

**Seal Beach Police
Detention Reclassification Plan**

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INTRODUCTION

This document serves to address the recommendation to reclassify the Seal Beach Police Department's Detention Center (SBPDC) from a "Type I" Jail Facility to a "Temporary Holding" Facility (THF). The proposal will outline the recommendation, history, and the steps necessary for implementation of the conversion.

Additionally, we seek to begin the process of reclassification as quickly as practical and are prepared to move forward with a formal City Council proposal, if necessary, at the first opportunity.

Recommendation

In evaluating the Seal Beach Police Department's organization and current resources, we have reached an extremely difficult, yet fiscally responsible conclusion regarding the detention facility. After assessing the growing expenditures and overall finances, coupled with improvement needs, it is our recommendation that the detention facility be converted from a Type I Jail to a Temporary Holding Facility (THF) Jail effective immediately. In a THF Jail, the operation runs only on an "as needed" basis when an in-field arrest occurs. The existing personnel would continue to serve as Senior CSOs with other duties "as assigned" all the while still providing 24/7 THF Jail coverage. This THF Jail coverage will still be necessary to ensure an officer is not removed from the field for these duties. However, when not serving in a detention officer capacity, each of these Senior CSO employees would serve in other departmental bureaus, maximizing their value to the organization and city.

History of SBPDC

It is undeniable that the SBPDC has been a point of contention with citizens since its adoption in 2008. While the Police Department has always been grateful for the detention facility, and the help it provides in returning officers as quickly as possible back into the field, a review of the finances over the past several years indicates a trending increase in expenditures, with an overall decrease in revenues.

Alternatives & Closure:

Since being appointed to the Chief of Police on December 1, 2020, I have spent an inordinate amount of time deliberating this topic and attempted to work with the Support Services Commander and Detention Center Supervisor(s) to find other plausible revenue producing ideas, without sacrificing the safety of both the community and our staff. Several of these suggestions included increasing pay-to-stay fees for inmates, increasing amenities as an incentive to increase inmates, contract services, and even cross county regionalization. Ultimately, increasing the costs would most likely drive away potential inmates and therefore would not increase revenues, and increasing amenities would result in additional costs without a guaranteed measure for future cost recovery.

Although the contract service with the US Marshals is bringing revenue, the liability risks outweigh the benefits. Additionally, for the US Marshals contract to prove cost effective, the inmate population would have to be tripled, which in turn would require more staff, making the venture fiscally null. After speaking with police departments with which we have joint MOU's, a jail regionalization project is not in their fiscal interests.

Booking fee recovery, or the collection of a fee charged to each person arrested, upon conviction and with court ordered payments was also researched. For example, several years ago the booking fee system was enhanced, in the hopes that revenue would be increased, but time restraints do not allow for a fully functional system of recovery. As an example and for reference, the Garden Grove Police Department has one full time employee whose position is specifically dedicated to the booking fee recovery, as it is quite time consuming.

Lastly, due to COVID-19 concerns, we are currently unable to accept any incoming pay-to-stay and/or work-furlough inmates (our highest revenue earners), for the safety of current US Marshal inmates as well as the safety of our employees. It is unknown how long the pandemic will last, and therefore unknown if and when that revenue source will be available again.

Types of Detention Facilities:

The Board of State and Community Corrections (BSCC) of California defines a local detention facility as any city, county, city and county, or regional jail, camp, court holding facility or other correctional facility, whether publicly or privately operated, and court holding facility used for the confinement of adults or of both adults and minors, but does not include that portion of a facility for the confinement of both adults and minors which is devoted only to the confinement of minors (per Title 24). As defined in Title 15, there are nine different types of local detention facilities: Type I, Type II, Type III, Type IV, Court Holding, Temporary Holding, Camp, Juvenile Hall, and Special Purpose Juvenile Hall. For the purposes of this memorandum, Type 1 and Temporary Holding Facilities will be the only focus of this analysis.

A Type I Facility is defined as a local detention facility used for the detention of persons usually pending arraignment for not more than 96 hours, excluding holidays, after booking. Such a Type I facility may also detain persons on court order either for their own safe-keeping or sentenced to a city jail as an inmate worker, and may house inmate workers sentenced to the county jail provided such placement in the facility is made on a voluntary basis on the part of the inmate.

A Temporary Holding Facility is defined as a local detention facility constructed after January 1, 1978, used for the confinement of persons for 24 hours or less pending release, transfer to another facility or appearance in court.

The current functions of the SBPDC are both that of a THF and a Type I. When an officer makes an arrest, detention staff process, book, cite and/or transport all individuals associated with that arrest (temporary holding). Additionally, the Detention Center provides custody and care for contract City, County, State, and Federal prisoners serving sentences or awaiting

relocation as well as sentenced inmates who were pre-approved to serve their sentence as a Pay-to-Stay or Work Release/Furlough inmate with GPS monitor (Type I).

Reclassification Proposal

Conversion to THF:

After consulting the California Board of State and Community Corrections (BSCC) Facility Standards Inspector, the process to convert a Type I Jail into a Temporary Holding Facility simply requires a letter sent from the Chief of Police indicating that the Police Department Detention Facility is to be reclassified as a Temporary Holding Facility, instead of a Type I Facility, with a designated effective date. Upon receipt of this letter, the facility will be considered immediately reclassified and no other steps are necessary.

As indicated above, the definition of a Temporary Holding Facility for Title 24 and 15 standards and oversight apply to any facility constructed after January 1, 1978. The Seal Beach Detention Center was constructed in 1973. Since 2002, there have been upgrades to the single and double cells, but no upgrades to the holding and sobering cells. Therefore, if the Seal Beach Detention Center was reclassified to a Temporary Holding Facility, it would not be subject to BSCC oversight, inspection, or training standards. However, it would be in the best interest of the Seal Beach Detention Center, and City of Seal Beach, to continue to submit to voluntary inspections and have all employees who work in the facility adhere to training requirements. This would be necessary to limit detention facility liability in the event of an incident that required a BSCC audit and to ensure we are maintaining best practices.

Employees:

Under the proposed conversion and reclassification from a Type I Jail to a Temporary Holding Facility, the SBPDC would be used and operated on an “as needed” basis when in field arrests occur. As mentioned in the Matrix Police Services Study, the consultant incorrectly believed that the addition of one police officer was enough to fully staff the detention facility for Type III jail needs. What the consultant failed to take into consideration were Orange County practices and several Title 15 requirements, including intoxicated arrestees, transport times, and that one police officer works three shifts, when there are 14 – 12 hour shifts in a week. This point was addressed during the Police Department’s August 20, 2019, town hall presentation on the Police Services Study. During this presentation, we explained the department would need to add five police officers in order to properly staff a Type III jail facility, as to not severely interrupt or impair patrol efforts. This was of course also taking into consideration that the City eliminates all six of our existing professional staff positions. Instead, we propose that we eliminate one out of the six Senior Community Services Officer (CSO) positions assigned to the detention center,

and retain the remaining five to be redistributed throughout the organization for other departmental needs, when not serving as a detention officer, maximizing their value to the Department.

These Senior CSOs would continue working in the jail facility in an as-needed capacity. Their current shift schedule would remain and when the jail was unoccupied (no arrestees), they would serve the Department in other functions in severely understaffed bureaus such as Traffic Control, Parking Enforcement, Records, and Property & Evidence, and/or the Office of the Chief of Police:

- 1) Parking/Traffic Bureau – Currently there is no parking enforcement and/or traffic control assistance available during nighttime hours. Having this service available at night, would assist patrol officers with vehicle tows, traffic accidents and/or parking complaint issues 24/7. A recent projection by Dixon Resources (attached under the DRP Staff Report) found that by reallocating four employees during their “down” time, up to \$470,000 could be produced in increased revenue.
- 2) Records Bureau – As a result of the increase in police officers over the 18 months, the records bureau has become backlogged existentially. Currently there is no records staff available during nighttime hours. Having this service available at night, would assist patrol sergeants at the police station with citation sign-offs, overnight vehicle permits, impounded vehicle releases, and report preparation 24/7.

Additionally, to assist with any THF needs throughout all shifts, the following Professional Staff would be trained in both their assignments and all THF operations. Again, this will allow for a broad spectrum of trained individuals who can assist and work in the detention facility should the need occur and reduce the likeliness of overtime needs:

- 1 Lead CSO assigned to Traffic Services
- 2 Senior CSOs assigned to Traffic Services
- 1 Senior CSO assigned to Property and Evidence
- 1 CSO assigned to the Records Bureau (for consistency and as described in the Departmental Reorganization Plan – DRP, this position would reclassified to a Senior CSO)
- 7 Part-Time Police Aides

By reallocating these positions when the jail is not occupied, and cross-training a number of other existing employees, we would be maximizing our resources while not accruing any additional costs, aside from minimal additional training needs.

Lastly, the sergeant position currently assigned to the detention facility would be promoted to the position of lieutenant (as described in the DRP) and would need to continue overseeing all detention/THF operations with the added responsibility of supervising the Emergency Services Coordinator/Corporal (this Corporal will then be converted to a Sergeant position as described in the DRP), the Records Bureau, Parking and Evidence, and the Traffic and Parking Bureau within the Support Services Bureau.

Contract Terminations:

The Seal Beach Police Department's Detention Center has contracts with the United States Department of Justice (DOJ)/United States Marshals Service, Aramark, Homewav (video phone), Satellite Tracking of People (Work Furlough GPS), a Medical Nurse Service, and a Medical Doctor Service. The contracts have been reviewed to ensure timely notices can be provided in accordance with the contractual obligation.

The US DOJ/US Marshals Service agreement can be terminated for any reason with written notice at least 30 calendar days in advance of termination, unless an emergency situation requires the immediate relocation of Federal detainees (Page 3 of Agreement Number 12-09-0020).

The Aramark agreement can be terminated at any time by providing written notice not less than 90 days prior to the effective date of termination (Page 5 of Document # 243103 v4 Matter # 49191).

The Homewav agreement was effective 8/21/2018 with an initial term of 5 years (expiring in 2023). Per the Homewav Director of Business Development, our agreement is unique to their company as they typically contract with county jails or state prisons and our agreement does not have a significant financial incentive. He will inquire with their CEO about early termination and advise how to proceed.

The Satellite Tracking of People LLC/VeriTracks agreement was effective 6/9/2008 with an initial term of 1 year and renewal on the anniversary of the effective date for succeeding periods of one year each. There is no financial requirement or maintenance fee related to the leased equipment and the Department is only billed when the equipment is used. Therefore, this service would be terminated immediately.

The Medical Nursing Services agreement with "Cheryl Pitt" can be terminated at any time and without cause by giving written notice and specifying the effective date thereof, at least 15 days

before the effective date of termination (Page 5 of Agreement S7296-0001\1013251v1).

The Medical Doctor Services agreement with “David R. Bloom” can be terminated at any time and without cause by written notice and specifying the effective date thereof, at least 7 days before the effective date of such termination (Page 5 of Agreement S7296-001\1022061v6).

Timeline:

Week 1: September 14, 2020 to September 20, 2020

- Terminate Contract with US Marshals Service – effective in 30 days or sooner if necessary due to inadequate staffing (due to staffing shortages, there are presently no inmates)
- Cancel all Pay-to-Stay programs. Due to COVID 19 all pay-to-stay programs are currently suspended and the last pay-to-stay inmate was released the facility on August 4th, 2020.
- Terminate Contract with Aramark – effective in 90 days

Week 2: September 21, 2020 to September 27, 2020

- Reclassification of the above listed 12 employees
- Fulfill 8 hour training requirements for 12 employees and begin shadow shifts for hands on learning

Week 3: September 28, 2020 to October 4, 2020

- Terminate Contract with Nursing Services – Effective in 15 days
- Terminate Contract with Doctor Services – Effective in 7 days
- Transition from Type I to Temporary Holding Facility – Immediately

Training

As previously mentioned, if and when we reclassify the SBPDC to a THF, the facility would technically be exempt from BSCC oversight due to the date on construction. However, for best practice and liability concerns, it is our recommendation we continue to adhere to all training requirements by the BSCC and BSCC Facility Standards Inspector.

Pursuant to Title 15 Section 1020, in addition to the provisions of California Penal Code Section 831.5, all custodial personnel of a Type I, II, III, or IV facility shall successfully complete the “Corrections Officer Core Course” as described in Section 179 of Title 15, CCR, within one year from the date of assignment. The Corrections Officer Core Course is a 224 hour training course and the only personnel who are authorized to work in the Type I detention facility are those personnel who have completed the Corrections Officer Core Course, or intend to complete the course within the year.

Pursuant to Title 15 Section 1024, custodial personnel who supervise inmates in, and supervisors of, a Temporary Holding facility shall complete 8 hours of specialized training. Such training shall include, but not be limited to: (a) applicable minimum jail standards; (b) jail operations liability; (c) inmate segregation; (d) emergency procedures and planning, fire and life safety; and, (e) suicide prevention. Training should be completed as soon as practical, but not more than 6 months after date of assigned responsibility. A total of 8 hours of refresher training must be completed once every two years.

Title 15 Section 1027 requires that “whenever there is an inmate in custody, there shall be at least one employee on duty at all times in a local detention facility or in the building which houses a local detention facility who shall be immediately available and accessible to inmates in the event of an emergency. Such an employee shall not have any other duties which would conflict with the supervision and care of inmates in the event of an emergency. Whenever one or more female inmates are in custody, there shall be at least one female employee who shall be immediately available and accessible to such females.”

Facilities:

Under the proposed reclassification of the detention center, several portions of the current facility become obsolete for use in a THF Jail. These areas are marked on Attachment K: Detention Center Proposed Floorplan. Should we choose to reclassify the SBPDC, the indicated areas are no longer necessary for detention use. Because of this, the Police Department would repurpose these rooms for a variety of other needs, without any major renovations or outfitting necessary. The options for repurposing include but are not limited to department storage space, training rooms, and or a sleeping dormitory for officers who are held over for AM court after working the PM shift prior. As with most city departments, storage is a continuous difficulty that the Police Department faces, and utilizing a decommissioned jail cell would provide a secure storage solution for our expanding needs. The empty jail cells would also provide an empty and clean venue for department training both in close quarters and in jail room conditions. Lastly, the facility could continue to be rented out for filming and/or other police departmental training uses.

Conclusion

After reviewing the empirical data and financial trends from the last ten years, it is our recommendation that, in the City's best interest, the detention facility be reclassified from a Type I jail to a Temporary Housing Facility and reallocate the personnel to the records, traffic/parking, and property & evidence bureaus during any down time. By reclassifying the detention facility, the City anticipates an immediate savings of \$51,600 from operational and maintenance costs, and a potential savings equaling \$114,500 in salary and benefit savings. Reassigning detention officers when the facility is vacant will not only provide additional assistance to areas of greater need, but may also produce greater revenue in the areas of traffic and parking. In return, this will maximize the value of all employees, while still aiding the return of patrol officers to an available status within the city as quickly as possible.