

RANCHO MURIETA COMMUNITY SERVICES DISTRICT

Category:	Security	Policy # 91-1
Title:	Policy Statement for Operation of the Rancho Murieta Security Department	

PURPOSE

The Rancho Murieta Community Services District Board of Directors hereby adopts the following Statement of Policy regarding the ongoing operations of the Rancho Murieta Security Department.

The reason for this Statement of Policy is to clarify, for the benefit of citizens residing in the District, as well as the staff of the Security Department, the duties of the Security Department staff in providing security in the District pursuant to “**The Security Code**”, District Code, Chapter 21.

- 1) Security services in the District shall protect persons or property, to the extent reasonably possible, theft, vandalism or other loss or damage to property of the parties through maintenance of surveillance. (See **District Code, Chapter 21, Section 3.02**)
- 2) Security employees as representatives of the District shall have the right to enter upon properties to which security service is provided for the purposes of performing the duties identified in **Chapter 21** of the **District Code**. (See **District Code, Chapter 21, Section 3.04**).
- 3) Security services within the District may include:
 - a) Staffing the Security gate(s);
 - b) Provide 24 hour a day mobile patrol with District boundaries;
 - c) Operate radio communication to maintain contact with sheriff, fire and other emergency services;
 - d) Provide fire aid services;
 - e) Monitor, control and register guests or visitors of District customers and other visitors within the district;
 - f) Conduct other activities as the Board may authorize for the protection of District customers and their property.

(See **District Code, Chapter 21, Section 3.04**)
- 4) Security officers of the District, who conform to the standards for peace officers of the Commission on Peace Officers Standard and Training (P.O.S.T. see **Penal Code Section 13500 et seq**), shall have the duty and authority to arrest persons for any violation of the provision of **Section 7.00** of the **District Code Chapter 21** in accordance with **Penal Code Section 836.5 (a)** [a public officer or employee authorized by ordinance may arrest a person without a warrant whenever he has reasonable cause to

believe that the person to be arrested has committed misdemeanor in his presence which is a violation of a statute or ordinance which the officer or employee has the duty to enforce]. Such offenses (violations of **Section 7.00**) include:

- a) Vehicle Code violations subject to the limitation that said enforcement when not on public streets within the District, are only enforceable as authorized by the CC&R's affecting the tracts within the District and, in any event, any violation of the Vehicle Code is citable only as a violation of **Chapter 21** and punishable pursuant to the relevant provision of **Section 6.0 et seq. of Chapter 21** and not as a California Vehicle Code violation.
- b) Vehicles operated in bicycle lane (7.01)
- c) Skateboard - prudent operation (7.01)
- d) Control of animals (7.02)
- e) Controlled and restricted use of park facilities in the District (7.03)
- f) Prohibited use of firearms (7.04)
- g) Unauthorized use of shopping carts (7.05)
- h) Trespass on private property (7.06)
- i) Desecration of Cemeteries (7.07)
- j) Destruction of road signs (7.08)
- k) Destroying monuments (7.09)
- l) Loitering (7.10)
- m) Use of bridges (7.11)
- n) Curfew (7.12)

See **District Security Code Chapter 21, Section 7.00 et seq** and the opinion of legal counsel in a letter to Marion Cravens, Manager of the District re: Ordinance 87-14, dated March 23, 1989, wherein it is stated: "*The District - (a) is authorized to adopt reasonable rules and regulations for use of the streets within the District, and (b) the Vehicle Code provisions are applied through the CC&R's and **not under authority set forth in the Vehicle Code itself***" (emphasis added by "bold").

- 5) Security employees are protected by **Penal Code Section 836.5(b)** which provides that "there shall be no civil liability on the part of, and no cause of action shall arise against, any public officer or employee acting pursuant to subdivision (a) and within the scope of his authority for false arrest or false imprisonment arising out of any arrest which is lawful, or which the public officer or employee at the time of arrest, had reasonable cause to believe was lawful. No such officer or employee shall be deemed an aggressor or lose his right to self-defense by the use of reasonable force to affect the arrest, prevent escape, or overcome resistance".
- 6) Security officers, guards, and staff, in carrying out their duties in the District to protect persons or property (see Paragraph 1 above), are citizens, and as such have the authority, and are authorized to make arrests pursuant to **Penal Code Section 837**:
 - a) For a public offense committed or attempted in his presence.
 - b) When the person arrested has committed a felony, although not in his presence.
 - c) When a felony has been in fact committed, and he has reasonable cause for believing the person arrested to have committed it.
- 7) The Security Officers, guards and staff are instructed to exercise their authority to make citizens' arrest in a thoughtful, reserved and prudent manner and absent circumstance

where their life or the serious injury of another person is in substantial danger, the Sheriff's Department shall be called and recorded observation shall be made, including license number of involved vehicles, names and description of person (suspects and witnesses) before any action in the exercise of the authority to arrest is taken.

- 8) Security officers shall respond to all emergency calls received by them from citizens and customers of the District, subject to the limitations in their action as set forth in this Statement of Policy.
- 9) Security officers, guards and staff shall not have any authority to act in their official capacity as security employees of the District when not on duty working at the direction of the District and they shall not wear their District uniforms when not on duty.
- 10) Security employees shall, pursuant to an existing agreement between the District and the Sheriff of the County of Sacramento, take reports of such offenses as vandalism and other miscellaneous offenses which report will be given a report number and be filed as a permanent record in the Sheriff's Records Department.
- 11) The District maintains liability coverage for the District and its employee with respect to all conduct of employees which is consistent with this Statement of Policy.

NOTES

Note (1)

Pursuant to the ongoing advice of legal counsel for the District as recent as November 29, 1989, Security officers of the District are not Peace Officers as defined in the Penal Code, and in order to change their status to Peace Officers, legislation will be required.

Note (2)

The Legislative Counsel of California as provided for in **Government Code, Section 10200 et seq** serves as legal counsel to members of the Legislature of the State and State Agencies regarding the preparation amendment and consideration of legislative measures. To be sure, the Legislative Council is not counsel for the District and any opinion rendered by the Legislative Council for a legislator is not binding in any way on the District.

Three Minute Response Time of Law Enforcement Officer

Upgrade Security Staff

If the Board were to upgrade our existing Security Officers to Peace Officer status, the following parameters would have to be satisfactorily addressed before sending the Officer to the POST Academy for Police Officer Training. This cost is estimated below. We assume that this work would be contracted to the Sheriff's Department. The costs below are CSD estimates:

	Each Officer
Psychological Evaluation	\$ -0-
Medical Examination	\$ -0-

Reading and Writing Test	\$ -0-
Physical Agility Test	\$ -0-
Background Investigation	<u>\$2,500</u>
Total	<u>\$2,500</u>

Contract with Sheriff

Next fiscal year the Sheriff's Department is in a staff reduction mode. The Sheriff may be in a position to fund four and one-half or five positions from a Rancho Murieta Contract instead of losing those positions. This is the number of positions needed to provide around-the-clock Sheriff's Deputies at Rancho Murieta. As a part of the contract, the Sheriff's Deputies must be able to enforce the Vehicle Code. The task of establishing these costs has been delegated to the CSD Finance Committee.

Contract with Private Security Force

This is an alternative that can be considered by the RMA for operation to their security gates.

Approved by CSD Board of Directors	June 26, 1991
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SUPERSEDED BY POLICY 200805