

**BENICIA POLICE DEPARTMENT**  
**HOLDING FACILITY - POLICY AND PROCEDURES**  
2008-2009 Grand Jury Report

## **REASON FOR INVESTIGATION**

California Penal Code §919 subsection (b) provides, “the Grand Jury shall inquire into the conditions and management of public prisons within the County.” California Penal Code §6031 establishes a requirement for biennial inspections by the County Grand Jury of local detention facilities. Section 6031.4(a) defines “Local Detentions Facilities.” California Code of Regulations Title 15 establishes the standards for such facilities. Pursuant to these statutes, the 2008-2009 Grand Jury inspected the Benicia Police Department and its Holding Facility.

## **GRAND JURY ACTIONS**

- Toured the Police Department and holding facility with the Sergeant on duty
- Discussed the Department holding process
- Inspected the holding cells
- Reviewed procedures for bringing arrestees into the building from a police vehicle to the holding cell
- Interviewed the Chief of Police

## **BACKGROUND/SUMMARY**

The Benicia Police Department is currently housed in an antiquated building, which was not constructed to be a police department, but rather one constructed prior to the Second World War as a school. The building was then converted to be used as a police department in the 1960s. The City of Benicia recently spent approximately \$2,000,000 to retrofit the building to meet perceived concerns. The building does not meet the needs of a modern police organization with the ever-changing mandates of the courts’ and society’s expectations for service and protection. However, regardless of the \$2,000,000 recently spent to renovate and improve it from its prior state, it is still an inadequate structure and will require replacement at some time in the future.

The current Police Department structure is approximately 12,000 sq. ft. The Chief advised that the Department needs a structure designed and built to specifications of approximately 28,000 sq. ft. to provide for current and anticipated needs. A proposal was put to the vote of the citizens of Benicia approximately three years ago; the Bond measure was narrowly defeated. The Grand Jury also noted an additional significant issue. The Detective Unit is located across the rear parking lot, approximately 75 yards from the main building; therefore, it is isolated in the event of an internal emergency where their help may be needed. This also results in isolation and a lack of the cohesiveness necessary in all successful organizations. Additionally, there is no dedicated juvenile holding cell area. Cooperative juveniles can be placed in an area set aside for interviews.

A Sally Port (a secured passageway) enclosure at the side entrance of the Police Department provides security and public safety. The gates are operated remotely by either the dispatch center or personnel in an authorized vehicle. Additionally, as a safety measure, a set of flashing beacons were later added to alert Police personnel and the public that the gates are in operation. Dispatchers have audio and visual observation of the holding cells; also, the patrol sergeant can monitor the holding cell area from the window of the Sergeants’ office. However, surveillance cameras located within the fingerprint and holding cell area did not appear to provide total

coverage. This area is used by adult male, adult female and juvenile arrestees. The Chief indicated she was not aware of this issue and said she would look into it.

A single-person unisex restroom is located in the holding cell area. Due to a lack of female officers, when a female detainee needs to use the restroom, a female clerk or dispatcher must be taken from her assigned duties to provide escort.

California Code of Regulations Title 15 states that no arrestees or detainees may be held in a temporary holding facility for more than 24 hours. It is the policy of the Benicia Police Department to transport individuals to the County Jail or the Juvenile Hall facility within two hours of arrest whenever possible.

The Chief described the organizational structure, personnel make up, and assignments within the department, including recommendations made by the recent Commission on Peace Officer Standards and Training (P.O.S.T.) management reorganization report. According to P.O.S.T., a Police Officer Reserve program should be part of the general organizational structure of a police department. The Department does not currently have a Police Officer Reserve program; however, one existed in the past. The Chief stated the lack of this program is not a major concern of the Department.

The Chief was asked about emergency and disaster planning. She responded that the only planning in this area involves an annual tabletop exercise with the Valero Refinery security personnel. No field training exercises involving all affected agencies are planned or scheduled.

An issue was raised regarding combining Police and Fire dispatch services. Contracting the services out to the Solano County Sheriff's Office could result in cost savings to the city. The Chief indicated that it may be appropriate to combine Fire and Ambulance dispatch; however, due to the fact that Police needs are unique, the combination probably would not work. An inquiry was made concerning combining Police, Fire and Medical dispatch services. It has been observed as a viable practice used across the State of California and indeed used successfully within Solano County.

The Grand Jury inquired about the possibility of combining the Police and Fire Departments in a single Public Safety Building. According to the Chief, there are no plans to do so at this time. It was noted that the Fire Department had a new structure built in the early 1990s as a result of damage from the 1989 Loma Prieta earthquake. Inquiry was made concerning the seismic stability of the current Police structure, but that information was not available.

## FINDING AND RECOMMENDATIONS

**Finding 1** - The Benicia Police Department was built prior to the Second World War and was not designed to function as a police department. Floor space is inadequate to house all the functions of the Department. At the time of the inspection, the Detective Unit was housed in a portable building across the rear parking lot.

**Recommendation 1** - When the economy permits, the City of Benicia should build a new Police Department facility that will house the entire Department in one secure building. Further, there may be cost savings as a result of combining Police and Fire services in one Public Safety Building.

**Finding 2** - There is no dedicated juvenile holding cell area; therefore, there is no appropriate location to secure juveniles that may become uncooperative.

**Recommendation 2** - The Benicia Police Department should convert one of the office spaces into a properly-secured holding facility for juveniles away from the adult holding cell area.

**Finding 3** - At the time of the inspection, video cameras in the fingerprint and holding cell area did not appear to provide complete coverage of the area. This is a potential issue involving safety of the officers, and the safety and security of the detainees. Full camera coverage may address any potential claims of improper or unlawful behavior by detainees or employees of the Department.

**Recommendation 3** - The Department should install additional video cameras that would monitor the entrance to the Sally Port area, both inside and outside of the building. The Department should reposition the existing camera and/or add additional cameras in the holding cell area. The Department should establish an additional monitoring position in the Sergeants' office, which could greatly assist the dispatchers in monitoring the internal and external security of the Police Department.

**Finding 4** -When a female detainee needs to use the restroom, in order for them to be escorted, non-sworn female personnel are taken away from their assigned duties and placed in harm's way. In addition, the Department is unable to provide comprehensive searching of female detainees. At the time of the inspection, the only sworn female officer was the Chief.

**Recommendation 4** - The Department should actively recruit female officers.

**Finding 5** - At the time of the inspection, the Department did not have an active unpaid volunteer Police Officer Reserve program. As Benicia is a gateway city for Solano County and sits astride a major highway, and vehicular and railroad bridges. In the event of a disaster involving the highway, refinery, port or bridges, the lack of Reserve Police Officers to assist the regular sworn officers will degrade public safety. In addition, Benicia holds public events where thousands of pedestrians converge on the city center, necessitating additional law enforcement presence.

**Recommendation 5.a** - The Department should reestablish the Police Officer Reserve program. The presence of a strong Police Officer Reserve will be invaluable in circumstances cited in the finding, in order to free up sworn first-line responder personnel. This will ensure that highly-trained full-time, regular Police officers are used in the areas best suited to their skills.

**Recommendation 5.b** - The Department should actively recruit unaffiliated graduates from local police academies for the Police Officer Reserve program. An additional benefit of this program is that these graduates can be evaluated for future full-time employment.

**Finding 6** - According to the Chief, the Department has devoted a limited amount of time to disaster planning. There is only one annual tabletop exercise with the Valero Refinery. At the time of the inspection, it was determined that there was no active participation with the County Emergency Management System or any involvement with the State Emergency Management System regarding exercises or training.

**Recommendation 6** – The Department should make a more intensive effort toward disaster planning. There should be a specific joint effort with the Solano County Office of Emergency Services to ensure the coordination of those services in the event they are needed by the citizens of the city of Benicia. A citywide emergency alert exercise involving all affected parties should be conducted at least once a year.

**Finding 7** – At the time of the inspection, the Department did not contract out dispatch services.

**Recommendation 7** - The City of Benicia should explore the possibility of contracting Police, Fire, and Medical dispatch services as a potential cost savings. It should be noted this has been successfully done in Solano County previously by utilization of the County Sheriff's Office. Adequate safeguards can be negotiated within the confines of the contract to ensure the current level of service is maintained.

**Finding 8** – There was no indication provided to the Grand Jury that the existing Police Department building meets current seismic standards.

**Recommendation 8** – If the current seismic standards are not being met, the City of Benicia should retrofit the current building or construct a new compliant facility.

## COMMENTS

During the Grand Jury inspection, the Benicia Police Chief was aware of the Grand Jury visit, but did not meet with us. A sergeant was assigned to escort us around the Department and answer our questions. While he was seemingly knowledgeable and forthcoming in his responses, nevertheless, it was felt his ability to respond was limited. The Grand Jury felt it was more appropriate to give the Chief of Police the opportunity to respond to our questions. Therefore, the Grand jury requested the Chief of Police come to the Grand Jury offices and respond to the concerns raised during our inspection of the Police Department. The Chief of Police came at our invitation to speak with us concerning the issues raised in this report.

We commend the Benicia Police Department in its effort to operate in such cramped quarters. It is evident that the current 12,000 sq. ft. structure is not adequate to the task. For example, a separate area for detained juveniles would provide an area for a Family Resource Therapist or other professionals as needed who could address at-risk juveniles. In addition, visiting parents could talk with the juveniles and the officers in a secured area away from others, including the detained adults awaiting transportation to the Solano County Jail.

### AFFECTED AGENCIES

City of Benicia - Chief of Police  
City of Benicia - City Council  
City of Benicia - City Manager

### COURTESY COPIES

City of Benicia – Fire Chief  
Solano County Sheriff/Coroner  
Solano County Office of Emergency Services  
Valero Refinery - Chief of Security  
California Department of Transportation  
California Highway Patrol – Golden Gate Division  
Union Pacific Railroad – Security Services