacement program for law enforcement equipment.

Both of the Park Ranger Program vehicles are fully equipped. A supplied list of equipment in these vehicles includes:

Item	Quantity
Gamber-Johnson Console	2
Panasonic Toughbook CF-31	1
Panasonic Toughbook CF-29	1
Federal SmartSiren	2
Front Seat Covers	1
Motorola XTL Radio	2

Item	Quantity
Federal Signal Red / Blue LED Lightbar	1
Code-3 Red / Blue Halogen Lightbar	1
Handgun Safe	2
Big Sky Rack	2
Pro- guard Prisoner Partition	2
Laguna Prisoner Seats	2
Rear Cargo Organizer	2
Phillips Defibrillator	2
Medical Bag	2
Oxygen Medical Bag	1
Intubation Airway Bag	1
US Night Vision Generation 3+ Monocular	2
Vehicle Lockout Kit	2
Lifeguard Rescue Tube & Fins	2
Inflatable Water Lifejacket	1
Seat Organizer	2
Evidence Collection Kits	2
Baby Delivery Kit, Burn Kit, Sets	1
Water Rescue Gear Bag	1
Law Enforcement Law Books, Sets	2
Fire Extinguisher	2
AutoNet Router	1
Forms Organizer	1

A review of the furnishings and condition of the Park Ranger office showed it to be adequately stocked and well organized.

## Community Relations and Outreach

With a limited staff, the Park Ranger Program seldom issues press releases or works closely with the media. There is a limited presence on the City's website, with a broad program description, directions on how to file reports and request service, and phone numbers to contact. According to the Park Ranger, he has periodically attended community events to increase the awareness of the Park Ranger Program.

According to the recent community survey, approximately 11% of citizens have called for service from the Park Ranger. Approximately 48.5% of citizens have called for service from the Sheriff's Department. In the survey, approximately 58-60% of citizens are either very satisfied or satisfied with enforcement of laws on City Park and beaches, and 61% are either very satisfied or satisfied with the visibility of the Park Ranger at City beaches and parks. Twenty-nine point six percent (29.6%) were either very satisfied or satisfied with the response times of the Park Ranger. This lower rate is not surprising due to the limited number of citizens who have called the Park Ranger for service.

Anecdotally, comments about the Park Ranger Program from members of the City's Finance Committee, City staff, and other agencies have been positive. The Park Ranger is seen as very professional, competent, and hardworking. He is seen as responsive to citizen requests for service, and creative in his problem solving.

## **Citizen Complaints and Use of Force Reports**

When asked about citizen complaints, both the Park Ranger and his supervisor, the Community Services Director/Chief Lifeguard, reported that there has never been a citizen complaint of any substance. Minor complaints have been informally handled by the Community Services Director/Chief Lifeguard, so no such documents exist.

California Penal Code 832.5 requires departments/agencies to establish a procedure to handle citizen complaints by members of the public. A 2004 policy exists on citizen complaints for the Community Services Department. Citizen complaints and internal investigations for law enforcement officers are complex, due to statutory and case law requirements. This policy does appear to address these needs, and appears to be modeled after a policy from another law enforcement agency (e.g., still refers to the "Chief of Police" in paragraph E of the DISPOSITION OF MISCONDUCT COMPLIANTS section). However, essential elements are missing including Administrative Warnings (Garrity) and methods to create and maintain complaint files and logs. Lexipol does provide policies to address these issues, but these policies have been deleted from Del Mar's Lexipol Policy Manual.

With regards to Use of Force Reporting, both the Park Ranger and Community Services Director/Chief Lifeguard reported that there has never been a use of force incident involving the Park Ranger. As a result, so no such documents exist.

## **Insurance Coverage and Liability Issues**

For many years, the City of Del Mar has been a member of the San Diego Pooled Insurance Authority (SANDPIPA), a consortium of various governmental entities in San Diego County who joined together to achieve savings on insurance premiums through volume purchasing and risk management consulting. Each member paid for its proportionate share of its individually contracted insurance and consulting services.

The project Consultant Team conferred with Laura Seiler, the long-time General Manager of SANDPIPA, to discuss the City's risk management program and levels of coverage. According to Ms Seiler, effective July 1, 2015 SANDPIPA began a one year transition to phase out its operations with coverage now being provided through a much larger pool provided by the CSAC Excess Insurance Authority. During this transition period, new underwriting will be done by CSAC to evaluate the City's risk management program, potential risks, and levels of coverage to be provided.

As a member of SANDPIPA, the City has been self-insured for the first \$125,000 of each occurrence. This self-insured retention level was reduced to \$100,000 when the City moved over to the CSAC program on July 1, 2015. At the end of the one year transition period, the City will need to work with CSAC underwriters to determine the appropriate self-insured retention level and respective premium costs.

Liability claims above the self-insured retention level have been covered by the pooled resources of SANDPIPA and through the purchase of excess insurance. These additional levels of coverage will now be covered through the CSAC Excess Insurance program.

The CSAC Excess Insurance Authority is one of the leading insurance programs in California for governmental agencies. It is well managed with substantial financial resources. The Consultant Team has no concerns with the current coverage being provided to the City through the CSAC program. However, during this period of transition, it will be difficult to estimate additional insurance costs to the City should fundamental changes be made in the City's public safety programs.

According to Ms Seiler, in the history of the Park Ranger Program, no claims have been filed against the City relating to the activities of the Park Ranger Program. However, there are no guarantees in the future that actions of the Park Ranger will not result in liability claims, civil rights actions, or expensive legal fees.

Typical types of claims against municipalities in California for law enforcement related activities include the following:

1. Vehicle Accidents
2. Unlawful arrest
3. Excessive force
4. Federal civil rights violations

Over the past few years on a national level claims against law enforcement agencies have received substantial media coverage, and multi-million judgments have become more frequent.

The best protection to any municipality to avoid costly legal claims and lawsuits includes the following:

1. Clear policy and procedure manuals that are updated frequently;
2. A well-documented training program that demonstrates employees are well versed in the agency's standard operating procedures and actually engage in training to ensure they follow the procedures on a day-to-day basis;
3. Quality supervision, performance monitoring, and evaluation;
4. State of the art equipment and vehicles;
5. Adequate staffing; and
6. Documentation on all aspects of the work performed and completed.

## Relationships with Other Agencies

As a part of this review, the Project Team also interviewed representatives of other agencies that work with the Park Ranger Program to determine the status of the relationship and areas for improvement. The following is a summary of their comments.

### Sheriff's Department

The Station Commander and Patrol Lieutenant of the Sheriff's Department were honest and candid about the evolving relationship that the Sheriff's Department has had with the Park Ranger Program over the years. In the early years of the program, the Park Ranger Program was not well accepted by rank and file Sheriff's deputies and there was an ongoing dispute over the authority of the Park Ranger to work outside parks and beach areas. This disagreement resulted in contested traffic cases being thrown out of court, and overall poor communications between the respective agencies.

Since 2008, the relationship has improved somewhat as a result of an Attorney General's opinion that clarified that the Park Ranger does have the ability, in limited circumstances, to initiate enforcement actions outside of his primary duty areas. However, a level of tension has continued, as evidenced in the well-publicized 2014 traffic stop that was captured on YouTube, in which a Reserve Sheriff's Deputy challenged the authority of the Park Ranger to stop him for a cell phone violation.

Since the new Sheriff's Captain was appointed in 2014 to supervise SDSD's North County operations, all parties indicate that the relationship has improved considerably. However, the Sheriff's Department did indicate two significant concerns:

1. Concern for the Park Ranger's safety – The Sheriff's Department representatives repeatedly stated that they are concerned about the Park Ranger's overall safety when he is conducting certain law enforcement activities, especially traffic stops. If the Park Ranger encounters a dangerous situation, they are concerned that the Sheriff's Department may not be aware of the stop or could be several minutes away from the location to provide backup. As noted in the discussion of dispatch and communications, protocols for notifying each other when operating in overlapping jurisdictions are needed.

2. Lack of intelligence sharing between agencies – The Park Ranger, due to his role in patrolling parks and beach areas, can be an excellent resource to the Sheriff's Department in identifying locations of criminal activity such as drug use and trafficking, and continued use of alcohol by juveniles. However, the Sheriff's Office indicated that such information is rarely shared with them so they can direct their patrol activities accordingly. On the reverse side, the Park Ranger indicated that he seldom receives similar information from the Sheriff's Department.

Recently, the Park Ranger has conducted a number of ride-alongs with Sheriff's deputies based in the Encinitas Sheriff's station in attempt to improve communications between the two agencies.

## **Planning and Community Development**

The Park Ranger interfaces with several other departments in the City. However, the department he works most closely with on enforcement issues, other than Community Services, is Planning and Community Development. These dealings are primarily related to code enforcement issues such as enforcing noise regulations and taxi cab regulations. The Project Team interviewed the Director of the Department, Kathy Garcia, and the Code Enforcement Officer, Patty Malik.

Ms. Garcia and Ms. Malik were very positive about their interactions with the Park Ranger Program. They indicated that they periodically request assistance from the Park Ranger for afterhours enforcement, especially in the downtown bar and restaurant area, to deal with unpermitted taxicabs and to request that businesses reduce noise levels. Ms. Malik indicated that having the Park Ranger in an official police type vehicle, in uniform, and carrying a weapon is especially helpful in securing cooperation from frequent violators.

## **District Attorney's Office**

The Park Ranger interfaces with the District Attorney's Office periodically when enforcement actions result in misdemeanor or felony cases being filed. However, since these cases are infrequent, the Park Ranger could not identify any regular contacts at the District Attorney's Office who could provide the Project Team with a good assessment of their interactions with the Park Ranger Program. However, as noted in elsewhere in this report, the Project Team did review several arrest reports that were filed by the Park Ranger and found that work to be well within normal industry standards.

## **Comparison with other Park Ranger Programs**

The Project Team looked in detail at Park Ranger Programs at three municipalities in California: Santa Barbara, Anaheim, and Poway. A summary of the three programs with comparisons to Del Mar are shown below in Table 1.

Additionally, the Project Team did a brief review of several other park ranger programs in California, including the cities of Santa Ana, Santa Monica, Santa Maria, Carlsbad, and San Diego, and the counties of San Diego, Orange, and Santa Barbara.

In general, the Project Team found that park ranger programs vary significantly throughout the State of California, making comparisons very difficult. Like Del Mar, each has evolved over the years to meet community needs and based upon financial resources available. However, we can make a few generalized comments in comparing Del Mar's program to other agencies are as follows:

1. For the size of its community, Del Mar is unique in requiring a fully trained peace officer; most cities require only a PC-832 certification for park rangers. The Consultant Team found two agencies that require a fully trained peace officer, the City of Santa Ana and the County of Orange. However, these are much larger agencies in areas with significantly more crime issues.
2. The hourly rate for Del Mar's Park Ranger is significantly higher than most other agencies, reflecting the requirement that the incumbent have peace office status. Likewise, most agencies do not enroll park rangers in higher cost PERS safety retirement plans.
3. Most municipal Park Ranger Programs do not equip their park rangers with lethal weapons.

4. It is common for a local police department to directly dispatch park rangers, when the municipality has its own police department. When the municipality does not have its own department, dispatch systems vary, depending upon other resources available.
5. Overall, Park Ranger communications and cooperation with partner law enforcement agencies is enhanced when a municipality has its own police department.

**Table 1 -- Comparison of Park Ranger Programs**

Item	Del Mar	Santa Barbara	Anaheim	Poway
<b>Approximate Budget</b>	\$200,000	\$254,000	\$1,000,000	Unknown. Broken out in several budgets.
<b>Number of Park Rangers</b>	1 Full time 0 Part time	3 Full Time	4 Senior 3/4 Park Rangers 20-25 3/4 Park Rangers	2 Full Time Rangers 2 3/4 Time Rangers 2 Hourly Rangers
<b>Top Step Hourly Rate of Pay</b>	\$40.25	\$26.84	Senior -- \$21.31 Ranger -- 15.58	\$19.50
<b>PERS Plan</b>	<u>2@50 -- Classic Safety</u> <u>2.7%@57</u>	<u>2.7@55 -- Classic</u> <u>2@62 for new members</u>	<u>2.7%@55 -- Classic</u> <u>2%@62 -- new members</u>	<u>2%@60 -- Classic</u> <u>2%@62 -- new members</u>
<b>Minimum Requirements per job description</b>	Driver's License CPR Advanced First Aid or EMT Class I POST Basic/Police Officer Taser Instructor Swift Water Rescue Instructor	Driver's License PC 832 within 6 months CPR	Driver's License First Aid CPR AED No PC 832 Required	Driver's License First Aid CPR PC 832 within 6 months
<b>Weapons</b>	Pistol Rifle Taser Baton	Baton	Pepper Spray	None
<b>Vehicle/Equipment</b>	2 Chevy Tahoes Bullet proof vest Portable Radio Laptop computer in vehicle Work Station Computer PDA for access to ARJIS/CLETS Recording Camera Lifeguard equipment	Ford Ranger 4X4 Ford 250 ExCab Bullet proof vest Portable radio Computers	9 Toyota Tacomas 1 Jeep Patriot Portable radio Portable tablet	2 Chevy Silverados Portable Radios 2 Work Station Computers
<b>Dispatch</b>	Lifeguard Dispatch Direct calls from residents	Police Dispatch Center Parks Dispatch	Police Dispatch Parks Dispatch Direct Calls from residents	Park/Public Works Dispatch
<b>Other</b>	Supervised by Community Services Dir./Lifeguard Chief	Attend Daily Watch Commander briefings Patrol local schools under contract Supervised by Parks Manager	Attend monthly community policing meetings with PD Supervised by FT Comm. Services Specialist	Seldom work with Sheriff's Office Primarily work in specific Parks and at Lake Do not issue citations

## Chapter 3

# Key Findings

In the experience of the Project Team, the Del Mar Park Ranger Program is extremely unique, making it difficult to compare to other Park Ranger Programs in the State. While its legal underpinning is primarily focused upon parks and beaches, it has evolved into the equivalent of a one person police department. Due to a number of factors, the program has developed a capacity that is well beyond the goals and objectives that were established when it was created: to reduce the cost of maintaining a safe and secure environment within the community's beaches and park areas.

As a result of this evolution and increased scope of work, the Park Ranger Program has slowly built up much of the infrastructure seen in traditional municipal police departments, such as a complex policy and procedures manual; computer access to local, State, and National crime databases; a records management program; extensive training requirements; and an impressive inventory of equipment and weapons. That infrastructure requires a tremendous amount of time and effort to be maintained, taking valuable time away from the primary role of the Park Ranger Program: patrolling beaches and parks within the City of Del Mar.

The Park Ranger Program is a result of the tremendous dedication, work, and effort devoted to this effort by the incumbent Park Ranger. However, the incumbent is spread too thin, resulting in a program that has many organizational deficiencies. The current organizational in its existing configuration is not sustainable.

Among our key findings are the following:

### Budget and Finance

On an hourly basis, the cost of the Park Ranger Program is high, especially when considering the tremendous amount of time spent by the Park Ranger on non-field activities. He estimates that he spends between 50-70% of his time on administrative activities. These include:

- Report writing and data entry
- Medical, lifeguard, and law enforcement training
- Maintaining and updating the Departmental Policy and Procedures Manual
- Attempting to maintain performance data
- Maintaining equipment
- Meetings with other agencies and city departments

The cost is also high due to a salary and benefit structure based upon employing a full-time peace officer.

Unless the program is reconfigured significantly, it is critical that more administrative support be provided. The Consultant Team believes that this will require at least one half-time position for support.

### Management, Support and Operations

When he is able to patrol, the Park Ranger does an outstanding job providing protection to City beaches and parks, as well as addressing other high priority issues as identified by City management and other departments. He is conscientious, well trained, professional, and truly committed to maintaining high levels of public safety throughout Del Mar. The Project Team was extremely impressed by his dedication to his job, and the passion he has for high job standards and the community.

The Project Team also found that the Park Ranger Program is well regarded in the community and enjoys a significant level of respect and support. He takes personal interest in residents' and business' problems, and looks for creative ways to find solutions.

The Park Ranger Program operates as a quasi-police department. As a result, it needs to have in place much stronger supervision and management than currently exists.

Among the key concerns:

- The current supervisor of the program has limited law enforcement management experience, making it difficult for him to critically review complex policies and procedures, review arrest reports, or audit various elements of the Park Ranger Program.
- For the most part, the Park Ranger supervises himself, resulting in lack of appropriate internal controls or quality controls that are required in a law enforcement environment.
- There is no regular reporting system to management concerning day-to-day activities, performance statistics, or crime trends.
- Important policies within the existing policy manual require multiple levels of approval, that are now being accomplished by a single individual – the Park Ranger -- leaving out important checks and balances.
- There is no formal training planning or system of checks and balances to ensure required training is accomplished, or to evaluate the efficacy of training received.
- Regular performance reviews have not been completed.

With regards to professional law enforcement management oversight, the current management and supervision of the Park Ranger is provided by the Community Services Director/Chief Lifeguard. Due to his high level of confidence in the program and the recognized competence of the current Park Ranger, he has admittedly provided minimal oversight and supervision over the years. Even if the level of supervision and oversight were to improve, the Project Team believes that the Park Ranger Program, under its current configuration, needs professional law enforcement oversight. Without professional law enforcement oversight, the typical checks and balances that are standard practice in police agencies throughout the country do not exist. There is no one within the City organization who can provide that type of supervision and oversight, since there are no other police professionals in the organization.

The Project Team considered several options to provide appropriate oversight to the program such as contracting with local municipal police agency or utilizing a retired police professional to work just a few hours a week supervising the Park Ranger. We do not believe this approach would be effective. The Consultant Team also asked the Sheriff's Office if they would be willing to provide supervision to the Park Ranger or absorb the program (and incumbent Park Ranger) into their contract. They indicated that they would not entertain such an arrangement. We have concluded that the only way to achieve the level of management and oversight required would require at a minimum a half-time professional police manager. For the benefits received, we believe such an approach to not be cost effective.

Since its inception, the Park Ranger Program has not been involved in any serious incidents that have resulted in claims or lawsuits being filed against the City. However, the lack of adequate oversight, checks and balances, and supervision of this program, even if it is functioning well, could be a serious deficiency for the City in the defense against major claims in the future.

Members of the Project Team have had experience in defending municipalities in costly litigation and have been involved in multimillion dollar settlements. We cannot emphasize enough the need to ensure adequate management and oversight is being provided to the Park Ranger Program in order to protect the City of Del Mar from costly litigation.

With regards to administrative support, the Park Ranger Program as it is currently configured requires a significant amount of administrative and clerical support. Since there is no additional staffing provided for this work, it falls to the Park Ranger to complete these duties in addition to his patrol duties. As a result, his time in the field has diminished over the years.

## **Jurisdiction of the Park Ranger Program**

The Park Ranger Program has been utilized over the years in a variety of capacities, within park and beach areas and throughout the entire community. In addition to patrolling beach and park areas, the Park Ranger

has performed routine traffic enforcement, administered the City's RedFlex program, assisted in water rescue incidents, and enforced several sections of the City's municipal code. Due to his peace officer status and unique set of skills sets, the Park Ranger has readily volunteered and been assigned by management to perform an impressive set of activities.

Based upon interviews with the Park Ranger and his supervisor, a review of the legal analysis prepared by the City Attorney's Office, as well as discussions with the Assistant City Attorney, it is clear that there is not a common understanding concerning the legal authority of the Park Ranger to conduct law enforcement duties outside of park and beach areas. This appears to be a result of different interpretations of Penal Code Section 830.1, which provides that peace officers in California, including those designated by a local agency as a park ranger, have authority "any place in the State for the purpose of performing their primary duty or when making an arrest pursuant to Section 836 as to any public offense to which there is immediate danger to person or property, or of the escape of the perpetrator of that offense."

Additionally, the role of the Sheriff's Office versus the Park Ranger, in responding to calls for service within the City, and specifically within park and beach areas is uncertain. The Sheriff is under contract by the City to respond to all calls for service within the City. However, the Park Ranger also responds to these types of calls when he is dispatched by the Lifeguard Tower, when he receives the calls directly, or when he encounters the situation while on patrol.

Key questions where there appears to be different interpretations or need for additional clarification include:

- What is the definition of "primary duty?" Is this solely within the beach and park areas, or does it include adjacent areas. If it does include adjacent areas, what are those areas specifically?
- What is the definition of "immediate danger to person or property?" Does this include routine traffic violations such as running through a red light or stop sign without stopping, incursions into crosswalks, or driving while using a cell phone? Does it include other alcohol or drug offenses?
- What specifically is meant by the phrase: "or of the escape of the perpetrator of that offense?"
- When is it expected that the Sheriff's Deputies will respond to calls within beach and park areas versus when should the Park Ranger respond? What is the protocol for communications when jurisdictions overlap?

In addition to the different interpretations of Penal Code Section 830.1, the City Attorney's Office has raised concerns about actions by the Park Ranger, when he has been utilized under the authority granted him under the City's municipal code, to enforce municipal code violations outside of park and beach areas. An interesting paradox exists. If the Park Ranger was a full-fledged member of a local municipal police department, or merely possessed a PC-832 Certification as many park rangers have in California, the ability to enforce municipal code violations would not be a problem. But in his capacity as a Park Ranger and sworn peace officer, there are concerns about his ability to enforce municipal code sections when outfitted as a peace officer.

The City Attorney's recent analysis is a good first step to resolve the different interpretations of the Park Ranger's jurisdiction. However, that analysis needs to be followed up with very precise policies, including examples that ensure that the Park Ranger has clear guidance concerning his legal ability to enforce both State and municipal codes throughout the City.

## **Records Management System**

The Park Ranger Program has invested in a quality Records Management System (RMS), ReportExec, that can be utilized to input data, generate management reports, and provide valuable information on crime trends and performance data. As often happens with this type of software, the full value of the software is not being utilized.

A significant concern is that no comprehensive written records management policy document has been developed that describes which data should be collected and input, who will have access to the data, what types of routine reports should be produced, what information will be available to the public, and when records should be purged. Important data from the Lifeguard Dispatch operation is not collected, nor is information generated from informal enforcement contacts in parks or beaches, which is a large portion of

the Park Ranger's workload. Compounding this situation is the lack of resources available to input data into the system.

In order to take advantage of the RMS system already in place, the Park Ranger Program will need to develop a comprehensive, systematic records management policy. Once such a policy is in place, it will also be necessary to provide sufficient resources to input data and reports, analyze the data, and prepare meaningful management information that can be utilized to allocate resources.

A significant deficiency is the lack of a Records Administrator and any sort of internal controls. In practically every police agency in the United States there are checks and balances in place to ensure the integrity of law enforcement records. Those that write police reports and other documents do not have the ability to modify or change them later. Likewise, those that administer law enforcement records do not have the ability to create records. Without another employee to serve as a Records Administrator, the law enforcement records of the Park Ranger Program lack procedural integrity.

Law enforcement records, like other governmental records, have retention schedules for which they may be legally purged. Those records that are still on file are subject to public records requests. Persons often seek court orders to have prior law enforcement records expunged. Records retention, public records request, and expungements are most properly handled by a Records Administrator and not the law enforcement officer that created the records. It is not feasible to have a legitimate law enforcement records system without a separate employee to administer the Records Management System.

## **Lexipol Policy Manual, Including Daily Training Bulletin Option**

There are two existing policy manuals for the Park Ranger Program. In 2004, the City of Del Mar published the *City of Del Mar Community Services Department Park Ranger Policies & Procedures* and in January 2015, the program adopted the Lexipol *Del Mar Park Ranger Policy Manual*. It is the goal of the Park Ranger to eventually phase out the older policy and procedures manual, as time becomes available to devote to this effort.

Major deficiencies in the current policy manuals include the following:

- Both the 2004 policy manual and more current January 2015 manual are lacking important elements such as policies and procedures relating to records management and traffic stops.
- Important sections, such as a "Use of Force Policy" and a "Citizens Complaint Policy," have not been included in the newer manual, meaning that the older inadequate policies are still in force.
- Sections refer to positions that do not exist, such as a "training officer," "field supervisor," and "watch commander."
- The manual has a number of policies that require supervisors to approve various actions or tactics. However, these levels of supervision do not exist, and instead the Park Ranger serves in the dual role of supervising himself, or approving his own actions. Serving in these dual roles does not provide adequate oversight and supervision and is contrary to normal law enforcement standards.
- The January 2015 Policy manual has not been updated on a regular basis. A new version was introduced as this report was being completed, but has not been fully reviewed.
- The 2015 policy manual refers to a written training plan that will be prepared by the "Training Officer." This plan is not in place.

A review of the policy manuals using the previously mentioned twelve high-risk critical tasks reveals the following:

1. Use of Force

The policy governing use of force is not only dated, but fails to adequately provide guidelines when force may be used and at what levels. It does not address the reporting of the use of force, nor the supervisory review of such reporting.

2. Pursuit/Emergency Operation of Vehicles

While a pursuit policy exists, no policy exists for the emergency operation of vehicles, a much more common occurrence. The pursuit policy, as written, is severely flawed. As an example, it makes references to a "field supervisor," which does not exist in Del Mar, and assigns important responsibilities to this non-existent position. Likewise, a section of the policy addresses critical responsibilities for the "communication center." If this is meant to apply to the Lifeguard Tower, the responsibilities are beyond the scope of duties for personnel assigned there. After hours, the Park Ranger has no communications center to assume these duties.

3. Search and Seizure/Arrest

There is no policy or procedure governing arrest procedures. The most recently adopted version of the policy manual introduces a Search and Seizure policy.

4. Care, Custody, Restraints, and Transportation of Juveniles

A policy exists on the Temporary Custody of Juveniles. While it is a comprehensive policy, it does not address transportation and, again, fails to adequately address supervision issues. Care, custody, and transportation of juvenile situations often result in allegations about mistreatment or abuse by officers. Agencies employ additional safeguards to protect themselves and their employees against these allegations. Supervisory oversight is often employed as one of these safeguards. As an example if this policy fails, when booking a juvenile, *"For all other acts defined as crimes, juveniles may be booked, fingerprinted, or photographed upon the approval from the Park Ranger or Lead Park Ranger Supervisor, giving due consideration to the following:"* Knowing the officer booking the juvenile, the Park Ranger and the Lead Park Ranger are all the same person makes this provision ineffective on its face.

5. Domestic Violence/Agency Employee Involved Domestic Misconduct

There is no policy governing Domestic Violence and Agency Employee Involved Domestic Misconduct.

6. Property and Evidence

While the Park Ranger Program does collect, store, and process property and evidence, there is no policy governing this important topic. At the time of this writing, the City of Del Mar has both valuables and a significant amount of cannabis in its custody. While there is no indication whatsoever of misconduct, the lack of a policy and procedure concerning this topic offers ample opportunity for allegations of such to occur.

7. Off-Duty Conduct of Officers/Off Duty Employment

There is no policy governing Domestic Violence and Agency Employee Involved Domestic Misconduct. Many agencies employ such policies to prevent, for example, an off duty officer working as a bouncer for a tavern while wearing their agency uniform.

8. Sexual Harassment/External Sexual Misconduct by Officers

There is no policy governing Domestic Violence and Agency Employee Involved Domestic Misconduct.

9. Selection and Hiring

While the incumbent Park Ranger has received extensive training on the topic and provided examples of quality work product in conducting background investigations on prospective employees, there is no policy governing the topic.

10. Complaints and Internal Investigations

Three policies in the Lexipol Policy Manual reference the "Personnel Complaint Policy" which does not exist in that manual. The 2004 Del Mar Policy and Procedure Manual does have a "Citizen Complaint Policy," however. The 2004 policy is substantial, but does need some correction. It may have partially adapted from another agency, as it assigns responsibilities to the "Chief of Police," a position that does not exist in Del Mar.

11. Special Operations: SWAT, Narcotics, High Risk Warrant Service

The Del Mar Park Ranger Program does not engage in these activities, negating the need for policy in this area.

12. Dealing with Mentally Ill, Emotionally Disturbed Persons, and Persons with Diminished Capacity

There is no policy concerning Dealing with Mentally Ill, Emotionally Disturbed Persons, and Persons with Diminished Capacity, although another policy (426) makes reference to the “Mental Illness Commitments Policy,” which does not exist. Such persons exist in every community and the Park Ranger told of past encounters.

## Training

The Park Ranger has been diligent in attending training programs over the years and maintaining POST standards for a Basic POST Certificate. He has also attended other training courses mandated by Federal and State agencies for law enforcement officers, such as the OSHA bloodborne pathogen training and State mandated courses concerning domestic violence. In addition to the training required for his law enforcement duties, the Park Ranger has attended a multitude of other courses related water rescue, records management, and emergency management training.

The Park Ranger has been enthusiastic about attending various training opportunities over the years. However, a key document does not exist: a written training plan, including a written record of all training received. As a result, management has no guarantees that required training is being completed and is dependent upon the Park Ranger to monitor a multitude of training requirements. From a budgetary standpoint, without a comprehensive training plan, management is also unable to determine which training is really necessary and which training is optional. This issue is especially important since the Park Ranger reports he is unable to handle a number of administrative tasks and is spending less time in the field.

From the consultant team’s observations, it appears that the amount of time spent training to maintain so many different skills sets is not essential to maintain a quality Park Ranger program.

## Vehicles, Equipment and Office Space

For the current size of the Park Ranger Program, the vehicles, equipment, and office space are adequate or above adequate. It could be easily argued that a single Park Ranger does not need two vehicles, but without any redundancy the Park Ranger would be immobilized when the primary vehicle is being serviced. This remains a policy decision for the management to weigh the costs of having two vehicles versus the costs of having one. Office space appears adequate for the current operation.

## Long-Term Sustainability of the Park Ranger Program

In conducting this analysis, the Project Team developed a tremendous amount of respect for the work done by the incumbent Park Ranger to develop a small, yet competent law enforcement organization. He has attended numerous training programs to become proficient in a number of varied disciplines including emergency medical training, ocean lifeguarding, swift water rescue, use of firearms and a Taser, development of law enforcement policies and procedures, and use of various law enforcement information systems. In summary, he has developed a unique set of competencies that are now embodied in the job description for the City’s Park Ranger. He has also created an infrastructure that requires a tremendous amount of time and effort to sustain.

The Park Ranger Program as it is now configured is dependent upon the existing Park Ranger’s unique skill set and abilities. However, when he eventually leaves his position, it is highly unlikely that the City will be able to hire a person with these same skills and talents or willingness to become proficient in so many disciplines. As a result, the Program will need to be reconfigured at some point to be more sustainable and not dependent upon one person’s unique skills and work ethic.

## Insurance Coverage and Liability Concerns

The insurance coverage currently provided to the City by SANDPIPA and through CSAC is typical of the coverages obtained by small to medium sized cities throughout California. The Project Team did not find

any reason for concern relative to the levels of coverage that the City receives. The new program that the City is moving into through CSAC is well regarded throughout the State and has a long history of providing quality service and risk management assistance.

There have never been any claims filed with the City or litigation relating to the actions of the Park Ranger Program. However, past experience is not a guarantee that future claims or litigation will not be filed based upon interactions with the Park Ranger Program. These cases can be quite costly, especially if the case results in legal fees being paid to the plaintiffs.

Among the areas of vulnerability that could make the City's defense posture more difficult include the following:

- Ambiguity concerning the legal jurisdiction of the Park Ranger to enforce State and local laws and regulations in certain areas of the City
- Inadequate supervision of the Park Ranger Program
- Lack of a comprehensive Policy and Procedures Manual
- Lack of a written training plan
- Lack of regular activity and management reports documenting actions of the Park Ranger
- Inconsistencies and lack of checks and balances in the Park Ranger Program policy and procedures manual
- Possession and use of lethal weapons by the Park Ranger in the course of normal activities
- Inadequate communications protocols with other adjacent law enforcement agencies

## **Relations with Other Agencies and Departments**

The tension that has existed in the relationship between the Park Ranger and San Diego Sheriff's Department over many years is an area of real concern to the Project Team. At the most basic level, it has resulted in a lower levels of officer safety for both Sheriff's deputies and the Park Ranger. Basic crime analysis and suspect intelligence are not shared routinely; and there are uncertain backup protocols in place. Most importantly, the Project Team detects a reluctance to call each other for assistance on routine calls. If the two agencies were combined, this type of communication would be routine.

At a higher level, the strained relationship has resulted in much more time being devoted to legal analyses, costly administrative reports, unusual workarounds to achieve training needs, and a lack of overall trust in the field. Although the situation has improved most recently, there is still a strong need to improve day-to-day communication between the Park Ranger Program and the Sheriff's Department.

# Chapter 4

## Key Recommendations

Based upon our analysis and findings, the Project Team makes the following recommendations concerning the Del Mar Park Ranger Program:

### **Recommendation #1 – Reduce the Scope of the Program**

Our most important recommendation is that the Park Ranger Program should be reduced in scope to be a more typical Park Ranger Program that focuses primarily on the enforcement of minor offenses such as underage drinking, violation of the City's alcohol regulations, illegal camping, illegal parties, animal regulations, and parking violations. Efforts should be limited to parks and beach areas, with other law enforcement duties performed by the Sheriff's Department. In line with this recommendation we also recommend that the Park Ranger no longer be authorized to carry lethal weapons or detain and transport arrestees.

Due to a number of factors, the Park Ranger Program has evolved over the years into a quasi-police department that is not a sustainable organization. Among the major deficiencies we have identified are the following:

1. Inadequate time available for park and beach patrols due to the significant amount of time needed to maintain a law enforcement infrastructure that is more appropriate for a full scale municipal police department.
2. Lack of professional law enforcement supervision and oversight, resulting in inadequate checks and balances.
3. A deficient policy and procedures manual.
4. Lack of a comprehensive training plan.
5. An underutilized Records Management System, resulting in no program in place to track day-to-day activities, summarize results, or measure productivity. There is no records management policy, nor adequate internal controls for records management.
6. Lack of adequate protocols in place with other law enforcement agencies to ensure the appropriate levels of officer safety for the Park Ranger.
7. Day-to-day enforcement activities that appear to be beyond the legal jurisdiction of the Park Ranger, as defined by the City Attorney's Office, creating a significant legal exposure for the City.

A large majority of the work done by the Park Ranger is concentrated on the enforcement of municipal code violations within City parks and beaches. As a result, the Consultant Team believes that a more cost effective approach is to revert to a typical park ranger program as is found in most cities in California, in which PC-832 certified rangers enforce local ordinance and regulations in parks and beaches and higher level law enforcement issues are handled by either the local police department or contract Sheriff's deputies.

Should the City adopt this recommendation, we also believe that the City should phase out the use of the Lexipol Law Enforcement Policy Manual and revert to a simpler manual as was previously utilized. Additionally, while we believe that the Park Ranger Program should continue use of the ReportExec program, its use can be simplified with a scaled back Park Ranger Program. Regardless of whether the Program is scaled back or not, it is imperative that sufficient internal controls are put in place to maintain the integrity of law enforcement or quasi-law enforcement records created by Park Ranger Program.

The Consultant Team recommends that the City also evaluate the need for the Park Ranger to be qualified and trained in so many disciplines outside the general scope and duties of typical park ranger. These other disciplines include being a certified emergency medical technician, firearms instructor, technical rope rescue technician, rescue diver, animal rescue technician, swift water rescue instructor, certified CLETS

Trainer, POST certified background investigator, TASER Instructor, and certified in the calibration of alcohol screen devices for DWI enforcement. While all of these skills are valuable, the time and expense required to attend training and maintain competence in all of these disciplines reduces the time and resources available for patrolling parks and beaches.

Since the incumbent Park Ranger has already received a POST Basic Certificate and is compensated accordingly, we recommend that the City continue to support appropriate training to allow him to maintain that status. Maintaining his peace officer status would also allow him to continue to access the CLETS system in his role as a Park Ranger. Once the existing incumbent is no longer employed by the City, we recommend that the City evaluate whether there is a need to require the position to be filled by a sworn peace officer, rather than by a PC-832 Park Ranger

Benefits of reducing the scope of the Park Ranger Program are as follows:

- Reduces substantially the amount of time dedicated to maintaining the law enforcement infrastructure that has been created, such as the extensive policy and procedures manual, records management program, and extensive training requirements to maintain peace officer status and currency in other disciplines
- Increases ability of the Park Ranger to spend more time patrolling park and beach areas. We believe that time spent in the field patrolling parks and beaches could be increased by at least 300-500 hours per year.
- Reduces potential liability to the City that has been created by authorizing the use of lethal force and transportation and detention of arrestees.
- Brings the Program in line with the recent analysis done by the City Attorney's Office concerning the legal authority of the Ranger to conduct law enforcement activities outside of his primary duty areas.
- Provides for a sustainable program that is not dependent upon one person's unique skills and qualities.
- Reduces the short-term and long-term costs of the Program.

The Project Team recognizes that this change will have some adverse impacts. These include the following:

- Inability of the Park Ranger Program to deal with higher level violations within the beach and park areas. These would need to be referred to the Sheriff's Department.
- Inability of City management to assign the Park Ranger to problem areas outside the park and beach areas to conduct traffic enforcement and other law enforcement activities.
- Inability of the Park Ranger to respond to resident complaints about issues outside of the park and beach areas.
- Inability of the Park Ranger to fully utilize all of the skills he has mastered over the years.

A high percentage of the Park Ranger's enforcement activity involves lower level offenses that can be dealt with by a PC-832 certified enforcement officer. Additionally, based upon the recent analysis completed by the City Attorney, much of the work done outside park and beach areas is not legally within the jurisdiction of the Park Ranger Program and need to be curtailed. As a result, we believe the overall impact to the community will be positive since the Park Ranger will have substantially more time to devote to park and beach areas to enforce these lower level offenses that continue to generate the largest amount of enforcement activity.

### ***Should the Park Ranger Be Armed?***

With regard to our recommendation concerning firearms, under the provision of 830.31 California Penal Code, the City of Del Mar has the authority to determine if the Park Ranger will be armed or unarmed. The exact text of 830.31 PC is as follows:

830.31. The following persons are peace officers whose authority extends to any place in the state for the purpose of performing their primary duty or when making an arrest pursuant to Section 836 as to any public offense with respect to which there is immediate danger to person or property, or of the escape of the perpetrator of that offense, or pursuant to Section 8597 or 8598 of the Government Code. ***These peace officers may carry firearms only if authorized, and under the terms and conditions specified, by their employing agency.*** (Emphasis added)

The Consultant Team understands that this recommendation may cause concerns that discontinuing the practice of arming the Park Ranger will have an adverse impact on his ability to carry out his duties. Despite the Del Mar Park Ranger's admirable training certifications in the use of firearms, there are several reasons the Consultant Team believes this recommendation should be implemented.

The first rationale for this recommendation concerns the safety of the Ranger. Although it is true that most peace officers are armed while in the performance of their duties, this is not always the case for uniformed employees assigned to protect parks or beaches. There are some parks that are patrolled by armed rangers and other parks that are not. Policy decisions to arm or not arm Rangers are contingent on many variables. The primary considerations revolve around the level of crime, the physical character, scope, environment, and layout of the area, perceptions of safety by those frequenting the area, and the ability of the employing agency to oversee and supervise armed peace officer training and policies. For example a rural park that is vast and isolated from any nearby law enforcement services may present a stronger argument that park rangers should be armed, especially if the Rangers are the sole provider of law enforcement to the park.

This is not the case for Del Mar. First, it must be kept in mind that armed law enforcement responses to the beaches and parks are under the purview of the SDSO. In an emergency crime related situation, such as a person with a gun on the beach or park, the SDSO would be the primary responder to handle the situation. The SDSO has the resources, capacity, and track record of handling these incidents in a manner that protects officers and the public. In regards to Del Mar, the beach and parks are highly attractive to locals and tourists. The crimes occurring at these locations are low and violent crimes in these areas are unusual.

The Park Ranger, despite being armed, should never be in a situation of being a sole responder to calls of this nature. The Ranger knows, for his own safety, he must wait for cover officers to arrive and, in the case of Del Mar, it would be SDSO who would and should take the lead on handling the situation. Therefore, because Del Mar already has "armed" peace officer response as part of their police services, it makes sense that SDSO be the one agency that has armed response, venue and control of managing weapons or other major crime related calls on the beach and parks.

Second, the visibility of an armed Ranger creates a public perception and expectation that the Ranger can and should act in the context of a primary responder to crimes on the beach or park. This expectation of service may motivate local citizens familiar with the Ranger Program to call the Ranger first when it would be more appropriate to call SDSO via 911.

Third, it is imperative there be good coordination of how incoming law enforcement officers respond and who goes where. The ability to establish a proper perimeter and contain a threat is key to protecting the public and the officers from falling in harm's way. If by happenstance the Ranger is on scene first, his best role is to observe, report, and communicate vital information to responding or arriving officers. This process places Ranger safety as first and foremost, and encourages tactics that seek to monitor the situation versus unintended actions that could escalate the threat.

### ***Alternative Scenario – Is there a Way to Fix the Park Ranger Program?***

The Consultant Team discussed at length an alternative scenario: Is there a way to fix the existing Park Ranger Program and address the major deficiencies we have identified? We came to the conclusion, that this could not be done without substantially increasing the resources devoted to the program. This would include hiring at least a half-time law enforcement management professional to supervise the program and ensure that "state of the industry" policies and procedures are in place and maintained over time. Additionally, we believe a least another half-time administrative support position would need to be in place for data input and records management purposes as well as assisting in documenting other aspects of the Park Ranger Program. In summary, if the City desires to have a law enforcement infrastructure in place for the Park Ranger Program, it needs to be maintained.

The cost of these additional resources could approach \$100,000 annually, increasing the Park Ranger budget by approximately 50%. We do not recommend committing these additional resources to the program for the limited benefits it would create. This is especially so, considering the recent recommendations from the City Attorney's Office's concerning the limited authority of the Park Ranger to enforce laws outside of park and beach areas.

## **Recommendation #2 – Jurisdiction of the Program**

In addition to reducing the scope of the program, the Project Team also recommends that City management, the City Attorney, Community Services Director/Chief Lifeguard, and Park Ranger meet and develop a very specific set of guidelines concerning the jurisdiction of the Park Ranger. This set of guidelines would expand upon the City Attorney's recent analysis to include the following:

- Specific geographical boundaries, drawn on a map, where the Park Ranger has authority to enforce State and local laws and regulations.
- Identification of when it is legally permissible for the Park Ranger to enforce State or local laws and regulations outside park and beach boundaries, pursuant to Penal Code Section 830.1. The guidelines should include specific examples of when it will be legally permissible for the Park Ranger to take action outside of his primary duty areas.
- Identification of under what conditions the Park Ranger is allowed to legally enforce municipal code sections under his authority as an "Enforcement Officer." The guidelines should include specifics concerning the uniform that can be worn, equipment such as weapons that can be carried and visible, and vehicles that can be utilized.

The goal of this recommendation is to have a clear and unambiguous set of guidelines that have been approved by the City Attorney's Office, so that the Park Ranger fully understands his legal authority in all parts of the City.

## **Recommendation #3 – Records Policies**

As noted previously, we recommend the Park Ranger Program continue to utilize the ReportExec Records Management System. It is a robust program, approved for use by the State Department of Justice, and is relatively inexpensive to maintain. Even with a scaled back program, in conjunction with a comprehensive Records Management policy, it can be an important tool in maintaining valuable records, tracking performance, and providing solid performance information to management.

In line with the continued use of the ReportExec system, it is recommended a Records Management policy be developed that sets forth clear guidelines on records administration. This policy should include procedures for when written incident reports are due, data entry requirements, routing, filing, and purging instructions on reports, citations, FI cards, property, and other related written documents. Most importantly, there can be no carelessness on where all records are stored. The Ranger has indicated that the California Department of Justice inspected and passed the Park Ranger Program on how Criminal Offender Record Information (CORI) is being accessed and by who and where. That being said, all Park Ranger Program generated records need to be periodically inspected and verified as being in a secure and private area.

Monthly reports should be generated summarizing key activities, and comparing month to month, year to date, and previous year to date data. Spikes in incidents should be annotated with narrative explanations on the cause of the increase. These monthly reports can be tracked and converted to a final end of year report that can serve as a resource for analysis, strategy, and city management decisions relating to the Park Ranger Program resources.

## **Recommendation #4 – Training and POST Requirements**

The Consultant Team recommends strongly that a written training plan be established that incorporates all essential training required for the Park Ranger Program. The training plan should include the following elements:

- a. A listing of all mandated Federal, and State requirements for the Park Ranger Program
- b. Optional training that has been determined to be essential for the program

- c. Required frequency of training
- d. Prior approval process to attend training programs
- e. Methods of documenting training received
- f. Travel and expense policies for training attended
- g. Training budget that estimates costs by category of: mandated, desired, discretionary

As the written training program is developed, the Consultant Team also recommends that many of the job and training requirement for the Park Ranger be reevaluated to reduce the training time and expense required for the position. Specific examples include:

- Certified Emergency Medical Technician requirement
- Lifeguard Certifications
- Swift Water Rescue requirements
- Firearms instructor
- Technical Rope Rescue Technician
- Rescue Diver
- Animal Rescue Technician
- Swift Water Rescue Instructor
- Certified California Enforcement Telecommunications System (CLETS) Trainer
- POST certified Background Investigator
- TASER Instructor

It is a tremendous asset to the organization to have a position trained in so many disciplines. However, there is also a large cost in hours and training expense to maintain currency in so many disparate areas of expertise. It is important that a comprehensive evaluation be made to determine what skills are essential for a quality park ranger program and create a training program that reflects the essential skills required.

The Consultant Team also recommends having the Park Ranger operate with peace officer status – but converting the current POST training courses to optional versus mandatory. For example, if the Park Ranger becomes an unarmed peace officer, training related to weapons, pursuit, and arrest tactics would no longer be necessary. Other training related to the essential duties of the Park Ranger, such as maintaining first aid and rescue certification, would still be required. However, much of the training would be subject to the City's discretion versus the need to meet POST peace officer continued training requirements.

Additionally, the Park Ranger Program should not apply to become a "POST participating agency." There are two advantages to this recommendation. First, the Park Ranger and the City avoid a significant commitment of time associated with POST reviewing such a process. Second, the City can evolve to a hybrid Park Ranger Training Plan custom tailored to re-prioritize, and redirect how the Park Ranger can best use his time to address the everyday local concerns of those who use the Beach and Parks.

In summary, the reduced training and administrative overhead associated with training, will allow the Park Ranger to focus on quality of life issues at the Beach and Parks. The Ranger will no longer be making traffic stops or effecting arrests. Removing this aspect of his duties will broaden his time to be visible, accessible, and engage the community in the spirit of community policing and problem solving.

## **Recommendation #5 – Communications and Relationships with Other Agencies**

It is critical that the Park Ranger Program and the Sheriff's Department work to improve the relationship between the two agencies, without regard to how the Park Ranger Program is modified or changed. Specifically, we recommend that City management, in conjunction with the Community Services Director/ Chief Lifeguard initiate discussion with Sheriff's Department management to develop written protocols concerning two issues:

- a. Officer backup and communications – Specific written protocols about when and how the two agencies will keep each other informed when involved with various incidents in Del Mar.

In the interests of preserving officer safety, community safety, and communication efficiency, it would be prudent to discuss with SDSD the feasibility of establishing an inter-agency protocol that mandates SDSD Dispatch make prompt notifications to the Del Mar Park Ranger when certain violent in-progress crimes are occurring on the beach or parks. Any crime such as active shooter, kidnap, bomb threat, found explosive device, in-progress fighting, or robbery are just some examples of where it would be important the Park Ranger is quickly informed.

The purpose of this policy is not to force the Park Ranger to be a first responder, but rather to alert him as to what is occurring in his primary jurisdiction. Lack of communication in this situation risks the safety of the Park Ranger and others who may inadvertently wander in or near an unsafe environment not knowing what is, or about, to happen.

Similarly, formal communication protocols should be established to determine how the Park Ranger can keep the Sheriff's Department informed about his location in the City when he is involved in incidents that could escalate and require assistance. With a scaled back Park Ranger Program, such protocols become even more important.

- b. Sharing of law enforcement intelligence – Specific written protocols about intelligence sharing between the two agencies should be established so each can be better informed about emerging problems, coordinate proactive patrols, and be aware about suspicious activities in the community.

The Project Team is aware that similar efforts have been undertaken in the past, but both agencies have acknowledged that those efforts have not been successful.

# Exhibit 1

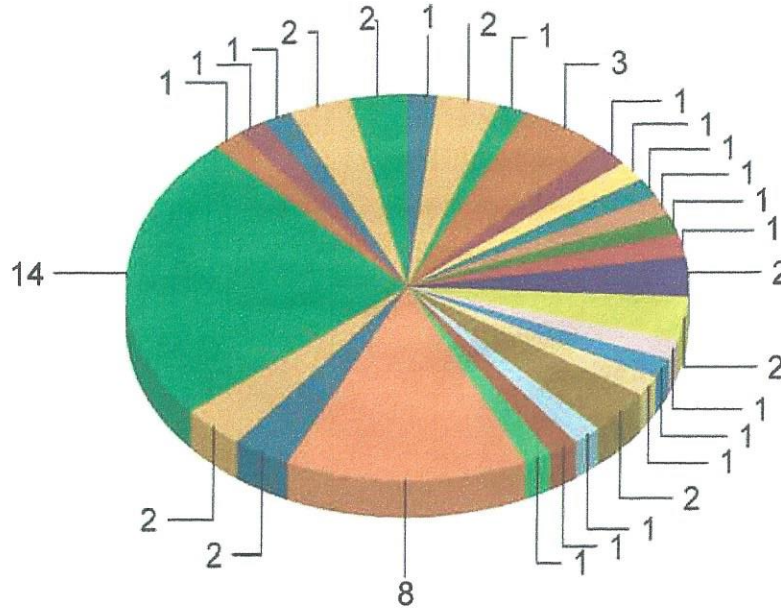
## City of Del Mar

Statistics from: 1/1/2012 12:00:00AM to 12/31/2012 11:59:00PM

Date

### A. CHASE

## Count of Incident Types

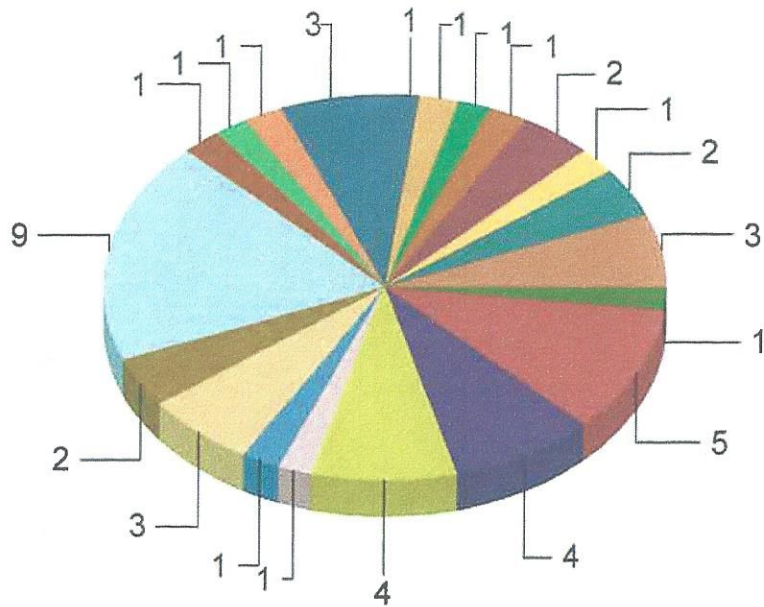


(CITATION ISSUED :	1	1.7%
(CITATION ISSUED : PARKING)	2	3.4%
AFFIX TO UNATTENDED VEHICLE	1	1.7%
BASIC SPEED LAW	3	5.2%
BEACHES PARKS ACCESS POINTS (SMOKING)	1	1.7%
BUISNESS LICENSE (REQUIRED)	1	1.7%
CAMPING ON PUBLIC PROPERTY	1	1.7%
CRIMINAL : THEFT	1	1.7%
DRIVER REQ. TO ENSURE ALL PASS. HAVE SAFETY BELTS	1	1.7%
DRIVERS LICENSE SUSPENDEED FOR DISABILITY	1	1.7%
FAILURE TO STOP AT RED LIGHT	2	3.4%
FAILURE TO STOP AT STOP SIGN	2	3.4%
GLASS CONTAINERS PROHIBITED	1	1.7%
HEADLAMPS EQUIPMENT REQUIRED	1	1.7%
HELMET REQUIRED ON MOTOR SCOOTER 49CC	1	1.7%
ILLEGAL TO BE ON BLUFF 8TH THRU 11TH STREET	2	3.4%
ILLEGAL TO CARRY ON BUSINESS W/O PERMIT	1	1.7%
ILLEGAL TO DRIVE PARK STAND VEH ON BEACH OR PARK	1	1.7%
LOST & FOUND	1	1.7%
MINOR IN POSSESSION OF ALCOHOL	8	13.8%
PATROL	2	3.4%
RESTRAINT OF DOG ON BEACH	2	3.4%
SUMMER ALCOHOL BAN	14	24.1%
UNSAFE LANE CHANGE	1	1.7%
UNSAFE TURN	1	1.7%
VANDALISM : CITY PROPERTY	1	1.7%
WRITTEN WARNING	2	3.4%
WRONG WAY ON ONE WAY STREET	2	3.4%
<b>Total:</b>	<b>58</b>	<b>100.0%</b>

# Exhibit 2

D. WELTE

## Count of Incident Types



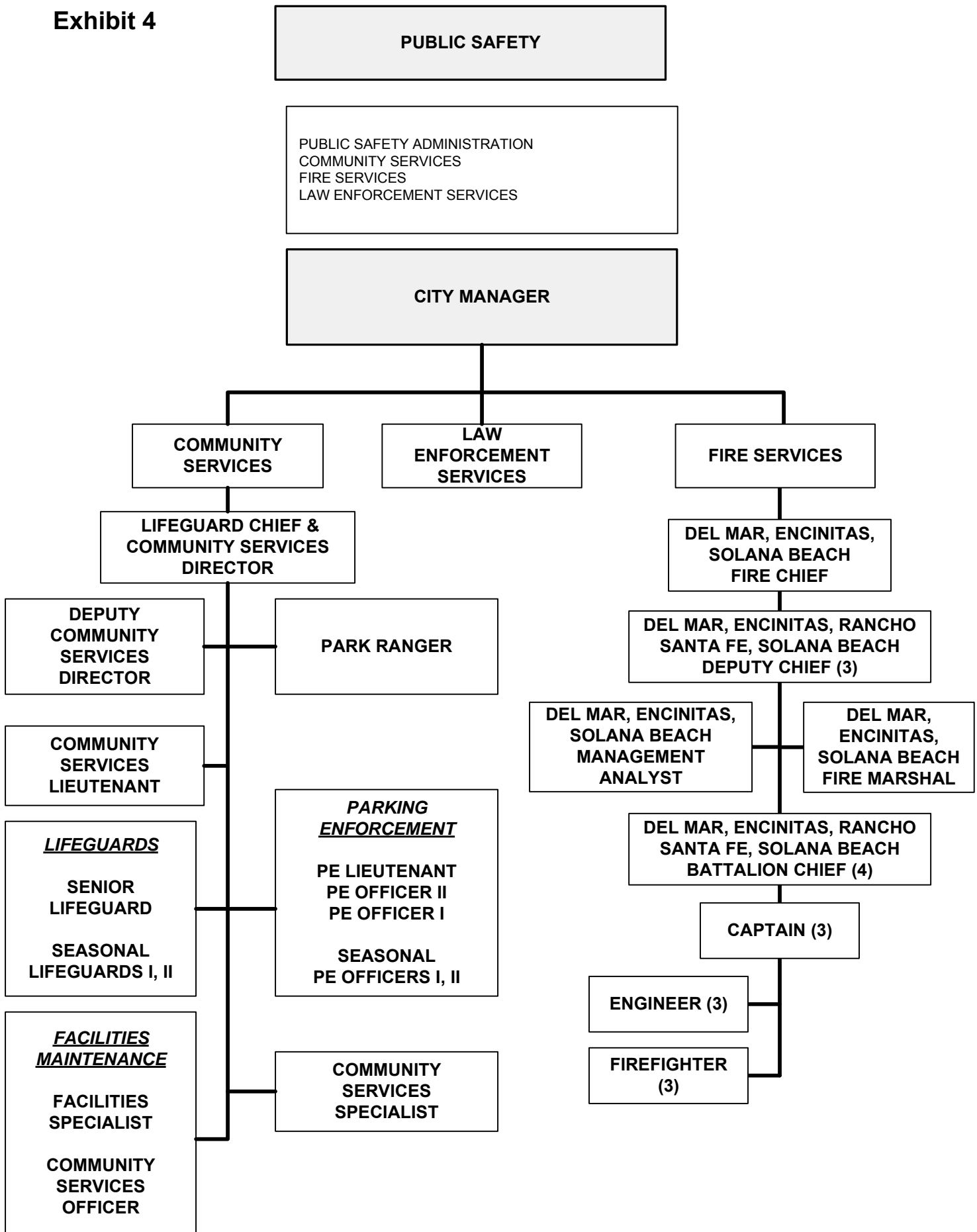
WANDALISM	1	2.1%
BUISNESS LICENSE (REQUIRED)	1	2.1%
CAMPING ON PUBLIC PROPERTY	1	2.1%
CRIMINAL : UNDERAGE DRINKING	1	2.1%
DOG LICENSE REQUIRED	2	4.2%
FAIL TO OBEY TURN MARKINGS	1	2.1%
FAILURE TO STOP AT STOP SIGN	2	4.2%
ILLEGAL TO BE ON BLUFF 8TH THRU 11TH STREET	3	6.3%
JUVENILE CONTACT - B&P 25662(A) MINOR IN POSSESSION OF ALCOHOL	1	2.1%
MINOR IN POSSESSION OF ALCOHOL	5	10.4%
MINOR IN POSSESSION OF TOBACCO PRODUCTS	4	8.3%
NONE	4	8.3%
OVERSIZED VEHICLE	1	2.1%
PATROL	1	2.1%
REPORT WRITING (ACTIVITYREPORT)	3	6.3%
REPORT WRITING (FIELD INT ERVIEW)	2	4.2%
SUMMER ALCOHOL BAN	9	18.8%
TITLE 6	1	2.1%
TITLE 9	1	2.1%
VERBAL WARNING	1	2.1%
WRITTEN WARNING	3	6.3%
<b>Total:</b>	<b>48</b>	<b>100.0%</b>

### Exhibit 3 -- Park Ranger Estimate of Hours Spent per Year

Park Ranger Estimated Yearly Totals for the Following Calls / Contacts.						
Estimated Response Time for these Calls is 3-7 Minutes unless Self-Initiated.						
Contact Type	2009	2010	2011	2012	2013	2014
<b>Alcohol Ban</b>	350	450	475	215	315	275
<b>Minor In Possession of Alcohol</b>	45	65	75	30	25	45
<b>Smoking</b>	20	45	50	30	15	10
<b>Glass on Beach</b>	35	40	35	15	20	15
<b>Dog Leash Laws / Lic</b>	155	210	225	150	175	225
<b>Medical Aid</b>	25	35	40	25	35	35
<b>Trespassing</b>	5	15	15	10	15	110
<b>647f Intoxicated</b>	35	25	55	25	45	20
<b>Suspicious Person</b>	30	25	35	25	30	20
<b>5150</b>	10	15	20	15	15	20
<b>Abandoned Vehicle</b>	35	40	35	45	40	40
<b>Illegal Camping</b>	30	35	35	30	25	25
<b>Taxi Enforcement</b>	25	20	55	65	125	25
<b>Noise Complaint</b>	15	20	25	25	20	20
<b>DUI</b>	10	15	10	10	15	15
<b>After Hours Parking Enf.</b>	250	250	250	250	250	200
	1075	1305	1435	965	1165	1100
	585	765	810	410	535	560
	345	360	395	410	465	320
	0.32093023	0.275862069	0.275261324	0.424870466	0.399141631	0.290909091

Not on beach  
0.331162

**Exhibit 4**



**Exhibit 5**

TO BE PUBLISHED IN THE OFFICIAL REPORTS

OFFICE OF THE ATTORNEY GENERAL  
State of California

EDMUND G. BROWN JR.  
Attorney General

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OPINION	:	No. 07-302
	:	
of	:	June 26, 2008
	:	
EDMUND G. BROWN JR.	:	
Attorney General	:	
	:	
SUSAN DUNCAN LEE	:	
Deputy Attorney General	:	
	:	

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THE HONORABLE IRA RUSKIN, MEMBER OF THE STATE ASSEMBLY, has requested an opinion on the following question:

Does a person designated by a regional open space district as a park ranger, and regularly employed and paid in that capacity as part of the district's police force, have peace officer powers under the terms of Penal Code section 830.31 with respect to violations of law that occur outside the boundaries of the district?

**CONCLUSION**

A person designated by a regional open space district as a park ranger, and regularly employed and paid in that capacity as part of the district's police force, has peace officer powers under the terms of Penal Code section 830.31 anywhere in the state, either for the purpose of performing his or her primary duty or when making an arrest as to any public offense with respect to which there is immediate danger to person or property, or of the escape of the perpetrator of that offense.

## ANALYSIS

A regional open space district is a local government agency that operates parks and open space preserves for public use and recreation.<sup>1</sup> Public Resources Code section 5558 requires the governing board of a park or open-space district to “employ a suitable police force” for the protection and control of its properties.<sup>2</sup> Park rangers typically perform such duties as patrolling and protecting the peace within park areas; investigating violations of laws and enforcing laws within park areas; and assisting in parking enforcement, lifeguard services, and emergency medical responses within park areas as needed.

In this opinion, we consider a situation in which an open space district has appointed a number of park rangers with peace officer powers. The central question here is whether

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<sup>1</sup> Pub. Res. Code § 5541.

<sup>2</sup> Public Resources Code section 5558 states:

(a) The board shall superintend, control, and make available to all of the inhabitants of the district, subject to its ordinances, rules, and regulations, all public parks, playgrounds, beaches, parkways, scenic drives, boulevards, open spaces, and other facilities for public recreation belonging to the district or under its control.

The board shall regulate, restrain, and control the kind of vehicles, and the time and conditions of travel or parking on such public parks, playgrounds, beaches, parkways, scenic drives, boulevards, open spaces, and other facilities for public recreation, and it shall employ a suitable police force and shall adopt all ordinances, rules, and regulations necessary for the administration, government, protection, and use of the property, improvements, and facilities belonging to the district or under its control.

The board shall, in general, do all acts necessary to the proper execution of the powers and duties granted to, and imposed upon, it by this article, and to manage and control the business and affairs of the district.

(b) Notwithstanding any other provision of this section, the board of any district organized pursuant to Sections 5506.5 and 5538.5 may designate and employ officers and employees of the county in which the district is located as the district police force required by this section.

a park ranger has authority to exercise peace officer powers for purposes of violations of law that occur *outside* the jurisdictional boundaries of the district. In order to answer that question, we must examine two different statutes. Our task is to reconcile any apparent conflict between these two statutes in a manner that gives effect to the legislative intent underlying both of them.<sup>3</sup>

On one hand, we have Penal Code section 830.31(b), extending statewide peace officer authority to park rangers for specified purposes.<sup>4</sup> On the other hand, Public Resources Code section 5561 gives a district's officers peace officer powers "within the district for which they are appointed or employed."<sup>5</sup> Given the apparent tension between

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<sup>3</sup> *Dyna-Med, Inc. v. Fair Employment & Housing Com.*, 43 Cal. 3d 1379, 1387 (1987).

<sup>4</sup> With respect to park rangers, Penal Code section 830.31 states, in relevant part:

The following persons are peace officers whose authority extends to any place in the state for the purpose of performing their primary duty or when making an arrest pursuant to Section 836 as to any public offense with respect to which there is immediate danger to person or property, or of the escape of the perpetrator of that offense, or pursuant to Section 8597 or 8598 of the Government Code. These peace officers may carry firearms only if authorized, and under the terms and conditions specified, by their employing agency.

. . .

(b) A person designated by a local agency as a park ranger and regularly employed and paid in that capacity, if the primary duty of the officer is the protection of park and other property of the agency and the preservation of the peace therein.

<sup>5</sup> Public Resources Code section 5561 states:

The police appointed or employed by the board shall have, within the district for which they are appointed or employed, all the powers of police officers of municipal corporations except the power of serving and executing civil process.

We assume that all lands owned or managed by a district are within the jurisdictional

these two statutes, we have been asked to determine whether a park ranger may exercise peace officer powers statewide, or only within the appointing district.

We find instructive an opinion by the court of appeal in *Brierton v. Department of Motor Vehicles*, 130 Cal. App. 4th 499 (2005). In that case, a state university police officer arrested a driver on a city street, more than a mile off campus, on suspicion of reckless driving. On appeal from his conviction, the driver argued that the territorial jurisdiction of state university police officers was limited to state university campuses and the area within one mile of a campus boundary. The *Brierton* court first noted that Penal Code section 830.2<sup>6</sup> grants broad statewide authority to state university police officers, and also provides that “the primary duty of the peace officer shall be the enforcement of the law within the area specified in Section 89560 of the Education Code.”<sup>7</sup> The court then noted that Education Code section 89560<sup>8</sup> defines the “area” referred to in section 830.2 as “the headquarters or

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boundaries of the district for purposes of section 5561 and of our analysis.

<sup>6</sup> Penal Code section 830.2 states:

The following persons are peace officers whose authority extends to any place in the state:

. . .

(c) A member of the California State University Police Departments appointed pursuant to Section 89560 of the Education Code, provided that the primary duty of the peace officer shall be the enforcement of the law within the area specified in Section 89560 of the Education Code.

<sup>7</sup> See *Brierton*, 130 Cal. App. 4th at 511.

<sup>8</sup> Education Code section 89560 states:

The trustees may appoint one or more persons to constitute a police department for the headquarters and for each campus of the California State University. Persons employed and compensated as members of a California State University police department, when so appointed and duly sworn, are peace officers. However, such peace officers shall not exercise their powers or authority except (a) at the headquarters or upon any campus of the California State University and in an area within one mile of the exterior boundaries of each campus or the headquarters, and in or about other grounds or properties owned, operated, controlled, or administered by the California

. . . any campus of the California State University and . . . an area within one mile of the exterior boundaries of each campus.”<sup>9</sup> The court concluded that “the intent of the statutes, when read together, is to create a class of state peace officers whose primary duty is law enforcement in and around state university campuses, but who nevertheless possess the authority to enforce the law statewide.”<sup>10</sup> The court reasoned that, by identifying an area of “primary duty” for certain officers, the Legislature did not limit the authority of those officers to their area of primary duty.

This legislative design indicates an intent to have each class of peace officer enforce the laws within the ambit of their specified employment duties, and to make other law enforcement actions the exception rather than the rule. Generally speaking, under this system, California Highway Patrol officers should not be focusing on patrolling the state university campuses and campus police officers should not be spending their time patrolling public highways. However, this does not mean that California Highway Patrol officers do not have the authority to enforce state laws on university campuses or that campus police officers do not have the authority to enforce state laws outside of a university campus (or beyond the area within one mile of a university campus).<sup>11</sup>

Following the reasoning in *Brierton*, we perceive that the combined intent of Penal Code section 830.31(b) and Public Resources Code section 5561 is to create a class of peace officers whose primary duty is law enforcement in and around regional parks and open spaces, but who nevertheless possess authority to enforce the law statewide. There are, however, some limitations in the Penal Code section at issue here that were not present in *Brierton*. That is, statewide authority is granted to park rangers not for all purposes but only for specified purposes: Park rangers are peace officers “whose authority extends to any place in the state *for the purpose of performing their primary duty or when making an arrest*

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State University, or by trustees or the state on behalf of the California State University, and (b) as provided in Section 830.2 of the Penal Code.

<sup>9</sup> *Brierton*, 130 Cal. App. 4th at 511-512.

<sup>10</sup> *Id.* at 512.

<sup>11</sup> *Id.* at 513; *see also* 64 Ops.Cal.Atty.Gen. 886, 889-891 (1981) (Legislature did not limit peace officer powers of wildlife officers by specifying their “primary duty”).

. . . as to any public offense with respect to which there is immediate danger to person or property, or of the escape of the perpetrator of that offense . . . .”<sup>12</sup>

In other words, a park ranger may exercise any of the powers of a peace officer anywhere in the state for the purpose of performing his or her primary duty. For example, a park ranger would be authorized to execute a search warrant anywhere in the state in order to investigate a theft of the park’s property.<sup>13</sup>

Additionally, a park ranger may exercise the power of arrest anywhere in the state as to any public offense that presents an immediate danger to person or property.<sup>14</sup> In this connection, we note that this power does not extend only to felonies, but to any public offense—including a misdemeanor or infraction—that poses an immediate danger to persons or property.<sup>15</sup> Traffic offenses are a familiar occasion for exercising the statewide arrest authority,<sup>16</sup> but not necessarily the only one.<sup>17</sup>

Further, a park ranger has the power of arrest with respect to the escape of a perpetrator of an offense that presents an immediate danger to person or property. Again,

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<sup>12</sup> Penal Code § 830.31 (emphases added).

<sup>13</sup> See *Baughman v. State of California*, 38 Cal. App. 4th 182, 188-189 (1995) (state university police officer had authority to execute search warrant more than one mile off campus in order to investigate theft committed on campus); *People v. Cooper*, 101 Cal. App. 4th Supp. 1, 6 (2002) (city police officer had authority to make arrest outside of city boundaries for speeding violation committed inside city boundaries); see generally 80 Ops.Cal.Atty.Gen. 293, 295-296 (1997) (identifying powers of peace officers).

<sup>14</sup> Penal Code §§ 830.1, 836.

<sup>15</sup> Penal Code § 16 (“Crimes and public offenses include [¶] 1. Felonies; [¶] 2. Misdemeanors; and [¶] 3. Infractions.”); see also *People v. Hamilton*, 191 Cal. App. 3d Supp. 13, 16 (1986).

<sup>16</sup> E.g. *Johnson v. Lewis*, 120 Cal. App. 4th 443, 452-455 (2004); *People v. McHugh* 119 Cal. App. 4th 202, 210 (2004).

<sup>17</sup> E.g. *Inouye v. County of Los Angeles*, 30 Cal. App. 4th 278, 284 (1994) (shooting in course of attempted arrest).

because of their mobile and fleeting nature, traffic offenses are a familiar occasion for exercising such authority,<sup>18</sup> but, again, not necessarily the only one.

Finally, we have been asked to consider specifically whether a park ranger has authority to issue a citation for a violation of a state law or local ordinance occurring outside the district. It has been suggested that Public Resources Code section 5560.1 forecloses that authority because it authorizes a park employee to issue a citation *only* “when the violation is committed within a district park and in the presence of the employee issuing the citation.” We disagree. The provisions of the Public Resources Code do not override the Penal Code when it comes to defining the scope of a peace officer’s powers. Therefore a park ranger has the citation powers allowed by section 830.31. Accordingly, we conclude that a park ranger has authority to issue a citation for a violation of state law or local ordinance occurring outside the district, either for the purpose of performing the park ranger’s primary duty, or when the offense presents an immediate danger to person or property, or of the escape of the perpetrator of that offense.

In sum, we conclude that a person designated by a regional open space district as a park ranger, and regularly employed and paid in that capacity as part of the district’s police force, may exercise the powers set forth in Penal Code section 830.31(b) anywhere in the state, either for the purpose of performing his or her primary duty or when making an arrest as to any public offense with respect to which there is immediate danger to person or property, or of the escape of the perpetrator of that offense.

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<sup>18</sup> *E.g. People v. McHugh*, 119 Cal. App. 4th at 211; *People v. Hamilton*, 191 Cal. App. 3d Supp. at 16.

## Exhibit 6

### 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.*