

## KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

### **BOARD OF DIRECTORS MEETING**

**APRIL 25, 2019**

### **ITEM 7b**

### **KENSINGTON POLICE DEPARTMENT: EVALUATION OF ALTERNATIVES RELATED TO DELIVERING POLICE SERVICES; REVIEW OF PROCESS AND COMMUNITY ENGAGEMENT CONDUCTED BY THE MATRIX CONSULTING GROUP; AND CONSIDERATION OF A REQUEST FOR PROPOSAL**

#### **BACKGROUND**

In December 2009, the evaluation and consideration of options related to Kensington Police Services was originally initiated by District Special Employee, Brown D. Taylor. A “Feasibility Study – Contract Police Service Alternative” provided early rudimentary data for consideration and was an “initial preliminary evaluation” that recommended a “more in-depth evaluation.”

On October 1, 2016, the Final Report of the Ad Hoc Committee for Governance and Operations Structure Submitted their report to the District Board of Directors. The Ad Hoc Committee was an initial step in gathering information on police contracting options with neighboring jurisdictions. The report pointed out they were “unable to gather information about the relative cost of contracting” with other agencies. They also suggested, “given the critical importance of these activities, consideration should be given to hiring professionals” to conduct further review and evaluate options. The next step of review would be an analysis by a professional with experience in evaluating police departments.

At the September 14, 2017 meeting, the Board of Directors authorized a Request for Proposal (RFP) for individuals experienced and knowledgeable about organizing and operating police departments to evaluate the options related to delivering police services. This evaluation would provide specific data on the best options available to the Kensington community, including a high-performing but sustainable in-house model vs. other contracting options. Specific cost data and best practices information would create a uniform basis to make a factual decision. Since police services are central to the District’s mission and consumes most the budget, the District will need a thorough and methodical evaluation of alternatives moving forward.

At that time, it was roughly estimated that the cost of this analysis would be \$50,000 to \$100,000. A number of officers had been off work for a variety of personnel matters, costing the department approximately an annualized \$200,000+ in non-productive

employee time. This represented a large portion of the departmental line staffing, which is currently budgeted for 10 sworn positions including the Chief of Police. In addition, legal costs averaged about \$240,000 per year over Fiscal Years 2014/15, 2015/16 and 2016/17. There has been some reduction in these costs in 2017/18 and the total figures for the current 2018/19 are not yet available. It is expected that changes in the department structure or contract/shared services approaches would drastically reduce these costs. These studies also typically result in operational and service improvements to the community.

The selection process was updated at the November 16, 2017 meeting and a special meeting of the Board of Directors was schedule for November 29, 2017. At this meeting, the General Counsel was authorized to finalize a contract with the Matrix Consulting Group for a not to exceed project cost of \$74,000. To date, \$50,759 has been paid to Matrix.

Matrix was asked to present an objective viewpoint on the issues facing Kensington and the options for delivering police services. According to their website, the Matrix Consulting Group indicates that law enforcement is a core area of expertise. The firm has conducted over 350 studies for agencies across the United States and Canada.

### **MATRIX PRESENTATIONS & COMMUNITY ENGAGEMENT**

Mr. Richard Brady, President of the Matrix Consulting Group, initially presented an overview of the study at the November 29, 2017 Board of Directors meeting. On May 24, 2018 Matrix presented the draft Phase I of the report and on October 4, 2018 Matrix presented the draft Phase II of the report.

Four community meetings have been held: Saturday, March 17, 2018, Saturday, April 28, 2018, Thursday, February 28, 2019 and Saturday, March 2, 2019.

Since some individuals do not wish to express ideas in a public setting, an online community survey was developed. The survey presented an additional opportunity to provide feedback on the quality of current police services and solicit any ideas to improve service delivery. The survey was not a scientific measure of public opinion, only another technique available to residents to express opinions. There were 628 responses to the project team in addition to many separate emails.

There are three main options for the consideration of the Board of Directors:

**ALTERNATIVE I: IN-HOUSE POLICE OPERATION****ALTERNATIVE II: REQUEST FOR PROPOSAL TO CONTRACT FOR SPECIFIC POLICE FUNCTIONS (HYBRID MODEL)****ALTERNATIVE III: REQUEST FOR PROPOSAL TO FULLY CONTRACT POLICE SERVICES**

These alternatives are discussed in greater detail below. Under all three options, the General Manager will seek to change the immediate management structure of the Police Department by (1) recruiting and striving to hire an experienced Police Chief to serve as Interim Chief of Police effective July 1, 2019 and assist with guiding the implementation process; if the individual selected is a CalPERS retiree, they will be subject to the 960 hour limitation per fiscal year and cannot be compensated above the salary level of the current Chief of Police, and (2) appointing the current Interim Chief of Police to Police Captain retaining his current salary level. Although not ideal to have both positions compensated at the same level, this is a temporary, transitional organization that will see the department through to the next phase toward a permanent organization as determined by the Board of directors. The salary situation is caused by below market police salaries in Kensington.

**ALTERNATIVE I: IN-HOUSE POLICE OPERATION**

**Definition:** The recommendations for this alternative are contained in the Phase I Report and summarized below. The recommendations include:

- Staffing for 11 positions including a corporal
- Elimination of the detective position; assign all investigative efforts to the patrol sergeants and officers.
- Fill the vacant reserve position; double the size of the reserve program to four (4) officers while retaining the minimum 20 hours of service per month.
- Develop a Volunteers program for local seniors wishing to support the Kensington community through various service.
- Explore supporting contract services with another police department for Records, Property and Evidence, Internal Affairs investigations, and Recruitment (excluding background) services.
- Training improvements for all sworn personnel.
- Use of body-worn cameras, reduction of the Albany dispatch 'queue' time, improved recruitment strategies and additional metrics.

**Implementation Process:**

1. Recruit and hire permanent Chief of Police.
2. The Police Chief, in concert with the General Manager and the Board, should develop a Kensington Policing Strategic Plan and a financial plan to address budget issues and options available to the Board of Directors.
3. Develop a performance management program with relevant output and outcome measures, including improved training opportunities for all staff, designed to report upon key metrics important to the Kensington community.
4. Evaluate best practices and report back to the Board of Directors on implementing relevant industry standards of excellence.
5. Explore with the City of Albany, the average 6.08-minute dispatch 'queue' time and discuss ways to reduce this queue time by 50% over the next year.
6. Direct staff to evaluate cost saving strategies including contract negotiation options, contracting some internal services and night shift staffing costs.
7. Direct staff to present a balanced budget with options for increasing revenue to appropriately fund the Police department.
8. Develop an implementation timeframe and budget to complete these tasks and report back to the Board of Directors. It is likely that full implementation could take a year or longer that would include on-going review and updating.

**Cost:** The projected cost is included in the Phase 2 report and approximates an additional cost of \$720,000 per annum, including consideration of a salary raise of up to 25%. Kensington's excellent benefits were also noted. This cost is based on the staffing model recommended in the report. However, Matrix representatives have indicated that these figures are only included for discussion purposes and can be subject to wide variation depending on actual salary and benefit costs which are subject to the negotiation process.

**Discussion:** As noted in the Phase II report, Kensington is a very safe community with both violent and property crime rates trending downward. This trend has continued despite difficulties in recruitment and filling positions, with a declining average number of deployed police staff over the last several years and the lack of 24-hour supervision. Some residents have questioned the adequacy of statistical research in the analysis and the need for 11 staff, including sergeants for the night shift. The recommendations in the report are based on the firm's extensive experience in evaluating police services in hundreds of jurisdictions. There have also been suggestions from the community that the Town of Ross should be utilized as a model of police staffing and operations. There can be discrepancies with modeling operations on a single jurisdiction since there is not an exact comparison of demographics, geography, location and crime statistics.

## **ALTERNATIVE II: REQUEST FOR PROPOSAL TO CONTRACT FOR SPECIFIC POLICE FUNCTIONS (HYBRID MODEL)**

**Definition:** The recommendations for this alternative are contained in the Phase II Report and summarized below. The report can be referenced for additional details on this option. This alternative is in coordination with Alternative I. Essentially, this alternative is an internal department with some services contracted out, as determined by the Board of Directors. The potential services that could be contracted include:

- Patrol services on the night shift.
- Investigative services for all Kensington 'major' crimes.
- Property and evidence services.
- Crime Scene Investigation (CSI) services.
- Records management services.
- Executive Management.
- Perishable skills training. Specialized Ancillary Support.
- Recruitment services.

### **Implementation Process:**

1. Authorize the Matrix Consulting Group to prepare and disseminate a Request For Proposal for specific police for a cost not to exceed \$12,000.
2. Direct the Matrix consulting Group to present the draft RFP to the Board of Directors for approval prior to distribution.
3. Once the draft RFP is approved, authorize distribution of the RFP to cities of El Cerrito, Albany, Berkeley and Contra Costa County.
4. Present the results of the RFP process to a future meeting of the Board of Directors once the results have been received.
5. Once a decision is made on, and if, services to be contracted, proceed with the Alternative I implementation process.

**Cost:** There are rough estimates for each option included in the Phase II report. The projected cost is dependent on the services selected and the responses to the RFP. Some services also have the potential of cost savings. For example, this would occur under the model of a police services contractor only responding to calls for service with no preventive patrol, during the very quiet period in the evening.

**Discussion:** It is estimated the solicitation schedule for RFP responses would span 120-150 days. This alternative essentially creates a menu of possible services that could be considered. Seeking responses to an RFP allows definitive pricing for specific options and does not obligate the Board of Directors to contract these services. Some jurisdictions may choose to bid on only specific services that they would consider undertaking. This option largely maintains the existing in-house department and

creates flexibility by contracting out services that may improve efficiency, embraces possible partnership opportunities, and explores the potential for cost effective options.

The Board can consider including all or most options identified in the Matrix report. Obtaining cost information will aid in the decision-making process and there could be a changed perspective regarding some alternatives with additional information. This hybrid model, in which core police services are provided by an in-house department with a contract agency providing some supporting services could be an effective approach for providing law enforcement to the community.

With respect to hybrid services, Matrix believes given the unique needs of the Kensington community, that these services and the related emphasis in an RFP should be prioritized as follows:

- Patrol services on the night shift to either include a contracted one officer deployment or alternatively contract response to calls for service only.
- Investigative services for all Kensington 'major' crimes such as Part I burglaries.
- Crime Scene Investigation (CSI) services to collect evidence on the above crimes.

Moreover, Matrix further suggests that a citizens committee could be assembled to help identify which hybrid services should be focused upon in an RFP.

The cost for any RFP by Matrix is \$12,000 total for all RFP's authorized by the Board of Directors.

### **ALTERNATIVE III: REQUEST FOR PROPOSAL TO FULLY CONTRACT POLICE SERVICES**

**Definition:** The recommendations for this alternative are contained in the Phase II Report and summarized below. This alternative is extensively discussed by the ad hoc committee and the Matrix reports.

#### **Implementation Process:**

Same process as the previously discussed Hybrid Model (Alternative 2).

**Cost:** The projected cost of this options is projected at an additional \$858,140. As noted earlier, Matrix representatives have indicated that these figures are only included for discussion proposes. There can be wide variation depending on actual proposals that are submitted by interested contracting partners. There is no additional cost for Matrix to seek an RFP for these services. The \$12,000 RFP cost includes all contract options that are submitted in a single RFP.

**Discussion:** The pros and cons of contracting services has been debated over the year, including the Ad Hoc Committee for Governance and Operations Structure in a report submitted to the Board of directors on October 1, 2016. Some of the key pros and cons that were identified include:

### **Pros**

- Fully staffed police
- The contracting agency responsible for legal liabilities
- Access to a broader range of special services
- Ability to change out officers that are not desired
- Improved access to field supervision
- relieved of the human resource management responsibilities

### **Cons**

- Not have control over negotiations salaries and benefits
- Not have direct control over managing the day-to-day operations
- Concerns in a loss of local identity
- Need for effective contract management
- Re-establishing the Kensington PD once it is dissolved would likely be difficult
- Existing Kensington PD officers may not be guaranteed a job

The Sheriff's Department has successfully contracted with areas of the County and their services could be included in an RFP. The contracts seem to provide seamless services with officers wearing the uniforms and driving vehicles of the local agency. Regular cost management is an essential part of the contracting option.

The Phase II report also evaluates the cost issues related to the unfunded actuarial accrued liability for CalPERS retirement costs. Four options were evaluated, with the Active 30-year amortization option being the most cost effective over a 15-year or 30-year period. These costs have been factored into the cost analysis of the report. It is possible that if the District pays these costs, a contracting agency will realize some savings on their PERS costs, reducing the cost of a contract. This information should be available from potential contracting agencies that submit proposals.

The Phase II report recommends the following considerations for potential police services contract which are discussed in greater detail in the report:

- Dedicated Kensington Management and Leadership
- Comparable Community Profile
- History and Philosophy of Customer Service
- Prior Service Relationship
- Access to Police Support Services
- Willingness to be Flexible In-Service Delivery
- Best-practice Service Delivery Philosophy

- Field Staffing and Operations
- Proactive Time Usage
- Professionalism in Policing

There may be limited response to the RFP, with only one city indicating a possible interest to provide full contractual services. To augment the potential cost and service comparisons, the Contra Costa Sheriff's Department, an experienced police services contracting agency, should also be included in the RFP. Having this information will help guide the evaluation process and strengthen the justification for the organizational alternative selected by the Board after all the data has been submitted.

According to the report, the components of an RFP would include the following elements and is applicable to both Alternative I and Alternative II:

- Solicitation Schedule.
- Introduction, Background and Purpose of the RFP.
- Response Requirements.
- RFP Scope.
- Qualifications.
- Proposal Requirements.
- Selection Criteria.
- Contract Terms and Conditions.

This report includes an attachment submitted by Director Cyrus Modavi on April 22, 2019.

*RECOMMENDATIONS ON NEXT PAGE*



**RECOMMENDATIONS:**

1. Authorize the Matrix Consulting Group, for a cost not to exceed \$12,000, to prepare a Request For Proposal for specific police functions (Alternative II) and to fully contract police services (Alternative III).
2. Direct the Matrix consulting Group to present the draft RFP to the Board of Directors for approval prior to distribution.
3. Once the draft RFP is approved, authorize Matrix to distribute the RFP to the cities of El Cerrito, Albany, and Berkeley and the Contra Costa County Sheriff's Department.
4. Present the results and analysis of the RFP to a future meeting of the Board of Directors once the results have been received.
5. Once the RFP information has been received and evaluated, the Board of Directors can then then direct staff with an organizational approach for the Police Department.

**FISCAL IMPACT:**

1. There are sufficient salary savings to fund an Interim Chief of Police.
2. There are sufficient funds in the authorized Matrix contract to fund the \$12,000 for the preparation and management of a Request For Proposal, which was included in the original Matrix proposal.

**ATTACHMENTS:**

1. Phase I report
2. Phase II report
3. Material submitted by Director Cyrus Modavi

**SUBMITTED BY:** Anthony Constantouros, General Manager