

To: Geoffrey L. Grote, City Administrator
From: John E. Moilan, Chief of Police
Date: May 3, 2004
Subject: Police and Fire Public Safety Chief

At the April 6, 2004 meeting, Council had a brief discussion about a public safety chief and the police department structure. Council requested more information before proceeding with further discussion on these topics. This report is my attempt to provide that information so that they can discuss these topics and provide staff with further direction on how to proceed.

HISTORY:

The concept of a public safety chief is not a new one for the City of Piedmont. In fact, twenty-five years ago, in 1979, a Public Safety Study Committee was appointed by that Council to study both the Police and Fire Departments and make recommendations including the concept of a public safety chief. This study was done when Fire Chief Mel Dossa announced his retirement. Although we have been unsuccessful in locating a copy of this 25 year old report, we do have the report recommendations and Council action taken on May 1, 1979, which is attached for you review.

As a result of the recommendations, On May 1, 1979, the City Council passed Resolution 201-79 which accepted the Committee's report; appointed Deputy Fire Chief Lee Phillips to Fire Chief; and abolished the rank of Deputy Fire Chief for the Piedmont Fire Department.

STATUTES:

Since the completion of the Public Safety Study in 1979 there have been changes made to the Piedmont City Charter and California state laws on the topic of public safety chiefs.

Piedmont City Charter Section 3.01: "The administration officers of the City of Piedmont shall consist of a city administrator, a city clerk, a city attorney, A director of finance, a chief of police, a fire chief, a director of public works, a city engineer, a planning director, a director of parks and recreation and such other subordinate officers, assistants, deputies and employees as the City Council may deem necessary to provide by ordinance or resolution. All officers shall be appointed and directed by the Council, and shall hold office at the pleasure of the Council.

The Council may by resolution reorganize, or by ordinance combine or consolidate or abolish any two or more offices or functions and duties of the same to be performed by one officer or department. The Council shall have the right of providing for such officers, departments and their functions in whole or in part through contract agreement.

The Council may transfer or consolidate functions of the city government to or with appropriate function of the State or County government, or any other public or private agency, or make use of such functions of said entities. In such case, the provisions of this Charter providing for the functions of the City government so transferred or consolidation, the extent that such suspension is made

necessary or convenient and is set forth in the ordinance establishing such transfer or consolidation. Any such transfer or consolidation may be repealed in like manner.”

Section 38630 California Government Code: *“(a) The police department of a city is under the control of the chief of police. (b) In municipalities which provide for police and other emergency services through a consolidated public safety agency which includes traditional law enforcement, fire protection, and other emergency services, the chief, director, or chief executive officer of a consolidated public safety agency is a peace officer, and shall meet all the same requirements imposed by law, regulation, of POST guidelines and recommendations as a chief of police, and she or she shall have all the same rights, responsibilities, and privileges as does a chief of police. No one who fails to meet all the above requirements of a chief of police and peace officer shall be appointed to the chief director, or chief executive officer of a consolidated public safety agency.”*

Section 832.4 (c) California Penal Code: *Each police chief, or any other person in charge of a local law enforcement agency, appointed on or after January 1, 1999, as a condition of continued employment shall obtain the basic certified issued by the Commission on Peace Officer Standards and Training, (POST) within two years of appointment.*

To comply with this requirement the public safety chief must complete, at a minimum, a regular basic course, a supervisor's course, and a management course approved by the Commission on Peace Officer Standards and Training (POST). Currently the number of hours to complete a basic post course ranges from 664 hours to 1,061 hours depending on the location of the course. The supervisor's course is generally an 80 hour course. The management course is another 80 hour course. So within two years the public safety chief would have to complete a minimum of 824 hours of classroom and practical training to comply with the requirements of the California Government Code.

Further, the public safety chief could not be a member of the California Chiefs of Police Association until that person is a qualified peace officer as determined by the Commission on Peace Officer Standards and Training (POST).

PUBLIC SAFETY CHIEFS:

On April 6, 2004, I requested information from California police chiefs who have had experiences with the Public Safety Chief concept. Out of the 300 or more cities in California there are very few who have tried or currently have public safety chief positions. As a result there were very few responses to my inquiry. The following is a summary of those responses received:

City of South Lake Tahoe: The City of South Lake Tahoe employed a Director of Public Safety for about 8 years. When the Director retired in 2002 the city returned to a police chief and fire chief. The public safety concept worked out logistically because both departments had senior staff people. The senior staff ran the day to day operations while the chief handled the meetings. Probably the biggest drawback was that the police chief had to spend a lot of time getting familiar with the fire service. If the senior staff of either department is relatively young or inexperienced in either of the departments that should be taken into consideration before a

change is made. The other drawback was that the chief had to spend so much time dealing with problems in one department the public service department was neglected.

City of Hermosa Beach: Hermosa Beach did create the position of public safety director in 1986. It lasted for five years and then returned to the traditional fire and police chief. It was done as a cost savings but the reality was that it did not work operationally. It is difficult to recruit a person that has a good police and fire background. The City of Hermosa Beach hired an individual from New Mexico that had limited experience with fire. The public safety chief spent more time on police issues and not very much time with fire. As a result the fire organization drifted from lack of leadership. The primary problem is that they are two different departments which deal with entirely different issues. It is suggested that a deputy chief position be created for each department to handle the day to day operations. The Hermosa Beach public safety chief experiment lasted five years.

City of Seaside: The City of Seaside attempted this concept as a money saver in the mid to late 1990s. It was a failure. The biggest problem was that the police chief did not have the time to dedicate any time to the fire department. The result was many personnel issues developed.

City of Red Bluff: The City of Red Bluff had a public safety chief from 1992 to 2000. They discovered that the police and fire departments do not think, work, train, or operate the same. They discovered that jealousy developed between the two departments over their work, equipment, and time the chief could individually dedicate to each department.

City of Berkeley: In the 1980's Berkeley started to move that direction, and combined police and fire into a Public Safety Department.

During that time the fire chief had the title of Public Safety Director and the Police Chief reported to him. The separate Police and Fire Communications Centers were combined and became a Public Safety Dispatch Center. The business office (payroll and accounting) were combined under "Public Safety". Officers were never cross-trained to perform both police and fire functions.

When the two (2) departments were separated again the police department kept the Communications Center and the fire department kept the Business Office (central payroll and accounting).

The Public Safety Department concept works best in "Gated Communities" and when there are low calls for services.

For Berkeley, the existing Communications Center was reclassified to Public Safety Dispatchers and both Police Officer and Sergeant's positions were reclassified to Public Safety Dispatchers. There were savings changing officer and sergeant salary and their fringe benefits to non-sworn dispatchers and supervising public safety dispatchers.

Successes: Saved money through dispatcher civilianization, and the combined Business Office still works well. There was a closer working relationship between police and fire management.

Failures: Chain of command did not work well and it was cumbersome at times.

Cross-training of employees did not seem feasible when the original transition started due to expertise required by supervisors and command officers. Call volume in Berkeley (Overall,

120,000 calls for service to the Communications Center, which results in approx 75,000 police reports, and many fewer Fire and emergency medical calls)

City of Millbrae: The City of Millbrae adopted an interim Public Safety Director concept in January 2004. The reasons for this are the following:

(1) The Acting Police Chief was hired on a contractual basis starting a year prior; he decided to terminate his contract in December 2003.

(2) The City is in difficult financial times;

(3) The City is currently recruiting for a new City Manager who should be on board by July 2004.

As an interim measure, it was decided the fire chief would assume the role of Public Safety Director, until the new city manager was on board and was able to evaluate the best course of action. A key element was both Police and Fire organizations have stable management staffs. There were no compensation adjustments to management staff in either organization. There is the obvious savings at the department head level. The fire chief does not have POST certification, but has two years to complete the training if the city decides to stay with this concept. The fire chief has been with the city for 25 years and knows most of the police staff. This made the transition somewhat easier. The Police organization would have preferred a traditional approach, either by promoting an existing management person to an acting role or recruiting for a full-time Chief. The Police Department has lost officers recently due to attrition and have seven (7) vacant positions, so morale is not high. Fire is focusing on revenue measure to maintain current service levels. According to the Hterim Public Safety Chief this was not the best time to make this transition.

Laguna Beach: For eleven years The City of Laguna Beach employed a Public Safety Chief. At that time the Chief of Police was appointed to the position. During that time a deputy police chief and fire chief positions were created to handle the day to day operations of each department. The City of Laguna Beach adjusted the compensation for the increased responsibilities for each of the positions. The Public Safety Chief at the time was Neil Purcell and upon his retirement the City Manager decided that we would go back to a two chief concept. They learned that one chief is unable to effectively or efficiently manage both police and fire departments. They are two separate departments requiring different equipment and training. The police department operates more efficiently with general orders while the fire department uses other protocols. The personnel in each of the departments were not happy nor did they operate efficiently.

Rohnert Park: The City of Rohnert Park uses a public safety department lead by a Director of Public Safety rather than separate police and fire agencies. It has used this concept essentially since in the inception of the city in the early 1960s. There is a Commanders rank in each of the departments to operate the day to day operations. They work a normal business day and week. The Commanders are paid additional for their added responsibilities. The City of Rohnert Park has no ambulance service. The current director reported the system works well in Rohnert Park. He does caution that changing from a traditional police and fire chief concept to that of a public safety system would be difficult because of the time necessary to learn the operations of another department. It is also essential that highly qualified people are placed in the Commander positions in both departments. Currently the police department handles 75% to 80% of public safety calls in the city.

Rank Structure of the Piedmont Police Department:

The City Council also had questions concerning the rank structure in the Piedmont Police Department. Currently the police department has a Chief of Police, 2 Captains, and 4 Sergeants. Apparently there was concern the police department was top heavy in its management and supervision positions. Captain John Hunt conducted a survey of similar size police departments and I have enclosed that survey for your review. It appears the Piedmont Police Department has the same or similar structure as other California cities that have about the same number of sworn officers, similar populations, and total number of employees.