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Memorandum

To: Members, KPPCSD Ad Hoc Committee for Governance

From: Randy Riddle

Date: November 3, 2015

Re: Questions Regarding Police Services

You have asked that I advise you on the following three questions:

- 1) Is there any statutory or regulatory requirement that Kensington provide police services of any kind?
- 2) If there is such a requirement, do any applicable laws and/or regulations specify which services must be provided and at what level?
- 3) Is the answer to this question affected by Kensington having a special district.

Because the answers to these questions overlap, I will address them in a single response.

There is no statutory requirement that a particular community affirmatively act to provide itself police protection. If the community is unincorporated and has taken no action to provide for police protection, such as the formation of a police protection district, the County sheriff is charged with providing law enforcement services to the community. (See Government Code sections 26600 *et seq.*)

If a community chooses to establish itself as a community services district, it may – but is not required to – choose to provide police services. (Government Code sections 61100 and 61012.) If the community does choose to provide police services as part of the community services district, no statute dictates the specific level of services to be provided, nor does any reported case. Rather, the board of directors has the authority to determine district policies. (Government Code sections 61040.) This authority would include determining the level of services to be provided, as part of the budget process. (Government Code section 61110.)

Please feel free to contact me if you have additional questions about this matter.