



***KENSINGTON POLICE PROTECTION
AND
COMMUNITY SERVICES DISTRICT***

**REQUEST FOR PROPOSALS
FOR
AN EVALUATION OF OPTIONS RELATED TO
DELIVERING POLICE SERVICES**

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INTRODUCTION

Kensington, California is a small, beautiful community (5,000 pop.) in the unincorporated area of Contra Costa County just north of Berkeley and east of El Cerrito in the Berkeley hills. There are two major north-south arteries traversing Kensington, Arlington along the eastern side and Colusa to the western side.

Many residents enjoy views of the San Francisco Bay and the surrounds. Kensington has a total area of approximately one square mile and is largely residential with two small shopping districts. The community enjoys low crime rates, an involved and highly-educated citizenry and a per household income that is roughly twice the statewide average.

Kensington has local jurisdiction over its police department, park services, refuse collection and fire department. These are governed by two elected boards. The five-member Kensington Police Protection and Community Services District (KPPCSD) Board oversees the police department, park services, and refuse collection. When fully staffed, the police department has had a total staff of up to ten sworn individuals and has the highest ratio of police officers per 1,000 population in Contra Costa County. The five-member Kensington Fire District Board oversees the fire department and emergency medical services, of which the day-to-day function is outsourced to the fire department of El Cerrito, a neighboring city.

Scope of Work

The purpose of this RFP is to guide the KPPCSD through an evaluation to determine the best approach to the future delivery, projecting the next five-to-ten years, of police services based on service quality and cost effectiveness. The study will provide the District with an independent assessment of the effectiveness and efficiency of the provision of Police Services.

This could range from a stand-alone police department to a contracting concept or shared services model with a neighboring jurisdiction. The consultant will be expected to identify implementation recommendations that are effective and achievable in the context of an overall strategy.

Initially, the performance of the existing department should be evaluated, including areas of excellent service and area of suggested improvement. This will establish a baseline staffing and funding for an effective stand-alone department. This evaluation would include the following:

- Analyze service levels, use of technology, workloads, calls for service and staffing
- Evaluate programs and services in terms of policies, procedures or other factors that may impede productivity and effectiveness, efficiency, and responsiveness to citizen needs
- Determine organizational and staffing options for an effective stand-alone department, including appropriate use of non-sworn personnel
- Determine the cost of a financially sustainable in-house police department over a 5-year and 10-year period.
- Develop 2 to 4 organizational options, including a preferred structure, utilizing a mix of sworn and non-sworn personnel that would be feasible and use as a basis to solicit contractual proposals from neighboring jurisdictions.
- Determine the structure of contracting concepts for comparison based on organizational goals; solicit proposals from neighboring jurisdictions.
- Conduct a side-by-side comparison and evaluation of options, including stand alone, contracting, or shared utilizing the developed criteria
- Rank the responses from the most favorable to the least favorable.

PROJECT PHASES

The deliverables can be summarized into four phases and can be amended during the course of the evaluation:

Phase I – Information gathering

- Assessment of all aspects of existing organization, including staffing, deployment, recruitment, performance, compensation, procedures and hierarchy.
- Recommend modifications to existing organization and practices to form a high-performance stand-alone department.
- Include process for initial public input, such as a public meeting.

Phase II – Preliminary findings

- Initial observations and findings; develop two to three feasible organizational, staffing/deployment stand-alone options.
- Conduct five-to-ten-year financial sustainability forecasts of stand-alone options. Costs should include all costs related to operating a police department such as CalPERS, technology, equipment and training.
- Develop initial models and criteria to be considered in evaluating shared services and contracting options.
- Possible opportunity for public input.

Phase III – Proposals & comparison of options

- Meet with potential contracting agencies to discuss Kensington contracting and shared services options and preferences.
- Prepare RFP to obtain contracting/shared services proposals from other jurisdictions.
- Prepare independent analysis of proposals including such factors as MOU status, unfunded liabilities, internal issues and administrative structure of a contracted or shared department.
- Compare proposals to stand-alone department options
- Public presentation & input of initial conclusions and draft report

Phase IV – Final report

- Complete final report and recommendations
- Commence implementation of immediate and long-term actions
- Recommended performance measures and process to monitor results and evaluate success.

CONSULTANT'S PROPOSAL

Consultant's proposal should include the following:

- Submit ten (10) paper copies and a digital copy of your proposal in sufficient detail to allow for thorough evaluation and comparative analysis.

Company background, experience and qualifications

- List experience with policing and studies with engagements similar to this RFP. Please list any demonstrated experience in evaluating options and costs related to contracting and/or shared police services.
- Identify any personal or professional connections with the KPPCSD or residents of Kensington.
- Thorough knowledge of State regulations related to Police administration and operations. Detailed understanding of the current and evolving working relationship and expectations of police and the public.
- Experience with small law enforcement organizations and operations; if available, include a list of comparable benchmark agencies and departments for best practices.

Personnel & Resources

- Identification and professional background of the specific individuals (with resumes) who would be assigned to this project.
- Identification of all resources consultant will need from the District to compete analysis.

Work Plan and Timeframe

- Describe how the consultant will conduct the evaluation. Present a detailed Work plan itemizing key activities.
- Please provide an estimate of the timeframe to complete the project. Please include project milestones, target dates, and critical decision points.

13. Insurance Requirements

- Provide insurance policies in amounts of up to \$2,000,000 for Professional Liability, Workers Compensation, Comprehensive General Liability and Auto (Owned and Non-Owned) and errors and omissions. Lower insurance amounts can be acceptable with an explanation from the consultant.
- Prior to any commencement of services, the firm will provide certificates of insurance coverage.

Compensation & Reimbursement

- The maximum, not to exceed fees, and estimated hours for each of the services should be provided.
- Define any additional or variable charges proposed that would be in addition to the base fee, including travel, printing and any soft costs.
- Personnel to be assigned and hours, level (principal, partner, associate, etc.) and hourly rate for each.

Submittal

- Interested consultants should submit a proposal to: Anthony Constantouros, General Manager, Kensington Police Protections and Community Service District.
- Responses should be received in 30 days of receipt of the RFP. Responses may be delivered in person, mailed or emailed
- EMAIL: tconstantouros@kensingtoncalifornia.com
- KPPCSD, 217 Arlington Ave., Kensington, CA 94707-4141
- OFFICE: 510-526-1178

RFP EVALUATION CRITERIA

Proposals will be evaluated in a fair, consistent, and objective manner. Selection will be based on response to questions or requirements identified in this RFP and interviews. The District reserves the right to request additional information or clarification from proposing firms, or to allow corrections of errors or omissions. At the option of the District, a group of finalists may be selected for in-house or teleconference interviews.

The firm selected as a result of this RFP process will enter into a written professional services contract. Such contract shall reflect the terms and conditions included in the RFP and the selected firm's proposal, as well as any other provisions mutually agreed to by both parties.

The District may use some or all of the following criteria in its evaluation and comparison of proposals submitted. The criteria listed are not necessarily an all-inclusive list and the order in which they appear is not intended to indicate their relative importance:

- Recent experience in conducting similar scope, complexity, and magnitude for other public agencies, with a preference for experience with similarly sized or California cities;
- Capacity and ability to complete the project in a timely manner;
- Educational background, work experience, and any directly related experience;
- Depth and breadth of experience and expertise in the evaluation of law enforcement operations, specifically in those areas of highest impact to the District;
- Capability to perform the scope of services promptly and professionally.
- Other relevant information, such as staying current with best practices in the law enforcement field;

Attachment

**Final Report of the
Ad Hoc Committee for
Governance and Operations Structure**

**Submitted to
KPPCSD Board of Directors
October 1, 2016**

Contracting Subcommittee Report: Contracting Police Services

Subcommittee members: Tim Snyder, Charles Reichmann, and Mabry Benson

Executive Summary

To assess the possibility of contracting with another jurisdiction for police services the Subcommittee on Contracting contacted the civilian managers of every police department operating in or adjacent to Kensington.

The Subcommittee found that should Kensington decide it wishes to contract for the provision of policing services, there are currently at least five available options. The Contra Costa Sheriff's Office could provide such service, as could the police departments of Albany, El Cerrito, Richmond, and the University of California.

With few exceptions, the Subcommittee was unable to gather information about the relative cost of contracting with these departments. The departments were reluctant to provide cost information absent a formal request for proposal (RFP), and some pointed out that total costs cannot be known prior to the negotiation process.

The Subcommittee did not attempt to assess the quality of the departments it interviewed, but heard nothing anecdotally to suggest any of the departments it considered would be unsuitable. In the event Kensington decides to contract for policing services, it may wish to assess the level of satisfaction the populations policed by the departments in question have with their respective departments and the quality of department/city management.

Several departments suggested that the contracting process could be an opportunity for Kensington to consider different organizational structures and policing strategies, even in advance of issuing a RFP. Such strategies might include use of non-sworn personnel to handle some policing or non-policing functions (e.g., parking) or a different ratio of sergeants to patrolmen. All departments agree that the price quoted will depend on the details specified in the RFP.

Pros and cons for contracting for police services and considerations for moving forward are presented in the main body of the report.

End Contracting Executive Summary

Introduction

This section of the report describes the activities and the findings of the Subcommittee of the Kensington Police Protection and Community Services District (KPPCSD) Ad Hoc Committee for Governance and Operations Structure that was tasked with evaluating the possibilities of contracting for police services with other agencies, in whole or in part.

This Subcommittee was asked to investigate whether contracting out, in part or whole, will provide reasonable, cost-effective services the community wants, by conducting fact finding on various levels of collaboration, including but not limited to:

- Research of similar service models in jurisdictions more focused on community policing;
- Identifying and engaging potential interagency law enforcement partners, such as the El Cerrito Police Department, UC Berkeley Police, Contra Costa Sheriff's Office, and East Bay Regional Park District.

Methodology and Sources of Input

The Subcommittee conducted its investigations and fact finding by contacting and meeting with various agencies. Certain agencies were selected based on their proximity to Kensington and the greater likelihood that they would be in a position to provide police services to Kensington. Discussions with these agencies included exploring their willingness to provide services to Kensington, gaining an understanding of their organizations and performance, and getting their perspective on how and what services could be provided. These agencies included:

- Albany;
- El Cerrito;
- Richmond;
- UC Berkeley;
- City of Berkeley;
- East Bay Regional Parks; and
- Contra Costa Sheriff's Office.

Other agencies were selected based on their current arrangements of contracting with the Contra Costa Sheriff's Office for the provision of sworn officers and other police services. Discussions with these agencies were for the purpose of understanding how the process of contracting with the Contra Costa Sheriff's Office works and determining their level of satisfaction with both the service and the cost of the contracting arrangements. These agencies included:

- Orinda;
- Lafayette;
- Oakley; and
- Blackhawk;

With the exception of the City of Berkeley, East Bay Regional Parks, and the Contra Costa Sheriff's Office, the Subcommittee was able to have meaningful discussions with all of the above-noted agencies. East Bay Regional Parks indicated that they were not interested in providing services to Kensington at this time. The city of Berkeley also indicated that they were not interested in providing services to Kensington, as it would distract from their primary focus. The Contra Costa Sheriff's Office did not wish to take the time to have discussions with the Subcommittee, given that the Subcommittee was not making a formal request for proposal, but indicated it would be willing to discuss the matter should the KPPCSD make a direct request.

Issues Discussed

Issues that were discussed with each of the selected agencies included:

- The extent of desired coverage;
- The ability to have Kensington identity on uniforms and cars;
- The ability to have a physical presence in the Kensington Safety building;
- The nature of the command structure for contracting;
- The ability to replace undesired officers;
- The ability to handle existing Kensington service programs such as vacation watches, key program, etc.; and
- The willingness to hire selected current Kensington police officers.

These issues were discussed to determine whether the various agencies were willing and able to essentially match the current level and extent of Kensington police services.

Limitations on Research

In discussions with the various agencies, it quickly became apparent that while we could assess their willingness to partner with Kensington in providing police services, we could not determine the appropriate staffing levels, structure, and detailed cost information for providing such services. Refined details and costs can only be determined from much more detailed and formal requests for proposals and through actual contract negotiations.

Further, the Subcommittee lacked both the time and the expertise to perform in-depth due diligence evaluations of any of the agencies contacted.

Summary of Agency Discussions and Research

The following sections provide a summary of the discussions and research that were performed by the Subcommittee for each of the selected agencies. Additional information¹ for the selected agencies is also provided in tables that are included in **Error! Reference source not found.** to this report.

Agencies Willing to Consider Partnering With Kensington

Four neighboring police departments were interested in contracting to provide Kensington with police services: Albany, El Cerrito, Richmond, and the University of California (Berkeley). All were generous with their time, which included the police chief, supervisory staff, and, generally, the city manager. In general, the police chiefs did most of the talking. We greatly appreciated their cooperation.

Themes that were common to all of these agencies included the following:

- All were proud of their departments and their culture. They highlighted their high standards, good policies, training, and modern tools. They pointed out that staffing goes beyond just patrolling a beat, and discussed the nature of their support staff and special functions.
- They were all willing to keep a Kensington identity for the contracted officers with Kensington uniforms, Kensington marked cars, and maintaining offices in the Kensington Safety Building. They all noted that a non-Kensington-dressed officer may show up to answer a call, in the event that they are covering for or are called in as back-up for a Kensington officer.
- They all suggested that establishing a separate beat of their respective departments would be the most economical and practical way of providing services to Kensington. Several were also willing to make suggestions for

¹ Additional information/data is provided related to cost, staffing, service calls, response time, and crime statistics.

alternative staffing models. Under a beat model, specific officers would be assigned to the beat for significant periods of time and would be dedicated to serving their beat. Only on rare occasions would officers be called upon to support other beats or communities, in a similar manner to how the Kensington Police Department (PD) currently operates.

- They would not guarantee the retention of current Kensington officers. Kensington officers would be allowed to apply for positions with the contracting agency, and would have to go through the regular department hiring process.
- They would want to start with a 3 to 5 year contract, in order to amortize the time and expense involved with setting up the services (e.g., establishing protocols, policies, hiring, training, etc.).
- Some suggested that trying to fully replicate the current Kensington PD (i.e., number of personnel and structure) would probably not result in significant savings. Some offered their opinion that by establishing Kensington as a beat within their department, effective police services could be provided with fewer than the current 10-officer staff that Kensington currently employs, and therefore, the total costs could likely be less than what Kensington currently pays. Projected savings would come from using fewer personnel and having greater economies of scale associated with a larger department.

A summary of the main points for each of these departments is presented below.

Albany

- Population: 18,539
- Size: 1.7 square miles
- Police expenditures FY2015–2016: \$6,682,743, or \$360 per capita
- City web page: <http://www.albanyca.org/>
- Police Department web page: <http://www.albanyca.org/index.aspx?page=47>

The following information was obtained from a February 22, 2016, meeting with Albany City Manager Penelope Leach and Chief of Police Mike McQuiston, and a phone call with Chief McQuiston on August 8, 2016.

Albany has a police department staff of 26 sworn officers (1 chief; 2 lieutenants; 6 sergeants; 17 officers) and 8 nonsworn personnel (6 public safety dispatchers, 2 police services technicians). Albany has shifted to using nonsworn personnel, such as police services technicians to cover some of the work done by sworn staff, providing assistance to officers at a lower cost. Albany has 2 police beats for the city. The police can go citywide as necessary, but they have a responsibility and are held accountable for their own beat. Albany uses its own dispatch and 911 call center.

Albany has a professional standards officer (i.e., internal affairs) who deals with complaints. Complaints are accepted in any form including email. The procedure used depends on the type of complaint, and they have software to track complaints. When this was first instituted, officers were worried about a flood of complaints. They were told that if you are doing your job properly, there should not be a problem, and there has not been a problem. All Albany officers also have body cameras. They were instituted during the Albany Bulb clearance. They do not operate the cameras all the time, but turn them on when they make a stop or have an encounter. The video doesn't always come through, but the audio does. Chief McQuiston believes this has been a good expenditure, especially for adjudicating complaints.

Chief McQuiston indicated that Albany has worked hard to create a good workplace culture within their police department. He believes that the professionalism of the force and their work environment is much improved, as a result of these efforts. He noted that the culture of a department, in his opinion, should be an important consideration in considering and selecting a contracting partner.

Albany does not have the most expensive pension plan. They provide a 3% of salary per year at age 55–defined benefit retirement plan for officers hired before 2013. New officers, hired since 2013, are subject to the new state Public Employees Pension Reform Act (PEPRA), which provides for a 2.7% of salary per year at age 57–defined benefit retirement plan.

Albany expressed interest in providing police services to Kensington. They offered that the most cost-effective way for Albany to cover Kensington would be to set it up as a third beat. Albany believes it would be relatively easy to accomplish, while taking advantage of economies of scale (particularly with regard to training, supervision, policies, etc.). Chief McQuiston suggested using nonsworn personnel such as a community service officer or police services technician to cover some of the work now done by sworn staff, providing assistance to officers at a lower cost.

Chief McQuiston offered his opinion that if Albany were to provide police services to Kensington as a beat, that it could be done with fewer than the current 10-officer staff that Kensington currently employs, and therefore, the total costs could likely be less than what Kensington currently pays.

Albany would use its own dispatch and 911 call center, and does not see a problem with cross-county line dispatch. Chief McQuiston noted that Kensington dispatch was handled by Albany in the past, without any known problems. He mentioned that an up-coming East Bay Regional Communications System will combine and improve many of the communication systems. Chief McQuiston noted that Albany would need to define procedures for cross-county police activities such as jailing, filing cases, etc., but does not see this as a problem.

El Cerrito

- Population: 24,599
- Size: 3.7 square miles
- Police expenditures FY2015–2016: \$11,292,173 or \$459 per capita
- City web page: <http://www.el-cerrito.org>
- Police Department web page: <http://www.el-cerrito.org/index.aspx?nid=135>

The following information was obtained from a series of meetings with City of El Cerrito personnel: a March 8, 2016, meeting with Interim Chief of Police Paul Keith, City Manager Scott Hanin, and Assistant City Manager Karen Pinkos; a March 28, 2016, meeting with Interim Chief of Police Paul Keith, Lieutenant Special Operations Robert de la Campa, and Assistant City Manager Karen Pinkos; and a May 4 meeting with Interim Chief Keith, Lt. de la Campa, and Assistant City Manager Pinkos.

El Cerrito has a PD staff of 40 sworn officers and 12 nonsworn personnel. They have authorization for a full staff of 46 sworn officers and 15 professional staffers but are operating below that number to save costs. They need four over minimum staffing for flexibility and to cover training and sick and vacation leave.

El Cerrito PD has three beats, and each beat officer typically remains in their assigned area when responding for calls for service. Beat officers leave their assigned area for serious incidents. When this occurs, another officer from the support staff can be called to take calls on that beat. There are four six-member patrol teams to cover the beats consisting of four officers, one corporal and one sergeant. The department fields a minimum team of one supervisor and three officers at all times with an extra officer from 3pm to 11 pm. There is always a supervisor available on the graveyard shift. In addition to patrol officers, they have other officers performing staff functions, such as compliance officers, who can fill in on patrols when beat officers are pulled off of their beat or have to make trips to Martinez. There is also a detective team that is responsible for investigating major incidents, such as robberies, burglaries, sexual assaults, and deaths. Several specialized units within the El Cerrito PD include:

- A traffic team that spends time responding to community concerns over traffic issues;
- Internal affairs with an assigned officer;
- A crisis intervention team;
- A crisis negotiation team;
- A detective team with one sergeant, one corporal, three detectives, and one crime scene technician;
- An officer on the Richmond PD SWAT team;
- A K9 officer and dog for tracking and drugs; and
- Community service officers, with one full-time and two part-time officers.

El Cerrito PD provides a wide variety of police services, including programs involving traffic education and enforcement, school resource officers, major crime investigations, and mental health intervention. The department is accessible and responsive to email, identified problems, and complaints, with an emphasis on de-escalating problems, which they believe is a benefit to a small department. The goal for the El Cerrito Police Department is to meet community expectations.

The City of El Cerrito management staff negotiates contracts with the officers and approves the staff levels. El Cerrito currently has one of the most expensive pension plans, providing a 3% of salary per year at age 50–defined benefit retirement plan for officers hired before 2013. New officers, hired since 2013, are subject to the new state PEPRRA, which provides for a 2.7% of salary per year at age 57–defined benefit retirement plan. They do not offer medical benefits after retirement.

El Cerrito expressed interest in providing police services to Kensington. The City Manager commented on their good relations with Kensington and indicated that El Cerrito is open-minded about contracting, but they don't want to take on something that would lose money for them.

At the May 4, 2016, meeting, Chief Keith presented one option for providing police services to Kensington and a preliminary staffing plan.² This option consists of incorporating Kensington into El Cerrito police operations as a fourth beat. To do this, they would add an officer to each patrol team and another officer to provide vacation and training relief. Kensington would be serviced by the specialized detectives of the investigation unit. El Cerrito would add a command staff officer to oversee the contract and provide the Kensington community with a direct contact for policing concerns. El Cerrito would add a staff member to provide record support. El Cerrito would staff office hours at the Kensington Public Safety Building where the community could obtain copies of reports, speak with administrators, and meet with detectives on major cases. El Cerrito believes that this plan would cost Kensington the same or less than the current Kensington police budget.

El Cerrito has high standards for its officers. They would allow existing Kensington officers to apply for positions in the El Cerrito PD, but would require them to go through their standard lateral officer hiring and testing process, and successfully complete a field training program.

Richmond

- Population: 103,701
- Size: 30.07 square miles

² Preliminary proposal for Kensington police services, El Cerrito Police Department, May 4, 2016. This can be accessed at the KPPCSD Board - Ad Hoc Governance Committee - Documents web page.

- Police expenditures FY2015–2016: \$75,037,831, or \$724 per capita
- City web page: <http://www.ci.richmond.ca.us/>
- Police Department web page: <http://www.ci.richmond.ca.us/82/Police-Department>

The following information was obtained from a March 7, 2016, meeting with Allwyn Brown, then Interim Chief of Police, now permanent, and Bill Lindsay, City Manager of Richmond.

Richmond has a current police department staff of 184 sworn officers and nonsworn personnel. In addition to patrol officers, there are ~35 in code enforcement, ~30 in dispatch, and ~30 in crime prevention, crime analysis, and records. They have 8,000 to 9,000 calls for service/month. Richmond PD offices are located at Marina Bay, which is some distance from Richmond Civic Center.

Richmond PD has three districts or sectors, each with a captain, who also has an additional specialized PD function. There are three beats per district, with a sergeant as supervisor. Beat officers respond to calls, are expected to know the nature of their beat (people and businesses), and understand what Richmond PD resources are available to support them. Officers are kept on a beat for a long time to foster familiarity with the area. Other Richmond PD support units include:

- Crime investigation, which includes units for domestic and sexual violence;
- Robbery and homicide;
- Property crimes, and forensics;
- Crime prevention;
- Traffic;
- Specialized for gangs, drugs;
- SWAT team;
- Mobile field force;
- Part-time marine; and
- K-9.

The Richmond PD Internal Affairs unit is being renamed Office of Police Accountability, and will be relocated to Richmond City Hall. This office will have a civilian manager and a mediation section for lower-level complaints, for the purpose of adding more of a public face to the unit and gaining greater public trust in the unit.

Richmond PD is proud of their level of experience, their desire to be guardians, their connection to neighborhoods, their shared respect with the public, and that they are a small enough force so everyone knows each other. Their approach to policing is to focus on crime prevention.

Richmond expressed interest in providing police services to Kensington. Options could include just providing officers and services (as the Contra Costa Sheriff's Department provides to Orinda and Lafayette) or a total service model. For the total service model, Richmond would probably want to set up another beat in their Northern Sector. This beat would be fully integrated into the department, headed by sergeants and a district lieutenant, and would provide more comprehensive services than the sheriff model. To proceed to a more meaningful discussion of options and costs, Richmond PD would need to have a clear definition of Kensington police service needs.

Current Kensington officers would have to apply for positions in the Richmond PD, as any other applicant, and be trained as necessary.

University of California, Berkeley, Police Department

- Police Department web page: <http://ucpd.berkeley.edu/>

Population, size, and police expenditure information are not provided here, as the nature and structure of University of California, Berkeley, PD (UCPD) services, the entities served, and the geographic areas served are quite varied and are not directly comparable to city organizations.

The Subcommittee approached UCPD to learn more about their operations and to determine their willingness to consider contracting with Kensington for police services. The following information was obtained from a March 29, 2016, meeting with Chief of Police Margo Bennett, Operations Head Captain Alex Chou, Ann Jeffrey, and Scott Bidby, Office of the Chancellor, as well as reviews of public documents describing UCPD services.

The UCPD provides patrol, investigation, crime prevention education, emergency preparedness, and related services for the Berkeley campus community, including the Lawrence Berkeley National Lab. UCPD patrols all university-owned property in Berkeley, Albany, Oakland, Emeryville, Richmond, Blake Estate in Kensington, and Contra Costa County, and has concurrent jurisdiction with local police agencies within a mile of that property. Aside from the campus proper, UCPD also patrols 160 acres of ecological area in the hills behind campus and student housing located in the cities of Berkeley and Albany.

UCPD and the City of Berkeley PD collaborate in patrolling the campus and City of Berkeley properties located in the South Campus Business District. The department uses the Alameda County Sheriff's crime lab, and relies on the sheriff for long-term holding facilities. UCPD provides bomb squad services at no charge to law enforcement agencies in Alameda County.

UCPD is a full-service department with their own dispatch, training department, firing range, crime prevention unit, special tactical response team, bomb squad, K-9 units, IT support, and records keeping functions. They have a staff of approximately 70 sworn officers, 13 records and dispatch staff, and 20 civilian staff. They also manage 50 nonsworn security patrol officers who work for various departments and Lawrence Berkeley

Laboratory. There is also a group of approximately 55 community service officers (nonsworn) that serve support roles in the community.

The department believes they are community oriented, and believe they have a reasonable understanding of the Kensington community, based on their patrolling of the Blake Estate and the fact that a large number of current and past UC professors and employees live in Kensington. They view Kensington as an extension of the campus community.

UCPD would consider providing police services to Kensington, either as a separate department or a separate beat. They would require the use of their own dispatch and would have to work out the protocols for transferring 911 medical and fire calls to the Kensington Fire Department.

Current Kensington officers would not be allowed to directly transfer to UCPD. They would have to apply, as any other job candidate, and go through the UCPD hiring and training process. Human resources functions for the UCPD are handled by UC Berkeley administration.

Agencies With Contra Costa Sheriff Contracting Experience

Under California law, the sheriff's department of each county is charged with policing unincorporated areas that lack their own police departments. The precise level of services provided can vary, but at a minimum, the sheriffs are tasked with responding to all reports of crime. Currently, the Contra Costa County Sheriff's Office provides policing services to a number of unincorporated areas in the county including East Richmond Heights, Rollingwood, and North Richmond. Current services in these communities include some patrolling, but it is not known how much. The Subcommittee hoped to learn what sort of services the sheriff's office would provide Kensington in the event it opted for such minimal coverage, but the office was not willing to talk to the committee unless and until the KPPCSD expresses an intention of pursuing a changed relationship with the sheriff.

In addition to this minimal level of coverage, communities may choose to purchase additional police services from the sheriff's office. A 2011 study³ reports that nearly 30% of California cities contract with their sheriff's department for provision of additional policing services. A number of communities including Lafayette, Orinda, and Blackhawk in Contra Costa County, staff police departments with sheriff's deputies. The Subcommittee interviewed representatives of each of these jurisdictions about their experience with the sheriff's office. Summaries of these interviews are provided below.

Orinda

- Population: 18,681

³ "Municipal Contracting With County Sheriffs for Police Services in California: Comparison of Cost and Effectiveness." Peter J. Nelligan, PhD, and William Bourns, PhD, California State University, Turlock. *Police Quarterly*. 2011;14(1):70-95.

- Size: 12.7 square miles
- Police expenditures FY2015–2016: \$4,544,132, or \$243 per capita
- City web page: <http://cityoforinda.org>
- Police department web page:
http://cityoforinda.org/index.asp?Type=B_BASIC&SEC={1668EA74-3AFF-4C53-B47F-0FB541F15F4A}

The Subcommittee contacted the City of Orinda to evaluate their experience in contracting with the Contra Costa County Sheriff's Office. The following summary is based on a meeting with City Managers Janet Keeter of Orinda and Steve Falk of Lafayette.

Orinda has contracted with the Contra Costa County Sheriff's Office for the provision of sworn officers to staff their police department since 1985, when Orinda incorporated. They have been very satisfied with the quality of service provided by the sheriff. Orinda also contracts for or has access to other police services from the sheriff, including dispatch, large incident response, search and rescue, crime lab, etc. on a pay as you go basis. The assigned sheriff personnel rotate on a 3- to 5-year basis, and Orinda gets to choose their chief from four to five proposed candidates (lieutenant rank) from the sheriff's office.

Orinda currently has 14 sworn police officers (1 lieutenant; 2 sergeants; 11 officers) contracted from the sheriff's office and 2 civilian city employees assigned to the police department. The sheriff's office personnel wear Orinda uniforms and drive Orinda marked police cars. The department has 11 police vehicles.

Advantages to contracting with the sheriff's office include not having to handle the recruiting or personnel management, not being responsible for insurance or legal liability associated with police-related incidents, and not having to worry about covering for officers that go out on short- or long-term disability. Orinda can request that an officer be replaced, and has done so four times over the last 20 years.

Disadvantages to contracting with the sheriff's department include not having control over costs. The sheriff's department prepares a list of services and costs each year, and presents this to the cities that contract with them.⁴ The cities then tell the sheriff's office what they want and pay the established price. There is no negotiation over the cost of an officer or services, but budgetary flexibility may be achieved by adjusting the number of officers or services requested.

In 2009, it was projected that the cost for the sheriff's services would rise significantly over the next 5 years, due to having to deal with unfunded pension liabilities. In response to this threat, the cities of Orinda, Lafayette, and Danville commissioned a study to evaluate alternatives such as establishing individual or combined police departments. They hired

⁴ The latest Sheriff cost for FY2016-2017 are provided in the 2016 Contract City Managers Information Guide, Contra Costa County Sheriff, March 16, 2016. This can be accessed at the KPPCSD Board – Ad Hoc Governance Committee – Documents web page.

Matrix Consulting Group, a company with expertise in evaluating city government organizations, to perform the study over a period of 9 months and for a cost of approximately \$90K. The results of this study concluded that there would be notable cost savings associated with ending the contract with the sheriff and establishing local departments. None of the three cities, however, chose to make the change.

The actual increases in costs for the sheriff's services from 2009 to present have been at the low end of the projections that were made in the 2009 study. Orinda and Lafayette are, however, again expecting that future increases will be significant based on a long overdue contract renegotiation between the sheriff's office and its deputies (they have been without a contract for 3 years) and high unfunded pension liabilities.

Orinda, Lafayette, and Danville are 3 of only 10 cities in the state that do not offer defined benefit retirement programs for their employees. They offer a defined contribution retirement program. This has served them very well in terms of having predictable and sustainable employee benefit costs. Their current retirement contribution costs are 13% of salary (this has risen 2% in the last year from 11%). This was a significant factor for Orinda in their 2009 decision to continue contracting with the sheriff for police services. Although studies indicated there would be notable cost savings by starting their own police departments, they were concerned that they would not be able to attract highly qualified personnel by offering their defined contribution retirement benefits. They projected that experienced police officers, most of whom are part of CalPERS or other defined benefit programs where cities pay more than 30% of salary annually towards pension costs, would be unwilling to take a job that provides less than half the retirement benefits. Orinda also did not want to set up a different set of benefits for police from what they do for the rest of their city employees, as they believed this would be a constant source of friction within the workforce, and they were committed to maintaining a sustainable structure for employee benefits.

The city manager for Orinda noted that she is aware of many cities that have wanted to change their current police force situations because of excessive costs of their defined benefit retirement programs. To her knowledge, virtually all have been unable to do so because they cannot afford to pay off the unfunded liabilities associated with their existing defined benefit programs.

Lafayette

- Population: 24,285
- Size: 15.4 square miles
- Police expenditures FY2015–2016 : \$4,876,449 or \$201 per capita
- City web page: <http://www.ci.lafayette.ca.us>
- Police department web page: <http://www.ci.lafayette.ca.us/city-hall/city-departments/police>

The Subcommittee contacted the City of Lafayette to evaluate their experience in contracting with the Contra Costa County Sheriff's Office. City Manager Steve Falk of Lafayette reported that Lafayette has contracted with the Contra Costa County Sheriff's Office for the provision of sworn officers to staff their police department since 1968, when Lafayette incorporated.

Lafayette currently has 17 sworn police officers (1 lieutenant; 2 sergeants; 12 officers; and 2 motorcycle traffic officers) contracted from the sheriff's office, and 2 civilian city employees assigned to the police department. The sheriff's office personnel wear Lafayette uniforms and drive Lafayette marked police cars.

The model for providing police services and the experience with the sheriff's office in Lafayette are nearly identical to Orinda. The only differences are the number of officers/personnel and the selected areas of focus (e.g., traffic officers).

Blackhawk

The Subcommittee contacted the Blackhawk Community to evaluate their experience in contracting with the Contra Coast County Sheriff's Office. Although it is recognized that Blackhawk is a gated community, which provides a more protected boundary than Kensington enjoys, it was felt to be of value to learn of their experience. The following summary is based on communicating with Mike Banducci, who is the Chair of the Blackhawk Community Advisory District (BCAD), the agency charged with providing police services for unincorporated Blackhawk.

Blackhawk has contracted for police services from the Contra Costa Sheriff's Office for ~30 years. Mr. Banducci reports that because the sheriff's office provides "excellent" service, Blackhawk has never considered setting up its own department or looking for alternatives.

Mr. Banducci emphasized that the BCAD Board takes a hands-on role in setting policy for the department. Current priorities are patrolling and traffic enforcement. The board meets monthly to discuss priorities and review performance. The sheriff attends one meeting annually, and is responsive to BCAD questions at other times.

The Blackhawk Police Department (BPD) is currently staffed with a chief (a lieutenant rank in the sheriff's office), two deputies, and one half-time deputy. At least one officer is on duty ~70% of the time. At other times, calls are fielded by the sheriff's Alamo substation with a slower response time. Banducci reports that the BCAD Board is happy with this situation and does not believe it has ever considered providing 24/7 service. The current structure allows for double staffing during business hours and single staffing at all other times. BPD officers wear sheriff's office uniforms, but drive in Blackhawk-owned cars emblazoned with the BPD logo.

The board prefers to have a chief actively engaged in the community and has instructed the current chief to spend the majority of her time out of her office, patrolling and interacting

with the community. The chief typically serves a 3- to 4-year term, and deputies average 3- to 5-year terms.

The Subcommittee attempted to contact the current chief, Tiffany Van Hook, but on instructions from Undersheriff Mike Casten, she declined to speak with the Subcommittee, reiterating the sheriff's office position of not providing information on police service models until a formal request is made by the KPPCSD Board.

The total annual cost to Blackhawk for policing services is ~\$800,000. Of this, ~\$700,000 comes from a parcel tax falling principally on residences, and the balance comes from ad valorem tax revenues.

Oakley

- Population: 38,194
- Size: 15.9 square miles
- Police expenditures FY2015–2016 : \$9,029,000, or \$236 per capita
- City web page: <http://www.ci.oakley.ca.us>
- Police Department web page: <http://www.ci.oakley.ca.us/departments/police>

Oakley was selected for Subcommittee evaluation based on the fact that they were changing from contracting with the sheriff's office to forming their own department. The Subcommittee wanted to understand the reasons for this change. The following information was obtained through a conversation with City Manager Bryan Montgomery.

The city of Oakley has been contracting with the Contra Costa Sheriff's Office for the provision of police services for many years. Over the last 7 to 8 years, they became concerned with the annual escalation in cost associated with the Contra Costa Sheriff's Office and the fact that Oakley has no control over the sheriff's costs. The sheriff's costs were rising significantly, year to year, due to rising pension obligations associated with a 3% of salary per year at age 50–defined benefit program and high levels of unfunded liabilities. Oakley was very satisfied with the quality of the sheriff's services, but viewed the continuing cost increases as a threat to city finances.

In 2014, Oakley began to evaluate the feasibility of creating their own police department and projected that they could save approximately 8% (\$700K for a budget of \$8.6M) over the sheriff's costs. One of the key factors for being able to realize savings was the State of California passage of PEPRAs laws in 2013. This allowed Oakley to form their police department with *all* members of the department being subject to lower, and hopefully more sustainable, retirement defined benefit formulas (2.7% of salary per year at age 57 for sworn personnel; 2% of salary per year at age 62 for nonsworn personnel) and a mandatory requirement that employees contribute 50% of the retirement benefit costs. They were also very conscious of organizing their department such that nonsworn personnel handle as many duties as possible.

In early 2015, they made the decision to form their own department in mid-2016. They just made the transition in May 2016. The new Oakley PD has 30 sworn officers and approximately 15 full-time equivalents of nonsworn personnel. In forming the new department, they are saving between \$50K and \$60K per year per officer compared to what they would be paying for the sheriff's services. They were also able to retain/hire 80% of the sheriff's deputies that were at the time assigned the city under the sheriff's contract. Because the sheriff pay scales for deputies were low, Oakley was able to increase base salaries to a level where transferring personnel were accepting of the lower retirement benefit formulations. Overall transition costs for forming the new department are estimated to be ~\$600K. The projected cost savings to the city are projected to be \$700K to \$800K per year.

Mr. Montgomery believes that if Kensington is trying to solve a quality-of-service issue, and money is not an issue, the sheriff would be a good solution. If money is an issue, then going with the sheriff will not solve the problem.

Agencies Not Willing to Consider Partnering With Kensington

Two neighboring police departments were not interested in contracting to provide Kensington with police services. These are the East Bay Regional Parks District and the City of Berkeley.

East Bay Regional Parks District

In March, the Subcommittee emailed Robert Doyle, General Manager of the East Bay Regional Parks District (EBRPD) to inquire whether EBRPD would be interested in pursuing a contractual relationship with Kensington. Timothy Anderson, Assistant General Manager and Chief of Police of EBRPD, replied to our query by email, indicating that "at this time the East Bay Regional Park District is not currently in a position to entertain discussion about contract policing." The Subcommittee did not ask Chief Anderson whether, or under what circumstances, EBRPD would be open to reconsidering the issue in the future.

EBRPD has a police force consisting of ~65 sworn officers charged with policing an area in excess of 120,000 acres including the areas of Wildcat Regional Park adjacent to Kensington.

Berkeley

The Subcommittee emailed Berkeley's city manager, Dee Williams-Ridley, and subsequently, Berkeley Police Chief Michael Meehan to assess Berkeley's interest in providing contracted police services to Kensington. Chief Meehan, after consultation with City Manager Williams-Ridley, reported that Berkeley was not interested in pursuing a

contractual relationship with Kensington, as they believed policing another jurisdiction would deviate from Berkeley PD's core mission and that policing across county lines would pose a logistical challenge for his department.⁵

Berkeley shares a large border with Kensington, and the Berkeley PD has ~170 sworn officers.

Cost Considerations

Transition Costs

There may be substantial transition costs associated with making the transition to contracting out for police services. These were estimated to be approximately \$500K in a 2009 study performed for Kensington by Brown Taylor to evaluate the feasibility of contracting for police services with the City of El Cerrito. The majority of the transition costs identified in this study were related to personnel costs, including:

- Costs for maintaining adequate staffing during an 18 month transition period including retention bonuses for exiting personnel and/or hiring of temporary officers to cover for expected attrition;
- Costs for accrued vacation and benefits paid to departing personnel;
- Costs related to the screening, hiring, equipping, training, and orientation of new police personnel that would need to be added by the contracting agency; and
- Costs related to transitioning ongoing police service activities at the point of transition.

The 2009 Brown Taylor estimate, for the most part,⁶ did not include costs that would be associated with:

- Further feasibility studies;
- Conducting due diligence of potential contracting agencies;
- Potential costs resulting from "meet and confer" obligations with the current Kensington Police Officers Association;
- Soliciting and reviewing proposals; and
- Negotiating contracts.

⁵ As set forth in the relevant sections, the fact Kensington is in Contra Costa County is not seen as an unmanageable problem by both the Albany Police Department and the University of California Police Department.

⁶ The 2009 Brown Taylor study transition costs did include \$15K for a legal contract review.

Further evaluation is warranted to determine accurate and current transition costs. The Subcommittee has insufficient basis to have an opinion on whether current transition costs would be more or less than those outlined in the 2009 study.

Ongoing Costs

The majority of costs associated with contracting for police services would be those paid to the contracting agency(s). There are, as well, other costs that are now and would continue to be incurred by Kensington on an ongoing basis. These costs would include:

- Ongoing CalPERS pension obligations associated with unfunded liabilities for currently active and retired Kensington PD personnel. If Kensington were to place the CalPERS accounts in an inactive status, it would continue to pay an amortization amount on an annual basis. The amount of this payment changes from year to year, and in the 2014 report, was projected to average ~\$230,000 over each of the next 5 years. These payments will continue into the future until all unfunded liabilities are paid off. The projected amount of this payment is based on the assumption that the CalPERS rate of return will average 7.5% and that other actuarial assumptions will remain constant. If CalPERS rate of returns continue to fall below this 7.5% assumption (2.2% for 2014 to 2015; 0.6% for 2015 to 2016), these required annual payments will likely rise significantly. If Kensington were to terminate the CalPERS accounts, the termination costs would range from \$9M to \$14M depending on the interest rates for low-risk treasury bonds at the time of termination.⁷
- Ongoing medical benefit obligations associated with retired Kensington PD personnel. This includes all insurance costs and all uninsured costs associated with medical, dental, and vision expenses for retired personnel and their spouses.⁸ The 2015 to 2016 KPPCSD budgets for these costs are \$167,494, and they have increased by an average of 15% per year over the last 3 years. This amount would increase if additional current Kensington PD personnel retire from Kensington prior to a transition to contracting. This amount would decrease over time, as retired personnel and their spouses die. This amount will also change over time based on changes in the costs of insurance and actual uninsured costs.
- Costs associated with monitoring and managing the contract for police services, and any direct payment for police services that Kensington chooses to retain as

⁷ It is noted that these costs were not considered in the 2009 Brown Taylor study.

⁸ These benefits are provided for any Kensington PD personnel who retire from Kensington and have 5 years of service.

part of a negotiated contract.⁹ These costs are unknown at this time.

These cost items need to be appropriately considered when making cost comparisons.

Pros and Cons of Contracting

The Subcommittee identified, based on the research performed, a number of pros and cons associated with a decision to dissolve the Kensington PD and contract out for police services. These pros and cons are summarized in the following sections.

Pros

The identified pros were as follows:

- There are economies of scale associated with larger departments, the possibility of lower collective officer costs based on less top-heavy organizational structures or less expensive retirement benefits, and/or the ability to utilize a higher percentage of non-sworn personnel in implementing police services. No agency is going to be willing to provide services without covering their costs, but their economies of scale and other factors may support lower costs than what Kensington can achieve on its own. Actual costs to support comparisons will not be known until proposals are received in response to an explicit and detailed request for police services.
- Depending on how the contract is structured, there is the potential to have predictable costs over the life of the contract. Most agencies considered have indicated that they would favor a 3- to 5-year contract. If, however, a contract is structured based on paying percentages of an existing agency's costs and overhead, similar to the Kensington Fire contract, the costs may be less predictable. If contracting with the sheriff's office, it is known that their costs will change every year.
- The Kensington police force would be fully staffed in the event of police personnel-related issues, such as injury- or illness-related absences. The contract would be written to ensure the provision of a constant level of service and it would be the responsibility of the contracting agency to provide staff to cover any absences.
- The contracting agency would take responsibility for legal liabilities associated with police activities, including for the investigation and defense of cases of

⁹ For example, the 2009 Brown Taylor study assumed that Kensington would continue to purchase, own, and maintain its own vehicles.

alleged officer misconduct.

- Kensington would have more direct access to a broader range of special services that exist within larger departments, such as K-9 support, SWAT teams, bomb squads, hostage negotiators, etc. This varies by agency.
- Kensington could have the ability to change out officers that are not desired by the community. This would need to be clearly specified in the contract.
- Kensington police officers would have improved access to field supervision during times when there is minimum staffing on duty, which is considered to be a best police practice. Agencies being considered for contracting are of sufficient size that they, unlike Kensington, always have a supervisor on duty.
- Kensington would be relieved of the human resource management responsibilities associated with providing police services. This would include recruiting, hiring, discipline, firing, and handling employee benefits, all of which would be handled by the contracting agency.
- Contracting may provide Kensington with an easier opportunity to restructure what police services are provided and how they are provided compared to trying to make these changes within the existing department. Factors could include the size of the department, the organization of positions within the department, and the services provided.
- It is possible that the larger agencies being considered have better management, risk management practices, and higher levels of professionalism than can be achieved by a small department like Kensington PD. This can only be confirmed by performing quality due diligence evaluations of agencies that are being considered.

Cons

The identified cons were as follows:

- By contracting out, Kensington will not have control over how the contracting agency negotiates salaries and benefits with their employees or manages other department costs. The degree to which costs are impacted will depend on whether the contracting agency does a better or poorer job of managing the factors that impact the cost of providing police services than Kensington would.
- In addition to the loss of control of managing factors that impact cost, Kensington will not have direct control over managing the day-to-day operations and priorities of the police department other than by what is specified in the negotiated contract. Thus, the quality and details of the contract will be very important for ensuring that Kensington receives and continues to have operational influence over the desired police services.
- There will undoubtedly be concerns by some in the community that the loss of our own PD will result in a loss of local identity for Kensington. This impact could be tempered, in part, by the willingness of the contracting agencies to wear

- Kensington PD uniforms and drive Kensington-marked vehicles.
- Kensington will need to effectively manage a number of additional critical administrative activities to ensure that an acceptable contract can be achieved and maintained. Such activities include efforts to determine the will of the community, explicit definition of desired police services, due diligence to qualify potential contractors, preparation of detailed requests for proposals, objective evaluation of the proposals, development of explicit criteria for performance monitoring, negotiation of a contract, and constant monitoring of performance. The performance of these activities will likely require the hiring of consultants or staff with appropriate skills and expertise.
 - There will be significant transition costs associated with dissolving the Kensington PD and contracting out for police services. These were discussed in a previous section of this report.
 - Re-establishing the Kensington PD once it is dissolved would likely be difficult, if not impossible. Transition costs and personnel issues would be significant, just as they are for dissolving the department and contracting out.
 - None of the existing Kensington PD officers can be guaranteed a job with a new contracting agency. All agencies in consideration indicated that Kensington personnel could apply for the new positions, but would be required to go through their normal recruitment screening process.

Considerations for Moving Forward

Kensington needs to clearly define the type and extent of police services that are desired by the community and the monetary limits that the community is willing to pay for such services. This was one of the first questions asked by all agencies that the Subcommittee talked to and was identified as an essential requirement for any agency to be able to put together a credible and/or accurate cost estimate. From the Subcommittee meetings that were held with the Kensington community, it was evident that there is no clear understanding of exactly what the community wants.

Kensington needs to determine whether it wishes to evaluate the feasibility of contracting out police services, defining and developing detailed requests for proposal, and conducting effective contract negotiations. Significant time, effort, and expense will be associated with conducting these activities in a credible and effective manner. From the Subcommittee meetings that were held with the Kensington community, it was evident that there are differing opinions as to the desired nature, extent, and provision of police services.

Kensington should perform additional due diligence reviews of potential contracting agencies, going well beyond what the Subcommittee was able to accomplish. It is important to examine the historical management and performance of any agency that we envision contracting with and to examine their current vision for managing into the future.

Performing further studies, developing and evaluating proposals, or conducting contract negotiations that are credible requires a high level of knowledge and expertise in the provision of police services. The members of this Subcommittee have come to recognize that the level of expertise required is greater than that of our committee and typically appointed committee members. Given the critical importance of these activities, consideration should be given to hiring professionals.

