



530 Union Avenue • Suite 100 • Fairfield, CA 94533

Administration Offices

(707) 421-7000

Gary R. Stanton
Sheriff/Coroner

March 26, 2009

Honorable Ramona Garrett
Presiding Judge of the Superior Court
Solano Superior Court
600 Union Avenue
Fairfield, CA 94533

Sheriff's Response to the Solano County Grand Jury Report Dated March 23, 2009 Entitled: **Rio Vista Police Department.**

Finding #1: Rio Vista Police Department staffing may not be sufficient for local public safety. Retention of new officers is a serious problem. Due to the relatively low rate of pay at the Rio Vista Police Department, there is little incentive for officers to remain beyond their probationary period. When officers need to be replaced, the cost of recruitment is relatively high. An additional recruitment disincentive is the lack of participation by the Rio Vista Police Department in the Public Safety component of the Public Employees Retirement System (PERS). Currently RVPD has two percent at fifty years of age, rather than the three percent at fifty under the Public Safety component of PERS.

Recommendation #1: In order to address insufficient staffing and personnel retention issues, the City of Rio Vista should consider the following measures:

- If the Rio Vista Police Department is unable to pay a sufficient salary to attract and retain qualified police officers, the City of Rio Vista should consider contracting with the Solano County Sheriff's Office for police services.
- The City of Rio Vista should offer the Police Officers the Public Safety officer Retirement Plan that is three percent at fifty years of age.

Response: The Sheriff agrees with the finding and recommendation of the Grand Jury. The Rio Vista Police Department has been struggling for many years with recruitment and retention of police officers. As an outcome of this struggle the Police Department's ability to maintain an adequate level of police services has at times been compromised. Ultimately it is the community which pays the price both in dollars and community safety as a result of Rio Vista's inability to retain qualified police officers.

Dedicated to Community Service

In response to a recent Request for Information (RFI) by Rio Vista City Manager Hector De La Rosa, on December 9, 2008 I provided the City of Rio Vista with information pertaining to contracting with the Solano County Sheriff for the provision of law enforcement services. To date I have received no response from the City of Rio Vista and there is no indication that the compensation and benefits situation has improved. The Solano County Sheriff's Office is fully capable of providing comprehensive law enforcement services for the community of Rio Vista.

Rio Vista Police Officers do not currently have in their labor contract the Public Employees Retirement System (PERS) 3% at age 50 Public Safety Retirement Plan. Although more costly than other PERS retirement plans, 3% at 50 has in recent years become the industry standard for California. Lacking this retirement plan, it is virtually impossible for the Rio Vista Police Department to attract highly qualified law enforcement candidates. Absent an increase in salary and retirement benefits, Rio Vista will continue to be unable to compete with other law enforcement agencies for qualified law enforcement applicants from what is currently a small pool of qualified candidates.

Finding #2: Ongoing training is an issue due to the lack of a local training facility and relative remoteness from training resources, which are available to other cities.

Recommendation #2: Develop a training plan in concert with the other law enforcement departments within Solano County in order to better utilize existing training facilities within the County, such as the newly constructed firearms training facility in Fairfield. This would enhance the quality of policing throughout the County and would be a cost-saving measure for all concerned.

Response: The Sheriff agrees with the finding and recommendation of the Grand Jury.

Finding #3: There is no secure facility for prisoner detention in the Rio Vista Police Department. An officer who may have other duties must account for a detainee until transported to Solano County Jail.

Recommendation #3: When funds become available, a new permanent Police Facility with holding cells should be built. In the interim period, the City of Rio Vista should obtain a modular facility to detain the arrestees that meets the current required standards for detainees.

Response: The Sheriff agrees with the finding and recommendation of the Grand Jury. Absent a holding facility that provides adequate security and meets current California Administrative Code Title 15 and Title 24 standards established for adult and juvenile detention facilities, the Rio Vista Police Department should not hold prisoners for any extended period of time.

Finding #5: Currently, the City of Rio Vista Police Department routinely requests assistance from Contra Costa County Sheriff's Office. In order for the Rio Vista Police Department Officers to

request assistance from outside of Solano County, this assistance must be authorized by the Sheriff of Solano County (see the attached Notice of Consent form from the Solano County Sheriff/Coroner. Per California Penal Code §830.1-Designation of Peace Officers -Scope of Authority). Even though the Rio Vista Police Department is able to communicate with other law enforcement agencies via car-to-car communications, the process appears cumbersome. Because the Rio Vista Police Department is currently dispatched through the Contra Costa County Sheriffs Office, any request for assistance from agencies within Solano County must be made through their dispatch center. The Contra Costa County Dispatcher then must telephonically contact the Solano County Sheriff Dispatcher. Requests for assistance may have a time delay.

Recommendation #5: Rio Vista Police Department should establish the ability to communicate via radio directly with all law enforcement agencies within Solano County. This can be accomplished by contracting for radio services with the Solano County Sheriff's Office. This could enhance safety and service for both law enforcement officers and the citizens of Rio Vista.

Response: Although the Sheriff agrees with the finding and recommendation of the Grand Jury, the issue of authority of other agency law enforcement officers to provide assistance to the Rio Vista Police Department under California Penal Code Section 830.1 requires additional interpretation. California Penal Code Section 830.1(a)(2) provides that with the prior consent of the Police Chief, peace officer authority extends to other police officers while in Rio Vista. Authority can be established in advance by providing written consent. Rio Vista's apparent preference to independently request mutual assistance from officers from Contra Costa County does not appear to violate existing statute. This practice may have evolved as a matter of convenience, a result of the previous decision some years ago to move the radio communications contract to Contra Costa County.

The established protocol for obtaining law enforcement assistance is to coordinate the request for assistance through the County Sheriff who serves as the law enforcement mutual aid coordinator for the entire county, also know as the Operational Area. The practice of coordinating law enforcement assistance through the Sheriff is also in keeping with the state-wide California Emergency Management Authority (Cal-EMA) mutual aid plan. The practice of independently obtaining law enforcement assistance from a neighboring county is in conflict with established local and state-wide protocols intended to promote the effective and efficient provision of mutual aid and mutual assistance during time of emergency. In the event of a major disaster requiring mutual aid, and under the prevailing circumstances, Rio Vista's ability to quickly obtain emergency assistance is compromised.

Approximately ten or twelve years ago the City of Rio Vista terminated its contract with the Solano County Sheriff's Office and initiated a new contract for dispatch services with the Contra Costa County Sheriff's Office. At that point the Rio Vista Police Department effectively severed radio communication ties to allied law enforcement agencies in Solano County. Rio Vista Police Officers do have the capability of switching their patrol car radio from a Contra Costa County Sheriff's frequency to a Solano County Sheriff's frequency, however; this is cumbersome at best and may not be feasible in an emergency situation. The Solano County Sheriff's Dispatch Center advises that direct radio communication with Rio Vista Police Officers is rare. Requests for law enforcement assistance from Solano County are commonly made to the Contra Costa County Sheriff's Office and then conveyed to the Solano County Sheriff's Dispatch Center by telephone. It should also be noted

that the Rio Vista Fire Department continues to contract with the Solano County Sheriff's Office for dispatch services. The Solano County Sheriff's Office has encouraged the Rio Vista Police Department to re-establish radio communication locally by again contracting with the Solano County Sheriff for dispatch services. To date the situation remains unchanged.

Currently, the Solano County Sheriff's Office, all of the Police Departments in Solano County, **with the exception of Rio Vista**, all Solano County Fire agencies and ambulance service providers are engaged in developing a county-wide interoperable emergency radio communications system that will eventually replace a multitude of incompatible radio frequencies and platforms currently in use. This will result in a radio system that will better serve the needs of all Solano County public safety providers. This system is largely funded by Homeland Security grant funds and we are coordinating our efforts with the East Bay Regional Communications System currently under development to form a larger network. The ultimate goal of public safety is to develop a frequency compatible emergency radio communication system that provides public safety agencies the ability to communicate and coordinate efforts along the Interstate-80 corridor from Reno, Nevada to the Bay Area of California.

Sincerely,



Gary R. Stanton
Sheriff-Coroner