
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Nancy Skinner, Chair

2017 - 2018 Regular

Bill No: SB 453 **Hearing Date:** April 25, 2017
Author: Vidak
Version: April 17, 2017
Urgency: No **Fiscal:** Yes
Consultant: JRD

Subject: *Correctional Facilities: Construction and Renovation*

HISTORY

Source: Orange Cove Mayor Victor Lopez
Parlier Mayor Alma Beltran
Woodlake Mayor Rudy Mendoza

Prior Legislation: SB 1307 (Cannella) died Governance and Finance, 2016
SB 826 (Leno) Chapter 23, Stats. of 2016
SB 97 (Comm. on Budget and Fiscal Review) Chapter 11, Stats. of 2015

Support: Unknown

Opposition: None known

PURPOSE

The purpose of this legislation is to appropriate 24.5 million dollars to eight cities for the purposes of constructing, renovating, or relocating police department facilities, as specified.

Existing law provides that the State of California is divided into counties which are legal subdivisions of the State. The Legislature must prescribe uniform procedure for county formation, consolidation, and boundary change. The Legislature must, additionally, provide for county powers, an elected county sheriff, an elected district attorney, an elected assessor, and an elected governing body in each county. (Cal Const Art XI § 1(b).)

Existing law requires the sheriff to preserve peace, and to accomplish this object may sponsor, supervise, or participate in any project of crime prevention, rehabilitation of persons previously convicted of crime, or the suppression of delinquency. (Government Code § 26600.)

Existing law states that the police department of a city is under the control of the chief of police. And, 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 such an agency shall control the agency. The chief, director, or chief executive officer of a consolidated public safety agency is a peace officer, and shall meet all of the same requirements imposed by law, regulation, or POST guidelines and recommendations as a chief of police, and he or she shall have all of the same rights, responsibilities, and privileges as does a chief of police. No one who

fails to meet all of the above requirements of a chief of police and peace officer shall be appointed to the position of chief, director, or chief executive officer of a consolidated municipal public safety agency. (Government Code § 38630.)

This bill would appropriate 24.5 million dollars (\$24,500,000) from the General Fund for the purposes of constructing, renovating, or relocating police department facilities, whether in new buildings or existing buildings that have been renovated, to be distributed as follows:

- Four million dollars to the City of Orange Cove
- Four million dollars to the City of Woodlake
- Four million dollars to the City of Parlier
- Two million dollars to the City of Arvin
- Four million dollars to the City of Dinuba
- Two million dollars to the City of McFarland
- Two million dollars to the City of Sanger
- Two and a half million dollars to the City of Reedly

COMMENTS

1. Need for Legislation

According to the author:

Existing law requires the Board of State and Community Corrections to, among other things, establish minimum standards for local correctional facilities, however many small or rural police departments are too underfunded to keep up with the ever evolving list of standards. Many of these small city police departments are in disadvantaged areas.

For example, in the City of Parlier, the police force is down to 10 officers. In a city of roughly 15,000 residents, there should be one officer per 1,000 residents, meaning Parlier is only 65% staffed. In order to remedy this problem the city felt compelled to pass Measure Q on the November 2016 ballot. The Measure added \$300,000 to the police department's budget which then stood at \$500,000. The Measure passed with over 66% of the vote. Unfortunately this is still far short of the funding needed.

We need to think of the safety of these small communities, the safety of the officers they employ, and the safety of those in custody. SB 453 is patterned after similar measures that have included funds for rural other police departments in the Central Valley, including SB 1307 (Cannella, 2016), SB 826 (Leno, 2016) and SB 97 (Budget, 2015).

As targeted one-time funding, and not an ongoing appropriation, SB 453 will give these departments the flexibility to repair and replace equipment and facilities that are urgently needed, instead of forcing departments to choose between safety and infrastructure.

2. Effect of Legislation

In the past ten years, numerous police departments have been dissolved in California. For example, in 2010, the city of San Carlos dissolved its police force and outsources the job of law enforcement to the San Mateo County sheriff's office.

The City Council voted 4-1 on Monday night to disband its 85-year-old Police Department to help save nearly two-thirds of next year's \$3.5 million deficit. The council directed city staff to begin negotiating with the sheriff's office, said Mayor Randy Royce, who voted to scrap the city's 32-member force. (*San Carlos council votes to disband police force*, Henry K. Lee Published, SF Gate, June 30, 2010.)

The city of Millbrae also dissolved its police force to save money:

The Millbrae City Council has voted to disband the city's police force and move toward outsourcing law enforcement to the San Mateo County sheriff's office as a cost-cutting measure.

The City Council voted 3-2 Tuesday night to disband the 63-year-old Police Department to save an estimated \$1.1 million a year. The council directed city staff to begin negotiating with the sheriff's office, which took over police operations within the past year in San Carlos and Half Moon Bay after those cities dissolved their forces.

(*Millbrae votes to dissolve police, turn to sheriff*, Henry K. Lee, November 17, 2011.)

After these departments, and other police departments throughout the state, were forced to dissolve, the legislature stepped in and assisted seven counties through budgetary appropriations in 2015 and 2016. These appropriations were intended to improve these departments infrastructure so that they could comply with state standards. In the 2015 budget, the legislature provided five million dollars from the General Fund to Avenal, Corcoran and Lemoore for improvements to public safety infrastructure. (SB 97 (Committee on Budget and Fiscal Review, of 2015.) In 2016, the legislature provided over 10 million dollars in General Fund for local public safety infrastructure in Huron, Selma, Firebaugh and Mendota. (SB 826 (Leno, of 2016).) Both budget actions appropriated the funding to the California Board of State and Community Corrections for distribution to the listed municipalities.

Members may wish to consider if this request for an appropriation would be more appropriately handled through the budget, where members could consider this request for funding in the context of the entire budget.

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