

## **KPPCSD Ad Hoc Committee on Governance and Structure**

Regulatory Subcommittee Research and Findings

January 23, 2016

Purpose: To identify regulations and requirements for Police Services for the Kensington Police Protection and Community Services District - KPPCSD (a Community Service District under California law)

**Question: Are there statutory or regulatory requirements that Kensington provide police services of any kind?**

Answer: There is no statutory requirement that a particular community affirmatively act to provide itself police protection.<sup>1</sup>

**Question: Are police services required in a Community Services District?**

Answer: No. There is no statutory requirement that a community service district provide police services.<sup>2</sup>

**Question: If the District didn't exist, how would police services be provided?**

Answer: In unincorporated area of the county such as Kensington that do not have their own police departments, the County Sheriff is required by law to provide law enforcement services to the community (Cal. Gov. Code § 26600 *et seq.*)<sup>3</sup>

Currently in the West County area of Contra Costa County, the Sheriff has a substation in Richmond with a beat assigned to cover pockets of disconnected unincorporated areas including East Richmond Heights, Rollingwood, North Richmond and El Sobrante. It is unknown at this time whether Kensington would be added to the existing beat or whether a new beat would be developed should the Community Service District not exist.<sup>4</sup>

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<sup>1</sup> Public Law Group Memo Nov 3, 2015

<sup>2</sup> The Kensington Police Protection District was created in 1946 and was reorganized in 1953 under the Community Services District Law (Cal. Gov. Code § 61000 *et seq.*) as the Kensington Community Services District. In 1955 the District expanded its services to include parks and recreation. In 1979 solid waste collection services were added, and in 1995 the name of the District was changed to the Kensington Police Protection and Community Services District (KPPCSD). LAFCO MSR Sept 7, 2011

<sup>3</sup> Public Law Group Memo Nov 3, 2015.

<sup>4</sup> Interviews with Supervisor John Gioia and Senior Deputy County Administrator Timothy Ewellf

**Question: What are the options for unincorporated areas independently financing additional County Sheriff services?**

Answer:

1. The Sheriff 's Department has a "Resident Deputy Program" that allows unincorporated areas to fund officers who are dedicated to a specific area to supplement the Sheriff's coverage. (examples: North Richmond, Alamo, Blackhawk, Round Hill).
2. The Sheriff's department has contracts with four cities for police services where city funds are used to meet the service level desired by those communities. Currently those cities are: Danville, Lafayette, Orinda and Oakley (Note: Oakley in process of establishing their own police department).

**Question: Once a Community Service District has a police department, are there additional mandates that must be met?**

Answer: Yes. There are statutory requirements that must be met by all police departments. A few examples are: They must meet all requirements for record keeping and reporting crimes as required by the Attorney General and the Department of Justice (Cal. Penal Code § 13020). They must also meet all requirements for police officers training as prescribed by the Commission of Peace Officer Standards and Training. (Cal. Penal Code § 832).

**Question: Once there is a police department, is there a requirement for a "Police Chief?"**

Answer: There is no requirement for the title of Chief of Police or Police Chief, however someone must be ultimately responsible for overseeing the statutory requirements, the provision of police services and the supervision of officers. The title "Police Chief or Chief of Police" is the most common title in North America for an officer with the highest rank or authority in a police department.

**Question: Are there any national or state staffing level requirements for police departments?**

Answer: No. Every community makes that determination. In Contra Costa County police staffing levels in 2011 ranged from .67 sworn staff per 1,000 residents in Lafayette to 1.97 per 1,000 in Kensington.<sup>5</sup>

**Once a Community Services District has a police department are there required levels of service?**

Answer: No. The Board of Directors has the authority to determine district policies (Cal. Gov. Code § 61040 et seq.). This authority would include determining the level of services to be provided, as part of the budget process (Cal. Gov Code § 61110).<sup>6</sup>

**Question: Is a General Manager required in a Community Services District?**

Answer: Yes. Community Services Districts are required by law to appoint a general manager who serves at the pleasure of the Board of Directors (Cal. Gov. Code § 61050).

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<sup>5</sup> LAFCO, MSR Sept 2011

<sup>6</sup> Public Law Group Memo dated Nov 3, 2015