



REPORT TO LAW & LEGISLATION COMMITTEE City of Sacramento

915 I Street, Sacramento, CA 95814-2671

TYPE OF REPORT
January 17, 2011

Honorable Members of the
Law and Legislation Committee

Title: Ordinance: "Designated" Level I Reserve Officers

Location/Council District: Citywide

Recommendation: Adopt an Ordinance that will expand upon Chapter 2.20 of the Sacramento City Code pertaining to the Police Department. This Ordinance will add Section 2.20.070 to the Sacramento City Code and authorizes the Chief of Police, or his designated representative, to: 1) identify and appoint Reserve Police Officers as "designated" Reserve Police Officers within the existing Reserve Police Officer I job classification; and 2) 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)].

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

Presenters: N/A

Department: Police Department

Division: Communications Division

Organization No: 11001321

Description/Analysis

Issue: On June 14, 2011, City Council passed an intent motion to approve the FY2011/12 Proposed Budget for the Police Department. As a result, six Police Sergeants were demoted and 41 Police Officers were laid off. The Police Officers affected by layoffs were subsequently reclassified as "non-designated" Reserve Police Officers and currently retain either five-year or two-year return rights (five years for non-probationary officers and two years for probationary officers) to their previous positions as full-time Police Officers. However, a Police Officer's Peace Officer Standards and Training (POST) certificate will only remain valid for three years. Further, in the event that the Reserve Police Officers who have been affected by layoffs become non-compliant with this requirement, they will lose their POST certification and, consequently, will not be able to work within a sworn capacity for the Police Department without first attending another approved police academy. Appointing

former full-time Police Officers to the classification of “designated” Level I Reserve Police Officers will ensure the continuity of their POST certificates.

On October 11, 2011, City Council passed a Resolution (#2011-562) which allowed the acceptance of Fiscal Year 2011 COPS Hiring Program (CHP) Grant funding. This funding enabled the Police Department to rehire 25 of the 41 Police Officers who had been laid off from their positions. Although 25 Police Officer positions were restored, it should be noted that the City of Sacramento will be facing budget deficits estimated at \$26 million over the coming two fiscal years which may require further reductions to the number of City staff.

Policy Considerations: According to provisions of Section 830.6(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 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. According to provisions of Section 830.1 of the California Penal Code, an individual with “designated” Level I Reserve Police Officer status will retain the full powers and duties of a peace officer.

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 this report.

Committee/Commission Action: None.

Rationale for Recommendation: Currently, the City of Sacramento has an established job classification of Reserve Police Officer I. The Police Department recognizes all employees within this classification as “non-designated.” There has been a significant reduction to the number of sworn police officers in the City of Sacramento due to budget reductions and layoffs that have occurred at the Police Department. It is in the best interest of the City of Sacramento to appoint “designated” Reserve Police Officer I employees for a variety of reasons:

- 1) “Designated” Reserve Police Officer I status will help fulfill the mandatory certification requirements by POST for Reserve Police Officers who have been laid off.
- 2) As “designated” Reserve Police Officer I’s, Reserve Police Officers who have been affected by layoffs will then be able to function in a solo officer capacity.

- 3) Individuals with "designated" Reserve Police Officer I status will be able to carry out full police officer powers 24 hours a day whereas "non-designated" Level I Reserve Officers may only carry out full peace officer powers during their official working capacity. Many of these "non-designated" Reserve Police Officers live within the City and travel to and throughout the City. Under their current classification, if a violent crime in progress were to occur in their presence, "non-designated" Reserve Police Officers are unable to take action without incurring personal liability and vicarious liability for the City. By granting the Chief of Police or his designated representative the authority to appoint "designated" Level I Reserve Police Officers, City Council will effectively increase police presence within the City at no additional cost to the City.
- 4) By authorizing the Chief of Police or his designated representative to identify and appoint "designated" Reserve Police Officers I's, the Police Department will have the ability to select former full-time Sacramento Police Officers for this classification. Individuals with "designated" Reserve Police Officer I status will possess a broad range of law enforcement experience and are past graduates of the Sacramento Police Academy. These individuals have already successfully completed a rigorous full-time field training program, as well as 40 hours of annual continued professional services training.
- 5) The proposed "designated" Reserve Police Officer I status will benefit the City as it will minimize the additional costs and training hours normally associated with reinstatement at such time that the affected employees return to full-time employment status.

Financial Considerations: The establishment of the "designated" Reserve Police Officer I status will not impact the General Fund and will potentially result in significant long-term savings. By appointing Reserve Police Officers affected by layoffs to this designation, the City will successfully avoid having to fund the cost of re-training the Reserve Police Officers if position restorations are approved. It is estimated to cost up to \$250,000 to train a new, non-POST certified, Police Officer from the academy through the field training program.

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.

Respectfully Submitted by: Mike McCarthy
Mike McCarthy, Captain

Approved by: Rick Braziel
Rick Braziel, Chief of Police

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California Penal Code References**Section 830.6.**

- (a) (1) Whenever any qualified person is deputized or appointed by the proper authority as a reserve or auxiliary sheriff or city police officer, a reserve deputy sheriff, a reserve deputy marshal, a reserve police officer of a regional park district or of a transit district, a reserve park ranger, a reserve harbor or port police officer of a county, city, or district as specified in Section 663.5 of the Harbors and Navigation Code, a reserve deputy of the Department of Fish and Game, a reserve special agent of the Department of Justice, a reserve officer of a community service district which is authorized under subdivision (h) of Section 61600 of the Government Code to maintain a police department or other police protection, a reserve officer of a school district police department under Section 35021.5 of the Education Code, a reserve officer of a community college police department under Section 72330, a reserve officer of a police protection district formed under Part 1 (commencing with Section 20000) of Division 14 of the Health and Safety Code, or a reserve housing authority patrol officer employed by a housing authority defined in subdivision (d) of Section 830.31, and is assigned specific police functions by that authority, the person is a peace officer, if the person qualifies as set forth in Section 832.6. The authority of a person designated as a peace officer pursuant to this paragraph extends only for the duration of the person's specific assignment. A reserve park ranger or a transit, harbor, or port district reserve officer may carry firearms only if authorized by, and under those terms and conditions as are specified by, his or her employing agency.
- (a) (2) Whenever any qualified person is deputized or appointed by the proper authority as a reserve or auxiliary sheriff or city police officer, a reserve deputy sheriff, a reserve deputy marshal, a reserve park ranger, a reserve police officer of a regional park district, transit district, community college district, or school district, a reserve harbor or port police officer of a county, city, or district as specified in Section 663.5 of the Harbors and Navigation Code, a reserve officer of a community service district that is authorized under subdivision (h) of Section 61600 of the Government Code to maintain a police department or other police protection, or a reserve officer of a police protection district formed under Part 1 (commencing with Section 20000) of Division 14 of the Health and Safety Code, 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 this state by that authority, the person is a peace officer, if the person qualifies as set forth in paragraph (1) of subdivision (a) of Section 832.6. The authority of a person designated as a peace officer pursuant to this paragraph includes the full powers and duties of a peace officer as provided by Section 830.1. A transit, harbor, or port district reserve police officer, or a city or county reserve peace officer who is not provided with the powers and duties authorized by Section

830.1, has the powers and duties authorized in Section 830.33, or in the case of a reserve park ranger, the powers and duties that are authorized in Section 830.31, or in the case of a reserve housing authority patrol officer, the powers and duties that are authorized in subdivision (d) of Section 830.31, and a school district reserve police officer or a community college district reserve police officer has the powers and duties authorized in Section 830.32.

Proposed Ordinance

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.