



City of Del Mar Staff Report



TO: Honorable Mayor and City Council Members

FROM: Mark Delin, Assistant City Manager
Via Scott W. Huth, City Manager

DATE: November 18, 2013

SUBJECT: Report on Law Enforcement Options for the City of Del Mar

REQUESTED ACTION/RECOMMENDATION:

Receive report, provide direction as needed.

EXECUTIVE SUMMARY

Attached is the Final Report of the Evaluation of Law Enforcement Services for the City of Del Mar prepared by Ralph Andersen and Associates. The report was prepared at the direction of the City Council based upon input from the City's Finance Committee. The report examines the current Sheriff's contract in terms of coverage and costs, and comparability with other jurisdictions, and concludes that the City's costs are relatively low as compared to peer cities, that service is satisfactory, and there are areas for improvement. It then examines other law enforcement options available to the City, including the formation of its own police department, which is determined to be a feasible alternative. Council is asked to review the report, receive the presentation from Ralph Andersen and Associates, and provide direction to staff.

DISCUSSION/ANALYSIS:

In its meeting of January 28, 2013, Council received a presentation from the City's Finance Committee regarding the City's current contract with the San Diego County Sheriff for law enforcement services. The Finance Committee presented information showing the increasing costs of law enforcement services; discussed concerns with service levels and presented a budget estimating the costs for a City Police Department. The Council directed staff to prepare an RFP for consulting services for a study of City law enforcement services and options, and to secure the services of a consultant. A review team composed of the Finance Committee and staff agreed upon the selection of Ralph Andersen and Associates (RA) to perform the study. RA has conducted extensive research on the City's law enforcement needs, working closely with staff and the Sheriff to acquire information. RA has also met with the Finance

City Council Action:

Committee's Sheriff Subcommittee on multiple occasions, and has presented the draft report to the whole of the Finance Committee. The attached report represents the culmination of the consultant's work, and input received from the various sources, including staff, the Sheriff and the Finance Committee. It is important to note, however, that the conclusions of the report are completely that of the consultant, and not that of staff, the Sheriff or the Finance Committee. Sheriff's Captain Robert Haley was asked to respond to the report, and his comments are contained in Attachment B.

The Consultant was asked to address several key questions in this study, including costs of the current Sheriff contract, and levels of service. It concludes that the cost is low, and that service is satisfactory. The report's findings indicate that when compared to its peer cities (small tourist-oriented) what the City pays for law enforcement service as a percentage of its General Fund budget is actually quite low. While per-capita costs are high compared to its coastal neighbors, per capita costs are in the middle of the range when compared to its smaller peer cities. The report analyzes service levels and based on limited data from the Sheriff indicates that response times are fairly slow, not completely out of the norm. This does contrast with some of the anecdotal evidence that the consultant has received from community members, but this may in fact reflect that the consultant was asked to interview members of the community that had expressed concerns regarding response times. The report indicates that response times are somewhat longer than in Solana Beach and Encinitas, and are in part related to the need to call in a second deputy from Solana Beach and Encinitas for priority one and two calls, as Del Mar only subscribes to a single 24-7 deputy. Recommendations in the report suggest having the City's traffic deputy available to also respond to calls, and to direct some of the detective's time to being in Del Mar help respond to calls. The report overall indicates that based upon overall crime and policing needs, and the small amount of time that the deputy actually spends answering calls in Del Mar, that Del Mar's law enforcement services are more than sufficient to meet its needs. The report goes on to suggest improvement that the City could make in adjusting service levels in the contract to the extent permitted, and suggests ways to better integrate the Sheriff into City government and into the community.

The report also provides various options that the City could consider if it chose to no longer contract with the Sheriff, and determines that it would likely be feasible for the City to establish its own police department. Although the report provides a fair amount of detail in this area, additional study would be needed if Council should choose to pursue this option.

FISCAL IMPACT

There is no fiscal impact to receiving the report.

ATTACHMENTS:

Attachment A: Ralph Andersen and Associates Report
Attachment B: Response from Sheriff Captain Robert Haley

Final Report Evaluation of Law Enforcement Services City of Del Mar

November 1, 2013

Project Staff:
John Goss
George Rawson

Ralph Andersen & Associates
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Chapter I

Introduction

The purpose of this report is to evaluate the law enforcement needs for the City of Del Mar. This includes an analysis of the current law enforcement contract with the San Diego Sheriff's County Department in terms of its cost and adequacy of service to the community. Other options for the provision of law enforcement services are also addressed such as Del Mar establishing its own stand-alone police department and other options for providing law enforcement services.

Del Mar is a small coastal city of 4,161 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. Other than these two major tourist draws, Del Mar gives the appearance of quiet, high end residential community, with some commercial development and tourist lodging.

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

Unlike other counties throughout the state, the nine cities negotiate as one entity with the Sheriff's Department for law enforcement services, with specific staffing for an individual city is included in an "Attachment B" as part of each City's contract. Since the nine cities constitute 52% of the Sheriff's budget, this arrangement provides these cities collective leverage in negotiating the terms of each contract extension. In contrast, cities in other counties typically contract directly for law enforcement services from their local Sheriff's Department.

Currently, the nine cities have negotiated a new five year extension with the Sheriff beginning in 2012 – 13 and concluding in 2016 – 17. Any city can withdraw from the contract with one year's notice. The City of Del Mar approved the extension in January 2013.

Del Mar contracts for a 7-day, 24-hours per day coverage of one Deputy Patrol Officer and the equivalent of a day time 5-days per week Deputy Traffic Officer. Included in the contract is the service of one full-time Detective and for portions of various sworn supervisory services for patrol, traffic and detectives. Del Mar also pays for support services such as records, booking, jail and a variety of special Sheriff's units which are available to the City as needed.

As a small city, Del Mar is required to include in its share of the contract one 24/7 patrol deputy as a minimum requirement of that contract. By comparison, before the City of Solana Beach was incorporated in 1986 the Sheriff assigned one patrol deputy to Del Mar and the unincorporated Solana Beach area which meant that Del Mar received service from a .45 Full-Time Equivalent (FTE) position rather than a 1.00 FTE patrol deputy.

Purpose

As just mentioned the purpose of this study is to evaluate the law enforcement needs for the City of Del Mar. This includes an evaluation of the Sheriff's contract both in terms of cost and law enforcement service. In addition, the study analyzes other options for providing police services such as the City establishing its own stand-alone police department. This could include a fully staffed department, or one that is partially staffed by city employees and supplemented or by private security firms. The feasibility of creating a Joint Powers Authority with other jurisdictions, or contracting with another city to provide police services were also examined. The concept of a special district created by the City specifically for the provision of police services was assessed.

Since the City's Park Ranger and Lifeguards have limited law enforcement authority, their function was also examined within the context of this study. Further, since the Fire Department responds to traffic collisions along with the Sheriff's Deputies and ambulance, and that Department also works with the Lifeguards, the overall context of public safety services were examined as well.

It appears that the initial motivation for pursuing this study was to reduce the City's cost for law enforcement. The staff's January 28, 2013 report discussing the City's approval of the five year contract extension with the Sheriff points out, "The Finance Committee plans to make a presentation to the Council...requesting authorization for staff to secure consulting services to determine whether the City can secure law enforcement services at a lower cost..."¹ As the study has progressed, however, and with input from the Finance Committee, there has been interest expressed also in investigating the cost of improving law enforcement service in Del Mar. So the purpose of this study is to look at both the issues of cost reduction as well as improved service levels. Even if these improved service levels require additional funding, a desire was expressed to learn what that added expense might be in order to determine the City's next steps in providing law enforcement service to the community.

Methodology

The methodology of this study included the review of documents and data supplied by the City of Del Mar, and San Diego County Sheriff's Department. This material included financial and operational data including the City's budget, City staff reports, the current contract with the Sheriff, and calls for service data and crime statistics for Del Mar, including violent crimes and property crimes. A recent power point presentation to the City Council was provided by the Sheriff's Captain who commands the Encinitas sub-station was reviewed. Also reviewed was a comprehensive consultant study prepared in 2010 evaluating the cost allocation model used for the previous Sheriff's contract with the nine-contract cities. Included in that study were data regarding the cost per capita for law enforcement service as well as a percentage of the total Sheriff's staff time spent on calls for service by patrol, and by patrol, traffic and special enforcement. Similar updated information was reviewed for this study.

It should be noted that the Sheriff's Department has been very cooperative in providing information requested by the consultants. Ongoing and multiple requests for policies, data and description of practices were requested during the study, and the Department, through the Captain, was very responsive in providing the needed information. Also the Assistant City Manager and various City staff members, particularly the Park Ranger, supplied information multiple times on an ongoing basis, and were very responsive in providing the requested information.

The study involved interviewing the Mayor, Vice-Mayor and each member of the City Council. Also interviewed were City staff including the City Manager, Assistant City Manager, Community Services Director, Park Ranger, Parking Enforcement Lieutenant, and an on-duty Fire Captain. Also interviewed were the Encinitas Sheriff's Captain and the Sheriff Department's Contracts Manager and Senior Accountant.

Also, interviews were conducted with several members of the public, both residents and business owners. Some residents were involved with the Del Mar Foundation, Del Mar Community Connection and the Neighborhood Emergency Support Team (NEST).

The study process also involved a mid-study meeting with the City's Finance Committee, and more frequent meetings with the two person subcommittee assigned to monitor this study. The subcommittee suggested interviewing certain members of the general public. This accomplished as well members of the public not on that list.

Those from other agencies were also contacted for information either through interviews or by email communication. Interviews were conducted with the Assistant Director and Security Director for the 22nd District Agricultural Association and interviews and/or email contact was made with the city managers of Solana Beach and Encinitas. A ride along with the Deputy Police Chief, City of Santa Cruz, to learn about that City's use of private security employees to supplement that Police Department's law enforcement mission.

¹ City Staff report, City Council meeting, January 28, 2013.

To understand the context of Del Mar's level of expenditures to support law enforcement service, a survey of eight small tourist oriented cities from different parts of California was conducted. Four cities contract with a Sheriff's Department for these services and four cities maintain a stand-alone police department. The information gathered from these cities permitted a comparison of per capita costs spent on law enforcement. The percentage of each city's General Fund budget expended on law enforcement was also determined through this survey. Similar per capita and percentage of General Fund data was obtained for Del Mar's neighboring coastal cities of Solana Beach, Encinitas, Carlsbad and Oceanside.

It should be noted that in limited portions of this report, some general conclusions are offered regarding the reading of contracts, sections of the Municipal Code, and State Government Code Sections. These conclusions are based upon the "plain reading" of these documents, and should not be considered as a legal interpretation of this material. Any legal opinions are the province of the City Attorney, and should be referred to that Office for further comment, if desired.

Chapter II

Analysis

As mentioned in the previous Chapter, the purpose of this report is to evaluate the law enforcement needs of the City of Del Mar, both in terms of cost and service. This assessment includes an examination of the available options in providing law enforcement service, with a principal focus on three service alternatives. These alternatives include an evaluation of the cost and service provided by:

1. The San Diego County Sheriff's Department;
2. A stand-alone Del Mar Police Department; and
3. Other options such as a Joint Powers Authority, police special district, or a contract with the San Diego Police Department.

The San Diego County Sheriff's Department has provided Del Mar law enforcement service via contract since the City's incorporation in 1959. This report will present the main features of that contract in order to provide the context through which this service is provided. As part of that analysis the sufficiency of the contract's cost allocation model are analyzed, the contract's cost containment features are examined, and an assessment of whether the City of Del Mar pays too much for police services under this contract will be evaluated. Further, the service levels supplied under this contract will be analyzed including patrol staffing levels and response times. The advantages and disadvantages of the contract, both in terms of cost, service levels and other contractual provisions will be presented. Finally, changes in the contract, how the contract is administered, or how services are provided to Del Mar will be recommended, if the City continues its contract with the County.

A second alternative is the development of a stand-alone Del Mar Police Department. This analysis will present staffing levels and related costs for the City to operate its own police department. This assessment will cover the staffing needed to provide comprehensive police service to the City as well as the expense for transitioning to a stand-alone department, including facility and equipment costs.

There will be a discussion of the proposal to provide police service through a stand-alone department received by the City Council from the Citizen's Finance Committee as well as what would be involved to provide some level of service by a private security patrol.

Again, the cost and service levels of the stand-alone police department alternative will be discussed along with advantages and disadvantages of this option.

A third option is the provision of law enforcement service from another service provider. There is assessment of creating a Joint Powers Authority, a special district to provide police services, or contracting with the San Diego Police Department.

San Diego County Sheriff's Department

The San Diego County Sheriff's Department provides law enforcement services under contract with nine cities in the County. The current contract is for a five-year term, and is the basic agreement which outlines the service provided to each of the nine cities. In addition, there is an Attachment B to each city's contract which spells out that city's share of staff as well as their share of expense for vehicles, space, supply, management support and liability. In the case of Del Mar, the City pays for one 24/7 Patrol Deputy (5.32 Full-Time Equivalent (FTE) Deputy Sheriffs) with relief or backup for sick leave, vacation leave and training, a five-day per week Traffic Deputy also with relief (1.268 FTE Deputy Sheriffs), a full-time Detective (1.0 FTE Detective) without relief, and a share of a Patrol Sergeant (.453 FTE), Traffic Sergeant (.091 FTE), relief Sergeant (.095 FTE), and a Detective Sergeant (.111 FTE). This totals 8.338 FTE sworn personnel paid for by the City of Del Mar. The City also pays for a portion of the time for certain administrative personnel which totals just under one FTE.

The Patrol Deputies are assigned to the City of Del Mar. This City is divided into six sections, with the Fairgrounds one section, and the other five sections allocated to the remainder of Del Mar.

Attachment B of the contract for Del Mar has been slightly altered. Instead of seven-day a week traffic officer which is the minimum required in the County's generic contract, Del Mar pays only for five-days a week for this service. In terms of the actual application of this part of Attachment B the day-time Traffic Deputy works a four day week using a 4/10 shift, enabling traffic enforcement each Thursday – Sunday. With that exception, the generic contract mandates minimum staffing such as requiring a 24/7 Patrol Deputy.

By contracting with a large law enforcement agency, the City benefits from various regional capabilities of the Sheriff's Department. Certain services, of course, are provided to all cities whether they contract with the Sheriff or not. These services include Special Weapons & Tactics (SWAT), aerial support (ASTREA), search and rescue, fire/rescue helicopter, and the crime lab. The Department will provide investigative service for major homicides. Other services that are offered at a level beyond what a smaller or medium-size city could provide include coordination with the Border Patrol, crime prevention, juvenile intervention, communications, and information technology support.

The Department has substantial investigative resources in the case of a major investigation. It is available to contract cities, but not to cities with their own police departments unless assistance is required for a significant, complicated case, such as the deaths two years ago at the Spreckels Mansion in Coronado. Further, as a large agency the Sheriff's Department has the capacity to immediately supply substantial sworn staff in case of a major incident such as multiple homicides, physical disaster, or crowd control.

Another benefit of a larger law enforcement agency providing services is that supervisory positions can be shared with other cities or with the unincorporated area. So, while a stand-alone police department will need full-time Police Sergeants, the City's contract with the Sheriff only requires funding a .453 FTE Patrol Sergeant and a .091 FTE Traffic Sergeant. The total level of staffing paid for by the City is 8.338 Full-Time Equivalent (FTE) positions plus a limited portion of certain management positions. Usually, by sharing supervisory positions a lower cost for a contract for service is obtained from a larger agency compared to a city providing a in-house police department.

There were two major concerns expressed during the interview process about the Sheriff's contract. One is the level of service provided by the Sheriff's Department. Some residents expressed concern that they never saw a Deputy in town, and that, on occasion, when a Deputy was called, the response was slow. As a minor complaint, and it is unclear the timeframe when this happened, but one citizen was disappointed by the neighborhood watch presentation by a representative of the Sheriff's Department, and another with the Department's cooperation in connection with an emergency preparedness effort by a non-profit organization.

The other major concern is that the law enforcement contract between the City of Del Mar and, the County of San Diego and the San Diego County Sheriff, is too costly and that its costs continue to rise annually. An implied issue relates to the adequacy of the contract formula used between the County, the County Sheriff and the nine cities which contract for services. There is frustration expressed by the Finance Committee that a small City like Del Mar has little flexibility or control in shaping the contract to meet the needs of the community.

The following sections will discuss the level of service issues, the contract issues related to sufficiency of the contract cost allocation model, cost control and whether or not Del Mar is paying too much for law enforcement services.

Level of Service

In general terms, it appears that the level of law enforcement services provided by the Sheriff's Department is satisfactory. Except for response time issues and perceived lack of community contact and involvement with Del Mar residents, there does not seem to be great discontent with basic police services provided by the Sheriff. Interviews with representatives of the business community and the City's largest landowner (The Fair), indicates general satisfaction with the Sheriff's services. While the crime rate was increasing, it is now trending downward. The Department is a well-run, professional law enforcement agency which provides many excellent local and regional services.

Except for some periods during the summer related to the Fair and the horse racing season, there is not a significant law enforcement workload in Del Mar. For 2012, including Fair activity, there were 2,470 calls for service (CFS), with 470, or 19%, generated from the Fairgrounds. The 2,000 CFS outside the Fairgrounds included 1,248 CFS during the day shift, and 752 CFS during the night shift.

The 2,470 CFS required 319 case reports being written, which is an average of less than one per day. Thirty-six of these reports (27 day shift, 9 night shift) were prepared in connection with the Fairgrounds, and 283 reports were written (203 day shift, 80 night shift) in other parts of Del Mar.

There were 213 total arrests in Del Mar during 2012. This included 119 in connection with the Fairgrounds (21 felonies, 98 misdemeanors), and 94 in the rest of the City (13 felonies, 81 misdemeanors). In connection with the Fairgrounds, 54 arrests were made during the day shift (8 felonies, 46 misdemeanors), and 65 arrests were made during the night shift (13 felonies, 52 misdemeanors). In the rest of the City, 26 arrests were made during the day shift (5 felonies, 21 misdemeanors), and 68 arrests were made during the night shift (8 felonies, 60 misdemeanors). This shows that in the main portion of Del Mar the City has a much lower crime rate than its overall figures would suggest, with an average of one felony arrest per month.

The 2012 felony and misdemeanor arrests in Del Mar, split between arrest in the Fairgrounds section and the rest of Del Mar, are presented in Table II-I. This Table shows that, even though the activities at the Fair only produces 19% of the City's total Calls for Service, it produces more felony and misdemeanor arrests than the remainder of the City.

Table II-I 2012 Felony/Misdemeanor Arrests City of Del Mar			
	Felonies	Misdemeanors	Total
Fairgrounds	21	98	119
Rest of Del Mar	13	81	94
Total	34	179	213

There were 168 traffic accidents reported in 2012 (four were unfounded). Forty-one happened in and around the Fairgrounds, and 127 occurred in the rest of Del Mar. The Sheriff's Department in 2012 issued 17 parking citations and 360 non-parking citations.

This is not a major workload for the Sheriff's sworn staff. In fact, it can be argued that in certain areas the level of staffing is excessive. This is within the context that during the Fair they have their own on-site security and contract separately with the Sheriff for law enforcement services.

Overall, the crime rate is lower in 2013 compared to 2012. Through July 2013 there have not been any homicides or rapes and only two robberies. Total property crimes are down from 122 to 112 through July 2013 compared to July 2012. The overall violent and property crimes as recorded in the standardized FBI Index have been reduced from 130 to 125 during the first seven months in 2013 compared to 2012.

Another point of comparison is regional crime data maintained by the San Diego Association of Governments (SANDAG) through their ARJIS system. Comparing the first six months of 2013 with the first six months of 2012, the FBI Crime Index of violent and major property crimes in Del Mar is 15% lower in 2013. Compared to the first six months of 2009, Del Mar is 8% lower during a same period in 2013 using the FBI Crime Index. Again, this demonstrates that the crime rate for major crimes is trending lower over the past four years in Del Mar.

The data developed by SANDAG is reflected in Table II-II which compares the mid-year FBI Index crimes (major crimes) at mid-year for 2009, 2012 and 2013.

Table II-II FBI Index Crimes for Del Mar Mid-Year 2009, 2012, and 2013					
City	2009	2012	2013	Change 2009-2013	Change 2012-2013
Del Mar	97	105	89	-8%	-15%

Another issue with the level of service is the requirement that Del Mar pay for a full-time Detective. This level of staffing for investigative services would appear to be an excessive level of staffing and cost. Unfortunately, while the Sheriff's Department has caseload data for the Del Mar Deputy, it is mixed in with

other investigative activities at the Encinitas Substation. While this arrangement may be beneficial to the City, with the other nine Detectives occasionally assisting the Del Mar Detective, there are indications that there is not enough workload to support a full-time Deputy for Del Mar. Evidence to support this point is that the basic workload from patrol activity which generates the Detective's Del Mar caseload is insufficient to support a full-time Detective. There were only 319 reports written for Del Mar in 2012, and there are a very low number of felony violent or economic crimes. Another indication that detective staffing is excessive is that nearly one-half of the Detective's time is devoted to Red Flex camera follow up issues. This is an inefficient use of a Detective's time.

Del Mar also pays for a higher proportion of detective services compared to the other two cities served by the Encinitas station. Del Mar pays for one detective serving 4,161 people, Solana Beach pays for one detective for 12,867 people, and Encinitas has six detectives for a population of 59,510, or 9,925 people served per detective. If Del Mar paid for a .5 Detective, the equivalent detective/population ratio would be 8,322, more in line with the investigative costs paid by Del Mar's neighboring cities.

Table II-III outlines the population served per detective for Del Mar, Solana Beach and Encinitas. To place Del Mar more on par with its two neighboring cities in terms of investigative services required, only a .5 full-time detective is needed.

City	Population	Detectives	Detectives per 1,000
Del Mar	4,161	1.0	4,161
Solana Beach	12,867	1.0	12,867
Encinitas	59,510	6.0	9,925
Del Mar (proposed)		0.5	8,322

Based upon the above analysis, and the fact that the "basic contract with the 9-cities does not mandate minimum Detective staffing, it is concluded that Del Mar does not need the services of a full-time Detective. A .5 full-time detective would be more in line with the resources required by the other two cities in providing investigative services. Given the current requirement that Del Mar cannot pay for less than a 1.0 full-time Detective, it is concluded that the City is subsidizing the investigative services provided through the Sheriff's Encinitas station.

Another option for Del Mar is to have the Detective spend part of his/her time in the City in uniform to be available to back up the patrol deputy. The Detective could occupy the Park Ranger's Office when it is not in use to perform detective duties, but be available for "cover calls" which could reduce response times for priority 1 and 2 calls discussed in the following section. In fact, if the Traffic Deputy is also available for back up four days a week, it is possible that a second deputy will be available for back up calls for portions of the day time shift six days a week.

Response Times

Not everyone interviewed is happy with the level of service received. Several citizens from the residential community were not satisfied with the response time for calls for service (CFS), particularly for low priority calls. Especially in the beach area, the lack of timely response to loud parties and drunkenness by both residents and Lifeguard staff was cited as inadequate service from the Sheriff's Department. Of course, when calls are received through central dispatch, they must compete with other calls and prioritized based on the circumstances reported. The available Deputies are assigned to the highest priority calls in the Encinitas Station service area. As a result Deputies may not always be available to immediately respond to low priority calls, such as loud parties.

Data from a recent month indicates that there were no Priority 1 crime responses in Del Mar. But these are limited, unusual calls like a serious accident, airplane crash, SWAT alert, blood run or a disaster.

Many Priority 2 calls are categorized as FBI Index Part I calls, or what are considered priority 1 calls in other law enforcement agencies. Priority 2 calls include bomb found, homicide, kidnapping, rape, armed robbery, residential burglary, grand theft, chemical spill, violent psycho, looting, explosion, railroad hazard, assault with a deadly weapon and many other serious crimes. The response time for Priority 2 calls during June – August 2013 was 9.7 minutes. This compares to other agencies in other parts of the State,

where these types of calls are considered Priority 1 calls. The response time goal for these types of calls is 8 minutes, and the actual response is usually 5 minutes or less.

Priority 4 calls are of concern to Del Mar residents and include categories such as loud parties, prowler, vandalism, trespass, burglary where an alarm is activated, disturbance (argument, family disturbance, group disturbance, juveniles), and many other CFS. During the June – August time period the average response time for these types of calls has been 55.1 minutes. This likely explains the observation of slow response times for low priority calls such as loud parties which never-the-less is important to Del Mar residents.

These response times are summarized in Table II-IV. This table shows the response times for priority 1, 2, 3, and 4 calls. For each priority call the response time is broken down into the time required from the time the call is received and then is dispatched, and then from when the deputy receives the call from dispatch until the officer arrives at the call.

Priority	Number of Calls	Received – Dispatch	Dispatch – Arrive	Total Response Time
1	8	0.6	13.6	14.2
2	477	1.4	8.3	9.7
3	286	4.0	9.7	13.3
4	193	21.3	34.3	55.1

Note: The discrepancy in total response times for priority calls 3 and 4 after adding received-dispatch and dispatch-arrive is unknown, perhaps involving overlap between these two numbers. These numbers reflect the actual times reported by the Sheriff and it is assumed that total response times for all four priority calls is correct.

These slow response times present a confusing result since Del Mar is only about two square miles, has a dedicated 24/7 Patrol Deputy, and a low level of calls for service outside of the Fairgrounds. An analysis by the consultant shows that outside the Fairgrounds area the percentage of the patrol deputies' time allocated for responding to calls for service (CFS) is low compared to other cities. The industry standard for the breakdown of a patrol officer's time is: CFS (33%), Administrative Time (33%) which is report writing and lineup, and Preventative Patrol, or unallocated time (33%). In analyzing recent data it was found that the breakdown is far different than these standards in Del Mar both for the Day Shift and Night Shift, as the following data shows in Table II-V. Of particular note is the low percentage of the Patrol Deputies' time spent on responding to calls for service. This low CFS percentage level is consistent with an analysis by another consultant in a report prepared for the 9-city Contract Law Enforcement Technical Advisory Committee (CLETAC) in 2010.

	Day Shift	Night Shift	Ideal Standard
CFS	22%	14%	33%
Admin. Time	31%	28%	33%
Preventative Patrol	47%	58%	33%

This table indicates that the 24/7 patrol deputy spends only 22% of his/her time during the day shift and 14% during the night shift on calls for service. An earlier study by another consultant in a report for CLETAC using 2009 data it was found that for "patrol only" 23% of a patrol deputies' time is required for calls for service.² It is concluded that there has been a low level of the patrol deputies' time spent on CFS activity in Del Mar over at least the last four years, and likely longer, compared to industry standards.

The small geographical size of Del Mar and the small percentage of time required to respond to calls for service resulting in a large percentage of preventative patrol time available to the Patrol Deputy would support the conclusion by some in the community that the one dedicated Patrol Deputy is not always available to respond to calls in Del Mar. As just pointed out, the low utilization level of patrol deputies as

² San Diego Cities Law Enforcement Analysis, Management Partners, September 7, 2010, p.22.

determined by this analysis is consistent with the 2010 report prepared for CLETAC. However, many priority 2 calls require a back up deputy in order to protect “officer safety” resulting in a longer response time since the second available deputy may be located anywhere in the Encinitas station service area.

In addition, City employees such as the Lifeguards and the Park Ranger are concerned that they can no longer contact the Del Mar Deputy directly when they need back-up, such as via a cell phone. They must call dispatch, and whether or not the Deputy is dispatched for a back-up request in a timely manner depends upon the current priority of calls. Of course, Encinitas is a busy substation, and this can affect the timeliness of dispatching a Deputy. Still, it is frustrating for City staff in responding to citizen needs and demands not being able to obtain back-up when needed. Staff observes that at times they cannot obtain a time estimate from Dispatch concerning when Deputy back-up will arrive further hampering their ability to provide service to the public. When staff is dealing with a loud party in the beach colony section of the City, or if there is a reported trespass, vandalism or prowler, an average response time of nearly an hour is likely not an acceptable level of service for people living in the City.

In terms of high priority calls (priority 2 calls), the average response time reported during June – August 2013 (9.7 minutes) exceeds the goal of other law enforcement agencies of eight minutes. It greatly exceeds the actual practice in other suburban law enforcement agencies, including other Sheriff’s Departments, of a response for high priority calls of 5 minutes or less.

Still, the response times in Del Mar for high priority calls do not seem out of line with the response times for Solana Beach and Encinitas. The Sheriff’s Department indicates that from January 1, 2013 through October 23, 2013 the average response times for priority 1 and 2 calls was 9.8 minutes in Solana Beach, 9.8 minutes in Encinitas and 10.2 minutes in Del Mar.

This response time standard would be expected to be met in a small community like Del Mar with approximately two square miles, with no major street or traffic barriers impeding a Deputy’s emergency response. With only one Patrol Deputy assigned to the City 24/7, there will be times when the Deputy will be out of town for prisoner transport, or providing back-up to a call in Solana Beach or Rancho Santa Fe. Also, the Department has moved away from a “beat system” focusing on patrolling where statistics indicate the most likely incidents of crime. This statistical analysis which is performed twice a week aids the Patrol Deputy assigned to Del Mar. Accordingly, if the Del Mar continues with the Sheriff’s contract for service, the City should ask for that the Detective be available in uniform in the City two days a week and that the Traffic Deputy also provide back up in order to reduce response times to priority 1 and 2 calls.

Community Outreach

Another concern expressed during the interviews is that residents do not see or interact with the Deputies. While this was not confirmed by the business people interviewed or by parking enforcement staff some of which have frequent interaction with the Patrol Deputy, the type of interaction with the public normally associated with community based policing seems to be lacking among the residents living in Del Mar.

The Captain, who has been in charge of the Encinitas substation only since January, has made community outreach a priority. The Captain has directed each Patrol Sergeant to stress to the Patrol Deputies to be proactive in the community where their beat is located. This includes vehicle stops, pedestrian stops, citizen contacts, and field interviews. This is important since it is helpful to have more “eyes and ears” in the community providing intelligence to the Department to aid in their crime enforcement efforts. In addition, the Captain conducts periodic public meetings open to the public to hear and address citizen concerns. Whether or not this community outreach initiative is working is difficult to assess since it just began. There should be more capability of providing noticeable community outreach since the percentage of preventative patrol or unallocated patrol time is so high in Del Mar. Also, if the Detective is in uniform in the City two days a week, another opportunity for officer interaction will be provided. This could be in being visible and interacting with the public on the main commercial street, parks and the beach area.

Another aspect of community outreach is the establishment of Neighborhood Watch Programs. This program is important because it involves a more localized focus on neighborhood law enforcement issues, and, again, provides “eyes and ears” in a localized part of the community. However, among those interviewed who have had experience with trying to establish Neighborhood Watch it was commented that the initial presentation was superficial and not useful. There was no time context or framework provided for

these comments, however, and these comments do not necessarily reflect the quality of the current Neighborhood Watch presentations. Nevertheless, there is a perception that it is not as easy to work with the Sheriff's Department in establishing volunteer programs compared to, for example, the Fire Department.

An active member and leader of the Del Mar Community Connection observed that it is much easier to coordinate with the Fire Department in securing volunteers for the CERT program, than obtaining volunteers for the Senior Volunteer Patrol Program administered by the Sheriff's Department. In fact, it was mentioned that two or three years ago the Sheriff's Department inquired about getting involved with the Neighborhood Emergency Support Team (NEST). This citizen indicated that the Department put minimal effort into participating in this program.

Another volunteer outreach program of the Sheriff's Department is the Senior Volunteer Patrol. These are volunteers who patrol the Encinitas Station service area and expand the Department's "eyes and ears" in the field. They also conduct routine patrol and conduct vacation checks.

In the Encinitas Station service area there are two squads of Volunteers. One serves the City of Encinitas and the other serves Rancho Santa Fe, and the cities of Solana Beach and Del Mar. While those interviewed commented that they never see the Senior Volunteer Patrol in Del Mar, the consultant interviewed one of the Patrol members at Del Mar City Hall as part of their daily patrol. This volunteer confirmed that they patrol the City and provide vacation checks in the City. This was further confirmed by data supplied by the Sheriff's Department. That data indicates that during 2012 the Senior Volunteer Patrol devoted 434 hours to Del Mar which included 1,623 vehicle miles patrolling the City. The Volunteers also provided 12 citizen assists, 165 special details, and 46 vacation home security checks.

It is difficult to maintain the Senior Volunteer Patrols, with their numbers declining throughout the County among city departments as well as the Sheriff's Department. In part, this is because of the level of training required which makes it more difficult to become a Volunteer. This has resulted in volunteers leaving the program through normal attrition, but not being replaced by as many new volunteers.

One of the issues with community outreach by the Sheriff's Department, whether it is the visibility or the lack of familiarity with the Deputies assigned to the community, or organizing Neighborhood Watch activities, is the nature of the Department providing the service. The Sheriff has a large Department with over 4,000 employees. A large Department can seem more impersonal by citizens living in a small City.

There is also the lack of staff continuity since Deputies periodically rotate out into another duty assignment. Even the Captains rotate every two years. So, while the current Captain is emphasizing community outreach by the Deputies, the next Captain may focus on a different priority or approach in providing law enforcement service. On the other hand, the City should be assertive and make clear to each new Captain the City's law enforcement priorities.

By comparing the service provided by the Sheriff's Department with other services provided by City departments, there is a comfort level with these local City services and the employees providing these services. For example, the Firefighters and Lifeguards are City employees, and most have been with Del Mar a number of years. There is more of an affinity with these employees among some members of the community. This is not being critical of the Sheriff's Department, but only to recognize a basic difference between receiving service under contract from a large organization compared to local service from a City department.

There are ways to improve the interaction with the community by the Sheriff's Department. These will be included in the recommendations later in this section.

Lack of Contract Flexibility

One of the frustrations expressed by nearly everyone interviewed for this report is the lack of flexibility in shaping the service contract to the needs of Del Mar. This largely is an issue of a small city contending with a large law enforcement agency, and the constraints contained in a generic contract applying to nine cities in the County. The lack of a contract that is specific to Del Mar as is found for cities in other California counties is part of the frustration expressed during the interviews.

As part of a 9-city contract, there is little ability to shape the service contract to meet the specific needs of Del Mar. Because certain minimum staffing is required by the Sheriff's Department, such as 5+ FTEs to

provide a 24/7 Patrol Deputy, there is little opportunity to reduce the contract's cost, which some members of the community feel is excessive. The larger cities, which receive service from the Sheriff's Department, contract for more staff resources and have more flexibility in reallocating these staff resources to meet the needs of their community.

There are changes that will be suggested in the contract in the recommendation portion of this section which might provide a more flexibility in service being received by the City. Unfortunately for those concerned with this issue, there is little opportunity to achieve greater flexibility in the amount of service received and the cost of that service due to Del Mar's small size and some of the contract's basic requirements. Still, the City should insist that they receive the most effective delivery of service through the contract for service with the Sheriff's Department.

Contract Administration

Another issue concerns the provision of useful information to the City regarding services being provided. Certainly, the current Captain does a good job in providing monthly reports to the City as required by the contract, and makes excellent power point presentations at the public, televised City Council meetings. Data to more precisely inform the City, or at least the City Manager, about law enforcement services being received needs to more focused and in more detail. The recommendation portion of this section will offer suggestions for providing more useful data to the City.

Findings – Level of Service

The general level of service supplied by the San Diego County Sheriff's Department is satisfactory, but there are opportunities to strengthen certain service issues perceived by some as inadequate. The current service is being provided with professional law enforcement officers, through a large, but well structured Department. There is obvious frustration among some Del Mar residents over the lack of flexibility in tailoring law enforcement services to the specific needs of the community, in large part due to Del Mar being only one City as part of a 9-city agreement, and disparate difference in size between a large Sheriff's Department and the City of Del Mar. There is limited flexibility in reducing or reallocating resources since Del Mar only pays for minimum services. There are service issues which should be addressed if the City decides to continue receiving its law enforcement service from the Sheriff. These issues are related to levels of service, community outreach, contract flexibility, and communication. Recommendations for improving service are presented later at the end of this section.

Cost

This section evaluates the cost of the law enforcement services received by Del Mar from the Sheriff's Department. Many interviewed believe that the City pays too much for law enforcement service, and should find ways to reduce the cost of the Sheriff's contract. They have been frustrated in not being able lower the contract's cost in any significant way. This part of the section evaluating the Sheriff's contract, focuses on three cost issues. One is the sufficiency of the contract cost allocation model used by the nine cities and the Sheriff. The second is the issue of cost containment. The third is to determine if Del Mar is paying too much for law enforcement services.

Sufficiency of the Contract Cost Allocation Model

The adequacy of the law enforcement service contract between the County, the Sheriff's Department and the nine contract cities of Del Mar, Encinitas, Imperial Beach, Lemon Grove, Poway, San Marcos, Santee, Solana Beach and Vista was evaluated in another consultant's report (Management Partners) submitted September 7, 2010. The report was specifically reviewed by the Contract Law Enforcement Technical Advisory Committee (CLETAC) which is a mutual oversight panel and consists of the nine cities' city managers or their representatives. The report analyzed several law enforcement cost allocation models including those in the counties of San Diego, Los Angeles, Riverside and Orange.

Generally the consultant "...concluded that the current contract cost allocation model is generally fair to the cities and to the county.³" In comparison to the cost allocation models used in the other three counties, the report concluded, "In terms of net total costs across all CLETAC cities, none of the models is particularly more or less advantageous regarding the costs the cities, as a group, would pay under the agreements."⁴

There were observations that the contract at that time did not include enough technical documentation and employs overly general cost formulas in some overhead categories. Also the report seemed surprised that the "County is not currently charging cities for some administrative support costs (e.g. finance and human resources)."⁵ Other counties normally include COWCAP (County-wide Cost Allocation Plan) charges, or a portion of a county's overall administrative costs, to the Sheriff's contract for services.

It should be noted that San Diego County is different from other California counties in that it provides law enforcement services through an overall contract with nine San Diego County cities, with an Attachment B which specifies the allocation of specific staff positions and costs plus other costs for each individual city. The other counties in California typically enter into a separate contract with each city. The process in San Diego County has the advantage of providing greater leverage on behalf of the nine cities in bargaining with the County compared to a single city's negotiating position. It has the disadvantage, however, that individual cities may be unable to fully address their needs during contract negotiations.

This disadvantage is mitigated to a certain extent for those San Diego County cities which have larger contracts. These cities have some flexibility to reshape their staffing and service to focus on changing law enforcement issues within their community. For the County's smallest City – Del Mar – there is limited flexibility since there is a contractual requirement that the City maintain certain minimum staffing levels. There appears to be little or no opportunity to reduce these staffing levels and attendant costs.

The 2010 consultant report was designed to assist the nine cities in the negotiations which led to the development of the current five year law enforcement services agreement. That agreement commenced in 2012-13 and will conclude in 2016-17. It was approved by the nine cities, the County and the Sheriff's Department.

One change that was implemented as part of the new contract was the elimination of the "beat factor" which the County contended required one full-time staff to calculate. This presumably permitted a savings in overhead cost to the nine cities by eliminating the expense of that position.

Another change was that, instead of all nine cities sharing all station costs, the cities only pay for their share of the station expense for the station that directly serves them. This was viewed as a more equitable sharing of expense.

While the 2010 report prefers the Orange County cost allocation model, it was concluded that, while its application to the CLETAC cities would save 6 – 7% for some individual cities, it would cause other cities to experience a moderate cost increase. It was concluded that neither of the different cost allocation models would provide significant cost benefits over the San Diego model.

Cost Containment

On January 28, 2013, the City approved the current five-year contract which runs from fiscal years 2012-13 through 2016-17. The initial stated cost to the City was \$1,766,971 for 2012-13.⁶ The amount was adjusted to \$1,785,436, plus the City's share of \$775,598 for dispatch services for the nine contract cities which will be added to the base costs in 2013-14. This base amount can increase in each of the following four fiscal years. With certain exceptions, however, those costs are capped per the agreement. The main exception to this cap is retirement expense.

³ Ibid, p. 2.

⁴ Ibid.

⁵ San Diego Cities Law Enforcement Contract Analysis, Management Partners, November 15, 2010, Power Point, p. 9.

⁶ This amount is net of a negotiation credit, and going forward the amount which will be subject to a capped percentage increase based on 2012-13 costs will be \$1,785,436.

The cap percentages contained in the contract are: 2013-14 (2.75%); 2014-15 (3.0%); 2015-16 (3.0%); 2016-17 (3.25%). If the actual cost increase is less than the cap, only the actual cost increase will be added to the following year's contract cost. Also, the percentage cap is only applied to staff included in the previous year's overhead calculation and those staff added prior to May 1st each year. These percentages as well as the remainder of the overall agreement were negotiated by the nine cities with the Sheriff's Department. As previously mentioned, these cities are represented by a technical advisory committee known as CLETAC (Contract Law Enforcement Technical Advisory Committee), which conducted the negotiations with the County.

While there likely will be increases in each of year of the contract, there is a cost contract control mechanism negotiated by CLETAC, specifically a percentage cap on costs as just discussed. As the cap applies to Del Mar, Table II-VI outlines the potential expense for law enforcement to the City during the five year term of the agreement. This Table includes the previously described negotiated cap on the percentage increase on contract costs, which for 2013-14 is 2.75%, as well as an estimate for an increase in pension expense. This cost is excluded from the cap in the contract since it was concluded that this expense is outside of the County's control.

An estimate of the pension increase expressed as a percentage has been provided by the County. There is an important additional provision in the contract to the benefit of the cities, however, that if any retirement enhancements are negotiated during the term of the contract, this expense will be absorbed by the County.

For 2013-14 the increase in pension expense is estimated as 2.91%. The increase in the second year of the contract, then, would be 5.66% (2.75% + 2.91%). The projected increases and the estimated pension increases for the term of the current contract are presented in Table II-I, "Estimated Sheriff's Contract Cost Cap, 2012 – 2013/2016 - 2017." As can be seen in the remaining three years, the estimated maximum cap ranges from 4.29 – 5.26% compared to the 5.5% annual cap in the previous five-year contract.

The result of the projected cap on the Sheriff's contract is that over the five year term, the total cost increase for law enforcement service would increase by an estimated \$368,403, or an annual average increase of \$92,101 over the last four years of the agreement.

Table II-VI Estimated Sheriff's Contract Cost Cap, 2012 – 13/2016 – 2017				
Year	% Cap	Est. Pension %	Est. Max %	Cost
2012-13	--	--	--	\$1,785,436
2013-14	2.75	2.91	5.66	1,876,780
2014-15	3.00	2.26	5.26	1,975,550
2015-16	3.00	1.29	4.29	2,060,301
2016-17	3.25	1.259	4.54	2,153,839

The new cap formula for this five year contract is a major benefit to the nine contract cities. It provides better cost control over future law enforcement expense during the term of the contract.

This formula imbedded in the Sheriff's contract provides each city with a degree of "budget certainty" for law enforcement services that is not found in other counties. In those jurisdictions, such as neighboring Orange County, the Sheriff's Department will not provide a cost estimate beyond the following fiscal year. Further, few cities with existing stand-alone police departments will be able to offer anywhere near the same level of accuracy in estimating future law enforcement expense looking forward to fiscal years 2015-16 and 2016-17.

The cap formula used in San Diego County provides cost control over future expense for law enforcement services which is better than is found in other counties, or in cities with stand-alone departments. It provides each of the nine municipal jurisdictions some certainty over their law enforcement service expense over the term of the contract.

It should be noted that the future cost figures presented in Table II-VI are only a projection of potential cost increases in the Sheriff's contract. As can be seen this expense includes an annual projected pen-

sion cost ranging from an additional 1.29 – 2.91%.⁷ Nonetheless, costs will be contained during the next four years and at a percentage somewhat lower than in the previous five year contract.

Even at this level of contract cost, the Sheriff's contract administration staff contends that the County is not recovering the full cost of the law enforcement services they provide. They assert that the County is recovering only 88% of the cost that otherwise could be charged to the nine cities. Apparently the current contract included a one percent increase in the overall expense the Sheriff could charge during the five-year contract term, not a five percent increase sought by the Sheriff's negotiators. This is a benefit to the nine cities and the result probably reflects the strength of nine cities negotiating with the County.

Is the Sheriff's Contract Too Costly for Del Mar?

Besides the cost containment issue, the other concern expressed during the interviews is that the contract is too costly. Staff⁸ mentions in the January Staff Report that the City's costs "...per capita are quite high, the second highest in the County behind Coronado." This is in part because of the City's small population compared to the cost of minimum staffing required by the Sheriff to address service needs. The City also has a significant influx of visitors/tourists. This includes an estimated 1.6 million to 2.2 million annual visitors to the beach and the thousands that are attracted to the Fair and other events hosted during the year at the Del Mar Fairgrounds. In fact, staff speculates that the average "working" population of the City might be closer to 18,000 by adding the average daily influx of individuals to the Fair and its activities and those visiting the beach. This would significantly reduce these per capita costs. In any event, because of these factors, judging the cost of the contract on a per capita basis should not be the only standard for measuring whether the City is paying too much for law enforcement services. It is a standard which can be misleading when applied to a city with a small population base and a deluge of visitors during certain portions of the year.

While the per capita measure will be assessed in this report as a measure of relative expense, another, perhaps more appropriate measure, will be used as well. This measure in determining if Del Mar's contract is too costly is to compare how much Del Mar spends on law enforcement in relation to its General Fund, otherwise known as the City's general operating budget. This measure can indicate what percentage of the General Fund budget is available for other city services. Some cities, for example, spend 50% or more of their General Fund budget on their police department leaving less than half of their operating budget to fund other departments in a city.

Survey Among Small Tourist-Oriented Cities

To place Del Mar's expenditures on law enforcement services in perspective, and to take into account its smaller population compared to larger San Diego County cities, a survey of cities was conducted to better understand the context of the City's law enforcement expenditures. Based on adopted 2012 – 13 budgets, these cities include eight communities throughout the state which have a small population base like Del Mar along with an annual influx of tourists. Four of these cities contract with their local Sheriff and the other four have stand-alone police departments. In addition, cities in Del Mar's immediate area, including Solana Beach, Encinitas, Carlsbad and Oceanside were surveyed. This information provides a comparison of Del Mar's expenditure on police services as a percentage of its General Fund budget to its larger neighbors which either contract with the Sheriff or have stand-alone police departments.

First, a comparison with a geographically diverse list of small California cities which have some type of active tourism is presented in Table II-VII, entitled, "The Cost of Police Services as a Percentage of the General Fund Budget Among Eight Small, Tourist Oriented California Cities." The Table lists each city's population, whether law enforcement services are provided by a Sheriff's contract or through a city police department, the General Fund budget, the amount of that budget spent on law enforcement, and the percentage of that cost compared to the total General Fund budget. The cost information was obtained for fiscal year 2012 – 13.

⁷ Del Mar Staff Report, Council Agenda Item No. 7, January 28, 2013.

⁸ Ibid., p. 2.

Table II-VII
The Cost of Police Services as a Percentage of the General Fund Budget Among Eight Small, Tourist Oriented California Cities

City	Population	Contract/ Stand Alone Dept.	General Fund Budget (2012-13)	Law Enforcement Budget (2012-13)	% Law Enf. Budget/ Gen. Fund Budget
DEL MAR	4,161	CONTRACT	\$ 9,685,920	\$1,785,436	18.43
Avalon	3,728	Contract	\$ 6,294,688	\$1,335,220	21.21
Carmel	3,722	Stand Alone	\$14,300,000	\$3,100,000	21.68
Indian Wells	4,958	Contract	\$12,366,453	\$3,648,522	29.95
Ojai	7,461	Contract	\$ 7,476,798	\$2,929,885	39.19
Pismo Beach	7,655	Stand Alone	\$15,356,907	\$5,376,723	35.01
Ross	2,415	Stand Alone	\$ 5,615,316	\$1,366,877	24.34
Sausalito	7,061	Stand Alone	\$13,638,127	\$4,420,640	32.41
Solvang	5,245	Contract	\$ 6,284,331	\$1,648,628	26.23

Some services financed by the General Fund may vary from city to city. So while Carmel has a beach, for example, it does not provide lifeguard protection as does Del Mar. Offsetting that expense, however, Carmel spends approximately \$1,300,000 on debt service and subsidies for the 775 seat Sunset Center (performance arts venue and conference center site).

In any event, this table of 8 small, diverse tourist communities in different parts of the state indicates that at 18.43% Del Mar spends the lowest amount for law enforcement services as a percentage of the City's general operating budget compared to the other cities, although it is only slightly lower than the cities of Avalon and Carmel.

Using this measure, Del Mar not only expends the lowest amount for law enforcement services, it spends a significantly lower percentage of its General Fund budget on these services compared to four of the eight cities surveyed. These four cities (Indian Wells, Ojai, Pismo Beach, and Sausalito) spend approximately 30% or more of their operating budget on law enforcement services.⁹

In some communities, the percentage is even higher. For example, this June in Pacific Grove (pop. 15,041) the City Council directed the City Manager to trim \$600,000 from the Police Department budget in order to meet a Council goal of achieving police costs at less than 50% of its General Fund budget. This example demonstrates the challenges some smaller cities face in using their discretionary tax income to support police services.

Regarding the actual dollars spent on law enforcement, Del Mar spends significantly less than Carmel, Indian Wells, Ojai, Pismo Beach and Sausalito, although the latter three cities have a somewhat higher population base. The law enforcement budgets in these five cities range from \$2,929,885 - \$5,376,723, compared to \$1,785,436 in Del Mar. The amount spent by Del Mar is slightly higher than Solvang and somewhat more than Ross and Avalon. It could be speculated, however, that Avalon may not require as much service from the Los Angeles County Sheriff's Department due to its physical isolation and the inability of criminals to easily come and go across city boundaries into the City committing criminal acts.

Overall, using this metric and based on this comparison with other small tourist oriented cities, it appears that Del Mar is not spending an inordinate amount on law enforcement services, and is proportionately using less General Fund resources for law enforcement than all other smaller cities surveyed.

How does Del Mar Compare to its Neighbors?

Using the same categories of information as in the previous chart, data is presented for the cities of Del Mar, Solano Beach, Encinitas, Carlsbad and Oceanside. This obviously involves providing comparisons

⁹ To provide further insight into one of these four cities, Indian Wells, in their contract with the Riverside County Sheriff provides a base support contract plus the following staff specific to Indian Wells: 5+ Deputies for 24/7 patrol; 2 Motorcycle Deputies; 5 Community Service Officers (CSOs); a Lieutenant; and small percentages of a Sergeant and the Captain. Detective support is not specifically allocated in their contract but is part of the contract's base price. Similar to Del Mar, the Indian Wells contract increases each year. It increased to \$3,783,615 in 2013-14 and is projected to increase to \$3,925,889 in 2014-15.

with larger cities. However, it may be informative to assess the percentage of Del Mar's General Fund budget devoted to law enforcement compared to its north coast neighbors. This information is presented in Table II-VIII, "The Cost of Police Services as a Percentage of the General Fund Budget Among Del Mar's Four Coastal Neighbors."

Table II-VIII					
The Cost of Police Services as a Percentage of the General Fund Budget					
Among Del Mar's Four Coast Neighbors					
City	Population	Contract/ Stand Alone Dept.	General Fund Budget (2012-13)	Law Enforcement Budget (2012-13)	% Law Enf. Budget/ Gen. Fund Budget
DEL MAR	4,161	CONTRACT	\$9,685,920	\$1,785,436	18.43
Solano Beach	12,867	Contract	\$13,945,600	\$3,077,200	22.07
Encinitas	59,518	Contract	\$49,879,025	\$12,395,058	24.85
Carlsbad	105,328	Stand Alone	\$115,100,000	\$27,900,000	24.24
Oceanside	167,986	Stand Alone	\$240,936,733	\$51,359,864	21.32

It is interesting that the four neighboring cities budget a similar amount of their General Fund revenues for law enforcement. The amount budgeted among the four neighboring cities ranges between 21.32 – 24.85 percent of their General Fund on law enforcement. Two of the cities contract with the Sheriff and two operate an independent police department. In any case, Del Mar still spends less on law enforcement services (18.24%) than its neighboring cities as a percentage of its General Fund budget.

Another local city served by the Sheriff which was not used in this analysis is the City of Imperial Beach. While it is a beach city in San Diego County serving 14,758 people, it is difficult to compare it to Del Mar because of its different revenue structure supporting law enforcement and beach services. The 2012-13 Imperial Beach General Fund budget is listed at \$17,124,028, with \$6,310,139, or 36.84% of the General Fund, spend on law enforcement services. However, about one-third of the Sheriff's contract is funded by the Port of San Diego, a revenue source unavailable to Del Mar. Also, the City's entire Ocean/Beach Safety function of \$2,223,783, including \$1,336,978 for lifeguards, is funded by the Port.

Another larger city, but with similar demographics, is Coronado (pop. 24,697). In 2012 – 13 its General Fund was \$38,534,000. The Police Department budget in 2012-13 was \$9,991,500, or 25.86% of the operating budget.

An interesting question is: what if Del Mar spent as much on law enforcement as its neighboring coastal cities? If the average percentage of the General Fund spend on law enforcement of the four neighboring cities (23.12%) were applied to Del Mar, its law enforcement budget would be \$2,239,385 based on fiscal year 2012-13 (23.12% x \$9,685,920) compared to the \$1,785,435 budget in Del Mar.

Per Capita Cost

As mentioned previously, a per capita comparison of cities is not always a useful metric because of the City's small population, and with a demand for police services is driven by beach visitation of 1.6 – 2.2 million annually, plus the significant visitation during the Del Mar Fair and the horse race season. On the other hand, this is a metric that many people understand and therefore find useful.

The per capita cost for basic police services in Del Mar seems high compared to his neighboring coastal cities. As shown in Table II-IX, "The Per Capita Cost of Police Services Among Del Mar's Four Coastal Neighboring Cities," Del Mar's per capita law enforcement expense is much higher than its neighboring cities even though its cost for these services as a percent of its General Fund expenditures is lower compared to these cities.

City	Population	Police Budget	Per Capita Expense
Del Mar	4,161	\$1,785,436	\$429.09
Solano Beach	12,867	3,077,200	239.15
Encinitas	59,518	12,395,058	208.26
Carlsbad	105,328	27,900,000	264.89
Oceanside	167,986	51,359,864	305.74

In comparison to the eight smaller tourist oriented cities, however, where the basic population numbers are more comparable, Del Mar's per capita expense for police services is more in line with these other cities. In fact, as demonstrated in Table II-X, the City's per capita expense is lower than five of these eight surveyed communities (Carmel, Indian Wells, Pismo Beach, Ross, and Sausalito). The per capita cost for the eight cities ranges from \$314.30 (Sausalito) to \$832.89 (Carmel) compared to Del Mar's per capita cost of \$429.09. By comparing with cities similar in population a more accurate per capita cost comparison can be obtained.

City	Population	Contract (Y/N)	Police Budget	Per Capita Expense
DEL MAR	4,161	Y	\$1,785,436	\$429.09
Avalon	3,728	Y	1,335,220	358.49
Carmel	3,722	N	3,100,000	832.89
Indian Wells	4,958	Y	3,648,522	735.89
Ojai	7,461	Y	2,929,885	392.60
Pismo Beach	7,655	N	5,376,723	702.38
Ross	2,415	N	1,366,877	565.99
Sausalito	7,061	N	4,420,640	626.06
Solvang	5,248	Y	1,648,628	314.32

Again, while a per capita comparison of police costs among municipalities is not necessarily a good metric in stating the relative cost of police services, it probably has more value among cities of similar population and demographics. Not unexpectedly the per capita expense for law enforcement is higher in all eight smaller, tourist oriented cities than Del Mar's four larger coastal neighbors.

It was observed that if Del Mar did not have to pay for lifeguard service its percentage of its General Fund budget would be higher. While it is useful to consult several different metrics in understanding whether or not Del Mar is spending too much on law enforcement services, a per capita comparison does remove the factor that cities in a survey may provide different types of service in addition to the police function. This metric removes other city services and compares only law enforcement costs. Table II-XI reshuffles the per capita expense data from the previous table from highest to lowest to more clearly demonstrate Del Mar's relative position compared to the 8 small, tourist oriented cities.

Table II-XI Per Capita Cost of Police Services Among Eight Small, Tourist Oriented California Cities In Descending Order			
City	Population	Contract (Y/N)	Per Capital Expense
Carmel	3,722	N	\$832.89
Indian Wells	4,958	Y	\$735.89
Pismo Beach	7,655	N	\$702.38
Sausalito	7,061	N	\$626.06
Ross	2,415	N	\$656.99
DEL MAR	4,161	Y	\$429.09
Ojai	7,461	Y	\$392.60
Avalon	3,728	Y	\$358.49
Solvang	5,248	Y	\$314.32

Among the surveyed cities in Del Mar's population range, its' per capita expense is in the bottom half, lower than five of the cities and higher than the other three. It is also informative that among the 8 smaller comparison cities, except for Indian Wells, the per capita law enforcement expense is much higher for those cities with stand-alone police departments. This possibly indicates that a municipal budget supporting an independent police department by a small city is more expensive than obtaining that service through a Sheriff's contract.

Findings – Cost of Service

It appears that the amount Del Mar spends on law enforcement service as a portion of its General Fund budget is not excessive compared to similar sized tourist cities throughout the state and to its neighboring cities on the north coast. In fact, the amount spent by Del Mar as a percentage of its General Fund is the lowest among the small, tourist oriented cities surveyed, and is lower than Del Mar's larger neighboring cities.

It is also found that, while Del Mar's per capita cost is high compared to its coastal neighbors in San Diego County, its per capita cost is reasonable compared to the 8 small tourist cities analyzed in this study. A comparison to other similarly sized tourist communities throughout the State provides a better perspective of whether Del Mar's law enforcement contract cost is reasonable. Using this measure, its per capita expense is lower than five of the 8 cities surveyed, and is not unreasonable based on this data.

It appears the Del Mar's contract with the Sheriff's Department is cost effective. This is supported by the fact that the percentage Del Mar spends from its General Fund is lower than the 8 small tourist cities surveyed as well as its four coastal neighbors. Also, Del Mar's per capita expenditures for law enforcement services are reasonable for its size using as a comparison the 8 small tourist cities found throughout the State.

Further, it is found that, at least during the next four years, cost increases for law enforcement service from the Sheriff are generally capped and will be reasonably contained. This provides a degree of certainty in preparing the City budget not found in most other cities, whether law enforcement service is provided by contract or through a stand-alone police department. On the other hand, due to the nature of the Sheriff's contract in San Diego County, a small city such as Del Mar has less flexibility in adjusting the staffing and service levels provided by the Sheriff.

In answer to the question: Is the Sheriff's contract too costly for Del Mar, it appears that it is not, at least in comparison to the experience of other comparable California cities.

Contact Advantages and Disadvantages

In evaluating the advantages and disadvantages of the Sheriff's contract and service, the following assessment is provided.

Advantages

1. The Sheriff's Department provides satisfactory law enforcement services with well trained, professional staff.

2. The Sheriff's Department has regional services and resources which a large law enforcement agency can provide a smaller city.
3. The Sheriff's Department, because of its size, has the ability to respond to major emergencies in significant numbers in the cities they serve.
4. The service provided by the Sheriff's Department is generally cost effective, comparing favorably with other small, tourist oriented cities in California, both in terms of the amount spent for law enforcement as a percentage of the General Fund Budget and as well as the amount per capita expended. The amount expended as a percentage of the General Fund is also cost effective compared to Del Mar's neighboring coastal cities.
5. Budget certainty for law enforcement services is provided through the Sheriff's 5-year contract since there is a cap on most of the contract's law enforcement expenditures.
6. The percentage cap on the cost of Sheriff's services is lower during the current five year contract, compared to the previous five year term.
7. A generic contract between the Sheriff's Department and the nine participating cities provides leverage in negotiations with the Sheriff.

Disadvantages

1. There is a perceived lack of visibility of the Sheriff's Department in Del Mar as well as a lack of community involvement by its Deputies.
2. There is a lack of continuity of staff providing service, from the Deputy on patrol to the supervising Captain, due to the rotation practice of a large law Sheriff's Department.
3. Response times seem long given the small geographical size of Del Mar and the above average unallocated preventative patrol time available to the on-duty patrol deputy.
4. There is limited local control over the level of service and cost of law enforcement services in Del Mar since there is very little ability for a small city to shape its service levels to meet its perceived needs.
5. Limited local control, or contract flexibility, prevents the City from reducing its contract costs by adjusting the hours required for patrol or investigative services.
6. While it is understood that calls for service must be processed through central dispatch, the inability of City staff, such as the Park Ranger and Lifeguards, to communicate directly with real time radio contact with assigned Deputies for assistance creates a barrier in the ability of the Sheriff to "team up" with local staff.
7. It appears that the Del Mar is overpaying for the service it receives, with inefficiencies such as the Detective managing red flex camera violations an inappropriate use of the Detective's time.

Recommendations

If the City of Del Mar decides to continue its contract with the County and the Sheriff's Department, there are changes and/or improvements related to level of service and cost which should be considered moving forward. These changes are based on workload or on the problems in applying the contract to the City.

1. Section V.I.2.b. (Level of Service) of the current contract with the Sheriff provides "a minimum" staffing of "the availability of one continuous twenty-four hour per day patrol unit and one continuously available eight and one-half hour, seven day a week, day traffic unit." As was mentioned previously, this mandatory requirement has been slightly modified for Del Mar, by only requiring a 10-hour four-day a week traffic unit. Otherwise, there is no other requirement for "minimum staffing" in the basic Sheriff's contract. However, Attachment B requires that the City pay for a 1.0 FTE Detective even though the work load for this position does not justify this level and cost of investigative service. In fact, the consultant was told that about one-half of the Detective's workload is administering issues involving red flex camera enforcement, which is not an appropriate use of detective hours. Further, among the number

of Detectives among the three cities served by the Encinitas station, Del Mar provides more detective hours on a per capita basis than Solana Beach and Encinitas. This means that Del Mar pays a higher proportionate share for investigative service than other two cities. As pointed out earlier, Del Mar pays for one Detective serving 4,161 people, Solana Beach pays for one Detective serving 12,867 people and Encinitas pays for 6 Detectives serving 59,518 people, or one Detective for every 9,920 served in that City. If Del Mar paid for one-half of a Detective, the ratio would be one Detective serving 8,322 people, which would more comparable to the detective/population ratios in Solana Beach and Encinitas.

It was suggested that Attachment B be modified to require payment for a .5 FTE Detective. The response to that suggestion was that the Department could not provide only a .5 Detective, even though contracts in other counties either provide investigative service as an appropriate fraction of needed Detective service (Orange County), or includes the service as part of the base contract (Riverside County). If there is a need for investigative services, and there is, the minimum staffing of a 1.0 FTE Detective should be reviewed and the actual needed investigative service should be provided.

Since the Encinitas substation has 10 Detectives, and Del Mar's potential request would reduce that number to 9.5 FTEs, contact was made with the City of Solana Beach to inquire about sharing their detective with Del Mar. That would reduce that City's detective to a .5 FTE to match the .5 FTE serving Del Mar. The Solana Beach representative concluded that this would not be feasible because of work load considerations.

Another approach would recognize the large size of the Sheriff's Department. With about 4,000 employees, with a number of Detectives in the Department, a match for Del Mar in the Detective classification likely could be achieved. This would allow the City to reduce its staffing obligation to .5 FTE, by matching this .5 FTE with another .5 FTE Detective somewhere else in the Department.

A third approach is to follow the Orange County model and fold the detective costs into the overall contract. Investigative service would then be costed out by a fraction of the service used by each city and allocated accordingly in Attachment B. This would be similar to the allocation of expense in the current contract for Sergeant services.

In terms of achieving better service at a reduced cost, Del Mar should explore a staffing level of a .5 FTE Detective. If a service improvement is desired for less than its current cost, the City could consider discussing with the Sheriff adding a .5 Community Service Officer (CSO). This would be a more appropriate staffing arrangement to address the City's workload. It would provide non-sworn support to the Deputies and better outreach to the community. This configuration of staffing would also have the benefit of making the Sheriff's staff more visible to the public, since CSOs usually are visible in the community in taking certain reports not requiring a Deputy as well as other duties. It should be remembered that there is great flexibility in the use of CSOs ranging from community outreach, to past tense report taking, crime scene investigation reports, "quality of life" responses, parking enforcement and/or red flex camera follow up. If properly trained, a CSO can prove invaluable in terms of multi-faceted services.

Even though Del Mar is limited in its ability to reallocate resources, another option is to delegate the red flex camera responsibility to a City employee such as code enforcement or the Park Ranger, and insist that the Detective spend part of his/her work week in uniform and in Del Mar. The Detective could then be available a portion of the week to provide back up to the patrol deputy, when needed, in order to reduce response times for high priority calls in the City.

Further, it was found that the patrol deputy has a limited work load with only 14 – 22% of the deputy's time spent on responding to calls for service, depending on the shift being worked. This percentage of time spent on calls for service was also found by another consultant in a report dated 2010, based on 2009 data. So even with prisoner transport and cover calls occasionally pulling a deputy out of the City, with so much unallocated time available for preventative patrol (47%/day shift; 58%/night shift), limited criminal activity in the main part of

Del Mar, high response times, and with only two square miles to patrol within the City, it would appear that the City is either not receiving full patrol deputy hours under the contract..

It is recommended that:

- Del Mar engage the Sheriff's Department in discussions to share a .5 FTE Detective with staff somewhere within the Department's Detective classification, since Solana Beach is unable to partner with Del Mar in sharing investigative services. This recommendation also includes shifting red flex camera responsibility to a city employee.
 - After achieving .5 FTE Detective staffing, the City should consider adding a .5 FTE CSO to its service staffing.
 - The City should work with the Sheriff to readjust the patrol deputy's assignments so that the deputy spends more time in Del Mar, and locate a uniform Detective in Del Mar along with the Traffic Deputy, to provide back up to the Patrol Deputy when needed, which should improve response times for high priority calls,
 - Work with the other CLETAC cities to consider moving investigative service expense into to the base contract with the Sheriff, with the cost of these services included in each cities' Attachment B allocated proportionately based on work load generated by each city, or some other acceptable metric.
2. From a law enforcement perspective, Del Mar is a quiet community, except, of course, for the beach in the summer and during the Del Mar Fair, the racing season, and the other activities surrounding the operation of the fairgrounds. As a result, this not a community to which to assign a newly minted police academy graduates who typically desires more fast-past action such as responding to in progress crimes, engaging in pursuits and making arrests for serious crimes. Entry level trainees may find themselves bored with the low level of crime activity in Del Mar, and their lack of field experience can create challenges in developing an understanding and focus on community policing tasks. For example, during the consultant's ride-along, the Deputy involved was an ideal fit for Del Mar. The ride-along Deputy was an officer who had completed a law enforcement career in another city, and had the seasoning and experience to deal with law enforcement issues in the City. This type of Deputy understands better than most rookies the broader value of community outreach and engagement. They are not as motivated to look for opportunities to participate in "hot pursuits" since they have already had that experience in their first career.

Finally, an entry-level trainee requires a full year in the police academy and field training before working as a single police officer. A lateral hire from another agency can be on the street working alone within five to six weeks subject to that officer learning the nuances of an agency's report-writing system and its geography. Typically, lateral hires can use their experience and training to provide a better fit for Del Mar's policing needs. Lateral hires usually process better decision-making skills and receive fewer citizen complaints.

It is recommended that the City encourage the Sheriff's Department to place seasoned lateral deputies in Del Mar who are tenured law enforcement officers who have already experienced "more exciting" police activity elsewhere. Typically, these types of officers will rely on upon the knowledge gained from their previous field experience in another jurisdiction to embrace the value of building positive rapport with all segments of the community they serve.

3. One of the impressions received from the conduct of this study is the lack of Del Mar specific data to inform the community about the service activity performed in town. For example, there is case load information for the City's Detective. However, this caseload is mixed in with the cases of the other nine Detectives assigned to the Encinitas Station. To a certain extent it is expected that there will be collaboration in addressing the investigations workload. Detectives will share information and work together on more difficult cases involving the City. The data would suggest, however, that Del Mar is subsidizing the investigative workload in other parts of the Encinitas Substation service area. Plus, as mentioned elsewhere in this report, using a good part of the Detective's time on Red Flex camera cases seems an inappropriate use of a

Detective. Regarding the Patrol Deputy workload, it was difficult to pin down calls for service by time of day, and when back-up was needed.

The Sheriff's contract provides not only that the "CITY ...receive monthly reports that provide information with respect to staffing, crime statistics, traffic statistics, programs, patrol activities and Information Led Policing strategies" (Sec. IV.K.), but also provide "...access to reports...pertaining to...statistical reports on crime rates, traffic incidents and calls for service within CITY" at the request of the City Manager (Sec. IV. J.). Parenthetically, while Section IV. B refers to "performance standards and scope of service," only elements of the scope of service are listed in this section, not performance standards. It would probably be useful to most cities to obtain data on performance standards, such as response times, on a regular basis. The latest response time data provided by the Sheriff's Department indicates that top priority calls average 9.7 minutes per call which seems fairly long given the fact that one 24/7 patrol deputy with above average unallocated preventative patrol time is assigned to an area of slightly less than two square miles. Also, priority four calls, such as loud parties, trespass, and vandalism averaged nearly one hour from June – August 2013.

It is recommended that the City Manager, or his designee, insist on regularly provided call for service data for patrol and traffic enforcement, investigative workload data, performance information such as response times, and other pertinent data in order that the level of service provided to the community can be more precisely monitored and assessed.

4. In terms of providing information, it is interesting that there is no information to the public on the City's web page concerning law enforcement service. Other cities, such as Solana Beach, have a section for police services under City Government/Public Safety. On that page it is explained that the City contracts with the Sheriff's Department for law enforcement services, and provides a non-emergency number to contact the Sheriff. There is a link for reporting non-emergency crimes on-line. Various crime prevention programs and services are listed.

It is recommended that the City include appropriate information regarding law enforcement service on its web site.

5. Some of those interviewed expressed a concern over the lack of connection between the Sheriff's Department and the community. When the Patrol or Traffic Deputy comes into downtown, the reaction is: "Here comes the Sheriff." But in Section IV. F. of the contract with the Department provides that the Sheriff's vehicles can be identified as serving the City of Del Mar. This section states, "The name of the city and the city seal will be included on the doors of patrol cars if requested by the City." The only condition is that the City must provide their City seal in the size requested by the Sheriff's Department.

This may be one way to localize law enforcement service in Del Mar and create more of a connection with the community by the Sheriff. It may also have the effect of providing feedback to the community and its elected and appointed officials when the Del Mar car is spotted in other cities. Not that the vehicle will not be used as back-up on calls in other cities, or used to transport prisoners to the jail in Vista, but this identification will encourage the Sheriff's Department to ensure that there is 24/7 patrol deputy stationed in Del Mar as much as feasible.

It was indicated earlier that the current Captain is encouraging community based policing. This involves familiarizing each new officer with all facets of the community. Supervisors instruct Deputies to get out of their vehicles and speak to members of the public, work collaboratively with City Hall staff, the Lifeguards and Parking Enforcement Officers, and to foster positive relationships with businesses which serve alcohol.

The Sheriff has also directed each Captain to establish Community Advisory Groups (CAG), although this has not been accepted by the City. Instead, the Captain has scheduled his own outreach meetings in Del Mar. The City, however, may wish to reevaluate the original offer to create a CAG in the community. While the City supports the Captain soliciting feedback from the community, the City wants any group that is formed to provide their comments and concerns to the City Council, not report to the Captain only.

It is recommended that: (1) the City of Del Mar explore placing its name and seal on vehicles used by the Sheriff's Department that patrol the City; (2) the Sheriff's Captain continue to

take steps to encourage patrol officers to engage in community based policing; and (3) the City of Del Mar discuss with the Captain the possibility of creating a Community Advisory Group.

Stand-Alone Police Department Option

Introduction

The second major alternative in assessing the provision of law enforcement service to the City of Del Mar is the creation of its own police department. As seen in the previous section, smaller cities often have their own police departments. For example, four of the eight small tourist-oriented cities which were surveyed as part of this study operate a stand-alone police department.

In some of these cities the establishment of their department occurred many years ago. As a result, the basic departmental infrastructure was created, including construction of a police facility and the creation of basic operational systems such as communications, dispatch, connections to needed data sources, accreditation with POST (Police Officers Standards and Training), and the development of departmental policies and on-going, in-house training. Further, once a department is established, policies and practices become ingrained in the department and staff has become an integrated functioning unit, responsive to the needs of the community being served.

The establishment of a new police department poses a number of challenges such as creating from scratch a fully staffed, functioning department with its own policies, practices and procedures. Identifying a site for a police facility and establishing a police station is an additional challenge, especially in a largely built out community like Del Mar. Establishing systems for communications, dispatch, connection to POST training, access to criminal data sources, and other resources necessary for the operation of a small police department needs to be achieved. Further, there is a transition period which will be required, including developing a police facility and hiring staff in advance of the department becoming operational. Establishing a new police department, therefore, is a major endeavor with a number of challenges associated with its creation. The entire City government, including elected officials, staff and the community, will be engaged in meeting these challenges.

An important component at the beginning of this process should be meetings or forums to obtain input from the public regarding their expectations of the Police Department. This will aid the community in obtaining a sense of ownership of the new Department. This is important because the Police are usually the most visible City employees who provide for community safety and assist in establishing the City's quality of life. Further, this process will eventually provide important input to the new Chief in developing the Values and Mission Statement for the new Department and shaping police services to meet citizen expectations.

In developing the staffing and cost, including facilities and equipment for a Del Mar Police Department, a traditional police model was developed as an effort to provide baseline organization, staffing and cost information. This is because other options, which will also be discussed later in this section, provide incomplete law enforcement coverage, inadequate employee supervision, and insufficient protection against potential risk and liability for the City. This model is based on what is needed to provide sufficient police coverage, with appropriate supervision and back-up, provide for officer safety, and in the most cost effective manner possible, using some non-traditional means to provide adequate service. This will be a model which will provide improved police service to the community. It should be noted that the cost elements in this model are estimates except for the salary/benefit components which are more precise.

It was mentioned during the interviews that, if a stand-alone police department costs more than the Sheriff's contract, there is a desire to have that information. This is because there are advantages to a community operating its own police department, such as local control over law enforcement policies, levels of service, staffing and benefits, and costs, plus a view by some that Del Mar officials and residents would have its own employees sensitive to the City's needs. It was clear from several of those interviewed that there is a frustration working with a large law enforcement agency with limited flexibility in adjusting the service contract to meet the City's needs. This is particularly true in a small City like Del Mar since certain

minimum staffing is required for patrol and traffic enforcement, making it difficult to adjust or reduce staff resources and costs to meet the City's needs.

An adequate stand-alone police department in Del Mar would cost somewhat more than the Sheriff's contract as the Sheriff's cost is projected in 2014-15, the first year a new department could be operational. The cost still will be more in line with, or in most cases lower than, what other small tourist oriented California cities pay for law enforcement service. Further, the cost of a stand-alone department as a percentage of its General Fund budget would be less than what is committed by Del Mar's coastal neighbors.

In the following paragraphs the staffing and operations of Del Mar Police Department will be described including its organization and costs. How the Department fits into the City's overall organization will be addressed. The staffing and cost of the transition period leading up to the Department's creation will be described. What would be needed to house the new Department will also be outlined. Finally, the proposal for a stand-alone department presented to the City Council last January will be discussed along with some of the other suggestions for a stand-alone department.

Stand-Alone Del Mar Police Department

In order to provide adequate law enforcement coverage for Del Mar it is proposed that a combination of full-time and part-time staff be hired. The goal is to have full-time patrol coverage 24/7 including back-up, a day-time traffic enforcement officer, investigative follow up to the contacts/arrests made by patrol officers, and adequate supervision to meet state standards of the POST (Police Officers Standards and Training) agency. The goal is to provide cost effective, comprehensive police coverage that will ensure officer safety and control the City's risk and liability.

The patrol staffing is based on 8/40 shifts. While a 10/40 shifts are desirable since this shift structure provides overlapping shifts during periods of high crime activity, there is inadequate staffing in this model to achieve this shift structure. Some agencies use a 12/36 shift, but this is not recommended in this analysis because there can be fatigue issues with this structure, especially when overtime extends the shift to 14-15 hours. In addition, both the 10/40 and 12/36 shift schedules require higher FTE relief factors, thereby increasing costs for back-up officers.

The pay for the positions in this option is based on the Sheriff's salary structure which is at the mid-range or lower mid-range in the County. The Police Chief position, for example, is pegged at a \$120,490 salary which is at a similar level of a top-step Sheriff's Captain.

The initial year budget for this department also assumes the cost of PERS retirement, specifically the 2.7%@57 plan which is now required under the 2013 Public Employee Pension Reform Act (PEPRA) for hiring "local police officers."

Some have suggested that PERS retirement not be used, replaced by a cheaper 401(k) plan. This is not an option for Del Mar based on PERS regulations since it is already a "PERS agency" with employees who are PERS members. PERS will not permit this arrangement.

There is an advantage in offering a PERS retirement since one benefit of a local police department is the ability to retain local officers who become known to the community over a period of time. Officer tenure becomes an important basis for community-based policing. Another advantage is that under the PEPRA requirements, the employer's retirement contribution to PERS are substantially reduced compared to the employer pension costs prior to January 1, 2013.

Community-based policing is an important component in providing police service. Developed locally years ago in the City of San Diego, solving crime is enhanced by establishing a lasting, respectful relationship between the Officers and the people they serve. This is developed through community outreach including walking downtown and in other public areas such as parks and the beach, mingling at local school events, attendance at neighborhood meetings or meetings of volunteer non-profits which serve the community, and active participation in Neighborhood Watch. The goal is for the public to know the Officers by their first names, obtaining support for their policing efforts to form a strong bond of protection from crime or the threat of crime.

To support community-based policing is having a competitive retirement plan, so Del Mar does not become a training ground for other law enforcement agencies, resulting in frequent turnover, eliminating one

of the benefits of creating a local police department. The PERS plan suggested in this analysis is at the same level as the lower tier now being implemented by other agencies for new employees. It will be more cost effective than the pension costs found in other agencies which have the 3%@50 retirement plan as their higher tier, or even the 3%@55 plan. As an example, the 3%@55 plan has a PERS employer pool rate of 22+% compared to the 2.7%@57 plan where the employer rate is 12.25%.

The PERS plan now required to be used is a “scaled down” version of other current PERS retirement plans still in effect in most California jurisdictions. Because the new plan requires the employee to contribute more for the plan, the new PERS plan achieves a better sharing of the “risk” of future rate increases between the employee and employer and better fiscal control on retirement costs.

It is recommended that the Del Mar Police Department contain 12 full-time sworn staff, along with part-time sworn staff. This will provide a comprehensive police service model with adequate back-up, supervision and staff for special events or other peaks in work load. It will provide for officer safety and mitigate potential liability issues. It would provide “local” officers including a Police Chief dedicated solely to Del Mar’s issues and service levels.

The full-time sworn staff by rank would include:

- Police Chief (1);
- Police Commander (1);
- Patrol Sergeants (4);
- Patrol Officers (5); and
- Traffic Officer (1).

The Police Chief would serve as the department head, reporting to the City Manager, and would be the Watch Commander on those days the Commander is off. The Police Commander would serve as Acting Chief when the Chief is off, and the Watch Commander during the day or evening as assigned. Both positions would also have administrative duties. It should be noted that the Chief and Commander are FLSA exempt, therefore they are not eligible for overtime. Another title for the Commander position could be Lieutenant.

The Patrol Sergeants and the Patrol Officers two of which are Field Training Officers (FTOs) would provide day, evening and midnight shift supervisory coverage. Of the five patrol officers necessary to provide 24/7 patrol coverage, two would also be FTOs and Acting Supervisors as needed. Normally this level of coverage would require six officers, but it is envisioned that the Sergeants would be “working Sergeants” and would take an occasional patrol shift as necessary. The Traffic Officer would work traffic enforcement five days a week, and could also backfill Patrol if required.

There was consideration given to not creating the Commander, or Lieutenant, position and having one of the Sergeants fill in the management role in the absence of the Chief on a rotating basis. But keeping in mind that policing is a 24/7 operation, having higher level management during the evening hours will provide an assurance that performance and service accountability will be in place. The Commander would likely work a flex schedule with the primary hours of work during the late afternoons and evenings.

In terms of using a Sergeant to fill the Commander’s role, Sergeants in small agencies sometimes struggle with holding line officers accountable since “working Sergeants” can be a beat partner one shift where their life may depend on their “subordinate partner,” to being the boss on another shift which sometimes requires uncomfortable discussions regarding attitude and performance issues that might result in officer discipline.

In order to develop a cost effective staffing model which still provides adequate coverage, back-up and supervision necessary for a stand-alone police department, it is recommended that investigative, back-up patrol, and special event staffing be performed by part-time rather than full-time staff. The part-time sworn staff proposed includes the following:

- Detective (2); and
- Police Reserve Officers (5).

In addition to the 12 full-time sworn officers, the part-time detectives would be equivalent to 1.0 FTE position and the reserve officers equivalent to 2.3 FTEs. The total number of sworn officers would be 15.3 FTEs as part of the proposed staffing model for an in-house police department.

Besides performing investigative work, the two part-time 960 hour detectives would provide support backup and respond to patrol as needed. This, along with the reserve officers would enable the proposed department to keep overtime expense to a minimum.

The Reserve Officers would be paid an hourly rate up to a maximum of 960 hours annually. This would permit PERS retirees to fill these positions. Operationally, this would provide the full-time equivalent of 2.3 FTE officers as previously mentioned.

The Reserves would provide backfill patrol, bike patrol, and support special events. The Reserve Program is vital to the FTE Patrol relief factor, and allows the Department to self sustain with their own in house staff to handle special events. If all five Reserve positions were filled, supplementing on-duty personnel, the Department would have the ability to field 7-8 sworn personnel at one time.

This does not include the Commander which would provide special event logistics and oversight. This is important since, as a City employee, the Commander should be aware of non-Fair special events, such as concerts on the beach or at a park. He/she should be able to directly and personally coordinate with event sponsors regarding needed security, and then oversee that security during the event.

Another advantage of the Detective and Reserve positions is that they are cost effective. The benefit costs are significantly lower since there is no retirement expense, and the positions are paid at an hourly rate.

Also the full-time and part-time staff can be supported by volunteers. Since the City already has a vehicle available for this purpose, the department could outreach to those interested in participating in a senior volunteer patrol to support regular department operations. Volunteers would need to complete 80 hours training, CPR classes and training updates during the year. They will add "eyes and ears" to police operations and provide visible contact in the community including the provision of vacation checks.

There was some discussion among members of the public during the interview process about a lower level of patrol staffing with fewer personnel. The Department, however, would be unable to provide proper patrol coverage 24/7, fill in for leave, and provide back-up to an officer responding to a call. This is an issue of officer safety. It is unreasonable and could expose the City to liability to send an officer to a silent burglary alarm or a family dispute in the early morning hours without back-up.

It may have been assumed in the other model presented to the City Council last January that mutual aid from another police agency will back-up a Del Mar Patrol Officer on a routine call for service. However, mutual aid is provided only for emergencies and not routine patrol calls. The January model was not adequately staffed to provide necessary back-up to ensure officer safety. It also does not have adequate supervision which creates a liability problem for the City.

Law enforcement professionals may be concerned, on the other hand, that five patrol officers is an insufficient number to staff the patrol function in Del Mar. However, the proposed staffing model in this report assumes that the Sergeants are "working supervisors." They will, at times and when necessary due to leave, prisoner transport, training and other reasons, fill in for patrol officers taking calls and handling reports. This approach will not work for a larger or busier agency where a Sergeant is supervising 4 – 6 officers. But for a small agency, like in the City of Carmel-by-the-Sea, or another small City, such as Del Mar, this type of model is sufficient and satisfactory in providing police services.

It is also recommended that one non-sworn Administrative Assistant position be created. This position would provide support to the Chief and Commander, and would be in charge of records, telephones, receiving the public at the counter, assisting the Sergeants in preparing and filing the monthly Department of Justice reports, and other administrative work as required. When the employee in this position is not on duty, support from City Hall clerical staff will be required such as answering non emergency phone calls.

As briefly mentioned earlier in this report a major impact on the salary and benefit cost for the sworn officers is the passage and implementation of PEPRA (Public Employees' Pension Reform Act – AB 340). This Act sets the formula for new "safety" hires after January 1, 2013 at either 2%@57, 2.5%@57, or 2.7%@57. The retirement rates and costs are based on these plans and the City is prevented from

providing supplemental benefits to these plans. Further, new employees may not participate in a plan of replacement benefits or a supplemental defined benefit plan.

One question is in administering this Act is: what constitutes a “new employee”? Obviously, if the Del Mar Police Department hired new officers fresh from the Police Academy, they would be considered new employees under the Act.

But what if a retired officer or deputy from an agency with another retirement plan, which has reciprocity with PERS such as the Sheriff’s Department, is hired by the new Police Department? They would be considered a “classic” member by PERS. But since Del Mar did not have a PERS formula for a “local police officer” prior to December 31, 2012, and since it has contracted with the Sheriff’s Department since incorporation in 1959, only the new rates under PEPRA can be applied to this new hire.¹⁰ Further, even though Del Mar provides limited safety retirement benefits to its Lifeguards and the Park Ranger, this does not affect the definition of “new employee” in hiring a “local police officer” under the Act.¹¹ In addition, the fact that Del Mar has PERS members – Firefighters – who are “safety members” will not affect the PEPRA requirement that newly hired police officers will be considered “new employees” requiring the application of the 2.7%@57 plan.¹²

The additional provisions of PEPRA as it applies to new safety employees are that the vesting period for a service retirement is five years, and that the retirement is based upon the highest three years of compensation. While this may not be appealing to a new recruit fresh out of the Police Academy, it likely would appeal to an officer retiring from the City of San Diego Police Department or the Sheriff’s Department. They would be able to secure a second retirement in addition to their current one. This would also provide Del Mar with the type of officer most suitable for the City. One that is mature for a mature community, understands the benefits of community policing and interacting with the public, and already has experienced enough “hot pursuits” and other significant police activity in their previous law enforcement career.

Another provision of the PEPRA is that the employee must pay 50% of the retirement costs. So, since the rate for 2.7@57 is 24.5%, the employee must contribute 12.25% of their salary toward their retirement benefits. This means that the employer’s share is also 12.25%. However, beginning in 2018 the employee’s share will be limited to 12.25% and cannot increase. In any event, compared to the PERS 3%@55 employer’s pool rate of slightly over 22%, this would be a significant financial benefit to Del Mar, if the City decided to create its own police department. This also tends to make the cost of a stand-alone police department more cost effective compared to the Sheriff’s Department contract, since the Sheriff’s costs includes a higher employer retirement rate as part of the County’s retirement plan.

In summary, the personnel costs for sworn full-time and part-time personnel, and full-time non-sworn staff, including salaries and benefits, are presented in Table II-XII, entitled “Salary and Benefit Expense, Del Mar Police Department.” The lower retirement rates are included in developing these salary and benefit costs. As Table II-XII demonstrates, the total annual salary and benefit expense is projected at \$1,717,224.

¹⁰ Telephone conversation, staff attorney, Liebert, Cassidy and Whitmore, August 29, 2013.

¹¹ Ibid.

¹² Ibid.

Table II-XII Salary and Benefit Expense Del Mar Police Department				
Position	FT/PT	Salary & Benefits	Unit Cost	Units
Police Chief	FT	\$158,384	\$158,384	1
Police Commander	FT	\$138,201	\$138,201	1
Patrol Sergeants	FT	\$490,300	\$122,575	4
Patrol Officers	FT	\$542,755	\$108,551	5
Traffic Officer	FT	\$112,918	\$112,918	1
Detective	PT	\$80,312	\$ 40,156	2
Police Reserves	PT	\$124,740	\$ 24,948	5
Administrative Assistant	FT	\$69,614	\$ 69,614	1
TOTAL PERSONNEL		\$1,717,224		

In addition to salary and benefit expense, there are other line item costs such as Worker's Compensation, overtime and training. These Other Personnel costs are summarized in Table II-XIII, "Other Personnel Expense, Del Mar Police Department."

Table II-XIII Other Personnel Expense Del Mar Police Department	
Worker's compensation	\$ 70,000 ^(a)
Overtime	\$ 75,000 ^(b)
Training	\$ 10,000 ^(c)
Liability Insurance	\$ 51,000 ^(d)
Claims	\$ 20,000 ^(e)
TOTAL OTHER PERSONNEL EXPENSE	\$226,000
Footnotes:	
(a) 6%, compared to La Mesa, 8% and Carmel, 5.73%	
(b) Min. allocation, assume Police Reserves backfilling patrol shift shortages and built in relief factor in the staffing model	
(c) POST Training subject to partial reimbursement.	
(d) \$4.22 per \$100 of payroll.	
(e) Assumes a typical insurance deductible of \$10,000.	

In addition to salaries, benefits and other personnel cost, there is an expense for Services and Supplies. This expense is summarized in Table II-XIV, "Services and Supplies, Del Mar Police Department." The total annual cost in this expenditure category is projected to be \$277,410.

This budget includes contracting for dispatch service with the Sheriff's Department at a cost of \$110,000. This is the City's current share of dispatch service allocated among the nine contract cities.

There is no guarantee that the Sheriff will provide the opportunity to contract with the Department for dispatch services. However, the administrative staff in the Sheriff's Department is willing to explore providing dispatch service to Del Mar, even though it does not now offer this service to other cities. It would make economic sense for the Sheriff's Department since, if they lose the Del Mar contract, at least they would retain a small portion of that contract to help underwrite the Department's overall costs, at least for dispatch services.

The decision on whether or not this service would be provided to the City would be determined by the Sheriff. Otherwise, other options for obtaining dispatch service would need to be explored by the City.

Contracting with the Sheriff, or another dispatch agency, would be preferable to the City performing dispatch services. In a recently completed study prepared by the consultant¹³, it was reported that it currently

¹³ "Fiscal and Operational Analysis of Potential Contract for Services by West-Comm. to the City of La Palma," Ralph Andersen & Associates, June 14, 2013. Note: West-Comm is a JPA governed police dispatch agency for the Cities of Cypress, Seal Beach and Los Alamitos. The study was designed to determine if it would be economically advantageous and operationally feasible for West-Comm to contract with the City of La Palma for dispatch service.

costs the Orange County City of La Palma (pop. 15,807) \$432,438 to staff its stand-alone dispatch function. This includes the expense for four dispatchers to provide 24/7 coverage plus overtime and per diem expense for back-up and fill ins.¹⁴ Contracting with the Sheriff would be preferable fiscally not only because of the high annual operating cost required if the City performed this service itself, but because of the added expense of purchasing radio and computer equipment and leasing space.

Table II-XIV Services and Supplies Del Mar Police Department	
Clothing	\$ 10,000 ^(a)
Dues/Membership	1,000
Docs/Publications	1,400
Utilities	4,000 ^(b)
Telephone	12,000 ^(c)
Radio	1,100 ^(d)
Postage	500
Office Supplies	1,500
Printing	4,000
Equipment Maintenance	3,000
Outside Labor	5,000 ^(e)
Contractual Services	143,000 ^(f)
Equipment Supplies	12,000 ^(g)
Community Activities	3,000 ^(h)
Photographic Supplies	1,000 ⁽ⁱ⁾
Vehicle Maintenance	15,000 ^(j)
Vehicle Gas and Oil	35,000 ^(k)
Police Station Lease	23,910 ^(l)
TOTAL SERVICE AND SUPPLY COST	\$277,410
Footnotes:	
(a) Uniform and officer equipment replacement.	
(b) Depends on size of police facility	
(c) Landlines and cellular phones	
(d) Maintenance and repair of mobile and portable radios. Unknown programming fees for radio.	
(e) Vehicle detailing, found property appraisals, background checks.	
(f) SDSD RMS/CLETS Services/Dispatch; Copier Maintenance; Janitorial Services. Could increase if cities are charged booking fees.	
(g) Evidence kits supplies such as bags, fingerprint kits, batteries, crime scene supplies, ammunition, flares, flashlights, tear gas, breathalyzer supplies.	
(h) Support for City and community based public safety initiatives.	
(i) Cameras and related equipment	
(j) Major repairs, brakes, body damage. This line item will likely increase as the fleet ages.	
(k) 170 miles/24 hours x 365 = 51,000 miles x \$.565 (IRS rate) = \$35,000.	
(l) Lease of 1,800 square foot modular building @ \$1.12/sq. ft. = \$1,992/month x 12 = \$23,910.	

In addition to Personnel Expense and Services and Supplies, there is a need in the Capital Recurring portion of the police budget to begin a Vehicle Replacement Fund for the police vehicles which would be purchased to start a new police department as part of the transition budget. Further, if the decision is made by the City to reduce the start-up costs for the department by purchasing the initial fleet of vehicles through a lease purchase agreement, this additional expense would need to be included in the annual police operating budget. Also, a Safety Equipment Fund should be established.

The budget for Capital Recurring is presented in Table II-XV, "Capital Recurring, Del Mar Police Department."

¹⁴ Ibid, p. 7

Table II-XV Capital Recurring Del Mar Police Department	
Vehicle Replacement Fund	\$20,000
Safety Equipment Fund	5,000
TOTAL	\$25,000^(a)
Footnote:	
<i>(a) Add \$40,000 if lease purchase is used to purchase the initial fleet of new police vehicles.</i>	

The following Table II-XVI, entitled “Del Mar Police Department Budget” summarizes the first year budget for the Police Department. This budget presents the totals from the previous tables for salary and benefit expense, other personnel expense, services and supplies, and capital recurring. It also assumes that Del Mar will receive a COPS grant from the State to support its department.

Table II-XVI Del Mar Police Department Budget	
Salary and Benefits	\$1,717,224
Other Personnel Expenses	226,000
Services and Supplies	277,410
Capital Recurring	25,000
TOTAL ANNUAL BUDGET	\$2,245,635
Less COPS Grant	\$100,000
TOTAL NET BUDGET	\$2,145,634

Park Ranger

As mentioned earlier Del Mar has existing City employees who have limited law enforcement authority. This includes the Park Ranger, Parking Control Officers, and Lifeguards. There is an issue that these positions are not receiving law enforcement supervision, potentially exposing the City to liability, especially for the Park Ranger position. This would be easily addressed by transferring the Park Ranger to a Police Officer position, assuming that the employee could meet the testing requirements for an Officer position. Given the Park Ranger’s significant past and on-going training, including graduation from a police academy, there is a good likelihood that this would occur.

To reflect the transfer of the Park Ranger to a Police Officer position, the annual net operating cost for police operations would be reduced from \$2,145,634 to \$2,025,634. This revision is shown in Table II-XVII, “Revised Del Mar Police Department Budget – Delete Park Ranger Position.”

Table II-XVII Revised Del Mar Police Department Budget Delete Ranger Position	
Salary and Benefits	\$1,717,224
Other Personnel Expenses	226,000
Services and Supplies	277,410
Capital Recurring	25,000
TOTAL ANNUAL BUDGET	\$2,245,634
Less COPS Grant	100,000
Less Park Ranger	120,000
TOTAL NET BUDGET	\$2,025,634

Lifeguards

Typically in California coastal cities, the lifeguard function are located organizationally either in the fire department (most common) or a parks and recreation/community services department as in Del Mar. This function, however, could also be located in a police department. One survey reviewed by the consultant found this organizational arrangement in the small coastal city of Capitola where the lifeguard service was

once part of the police department.¹⁵ In order to save \$200,000, however, this arrangement has changed and Capitola is now contracting with the neighboring City of Santa Cruz for lifeguard services.

Of course, there is a functional connection to the police department since lifeguards have limited law enforcement authority, such as issuing citations and warnings. They often independently handle drunken or unruly behavior on or next to the beach. However, at times this behavior rises to the point where more effective enforcement action is warranted. In that case a police officer or police officers support the lifeguards by intervening and affecting control over the situation. This has been an area where some residents and staff are critical of the Sheriff's Department not responding in a timely manner to these types of incidents on or near the beach. With its own police department, communication between the Lifeguards and Police would improve significantly. There would be an upgrade in service since officers would be available immediately to intervene in situations beyond the capacity of the Lifeguards. Police and Lifeguards would be able to "team up" in when needed if the City had its own in-house police department.

An advantage of cooperation between a police department and the Community Services Department is that a more effective team could be created in addressing special events not associated with the Del Mar Fair, the Del Mar Racing Season, or other events at the Fairgrounds. As described above, having up to 7 – 8 officers available for these events without extra cost, and coordinating these activities with the Lifeguards, should provide a much improved level of service to the City. Clearly, improved communication between the Lifeguards and Patrol Officers would be achieved if an in house department is created.

Lifeguards and police can and should work together. In the City of Huntington Beach, for example, there are joint Lifeguard/Police Officer patrols along the beach. The Huntington Beach Marine Safety Officers (Lifeguards) Association saw merging with the Huntington Beach Police Department as a benefit since they "...would be overseen by a department head with a public safety background."¹⁶ The Association concluded that merging with the Police Department was a better fit for the Lifeguards than the Fire Department. However, in Del Mar the lifeguard function is in the Community Services Department and whether or not this function should be placed in either fire or police is a future issue which may or may not be discussed by the City.

Preparation for New Police Department

The City, with its small administrative staff, will need time to prepare for the creation of the new department and begin the transition process for its establishment. This will include, for example, beginning the hiring process in advance of the transition period to the new Department. Making a decision on the location of the police facility, and undertaking a process for securing that location will require some time as well.

In an effort to present an "apples-to-apples" comparison of the stand-alone cost compared to the Sheriff's contract, the projected cost of operating a Del Mar Police Department is \$2,025,634 compared to the projected cost of the Sheriff's contract of \$1,975,550 in 2014-15. Based solely on an operational cost comparison, the Del Mar model would cost \$50,084 more than the Sheriff's contract beginning that fiscal year. It should be stressed, however, that these cost comparisons assume receipt of the COPS grant and the folding of the Park Ranger into the new Police Department.

The cost of a stand-alone department, however, increases when adding the city-wide administrative charge to the budget to support services which would be received by the department from other parts of the City organization. This presumably would include the share of supervision by the City Manager and services from the City Attorney. There most likely would not be any additional costs to the budgets of these two offices since no new positions or hours would be added to either of these two offices. Adding the Police Department would more likely just reprioritize the work of these two offices.

There clearly would be workload impacts in Finance and Human Resources, however, to support a new Police Department in terms of accounting, recruiting, orientation and processing grievances and Workers'

¹⁵ "Organizational Options, Marine Safety Division, Community Services Department, City of Huntington Beach," Ralph Andersen & Associates, April 10, 2013, p.13

¹⁶ Ibid., p. 20.

Compensation claims, and employee negotiations. It is estimated that this additional workload could be covered by the addition of one full-time equivalent position. This could take the form of one .5 FTE position for each function.

The sharing of city-wide expense related to general liability and worker’s compensation insurance clearly should be charged to a new police department. The risk to the City for general liability and worker’s compensation claims is greater for law enforcement services than in other city departments except for possibly the Fire Department. This budget contains line items for both expense categories, with Workers’ Compensation budgeted at \$4.22/\$100 of payroll.

In effect, what occurs when an administrative charge is applied to the police department budget is that it reduces and therefore subsidizes the budgets of other city departments. This is because about 20 % of the City’s budget would now be subject to the administrative charge where currently there is no charge against the Sheriff’s contract. This should result in a lower overall administrative charge for all City departments.

Since the base department contribution for city-wide administrative overhead would increase about 22-23% by replacing the Sheriff’s contract expense with the Police Department’s operating budget, it is estimated that the administrative charge would be reduced city-wide from 14 to 11 percent (14% x 23% = 3.22%(3% rounded); 14% - 3% = 11%). Applying this administrative charge to the projected \$2,025,634 Police Department budget, the projected Department cost would be \$2,248,455 (\$2,025,634 x 11%). This would then place the estimated Police Department cost \$272,905 above the Sheriff’s projected 2014-15 contract cost (\$2,248,455 - \$1,975,550). This is demonstrated in Table II-XVIII.

Table II-XVIII	
Salary and Benefits	\$1,717,224
Other Personnel Expenses	226,000
Services and Supplies	277,410
Capital Recurring	25,000
TOTAL ANNUAL OPERATING BUDGET	\$2,245,634
Less COPS Grant	(\$100,000)
Less Park Ranger	(\$120,000)
TOTAL NET OPERATING BUDGET	\$2,025,634
City’s Administrative Overhead (11% est.)	\$222,821
TOTAL POLICE DEPARTMENT BUDGET	\$2,248,455
Projected 2014-15 Sheriff’s Contract	\$1,975,550
Difference	\$272,905

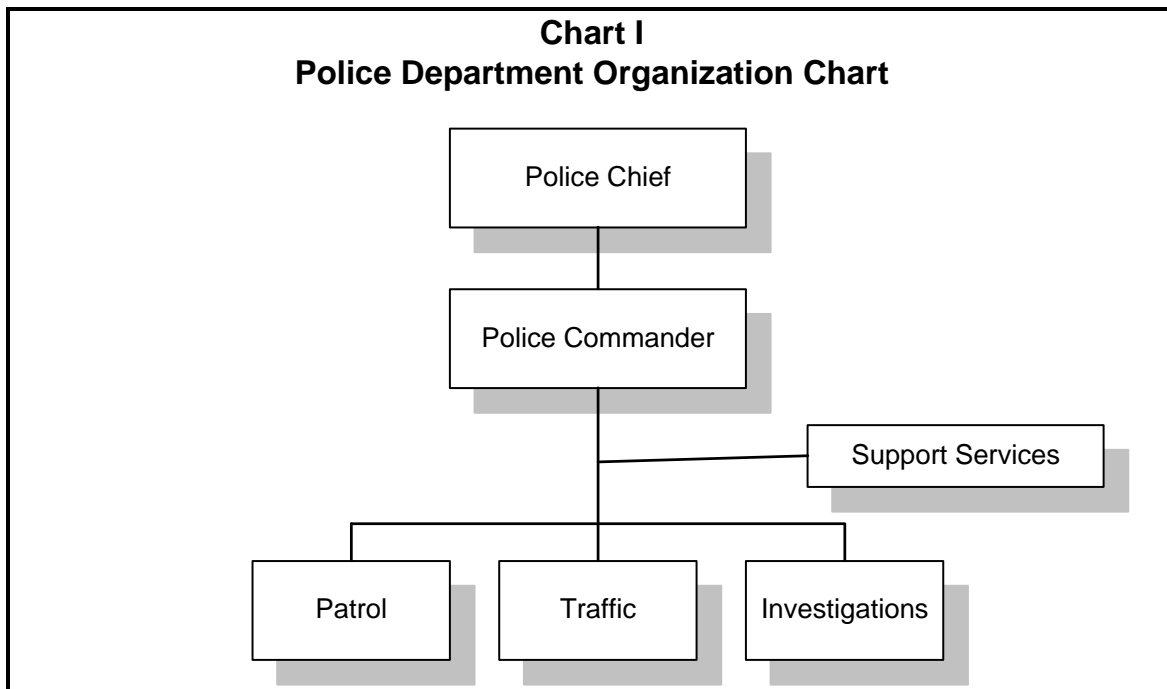
Another point of cost comparison is the amount spent by Del Mar’s coastal neighbors on law enforcement. As was pointed out earlier in the report the average expenditure for law enforcement service among these four cities is 23.12%. If this average were applied to Del Mar’s 2012-13 budget of \$9,685,920, then the City’s expenditure for police services would be \$2,239,385. The proposed cost of the Police Department would be about the same as the average percentage of the General Fund spent by these neighboring cities (\$2,239,385 vs. \$2,248,455).

It is understandable that the other city departments would find it unfair to pay the administrative charge with a new police department avoiding it. In any event, this report provides an “apples-to-apples” comparison in the cost of a new police department compared to the Sheriff’s 2014-15 contract with the acknowledgement that the cost of the department will increase as a result of the City’s administrative charge.

Organizational Alignment

There are several different organizational alignments for an in-house police department. The basic organization would be a department headed by a Police Chief and assisted by a Police Commander or Lieutenant. They would manage a department which would provide the services of patrol, traffic enforcement, investigations, and support services. The functions of parking enforcement and special event coordination could be added to the department which is the practice in many other cities. The Police Chief would report to the City Manager.

The organizational structure of the proposed Del Mar Police Department is presented in Chart I.



Advantages to Creating a Del Mar Police Department

There are several benefits to the City of Del Mar establishing its' own police department. The City will have **local control** over law enforcement including being able to establish the level of service desired by the community. The City will have the ability to control the cost of that service. It will be somewhat higher than the cost of the Sheriff's contract, but with a much better level of service. This is not to denigrate the service currently provided by the Sheriff, because that Department provides a generally satisfactory level of service to Del Mar. They also provide regional services that will no longer be available to the City.

The City, however, will be able to provide **much better day-to-day service** because the model proposed is a self-contained model. Police Officers will always be in the City, even with time spent out of the City for training, attending court, or booking prisoners into jail. There will always be an Officer in the City since there will either be a Patrol Officer, the Traffic Officer, a Sergeant, or Reserve Officer on duty at all times. Further, there will always be a Watch Commander at the City's police facility assuming that the management structure of one Police Chief and one Commander/Lieutenant is retained moving forward.

The Officers will not be called into neighboring communities, such as Solana Beach, to provide back-up routine calls for service as is now the case since that will be the responsibility of the Sheriff.¹⁷ On the other hand, a Del Mar Patrol Officer will not have to await an Officer from another area when back-up is needed on a call since there is adequate staffing in the proposed staffing model to provide that back-up in Del Mar. Needed police back-up for loud parties and/or drunkenness at or near the beach will experience a much faster response, and will provide better communication and support for the Lifeguards.

As a result, **the response times for calls for service should improve, likely cut in half for calls of the highest priority.** Based on the latest data available to the consultant with this type of information reported earlier in this report, the current average response time for a top priority call for service is 9.7 minutes. With a Del Mar Police Department serving a City of slightly less than two square miles the response times should be able to meet the normal urban municipal standard of five minutes or less for FBI Index Part I calls.

¹⁷ Del Mar Officers could respond to mutual aid calls, but that would only be in an emergency. Likewise, Del Mar could call for mutual aid assistance for emergency calls assuming the City enters into a Mutual Aid Agreement with surrounding law enforcement agencies.

Another concern with the Sheriff's Department is that patrol and traffic deputies rotate in and out of the City. Even the Captain's assignment is for a two year period. With its own Police Department, **Del Mar should have better stability and continuity with police staffing.** While there is always some employee turnover in any department, with officers retiring or moving to other agencies, this can be mitigated by having minimally competitive salaries and benefits and by hiring officers who will embrace the culture of Del Mar. Specifically, recently retired, yet committed officers, who understand the level of service desired by a community with an older age demographic, should be encouraged to apply for law enforcement positions in Del Mar. These types of officers are not as driven by financial concerns since they already have a retirement income, and are usually more mature in dealing with the issues of an older, low crime City, specifically the areas outside of the Fairgrounds. There may be a need to hire younger officers, so some of these officers may be lost through turnover. Still, law enforcement staffing, and the resulting familiarity with Del Mar, should be more stable compared to the continuity of staffing the Sheriff is able to provide.

Another advantage with a properly staffed police department is that **it will more effectively handle spill over activity from the Fairgrounds.** With the likelihood that the length of the racing season will be doubled due to Hollywood Park closing, and the possibility that the Breeder's Cup could be awarded to Del Mar as soon as 2015, this level of staffing should be encouraged. In addition, aside from the Fairground impacts there are a number of special events such as bike "rides," "races" and "tours," various "runs," and concerts where this level of staffing will be required.

Another advantage to a stand-alone police department is that **Del Mar citizens will have better access to police services** such as obtaining records, filing reports or making complaints since there will be a police facility in the City. Currently, the citizens are served by a Sheriff's substation in Encinitas which is about 8 – 9 miles distant. A Del Mar police facility will be more convenient to the public.

A more obscure advantage to creating a stand-alone Department is **the elimination of current potential liability** because of the armed Park Ranger. In the unlikely event that this armed employee acts in a manner which causes liability to Del Mar, the City could face exposure because the Ranger is not POST-certified as a law enforcement officer and because the Ranger does not have law enforcement supervision.

To the credit of the current Ranger, he graduated from a police academy a number of years ago, and he maintains his law enforcement skills and takes all of the necessary POST training as if he were POST-certified. However, through no fault of the Park Ranger, since Del Mar is not a POST agency because it does not have a law enforcement department, he is not POST-certified and has no law enforcement supervision. This is an on-going liability issue for the City under the status quo.¹⁸ This is a situation where currently there is a gap in managing and supervising the day-to-day activities of an armed peace officer.

In research performed by the Park Ranger and the consultant, to become POST certified an employee must be a member of a POST participating agency. To achieve this status, the City would need to create a police department and adopt an ordinance requesting to become a participating agency. Sworn officers in that Department would have their records audited to determine if they are qualified for certification, which is basically an assessment of their training. Then the POST Board of Directors would approve or disapprove the Department becoming a POST participating agency.¹⁹ This is important since POST certification for employees can be useful in defending law suits, and POST provides useful and extensive training opportunities so that officers can maintain their certification.

The City would have options in creating a more streamlined organization. One area is absorbing the Park Ranger position and providing proper oversight to a reformatted police officer position. Another is to look at the placement of parking enforcement in the police department. Even special event coordination could be provided by the police department since it would have the staff resources to provide special event oversight in-house.

¹⁸ As will be noted in the following section, however, creating a stand-alone department in Del Mar will create additional liability issues for the City.

¹⁹ Email, Del Mar Park Ranger, August 29, 2013.

Disadvantages to Creating a Del Mar Police Department

There are also potential disadvantages to a City with its own Police Department, especially in transitioning from another service provider. One disadvantage is the **cost of transition**. While it appears that the annual operating cost of a Del Mar Police Department at the time of implementation will be a little higher as the Sheriff's service contract using the 2014-15 cost as a point of comparison, there is a significant transition cost which could reach nearly \$1,000,000 depending on alternative choices available to the City to pay for this transition. These options will be discussed in detail later in this report.

Another issue is **liability**. Currently the responsibility for liability of any actions of Sheriff's Deputies is covered by the Sheriff's Department. With its own Department, the City will assume this liability. Of course, the City already has some liability in the law enforcement area, especially with an armed Park Ranger position. By transferring that position to a stand-alone police department with proper law enforcement supervision, this current City liability would be mitigated.

Setting up a Del Mar Police Department will shift the burden to the City to defend against liability claims. By incorporating the Park Ranger into the Department as a Police Officer, there are a number of benefits to Police Department supervision. These advantages are: (1) maintaining the minimum training required by POST; (2) receiving adequate supervision to protect the City from vicarious liability or negligent training claims; (3) regular performance reviews and adequate responses to citizen complaints, ensuring that the complaints were properly investigated and appropriate corrective action taken, as needed. Further, it is important that Del Mar can demonstrate that appropriate policies are in place and that the officers are trained and held accountable to conform to these policies. In combination, all of this places Del Mar in a much better position to defend against liability claims, assuming all mandates and best management practices are in place.

Still, there will be increased liability on the part of the City with its' own Police Department rather than contracting with the Sheriff. Specifically, the City is part of SANDPIPA, an insurance JPA of which the City of Del Mar is a member. The City's deductible, if it adds an in-house police department, will increase from the current \$125,000 to \$250,000. This increased deductible would apply to all city operations, not just police. There will be a need to conduct an actuarial assessment to determine what additional expense the City should add to its financials to reflect the addition of a police department. Initially, this expense will be minimal since it will be a new department with no past liability claims. But over time, there will need to create a reserve to cover increased liability costs. That is why proper staffing, training and supervision are crucial to the success of a new stand-alone police department in order to mitigate potential liability claims.

Another liability currently assumed by the Sheriff's Department is **workers' compensation claims**. These will become the responsibility and liability of the City. This financial liability can be addressed by budgeting for Workers' Compensation Insurance and possibly setting aside funds for claims which exceed the amount covered by Insurance. Initially, this risk will be minimal, but over time the City may need to increase the Workers' Compensation and general line budget items to cover this potential expense.

It is difficult to predict the employee dynamics in the creation of a new police department. In some cases the Police Officer's Association (POA) works well with the community, and with the staff and elected officials. In other cases, when the employees create a police union such as a POA, it becomes a politically active organization in the community, supporting candidates for the City Council, for example. One possible disadvantage of creating a police department, then, is that **the political dynamics of the community could change**.

Other Stand-Alone Options

Besides the stand-alone police department proposed in the previous section, another police department alternative was presented to the City Council last January. It was prepared by members of the City Finance Committee, aided by research prepared by the committee members, input from the Temecula Police Chief and Del Mar's Assistant City Manager. The apparent goal for this proposal was to demonstrate that it is possible to establish a Del Mar Police Department at a lower cost than the Sheriff's contract. This proposal achieved that goal proposing a budget of \$1,528,300 compared to the Sheriff's 2013-14 contract amount of \$1,785,436. The proposal also included \$500,000 for capital expenditures and start up costs.

While this appears to be a cost effective budget, the interviews as part of the study indicated that Del Mar citizens are concerned about the level of law enforcement service received as well as the cost of that service. In that respect the proposed January police budget has several important omissions which would negatively impact service levels.

First, there is no funding for a Traffic Officer. While traffic enforcement adjacent to the Fairgrounds is paid for by Fair during its events, there still will be a need for traffic enforcement throughout the rest of the City and as well as spill over traffic from various Fairground events. With the horse racing season likely to double due to the closure of Hollywood Park, this spill over traffic will only increase, further supporting the need for a Traffic Officer in Del Mar.

Second, there is no staff for investigative work. Because of the nature of police patrol work, the officers are on patrol each day, and they therefore do not have the time to follow up on arrests made during patrol, or cases which begin while they are on duty. This is the responsibility of the detective. Further, there is no staffing to follow up on red flex camera cases.

It cannot be assumed that the Sheriff's Department will provide follow up detective work. While occasionally the Department's homicide unit will assist other jurisdictions with a significant, complicated case which they have the capacity to handle, like the Spreckel's Mansion deaths in Coronado, the Department will not provide "free" investigation for routine investigations or red flex camera follow up.

Of course, the consultants conclude that the City is paying too much for one full-time Sheriff's Detective. In the stand-alone option proposed in this report investigative services are provided at a more reasonable cost by using two part-time Detectives at 960 hours or less.

Third, the January alternative proposes having one officer on duty each shift, which does not allow for a cover officer. Expecting mutual aid from the Sheriff for all calls where a cover officer is required is unrealistic. Mutual aid is only for significant emergencies like shootings, fires and riots. Where mutual aid cannot be accessed, a cover officer still is needed for domestic violence calls, silent alarm responses, hot prowls or when an officer is contacting multiple subjects or needs assistance with the search of a residence or vehicle. Adequate "cover" for a responding officer cannot be ignored since it is a matter of officer safety. The staffing model used by the Sheriff, and the one proposed in this report, provides sufficient staffing to provide for a cover officer when required.

Fourth, there is inadequate supervision in the January budget proposal. Since each week has 168 hours, and staffing is proposed as one Chief and two Sergeants working 40-hours per week, there will be no supervisor in the City 48 hours a week. It is important that supervision be provided patrol officers in order to supply a consistent, even level of service to the community, and to provide oversight for patrol to prevent or at least control possible situations which could create liability for the City. In any event, both the Sheriff's current staffing as well as the stand-alone proposal offered in this report, provides proper supervision to all elements of law enforcement service provided in the City.

Some costs in this proposal were overstated such as PERS expense and City administrative allocated costs. Other costs were understated, however, such as the purchase of fire arms, uniforms, and related equipment, and start up cost pre-hiring expenses.

In summary, the January budget, while less expensive than the Sheriff's contract, does not provide an adequate level of police service to the City. There are gaps in the service levels, threats to officer safety, and greater exposure to risk and liability, compared to the Sheriff's contract or the police department staffing proposed in this report.

Recommendation: It is recommended that, if the City decides to pursue the establishment of a stand-alone police department, that it create a department that is adequately staffed.

Security Guards

An interest was expressed in providing service through a private security guard service. This is viewed as less expensive than providing a law enforcement officer since the salaries paid to and benefits received by security guards are significantly lower than deputies employed by the Sheriff or officers in other cities in the County which have their own police departments. It is also observed that many of the security officers, such as those employed in nearby Rancho Santa Fe, are former law enforcement officers.

Some of those interviewed were impressed by the more visible service provided by the security company retained in Rancho Santa Fe. They have their own fleet of marked vehicles and maintain an office in the community's commercial district. However, these security officers do not have law enforcement powers, and can only perform at the level of a citizen's arrest, although it is unlikely that level of arrest would be exercised due to the creation of potential liability. They do provide a visible presence, however, positively interacting with the community, and likely are a crime deterrent. However, they only supplement, not supplant, law enforcement services provided to this area by the Sheriff's Department.

As applied to Del Mar, this staffing model would be useful and beneficial as a crime deterrent. However, it would only be a supplement to current police staffing. Therefore, private security would be an extra cost in addition to the expense of normal law enforcement services. These security officers cannot replace regular law enforcement officers.

Another model for the use of security guards was examined in the City of Santa Cruz. A member of the consultant team spent several hours with that City's Assistant Police Chief who is in charge of the program. This visit included a ride-along with the Assistant Chief.

Santa Cruz implemented a security guard program since they needed extra staffing to supplement their regular police officers to address problems at their parks. The parks were not family friendly, with many homeless staying in the parks, and with syringes and other paraphernalia left throughout these facilities. By hiring 15 security officers rather than 2-3 police officers, the City was able to use the presence of this large number of security guards, and their persuasive efforts (they had no law enforcement authority) to clear the parks over a period of time. Now that this objective has been achieved, Santa Cruz is planning to reduce the number of security guards to return to more typical police department staffing.

Security guard service may be beneficial for a specific use, or as a supplement to regular policing efforts, providing more "eyes in the field" and visibility to the community. They are not, however, a substitute for fully trained police officers with law enforcement authority. A different, more effective approach, one that is recommended in this report, is to use paid Police Reserves to supplement regular sworn officers. This is a cost effective approach, which provides sworn supplemental staff with law enforcement authority.

Recommendation: If the City decides to create a stand-alone police department, that it forego the use of security guards, unless there is sufficient funding to provide this service. The use of paid Police Reserves is recommended instead.

Transition to a Stand-Alone Police Department

It is impossible to close the door on the Sheriff's Department on one day, and open the door to a new police department the next day. There will be a need for nearly a year-long process to start up a new department. This is in addition to any community process the City might initiate where the citizens provide input on the type of police department desired. Assuming a start date at the beginning of a fiscal year (July 1), the following time-line is projected to hire staff for the Department.

- **Recruit/Test/Background Check/Hire a Police Chief: August – November**
 Note: This will require the Human Resources Department to begin the process, possibly hiring a consultant to facilitate the process. The testing process should include at least three interviews, including a technical panel, a community panel, and the City Manager, who has final hiring authority for the Chief.
- **Recruit/Test/Background Check/Hire a Police Commander/Lieutenant: December – January**
 Note: To facilitate this hire the Human Resources Department will need to begin a minimum of an eight week process which will proceed but overlap with the arrival of the Chief. During the first four weeks, Human Resources will need to advertise for the position, accept and screen applications, set up the testing process and arrange for interviews. During the last four weeks a background investigation of the preferred candidate should be conducted, including all fingerprint checks and returns, full POST background check, a conditional job offer, followed by a psychological test, polygraph test, and a physical examination. The job offer would be made by the Police Chief with the approval of the City Manager. In this process the Chief will rely on Human Resources help facilitate the preparation of the Commander's job description and the initial testing process.

- **Recruit/Test/Hire two Part-Time Detectives:** **January – February**
 Note: The goal is to obtain two detectives who are experienced background investigators who will facilitate the POST background process of hiring the remainder of the sworn personnel including psychological, polygraph and medical testing.
- **Recruit/Test/Hire the remainder of the staff:** **March – May**
 Note: This process will be longer than the other recruitments. There will be a need to process more sworn staff, with the same level of testing, background checks and other exams as the earlier hires.
- **Recruit/Test/Hire the Police Reserves** **June – July**
 Note: There is no need to hire these Reserves in advance of the start of the Department. However, the recruitment/selection process should start before the beginning of the fiscal year in order that this supplemental sworn staff, or at least most of it, will be available for the busy summer months.

In reviewing this timeline, there is a need to hire the Police Chief and Police Commander early, with the assistance of the two part-time Detectives, not only for the hiring process described in the previous paragraphs, but to accomplish a number of other tasks to prepare a new police department to open at the beginning of a fiscal year. First, well in advance of July, there will be a need for Planning staff to identify a location for the police facility, and facilitate any site or land use permits which may be required. This assumes that a temporary 1,800 square foot building to house the Police Department is located on City land, or rented private land.

Second, Purchasing, and possibly the Engineering consultant and/or the Public Works Department, will need to begin the process for contracting for the temporary police building, and arranging for site preparation so the building can be placed on the site and be ready for interior improvements to be made as determined by the incoming Police Chief. This may require that this process begin even before the recruitment of the Police Chief begins.

Third, the Police Chief and Commander will need to accomplish a number of tasks so the Department will be ready for operation. Besides the hiring of staff, other tasks include, but are not limited to;

- Preparing the Department for POST accreditation. Agencies agreeing to comply with POST regulations can leverage POST resources to ensure that officers are properly selected, hired and managed in accordance with the principles of professional police operations. POST provides training through POST approved police academies. With more than 600 participating agencies in the State, POST also provides “refresher” training to ensure that perishable skills are maintained, with much of that training expense reimbursed to the participating agencies.
- Creating the entire policy manual and standard operating procedures which will guide the functions of the Department and will be used to train the sworn field officers prior to July 1st.
- Getting the Department’s Records System ready.
- Working with City staff, purchase furniture, desk top and lap top computers, radios and telephones to make the police facility office ready.
- Working with City staff, purchase the vehicles and staff uniforms with all duty belt accessories needed for the Department.
- Outfitting the purchased vehicles with red lights and sirens, cages and other emergency equipment. Ensuring that decals are ordered so the marked police cars will be identified with the City of Del Mar.
- Ordering necessary safety equipment prior to the rest of the Officers being hired including firearms, ammunition, fingerprint equipment, DUI testing kits, tasers and other needed equipment.
- Ordering needed forms and supplies, including citation books.
- Working with the Sheriff’s Department, or other provider, to insure that dispatch services are available when the Department begins providing service.
- Developing radio links with Fire, Lifeguards, and Parking Enforcement.

- Preparing a written Field Officer Training (FTO) Manual for the two Patrol Officers who will assume that responsibility.

While not required to be completed by July 1st, public information materials should be developed to introduce the Department to the community and to print brochures to answer frequently asked questions and to explain services and procedures which may be of interest to the public. While not completed by July 1st, preparation of these materials should start prior the Department beginning operations.

In terms of specific assignments, in addition to hiring staff, a likely scenario will be that the Chief will handle the POST application and the design of the modular police facility including furniture and basic office equipment. The Commander will assist the Chief, and setup logistics for all police department operations, such as buying law enforcement equipment, setting up service contracts, developing policies, purchasing police cars, coordinating the dispatch contract with the Sheriff or another agency, arrange funding for and acquisition of the fingerprint machine and setting up the radio and Records Management Systems. The Detectives will conduct background checks on new hires and assist the Commander in setting up police department operations. The Sergeants will be responsible for the processing and training of new officers so that they will be ready for solo duty on July 1st. Of course, the prioritization and assignment of specific tasks could change once the new Chief is hired.

The projected cost of the transition period is summarized in Table II-XIX, entitled, "Projected Cost of the Transition Budget, Del Mar Police Department". The total estimated cost for hiring expense, salary and benefits costs, and start-up capital expense is \$946,471. If the necessary vehicles are purchased through a lease purchase arrangement, and not paid for as part of the transition budget, the transition cost is estimated at \$695,064. The lease purchase expense would add to the subsequent operating budgets of the Police Department, however. The estimated annual lease purchase expense is \$40,000.

Table II-XIX Projected Cost of the Transition Budget Del Mar Police Department		
PERSONNEL RECRUITING/HIRING COSTS		
Recruit/Test/Background Check/Hire Police Chief	\$20,000 ^(a)	
Recruit/Test/Background Check/Hire Police Commander	3,500 ^(b)	
Recruit/Test/Background Check/Hire Detectives	7,000	
Recruit/Test/Background Check/Hire Rest of Staff (14 x \$2,500)	35,000 ^(c)	
Miscellaneous Cost for Human Resources to process employees	5,000	
SUBTOTAL HIRING EXPENSE		\$70,500
TRANSITION PERIOD SALARY COSTS		
Police Chief (7 months)	\$92,386	
Police Commander (5 months)	57,584	
Police Detectives (21 weeks at 40 hours x 2)	70,273	
Police Sergeants (2 months x 4)	81,717	
Police/Traffic Officers (6 weeks x 5)	56,535	
Administrative Assistant (1 month)	5,659	
SUBTOTAL SALARIES/BENEFITS		\$364,154
START-UP CAPITAL EXPENSES		
Vehicles – Initial Purchase	251,407 ^(d)	
Purchase Uniforms/Safety Equipment	92,000 ^(e)	
Automated Records Management System	125,000 ^(f)	
Fingerprint Live Scan	0 ^(g)	
Copy and Fax Machine	7,100 ^(h)	
Modular Police Facility setup and monthly utility cost during transition	25,000	
SUBTOTAL CAPITAL START-UP		\$500,507
TOTAL START-UP COSTS		\$935,161
Note:		
The start-up costs can be reduced by acquiring police vehicles through a lease purchase contract. This will increase annual operating costs but will reduce the total start-up costs to \$683,754 (\$935,161 - \$251,407). Also, leasing the copy machine, and exploring contracting with the County for access to their records management system will save up front costs during the transition year, but will increase the annual operating police costs.		
Footnotes:		
(a) Assumes consultant recruitment assistance.		
(b) Interview panel support, background check, polygraph, medical tests.		
(c) Assumes that Detectives will perform background investigations.		
(d) Purchase of 7 vehicles: 3 unmarked sedans for Chief, Commander and 2 Detectives; 3 marked utility vehicles for patrol; 1 marked sedan w/o exterior light bar for traffic. This line item could be eliminated by buying the vehicles through a lease purchase contract over a 5 – 7 year period, with the contract cost added to each year's operating budget.		
(e) \$5,432 x 17. Includes uniform, weapon, badge, duty belt, handcuffs, baton, body armor, taser, gas mask, helmet, shoes.		
(f) In house law enforcement software and hardware, including desk top and laptop computers for a small agency; connection to ARJIS (\$1,500/month); CLETS (\$105/mo. for each user). ARJIS is the Automated Regional Justice Information System, which integrates more than 6,000 workstations among 71 local, State and Federal agencies in San Diego and Imperial Counties. CLETS is the California Law Enforcement Telecommunications System which provides police agencies with access to various crime data bases.		
(g) Provides ability to enter finger prints for ID purposes into State data base. This expense (\$35,000) likely will be reimbursed through the through the local RAN (Remote Access Network) Board which distributes funds received from a surcharge to DMV registration renewals which is used for technology which aids identification of people such as portable live scan fingerprint machines.		
(h) \$6,000 for copy machine; \$300 for laser fax machine.		

Whether the start-up costs is \$695,064 or \$946,471, the transition budget presents a major financial hurdle to implement a Del Mar Police Department. There are several ways to address this expense. Some alternatives include:

- Use City reserves to pay for the transition budget.

- Start setting aside funds to create reserves to pay for the transition budget.
- Use lease purchase agreements to purchase police vehicles.
- Explore contracting with the County for the Automatic Records Management System.
- Lease other furniture and/or equipment for the police facility.
- Contract for furniture and/or equipment during the transition year, with payment due the following fiscal year in order to spread the costs over two fiscal years.

In any event, the transition expense in creating a new police department, while necessary, will be a major fiscal challenge to the City.

Establishment of a Police Facility

One of the necessary tasks in creating a new police department is establishing a site and facility to house that department. What is needed to develop that facility is addressed in this section.

The City of Del Mar is currently conducting a facility planning process to assess options for its governmental offices and support facilities. This includes assessing the future needs for:

- City Hall, which includes the City Hall Main Building, South Building, Annex, IT Trailer, and the TV Studio Building/City Council Chambers. These facilities total 11,892 square feet and house 20 F-T and 5 P-T staff on 1.5 acres. Of this total square footage, 3,020 square feet is at City Hall South because it can only be used for storage, archives and restrooms.
- Public Works Yard. The building has 3,015 square feet, and houses 13 F-T/P-T staff on 1.4 acres.
- Beach Safety Center. It houses 11 F-T/P-T staff on .36 acres with a building which contains 2,840 square feet.
- Fire Station. There is 9 F-T staff assigned to the Fire Station which has 6,156 square feet on .44 leased acres.²⁰
- The Shores Property. This property contains 5.3 acres, with 34% of the land devoted to the Winston School.

The staff report conducting the facilities planning study notes that the City Council recently authorized this law enforcement study, with one option the creation of a Del Mar Police Department. Because the Council has adopted a time-line to consider the City's various facility options by September 3, 2013, before this report is completed, the staff observes that "any impact on possible (police) facility needs is not included in this analysis."²¹

It is assumed that the City would prefer to locate the police facility in Del Mar. While it may be possible to rent space nearby in the City of San Diego to house police operations, likely at a location closer than the current Sheriff's substation, it is anticipated that the City desires its police facility to be in town, accessible to its citizens. Besides creating a Del Mar identity for the department, a Del Mar location provides for better service and access to the public.

Based on that assumption, it is clear that since the City is mostly developed there is limited opportunity to construct a police station in the city. Also, there does not appear to be many places where one could rent space for a police facility. Therefore, the use of City owned property that could house a police department in a temporary building is an option which should be explored.

²⁰ Del Mar Staff Report, July 15, 2013.

²¹ Ibid, p. 4.

The consultants have contacted a modular building provider, which is affiliated with the Modular Building Institute and the U. S. Green Building Council. The firm indicated that a 1,800 square foot building could be provided at \$1.12 square foot, which would be monthly lease of \$1,992, or an annual expense of \$23,910. There also would be cost for utilities, furniture, computers, radios, copiers and other equipment which are identified as separate line items in this report's transition and first year budgets.

This building would house more staff, but in less space per staff than the other Del Mar City buildings. This is because the employees will work out of the facility 24/7 and can share office and interview space with other sworn staff. The facility will have a large common work space, plus four offices, two of which will be shared. It will also have restrooms and closets, and room for lockers. This building would be the administrative offices for the department only, and would not contain holding cells.

Operationally, it is desirable to have holding rooms in the police facility so the officers are in town when processing arrestees, like DUI arrests, or other misdemeanors where the arrestee will be cited and released. The above mentioned vendor offers the option of including a holding room in the police facility. However, besides the issue of additional cost, the new Police Chief would need to determine what arrangement would be best suited for a Del Mar Police Department based on the low level of arrests made in the City. Other alternatives for using a nearby holding cell, but likely at an additional expense, could be ones maintained by UCSD or at the City of San Diego's Northwest Station.

If the City desires to begin its own police department by 2014-15, this can only be accomplished in that time line by the use of a temporary building unless some unexpected rental opportunity becomes available. It appears that there are only three City sites which have sufficient acreage to accommodate a 60' x 30' temporary building: City Hall, the Public Works Yard and the Shores Property. The City Hall would be preferable since there appears to be space between the TV Studio and the Annex that could accommodate a temporary police facility. What may be more challenging is the decrease in available parking on the City Hall site, plus the additional parking needed for visitors, new employees and the police vehicles due to the new department. The City's Planning and Community Development Director observes that the City Hall site has the capacity to accommodate a temporary police facility.²² Further, the site has the advantage of being visible and centrally located in Del Mar, with access from two different streets. It would appear that this would be the preferred location for a temporary police facility if the City desires to initiate a stand-alone Police Department in 2014-15, or later.

The Public Works Yard is on land that is in the flood plain with an existing building and other improvements. Whether or not a temporary police facility would be permitted on this environmentally constrained site in addition to the existing uses would need to be determined. It would appear that the permitting process would be complicated with the need for rezoning and review and approval by the California Coastal Commission. Development on this property would also be subject to the provisions of the City's Environmental Management Section of the Community Plan and the Lagoon Overlay Zone. Structures, like the police facility, which are habitable, would also need to be elevated above the floodplain. There are other constraints which make this site difficult to develop.

This site also is asymmetrical so some planning would be required to fit the temporary building and its required parking into the Yard behind the Public Works buildings. Whether or not this use would disrupt existing Public Works operations would need to be determined. Further, there is only one point of access into the property which presents security concerns. Also, unless an electronic remote controlled gate is installed, Public Works would be unable to lock up the Yard since Police will need access to this facility 24/7.

While the Shores Property has sufficient size to accommodate a temporary police facility, and is in an excellent location, it is already developed and has several constraints. These constraints include a lease until 2063 for the Winston School, which occupies 34% of the site, and Council Resolution 2007-35 which established the property's long term goal as open space and recreation. A police facility would not conform to that Resolution.

²² Community Development Director email, September 3, 2013.

If the City is able to construct a new, larger City Hall on its current site, it may be possible that permanent space for a police station, including holding cells, could be incorporated into this plan. This would be the most desirable facility alternative in the long run. In the meantime, the best option for the near term establishment of a Del Mar Police Department is to place a temporary facility at the City Hall site. This facility could become a transition to being included in a new, permanent City Hall building, if that option is pursued by the City.

In any event, the results of the City Council's facility planning process would need to be expanded to consider the location of a police facility if the Council decides to further pursue the creation of Del Mar Police Department.

Other Law Enforcement Services Options

There are other law enforcement service options besides contracting with the San Diego County Sheriff's Department or creating a stand-alone police department including those in-house options discussed in the previous section. The major additional "other law enforcement service" options include creating a law enforcement joint powers authority (JPA), contracting with another law enforcement agency, or establishing a law enforcement district. These options are discussed in this section.

Joint Powers Authority (JPA)

Joint Powers Authorities (JPA) is a common device which is used by two or more local government agencies to cooperatively finance and provide a particular service to their communities. The authority for the creation of a JPA is Section 6500 of the State Government Code. A JPA is a distinct government entity separate from its member agencies. It has its own governing board and may employ staff and establish budgets and policies independently of the constituent agencies.

In the public safety sector there are successful examples of JPAs throughout the State such as the provision of joint fire service in the cities of Pleasanton and Livermore. This JPA allows an integrated fire response system for two adjacent cities, which is more effective both in terms of cost and service.

JPAs can also be used for specific services, such as the recent study completed by the consultant for West-Comm., which is a JPA which provides police dispatch service for the Orange County cities of Cypress, Seal Beach and Los Alamitos. Again, these three smaller cities found that it was more cost effective combining their resources to provide police dispatching services. In addition, the three cities share the administrative support for the JPA. One city houses and manages dispatch from their police station (Seal Beach), another provides administrative services such as finance and budgeting (Cypress) and the third provides legal services to the JPA (Los Alamitos).

The JPA can be governed in different ways, but the governing board most commonly used consists of elected officials, usually members of the City Council if the JPA is among cities. For West-Comm., for example, the governing board consists of one City Council representative from each of the three cities. The governing board conducts its business at noticed public meetings, and is subject to the regulations of the Ralph M. Brown Act. The business conducted typically includes adopting an annual agency budget, approving staffing, and establishing policy direction for the operation of the JPA.

The JPA governing board is often supported by a technical advisory committee. In the case of West Comm. the three city managers make up the technical advisory committee, similar to the technical committee involved in the 9-city contract with the San Diego County Sheriff's Department.

The most likely candidates for creating a law enforcement JPA in Del Mar's immediate area would be with the neighboring cities of Solana Beach and/or Encinitas. All three cities are served by the Sheriff, and in combination they have entered into a cooperative contractual arrangement for fire management services.

In discussing the creation of this possible law enforcement JPA with the city managers of these two cities, there is very limited to no interest in establishing such a JPA. It appears that both cities are satisfied with the service they receive from the Sheriff's Department and the cost of that service. However, in Encinitas there is an interest to at least understand the advantages and disadvantages of providing law enforcement services through a JPA. However, the baseline position of each City appears to be that there is no need to establish a police JPA.

Advantages of a JPA

1. **Better Local Control.** The participating agencies will have complete control over law enforcement services. Currently, Del Mar, Solana Beach and Encinitas are part of the 9-city agreement with the Sheriff's Department. Each City would need to determine if they are satisfied with the law enforcement service received and the flexibility in the administration and implementation of the Sheriff's contract. It appears that Solana Beach and Encinitas are satisfied with the service received through this contract.

If greater flexibility in shaping the law enforcement services is desired, the establishment of a JPA is a way to achieve that flexibility. Similar to creating a City's own police department, the JPA governing board would be able establish the police agency's operating policies, such as an emphasis on "community based policing," and the agency's staffing and budget. It opens the opportunity for expanding the services provided under the umbrella of law enforcement, and therefore presents the opportunity to reorganize the service structure for each of the three cities, such as folding parking enforcement into a larger police organization. This could offer an umbrella for combining management staff at a savings for one or more of the municipalities.

2. **Local Governance.** Related to better local control, the governance board of the JPA would share that oversight with one or two other cities. Currently, each city served by the Sheriff is part of a 9-city contract. With local governance there would be more control over the staffing, service and budget of the JPA police department.
3. **Service Level.** Further related to better local control, the JPA will be able to set through policies, budget and staffing the desired levels of law enforcement service. For example, it appears as discussed in other parts of this report that about one-half of the time of the Detective assigned to Del Mar is inappropriately spent on work load related to Red Flex cameras. This could be adjusted through a JPA.

Also, the JPA cities may have a difference stance on Red Flex cameras. Through the JPA Board a policy could be developed where one city might desire to use Red Flex cameras and one city may not. Differing service levels could be adjusted among the participating agencies through the JPA.

4. **Continuity of Staff.** One of realities of contracting with the Sheriff's Department is that Deputies from patrol, supervision and management will move to other areas in the County either through promotion or through regular rotation. Even the Captains rotate every two years. An advantage of a JPA police department is that there is a greater possibility of maintaining staff continuity. While there will be turnover in any police agency, there is a greater likelihood that most of the sworn staff will stay with the agency which will provide staff stability. Over time the sworn staff becomes very familiar with the community, and many citizens become familiar with the officers. Normally the Police Chief will have tenure in the Department of more than two years, and will become known in the participating cities. Continuity of field officers helps facilitate developing information sources within the community which leads to better police intelligence and improved police services.
5. **Cost Savings.** There is the potential for cost savings by providing services through a JPA. This is particularly the case when two or more cities provide that service independently and there is a savings achieved by combining services, including management and supervisory positions. While not a JPA, the contract for fire management services among the three cities provides an example of how cost savings can be achieved. Whether or not additional cost

savings could be achieved by folding other law enforcement related functions into the JPA as mentioned in paragraph #1 would need to be determined by each City.

Since the three cities already contract with the Sheriff's Department, there may be less of an opportunity for cost savings, since the size of the Department already provides an economy of scale in providing law enforcement services. This would need to be studied by each of the three cities to determine if there is a cost benefit through a JPA.

A question was asked regarding the additional costs associated with a JPA involving Del Mar and Solana Beach. While that analysis is outside of the Scope of Work for this project, it is observed that the staffing for the Del Mar Police Department would achieve some savings in developing a police JPA for the two cities. The staffing at the Chief, Commander, and Sergeant levels, for example, should be sufficient for both cities. The proposed patrol staffing for Del Mar would provide staffing for a Del Mar beat and provide cover officers for similar beat staffing with 5 officers in Solana Beach. Again, as a general observation, and based on Solana Beach's Sheriff's contract, it would appear that the City would need the following staff in addition to what is proposed for Del Mar: 5 – 6 police officers for one patrol beat; 1 detective; 2 traffic officers; 1 motor officer; and 2 SPO officers. A total of at least 11 – 12 officers would need to be budgeted to make an estimate of the cost of police services to the City of Solana Beach.

Disadvantages of a Police JPA

Some of the disadvantages, or potential disadvantages, of a Police JPA include the following:

1. **One-Time Transition Cost.** While there may be a cost savings in the annual operating police budget through the use of a JPA, there will be a one-time expense in transitioning from the Sheriff's Department to the JPA. As illustrated in this report, the cost to transition from the Sheriff's Department to a stand-alone Del Mar Police Department is estimated at over \$900,000. This amount would be higher for a two or three city JPA. In effect, the JPA cities would need to double budget for police services for a portion of one fiscal year. Whether or not this would make the move to a JPA economically viable over a period of years would depend upon the analysis of the annual operating budget, and whether or not there would be savings over time to eventually absorb or balance the one-time transition expense.
2. **Issues in Establishing the JPA Board.** One of the issues in establishing the JPA Board is the voting balance among the participating cities. Would the three cities be willing to have equal voting rights even though they are significantly different in size and in the resources that each City would likely devote to the JPA Police Department? If there were a JPA between Del Mar and Encinitas, for example, would Encinitas be willing to have just 50% of the votes on the JPA Board even though it is more than ten times the size of Del Mar? Would Del Mar be willing to live with only a minority vote on the JPA if a 50/50 split was not agreeable? This is an issue that would need to be settled, among many others, in creating the governance structure of a JPA.
3. **Issues in the Functioning of the JPA Board.** After a JPA Board is created, it is assumed that the governing board members will make policy, staffing and budget decisions in a cooperative, amicable way. Most JPA Boards operate in this manner. However, on occasion, there can be disagreement on the JPA Board, which can make it less effective in carrying out its mission. Since the JPA is a separate entity, it is more difficult to disengage from a JPA compared to a contract for services, such as the Fire Management Contract.

In summary, while there are advantages to the use of a JPA in providing police services, and JPAs have been used successfully throughout the State, there are disadvantages to this service structure, especially the one-time transition cost that would be required to establish a JPA police department. But particularly because of the lack of interest expressed in participating in a JPA by representatives of the cities of Solana Beach and Encinitas, establishing a JPA for police services does not appear to be a viable option. The two cities seem satisfied with the service they receive from the Sheriff's Department.

Contract with the City of San Diego

Another option would be to contract with the City of San Diego for police services. The City's Northwest Substation is nearby and is closer to Del Mar than the Sheriff's Encinitas Station. The City surrounds Del Mar on three sides and responds to calls for service in adjacent neighborhoods. The San Diego law enforcement model is based on community-based policing which is the type of model suitable to Del Mar. If feasible, the City of San Diego would be the most logical candidate as an alternate agency with which to contract for police services.

There could be a financial advantage of such an arrangement to the San Diego Police Department if they were able to adjust their patrol beats to include Del Mar, with no or minimal additional staff cost to that City. This would be similar to a proposal offered last year by the City of Anaheim to provide service to the City of Yorba Linda. It is also similar to the City of Huntington Beach providing service to the newly annexed area of Sunset Beach without adding a patrol beat. Since patrol staffing is the largest cost item in the Sheriff's contract, or for a stand-alone police department, in theory there would be a financial advantage to both cities. The financial advantage to Del Mar is that the City would receive patrol service, including back-up, and would not be required to pay for patrol service on a 24/7 basis. The financial advantage to San Diego is that they could provide and charge for patrol service either without increasing the number of patrol officers, or by increasing officers only for certain shifts.

Another issue for Del Mar, however, is whether service from San Diego would be satisfactory. Like the Sheriff, it is another large law enforcement agency. But because of being a large agency able to provide economy of scale, similar to the Sheriff's Department, services can often be provided more economically. Further, San Diego uses "community based policing" as part of its patrol model so Del Mar actually may find that this policing approach would be better suited to the City than the service received from the Sheriff.

One of the possible disadvantages to contracting with San Diego is that Del Mar would not be a separate patrol beat, but would only be part of a larger patrol beat. This means that there would not be a patrol officer devoted exclusively to Del Mar. On the other hand, the number of calls in the City does not necessarily support a full-time patrol officer in Del Mar.

Even with the possible financial advantages of this alternative to both cities, the representative of the San Diego Police Department indicated that they are not interested in pursuing a contract with Del Mar. This is because San Diego has its own financial challenges. There would need to be a financial benefit for both agencies to further explore contracting with San Diego.

The overriding issue for San Diego is the impact their financial challenges have on staffing, particularly patrol staffing. Currently, there are only four officers available at any one time for the 40 square miles served by their Northwest Station. As a result, the Department concludes that there is inadequate staffing in the service area of this Station to incorporate Del Mar into one of their patrol beats. As a result the Department is unwilling to extend service to the City.

Create a Law Enforcement Special District

Even though Police Protection Districts were permitted many years ago, subsequent state legislation has nullified this authority. Currently, the only means to create a law enforcement special district as well as provide other local services is through a Community Services District. The creation of these Districts is authorized beginning in Section 61000 of the California Government Code as revised in 2006. The agency authorized to approve the creation of a Community Services District is the San Diego County Local Agency Formation Commission (LAFCO).

Although the basic intent of Community Services Districts (CSD) is to provide municipal type services to rural areas which do not have the financial base to become incorporated as cities, these Districts can also be used in an urban setting. The application for creating such a district would require filing fees and submitting an application to San Diego LAFCO, conducting a Municipal Service Review and then proceeding through the LAFCO hearing process. Part of this process would be an election among Del Mar voters to create the District.

A potential concern with establishing a new special district is that a new layer of government would be created, possibly confusing the public served by the new district. The other issue is that the City Council

could not serve as the governing board of the district. The board members would need to be separately elected, and presumably the District would enter into a contract with the City for law enforcement services. Also, a CSD could be created for a larger geographical area than the City of Del Mar.

The reason for examining the creation of a special police district is that there could be fewer restrictions in operating the police department. The most obvious restriction which would be avoided is the requirement that the full-time employees must be members of the PERS retirement system. While this study has developed a plan for a stand-alone police department which minimizes PERS costs, and PERS costs are better contained under PEPRRA, there is a concern among some that these costs will increase over the years as they have for other categories of city employees.

For the initial year of a police CSD, the PERS savings is estimated at \$88,815 compared to the cost of an in house police department. This savings assumes the elimination of a PERS cost of 12% of base salary, replaced by a 4% 401(k) plan. This would result in a net savings of 8% in retirement costs compared to a stand-alone police department.

There are five police special districts in the State, all serving unincorporated areas. Two, Stallion Springs and the Bear Valley Community Service District (CSD), are in the Tehachapi Mountains near the City of Tehachapi. Bear Valley is a gated community, and both CSDs provide other services such as water, sewer and trash collection. Bear Valley serves a population of 8,000 and Stallion Springs has 2,488 people.

Another rural police CSD, Lake Shastina is in Northern California north of the City of Weed. It is a small Police Department consisting of the Police Chief and two Police Officers.

More comparable to Del Mar are two unincorporated communities in the San Francisco Bay Area. One is Broadmoor, which is a community of 4,176 people living in .45 square mile, totally surrounded by the City of Daly City. It was established in 1948, and has eight officers, including a Chief, and 25 part-time officers.

The other is the Kensington Police Protection and Community Services District, established in 1946. It is an affluent community located in the Berkeley Hills adjacent to the cities of Berkeley and El Cerrito. The CSD serves 5,077 people, and provides police, parks and recreation and waste collection services. Its staff includes a Police Chief/General Manager, three Sergeants, six Police Officers, two Police Reserves, one Secretary, and two part-time clerical positions. A separate special district with a separate governing board provides fire protection service to this same area through a contract with the City of El Cerrito.

Both Broadmoor and Kensington were created at a time when law enforcement service was not readily accessible to their communities. Their staffing is similar to what is either provided to Del Mar by the Sheriff or as proposed in this study for a Del Mar stand-alone department. The main difference with Del Mar is that these communities do not experience an influx of tourists, like visitors to Del Mar beach. Kensington is an isolated mostly residential community, and Broadmoor is in a dense urban area surrounded by Daly City but with little tourist activity.

It appears that Broadmoor and Kensington were created historically when state law permitted a stand-alone police services special district (prior to 1955), although Kensington also became a Community Services District adding the functions of parks and recreation and waste removal. Stallion Springs and Bear Valley are true Community Service Districts offering municipal type services to their communities which are not able to incorporate as a city.

Advantages/Disadvantages of a Police Community Services District

The **advantages** of creating a Police Community Services District include:

1. The ability to avoid participating in the State's Public Employees Retirement Plan.
2. The resulting cost savings by not paying for retirement costs.
3. Create separate oversight for law enforcement services in Del Mar.

The **disadvantages** of creating a Police Community Services District include:

1. The City Council/City Manager would no longer have direct control over the police services provided to Del Mar.

2. A separate layer of government would be created, possibly confusing the general public.
3. The ability of the City to reorganize its other public safety functions with police could be limited.
4. The goal of retaining police officers who become known to members of the community could be lost since the absence of the PERS benefit could cause Del Mar to become a training ground for other agencies, with the City losing officers through turnover.

Summary

This study is designed to evaluate the law enforcement needs for the City of Del Mar. This evaluation included the review of the service and cost of:

- The San Diego County Sheriff's Department (current provider);
- A Del Mar Police Department;
- Other options such as a Joint Powers Authority, contract with another agency, or a police community services district.

San Diego County Sheriff's Department

This study concludes that the San Diego County Sheriff provides cost effective service. The amount of the Sheriff's annual contract places Del Mar as the lowest among eight small tourist oriented cities in California surveyed in terms of the percentage spent for law enforcement services of the City's General Fund budget. Del Mar also was in the lower half among these cities in terms of per capita expenditures for police services. While Del Mar's per capita expenditures were high compared to what is spent in Solana Beach, Encinitas, Carlsbad and Oceanside, likely because of its small population, its percentage spent for law enforcement of the General Fund budget was the lowest among these cities.

The level of service provided by the Sheriff appears generally satisfactory. However, there are concerns regarding slow response times, slow back-up to beach calls, overstaffing certain law enforcement functions and lack of visibility in and interaction with the community. As a result of these service level concerns, the following recommendations are offered if the City decides to continue with the Sheriff's contract.

1. Reduce the 1.0 FTE Detective to a .5 FTE Detective.
2. If the City concludes that it is financially affordable, add a .5 FTE Community Service Officer to replace the deleted .5 FTE Detective.
3. Explore with the other CLETAC cities placing detective expense in the basic contract, with the allocation of these costs set forth proportionately in each city's Attachment B as a percentage of the use of investigative services using an agreed upon metric.
4. If a 1.0 FTE Detective is maintained in the City's contract, transfer the administration of the red flex cameras to a City employee, and insist that the Detective spend 2 – 3 days in uniform in Del Mar, and be available to provide back up to the patrol deputy, when needed.
5. The City should also insist that the Traffic Deputy be available as back up for the Del Mar Patrol Deputy. That, along with an in-town uniformed detective also available for back up, should improve response times for high priority calls.
6. Seek to adjust the Sheriff Department's operations so that Patrol Deputies can spend more time in Del Mar..
7. Encourage the Sheriff's Department to place seasoned Deputies in Del Mar, like lateral officers from other agencies, who understand the value of engaging the citizens in the community where they are assigned and who reflect the mature nature of the Del Mar community.
8. Encourage the Sheriff's Department to continue its efforts to provide community based policing and improve its connection with the community.

9. Provide the City, at the request of the City Manager, more usable data to assess the service provided by the Sheriff's Department including call for service data for patrol and traffic enforcement by shift and area, performance data such as response times, detective work load data and other information which may be useful to the City.
10. As part of this community connection effort, the City should explore placing its name and seal on the vehicles used by the Sheriff's Department to patrol the City.
11. The City should include appropriate information regarding law enforcement on its web site to provide citizens with contact information with the Sheriff and provide a link for filing reports on line.

Del Mar Police Department

The study concludes that the City could create a stand-alone police department that would provide a service level higher than is now being received. This would involve improved staffing which would allow Del Mar to have officers available in town on a 24/7 basis. This would provide for better response times to calls for service and better coordination with the Lifeguards and Parking Enforcement. The City would also have improved staffing and coordination for non-Fair special events. The public would have better access to police services since there would be a police facility in town, which would be much more accessible than the Sheriff's Encinitas Station.

The cost for this service is somewhat higher than the Sheriff's contract, even with folding the Park Ranger into the Police Department and receiving a COPS grant to support its operations. However, over the long term the City would be able to better control the cost of law enforcement provided to Del Mar.

There would be some challenges in creating a Del Mar Police Department. One is the cost of the transition budget in the fiscal year leading up to the start of Department operations. The other is finding a location for a police facility in the City and constructing/installing that facility.

The transition budget expense can be mitigated by using City reserves or building up reserves to address these transition expenses. Other techniques to mitigate the transition costs include lease purchase agreements to fund the initial purchase of police vehicles. Contracting for services with the Sheriff such as Dispatch and Records Management will also reduce the initial transition costs. Obtaining a grant for the Live Scan portable fingerprint machine will delete this expense from the transition budget. Contractually spreading the one-time cost for certain items over two fiscal years also would mitigate the amount of the transition budget. On the other hand, the lease purchase financing mechanism and contracting for services from the Sheriff would add to the Department's annual cost. Spreading the initial one-time expense over two fiscal years would increase the Department's first year operating budget.

It appears that there is City land upon which a temporary police facility could be located. This would require any needed permits, site preparation, establishing parking for employees and the public which might entail redoing the parking lot at City Hall if the decision is made to place the facility at that site.

Other Options

Joint Powers Authority (JPA)

The creation of a Police JPA with either Solana Beach, or Encinitas, or both cities would require further evaluation and assessment. Such a JPA would be a separate entity with its own governing board, typically consisting of an elected representative of the participating cities. One obstacle would be the added cost of a transition budget for a police JPA, similar to the transition budget hurdle that would be need to be overcome if Del Mar decides to create a stand-alone Police Department.

The main drawback to creating a police JPA is what appears to be the lack of motivation to consider such an entity by the cities of Solana Beach and Encinitas. At least informally, top staff indicates that both cities are satisfied with the level of service provided by the Sheriff's Department. Therefore, there would appear to be no incentive for either city to move away from the status quo.

Service from the City of San Diego

Receiving police service from the City of San Diego would likely be less expensive than any other option presented. This is because a work load analysis for Del Mar indicates that the level of staffing provided by the Sheriff is greater than what the City requires. As a result, the San Diego could expand one of their patrol beats to cover Del Mar, with the result that an officer would not be in the City full-time, but would be in the City as the work load indicates.

Unfortunately, the City of San Diego Police Department has financial challenges, and is not fully staffed. The Department is not in a position to consider this option, even though it could be financially beneficial to both San Diego and Del Mar.

Create a Law Enforcement Special District

The establishment of a police special district, or Community Services District, would create an independent entity which would not require participating in PERS. It is also feasible as long as its creation is approved by both the Del Mar voters and by San Diego LAFCO. It also could be extended to include a larger area than Del Mar. There could be an estimated savings in first-year retirement costs of \$88,815 compared to an in-house police department.

The establishment of a special district, however, would provide another layer of government, possibly confusing the electorate. Since the district board must be elected separately, and the district would not be directed by the Mayor and City Council, the City could lose local control over the operations of the police department. Establishing a special district for the purpose of avoiding contracting with PERS could cause sworn officers to use Del Mar as a training ground and move on to other agencies which offer PERS pensions. It is concluded that the advantages of creating a police special district would be outweighed by the disadvantages of such a district.

In Summary

Continuing with the Sheriff's contract appears to be cost effective, with a degree of cost containment in each 5-year contract, with a generally satisfactory level of service. The City, however, appears to have the opportunity to create its own police department. If the City can adequately address the cost of a transition budget, the annual cost of police services is only somewhat higher than the expense of the Sheriff's contract. Plus the City would have more control over future cost increases for law enforcement services. More importantly, the level of service received by the City would be substantially improved, and much better local control over the law enforcement function, including costs, would be achieved. It does not appear that other options analyzed in this study for providing law enforcement services, such as a JPA, contract with the City of San Diego, or a police special district, are particularly feasible or advantageous at this time.

San Diego Sheriff's Department

City of Del Mar

Contract Considerations

I. DEPUTY TIME IN DEL MAR

There is an impression the Del Mar deputies spend an inordinate amount of time in other contract cities and the unincorporated areas of the county served by the Encinitas Patrol Station. The most recent data indicates that assumption is erroneous. The Sheriff Department's contracts division no longer gathers statistical data to track the specific minutes each respective deputy spends in contract cities. In the most recent contract negotiations, the CLETAC cities were presented with the option of whether to eliminate the beat factor, or to continue to share the approximately \$100,000 per year annual cost of the staff required to perform the beat factor calculation. Based upon evidence presented by the Sheriff that the cities were quite closely receiving the hours that they were paying for, the cities agreed upon the elimination of the beat factor in order to receive these savings. The last year beat factors were calculated was in 2011.

Data from 2011 indicate the one contract patrol deputy spent 506,416 minutes in the city and 41,170 minutes in other areas. However, deputies from other cities spent 36,464 minutes in the city of Del Mar. As a result, there was a patrol deputy in the city 99.071 percent of the time.

The traffic deputy was in the city for 108,404 minutes and was in other areas for 5,205 minutes during 2011. Traffic deputies not assigned to the city were in Del Mar for 11,140 minutes in 2011. That means a traffic deputy fulfilled the contract time 105.475 percent of the time.

In total, deputies were in the city during 2011 for a total of 599 extra minutes when you take into account the additional time traffic deputies from other areas spent in Del Mar. Primarily, that occurred because when there was a collision or drunk driver in Del Mar, and a traffic deputy was not on duty, a deputy came to the city from either Solana Beach or Encinitas.

Technically the patrol deputy can take collision reports. Historically though, when vehicle collisions occur, some individuals sue the city because of roadway conditions, inadequate signage or for some other reason. Having trained traffic investigators conduct the initial investigation minimizes civil liability for the city and is good practice.

II. RESPONSE TIMES

The Sheriff's Communication Center classifies calls as type 1, 2, 3 or 4. Even though a call type is classified as a type 1 incident, it does not necessarily mean the assistance of law enforcement is immediately needed. The dispatchers act essentially as air traffic controllers and know exactly what calls are pending, the necessity for immediate or rapid response and how many deputies are working. They constantly assess each incident and dispatch deputies appropriately. Dispatchers perform this function in all of our contract cities and the unincorporated areas of the county.

For example, Del Mar had seven category 1 calls for the first ten months of 2012 and twelve category 1 calls for the first ten months of 2013. For both years all of the type 1 calls involved accidents. In 2012 there were two calls for serious accidents, four calls for accidents with unknown injury and one call for a plane crash. In 2013 all twelve type 1 calls were for accidents with unknown injury. These unknown injury calls are categorized as type 1 calls even though information received by our dispatchers give them enough knowledge to send for medical response as well as deputies to the scene if there was an immediate need. If there was an injury the response time averages would be significantly shorter.

It is difficult to completely quantify the response times without first looking at each respective call to put them into context. Some type 2 calls may need a quicker response than some type 1 calls. It is simplistic to assume type 1 calls should be responded to within five minutes all the time.

For example when reviewing some of the type 2 calls in 2013, specifically under the alarms section, several things stand out. There were five panic alarms and seven silent alarms indicating a robbery was occurring. Even though all of them turned out to be false, the response times for the seven silent alarms averaged 4.73 minutes even though those types of calls require two deputies. There was one call for a burglary in progress at a residence and the response time was 4.4 minutes; again with two deputies. The response time for the one armed robbery call in the city during the year was 2 minutes. The response time for the one grand theft call in the city was 1.6 minutes.

Reviewing the type 3 calls indicated the response times averaged 8.89 minutes for commercial burglary alarms while for the one silent commercial burglary alarm the response time was 2.7 minutes. The audible alarms are more likely to be false alarms than a silent alarm that is most likely triggered by an employee under duress which means a rapid response is necessary.

There are a variety of checks and balances in place that ensure calls are responded to in the safest (for the deputies and citizens), and rapid manner possible. There is a patrol sergeant on duty twenty-four hours a day, seven days a week who continually monitors the activities of the deputies and ensures if there are priority calls pending, deputies are dispatched to them as quickly as possible. Secondly, there is a watch commander at the communications center who oversees the activities of deputies in the field and also ensures calls are answered appropriately.

A factor to consider regarding response times is the philosophy of the Sheriff who has made it a policy where if someone calls the communication center to report a crime or request assistance, a deputy sheriff will be sent. That policy differs significantly from most of the other law enforcement agencies in the county who do not send a peace officer to take a report on any cold crime. In fact, most agencies require citizens to fill out a report by phone or on their computer. Obviously that compromises their ability to solve crimes because they don't collect evidence at the scene (prints, DNA, video etc.). In addition, it creates a disconnect between law enforcement and the community.

Below is a table of the response times in Del Mar in 2012 and 2013. Several items are noteworthy. First, the response times for type 1 and 2 calls in Del Mar decreased 1.6 minutes from 2012 to 2013. Second, deputies response times to type 1 and 2 calls is essentially equal to both Encinitas and Solana Beach and much quicker than in the cities of Vista and San Marcos where significantly more deputies work. Finally, the total average response times for all calls in Del Mar in 2013 were slightly behind the city of Solana Beach but ahead of Encinitas and significantly ahead of San Marcos and Vista.

RESPONSE TIME COMPARISON TABLE (1/1/13 – 10/23/13)

	1	2	1+2	3	4	3+4	Totals
Del Mar (2013)	12.1	10.1	10.2	13.8	42.2	23.9	21.7
Del Mar (2012)	11.2	11.8	11.8	13.9	40.2	23.5	21.5
Encinitas	5.7	9.9	9.8	14.1	41	25.6	23
Solana Beach	7.4	9.9	9.8	12.9	41.5	22.9	20.9
San Marcos	6.4	11.5	11.4	16.7	59	32	28.4
Vista	5.6	11.7	11.5	19.4	57.8	32.3	28.6

III. **DETECTIVE WORKLOAD**

At this point Del Mar detective Casey not only handles the follow up investigations for crimes that have occurred in the city, but he also facilitates the Red Flex camera program. The detective sergeant indicates the Del Mar detective spends about 30 hours a month reviewing each Red Flex case. As an aside, he is assisted many times by a Community Service Officer who is contracted by the city of Encinitas.

An idea has been promulgated that Del Mar should only be contracting for one half of a detective given his work load. The table below indicates the case load for 2012 and compares the number of workable cases each detective at the station investigated. While the Del Mar detective carried fewer cases than all the other detectives, his case load was definitely not half of what the majority of detectives in the unit investigated. In fact, Detective Benavides worked as the Solana Beach detective for the year and investigated 128 cases which is 14 more than the Del Mar detective. That equates to about 1.1 more cases per month. Encinitas Detective Berlinsky investigated 124 cases during 2012 which is 10 more than the Del Mar detective. That equates to less than one additional case per month. Several of the other detectives in the unit carried over 200 cases because they handle auto thefts and all of the cases are sent to them.

The Del Mar detective's statistics reveal his workload is not significantly disparate from other detectives in the unit. As a result it would not be possible for the city to contract for half of a detective. However, if the Red Flex duties were removed from the detective, he could be involved in a variety of other activities including surveillance, bait details, directed patrol, and community outreach to citizens and businesses.

WORK LOAD COMPARISON FOR DETECTIVES AT ENCINITAS PATROL STATION

	JAN	FEB	MAR	APRIL	MAY	JUNE	JULY	AUG	SEP	OCT	NOV	DEC	TOTAL
	2012	2012	2012	2012	2012	2012	2012	2012	2012	2012	2012	2012	2012
BENAVIDES	12	7	9	5	12	6	15	12	10	15	14	11	128
BERLINSKY	17	10	21	16	6	15	16	12	0	0	4	7	124
BUCKLEY	14	7	15	13	20	19	23	9	8	12	11	2	153
CARTIE	25	19	16	27	19	16	30	16	25	25	23	16	257
CASEY	17	12	6	9	0	13	14	9	5	10	7	12	114
MAYS	12	17	29	14	22	22	14	24	7	0	0	0	161
MCALLISTER	0	0	0	0	0	0	0	0	0	0	0	1	1
SILVA	0	0	0	0	0	0	0	0	5	23	19	16	63
STEVENSON	16	14	2	16	17	12	12	14	17	15	16	11	162
STONE	26	20	17	10	20	16	10	24	13	22	9	14	201
TOMECHAK	9	17	13	15	3	5	7	12	18	15	10	7	131
	148	123	128	125	119	124	141	132	108	137	113	97	1495
		399			368			381			347		1495
		1ST Qtr			2ND Qtr			3RD Qtr			4TH Qtr		

IV. RED FLEX ALTERNATIVES

At this point the challenge is to find someone to spend at least 30 hours a month working on the Red Flex program if it was not administered by the Del Mar detective. The city of Solana Beach contracts for half of a community service officer (CSO) who takes care of the Red Flex duties and also takes crime reports. They share the other half of the CSO's time with the city of Encinitas. As a result, at this time it is not possible to give the city half of a CSO because the other half of their time could not be paid for.

A suggestion was made to have the Del Mar Park Ranger administer the program. Red Flex has indicated that is not possible because the administrator has to be an employee of a law enforcement agency. They can't be an employee of the city. The Sheriff's Department will be contacting the courts for guidance in this area since the Park Ranger possesses limited peace officer powers and would be an ideal candidate to review the Red Flex data.

Below are several options:

- Eliminate the Red Flex program. Many cities are getting rid of the Red Flex cameras for a variety of reasons. At this point studies in the coastal cities show the cameras clearly reduce collisions so there are consequences with getting rid of the cameras.
- Have the Del Mar Traffic deputy spend 30 hours a month administering the program. The majority of the deputy's work could be done at the computer in the Del Mar trailer. That way the deputy could be in the city and able to respond quickly for traffic related issues or to back up the patrol deputy. The deputy would have to testify in court on occasion. A benefit of having the deputy there is that if a citizen received a Red Flex ticket, they could come to the trailer to review photos and the video of their violation.

- Contract for a CSO to handle the Red Flex duties. The cost of a CSO would be about 130,000 per year. When the CSO was not reviewing the Red Flex violations, they could write parking tickets, take crime reports and perform other duties.
- Contract for a COPPS deputy to perform a variety of functions including facilitating the Red Flex program. In the last section of this document the suggestion for a COPPS deputy will be addressed.

V. VISIBILITY IN THE COMMUNITY

To increase our visibility and more fully interact and engage with constituents in Del Mar we have worked in the following areas:

- Citizen Meetings – Every two to three months the captain, lieutenant, sergeant and crime prevention personnel have "coffee with the community" meetings. At this point we have had two separate meetings with one being held in the morning and one at night so people who work could attend. The meetings are an opportunity for citizens to interact with station staff and bring their concerns forward. Each meeting is fairly informal and another one is planned within the next month.
- Business Meetings – A month ago the station captain directed crime prevention personnel to organize a business meeting with all of the merchants in Del Mar. At the meeting commercial burglaries were discussed along with a variety of other subjects.
- Facebook Page – At this time crime prevention personnel from the station have created a Facebook account. The account will be utilized to communicate with citizens in all of the coastal cities we serve. Crime trends, crime prevention information and a variety of other subjects will be available on the site. Given that a significant portion of the population now communicates via social media this will help the station communicate quickly and effectively with a large number of people.
- Report Writing Station at Del Mar Trailer – In the past a computer has been available in the trailer behind city hall so deputies could write reports in the city. However, there were a variety of connectivity issues associated with the computer which made accessing our report writing site problematical at best. We have had our data services personnel update the computer so it works as intended. Del Mar deputies are directed to use the computer to write their reports so they stay in the city instead of returning to the station to complete their paperwork if they don't have to book a prisoner. At times they will still have to come to the station to process evidence. Patrol sergeants have been directed to monitor the Del Mar deputy to ensure they write reports in the trailer as much as humanly possible.
- Foot Patrols – The patrol deputies and the traffic deputy assigned to Del Mar now regularly get out of their vehicle to contact citizens, business owners and city employees. The patrol lieutenant has done this on numerous occasions himself and will continue to do so in the future.
- Citizen Satisfaction Survey – The Department has developed a citizen satisfaction survey to determine if our efforts are seen as successful in each of the communities we serve. The survey

will be sent to the city so it can be placed on the city's website. The icon will connect people to a site where they can fill out and save the survey.

VI. OPTIONS

One of the consistent themes permeating the initial document being prepared by the person who is assessing the feasibility of Del Mar creating its own police agency is that citizens are concerned that they don't see uniformed sheriff personnel much in the city. One can only accurately assume that is because a significant number of people are not aware the city contracts for only one patrol deputy. Given that the one patrol deputy is responsible for a multitude of duties, with many of them requiring that he leave the city (to process evidence, book prisoners, testify in court, on occasion cover deputies in other areas) it is understandable that the deputy's visibility is sometimes limited.

Another concern is the patrol deputies assigned to Del Mar do not work as effectively as possible with fire personnel, life guards and the park ranger. Given that the patrol deputy responds to dispatched calls and is required to be proactive when not responding to calls, the opportunity to be immediately responsive to city personnel is somewhat limited.

An option that would provide increased service to the community, while also being available to work regularly with other city employees, is to add a Community Oriented Policing and Problem Solving Deputy to the existing contract.

Currently the city of Encinitas has four COPPS deputies and Solana Beach has contracted for two COPPS deputies. The COPPS deputies perform a myriad of services including the following: work directed patrol in uniform; conduct inspections at a variety of businesses including ABC inspections of bars, restaurants and others; work with ABC on both uniformed and undercover operations at bars and restaurants to ensure underage serving is not occurring and people who are drunk are not being served; work with city code compliance personnel on a multitude of projects and accompany them when they contact citizens who are violating specific codes; conduct surveillance operations; conduct prostitution operations; conduct probation and parolee details; work with citizens who are having neighborhood problems; work to eliminate migrant and homeless encampments; use information-led policing data to combat specific crime trends, work with a variety of narcotics units to conduct operations; be responsive to any request from the city regarding multiple issues.

By having a COPPS deputy work for the city, visibility and service will be vastly increased as the deputy can concentrate on long term projects and more effectively interact on a regular basis with citizens and city employees. The cost for a COPPS deputy is listed below:

Deputy	\$ 149,077.00
Auto	\$ 22,417.59
Radio	\$ 499.00
Liability	\$ 1,705.04
Direct	\$ 173,698.63

Overhead	\$ 55,770.82
Total	\$ 229,469.45

Finally, the Sheriff's Department is committed to providing the highest quality public safety services to the city of Del Mar no matter how large or small the staffing may be. As the station commander I have been at the helm for less than a year but have made it a priority to more effectively interact with each of the communities we serve including Del Mar. Creating an environment where citizens are both comfortable and satisfied with the services they receive from our personnel is vital and something we will continue to strive to achieve. Communication is the hallmark of making that happen and we will work diligently with citizens, other city employees and other agencies to ensure that goal is achieved. To that end we constantly assess our processes and procedures to maximize our effectiveness.

Robert Haley, Captain