



City of Sacramento City Council

9

915 I Street, Sacramento, CA, 95814
www.CityofSacramento.org

Meeting Date: 2/28/2012

Report Type: Consent

Title: (Pass for Publication) Ordinance Amendment: "Designated" Level I Reserve Officers

Report ID: 2012-00215

Location: Citywide

Recommendation: 1) Review an Ordinance adding Section 2.20.070 to the Sacramento City Code and authorizing the Chief of Police, or his designated representative, to identify and appoint Reserve Police Officers as "designated" Reserve Police Officers within the existing Reserve Police Officer I job classification; and determine which Reserve Police Officers are selected as either "designated" [Penal Code Section 830.6(a)(2)] or "non-designated" [Penal Code Section 830.6(a)(1)]; and 2) pass for publication the Ordinance title as required by Sacramento City Charter 32 (c) to be adopted March 6, 2012.

Contact: Mike McCarthy, Captain, Communications Division, (916) 277-1750, Police Department.

Presenter: None

Department: Police

Division: Office Of The Chief-Admin

Dept ID: 11001011

Attachments:

- 1-Description/Analysis
- 2- Background
- 3- Exhibit B - Ordinance

City Attorney Review

Approved as to Form
David Womack
2/15/2012 2:19:17 PM

City Treasurer Review

Reviewed for Impact on Cash and Debt
Russell Fehr
2/14/2012 6:15:05 PM

Approvals/Acknowledgements

Department Director or Designee: Rick Braziel - 2/15/2012 10:31:17 AM



Description/Analysis

Issue: The layoffs of Sacramento Police Officers in 2011 identified a critical need for the Chief of Police to identify and appoint “designated” Level I Reserve Police Officers.

Policy Considerations: According to provisions of Section 830.6(a)(2) of the California Penal Code, whenever any qualified person is deputized or appointed by the proper authority as a reserve city police officer, and is so designated by local ordinance or, if the local agency is not authorized to act by ordinance, by resolution, either individually or by class, and is assigned to the prevention and detection of crime and the general enforcement of the laws of California by that authority, the person is a peace officer authorized with the full powers and duties of a peace officer under the law according to provisions of Section 830.1 of the Penal Code. Absent such designation, the person is authorized with the powers and duties of a peace officer only for the duration of the person’s specific assignment according to the provisions of Section 830.6(a)(1) of the Penal Code.

Environmental Considerations:

California Environmental Quality Act (CEQA): This action is not subject to the California Environmental Quality Act (CEQA) because it does not constitute a “project” as defined in section 15378 of the CEQA Guidelines, and is otherwise exempt pursuant to section 15061(b)(3) (no significant effect on the environment) of the CEQA Guidelines.

Sustainability Considerations: There are no sustainability considerations associated with the subject of this report.

Committee/Commission Action: The Law and Legislation Committee reviewed the concepts of this proposed ordinance during their January 17, 2012 meeting. The Committee voted and gave direction to advance the proposed ordinance to City Council for further review and possible enactment.

Rationale for Recommendation: Currently, the City of Sacramento has an established job classification of Level I Reserve Police Officer. Pursuant to Section 830.6(a)(1) of the California Penal Code, the Police Department recognizes all employees within this classification as “non-designated.” Accordingly, the authority of these Reserve Police Officers to act in the capacity of a peace officer under the law extends only for the duration of their assignment. It is in the best interest of the City of Sacramento to appoint “designated” Level I Reserve Police Officer employees for a variety of reasons:

- 1) A “designated” Level I Reserve Police Officer retains the full powers and duties of a peace officer 24 hours a day whereas a “non-designated” Level I Reserve Officer is only authorized carry out full peace officer powers during their official work assignment.
- 2) A “designated” Level I Reserve Police Officer will be able to function in a solo officer capacity.
- 3) “Designated” Level I Reserve Police Officers will effectively increase the police presence within the City at no additional cost to the City. Under the current “non-designated” classification, an off-duty Level I Reserve Police Officer who happens upon a crime in progress is unable to take action without risk of incurring personal liability because the non-designated officer would effectively be acting in the capacity of a private citizen. In contrast, a “designated” Level I

Reserve Police Officer is authorized to act in the capacity of a peace officer 24 hours a day, 7 days a week within the City.

- 4) Authorizing the Chief of Police or his designated representative to identify and appoint “designated” Level I Reserve Police Officers will enhance the ability of the Department to retain former full-time Sacramento Police Officers who possess a broad range of law enforcement experience.

Financial Considerations: The establishment of the “designated” Reserve Police Officer I status will not impact the General Fund.

Emerging Small Business Development (ESBD): The purchase of supplies and equipment will be made in accordance with the City’s Emerging and Small Business Development (E/SBD) program requirements whenever possible.



Background

The layoffs of Sacramento Police Officers in 2011 identified a critical need for the Chief of Police to identify and appoint “designated” Level I Reserve Police Officers.

The City’s Level I Reserve Police Officers are considered “non-designated” and, as a result, they may only carry out peace officer powers during their designated working hours. Many of these Level I “non-designated” Reserve Police Officers live within the city and/or travel to and throughout the city. Unless this Ordinance is enacted, these non-designated Level I Reserve Police Officers will be unable to respond to crimes in progress without incurring personal liability and vicarious liability for the City. Appointing former full-time police officers as “designated” Level I Reserve Police Officers will allow the officers to fully carry out all peace officer powers 24 hours a day.

By granting the Chief of Police or his designated representative the authority to appoint “designated” Level I Reserve Police Officers and effectuate their ability to fully carry out all peace officer powers 24 hours a day, the City Council will thereby increase police presence within the City at no additional cost to the City.



ORDINANCE NO. 2012- _____

Adopted by the Sacramento City Council

AN ORDINANCE ADDING SECTION 2.20.070 TO THE SACRAMENTO CITY CODE, RELATING TO “DESIGNATED” AND “NON-DESIGNATED” LEVEL I RESERVE POLICE OFFICERS

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1. Findings

The City Council finds and determines that:

- A. The City’s Level I Reserve Police Officers are considered “non-designated” and, as a result, they may only carry out peace officer powers during their designated working hours. Many of these Level I “non-designated” Reserve Police Officers live within the city and/or travel to and throughout the city. Unless this Ordinance is enacted, these non-designated Level I Reserve Police Officers will be unable to respond to crimes in progress without incurring personal liability and vicarious liability for the City. Appointing former full-time police officers as “designated” Level I Reserve Police Officers will allow the officers to fully carry out all peace officer powers 24 hours a day.
- B. By granting the Chief of Police or his designated representative the authority to appoint “designated” Level I Reserve Police Officers and effectuate their ability to fully carry out all peace officer powers 24 hours a day, the City Council will thereby increase police presence within the City at no additional cost to the City.

SECTION 2.

Section 2.20.070 is added to the Sacramento City Code to read as follows:

2.20.070 Reserve Police Officer – Designated and Non-Designated

- A. The Chief of Police, or his or her authorized designee, has the authority to select and appoint any reserve police officer within the “Reserve Police Officer I” job classification as a “designated” reserve police officer as provided by California Penal Code Section 830.6(a)(2). The authority of the reserve police officer so designated includes the full powers and duties of a peace officer as provided by California Penal Code Section 830.1.
- B. Any reserve police officer within the “Reserve Police Officer I” job classification not appointed as a “designated” reserve police officer as provided in subsection A of this section is a “non-designated” reserve police officer as provided by California Penal Code Section 830.6(a)(1). The authority of a non-designated reserve police officer shall extend only for the duration of the reserve officer’s specific assignment.

Adopted by the City of Sacramento City Council on _____ by the following vote:

Ayes:
Noes:
Abstain:
Absent:

MAYOR

Attest:

City Clerk

Effective: