

*Assessment of the Hayward, California
Police Department's Jail Facility and Operations*

An Independent Review

FINAL DRAFT REPORT

November 3, 2023

Confidential and Proprietary



JENSEN HUGHES



November 3, 2023

Acting Chief Bryan Matthews
Hayward California Police Department
300 W. Winton Ave.
Hayward, CA 94544

Dear Chief Matthews:

Please find attached our final draft report detailing the results of Jensen Hughes's independent assessment of the Hayward Police Department's (HPD) jail facility and its operations and impact on the department. This report provides findings and recommendations designed to provide the HPD leadership team, the city manager and elected officials with information that would help all to assess the value of operating the jail facility and the current state of jail operations and to assist with assessing the value of continuing to maintain a jail facility if and when a new police department facility is approved, designed and constructed.

Our report contains both findings and recommendations, which are designed to provide HPD and the City of Hayward with a strategic path forward to address current jail operations issues and to plan for the future.

We place enormous value on the trust you have extended to us in this matter and look forward to supporting your endeavors in the future.

Sincerely,
Jensen Hughes

A handwritten signature in black ink, appearing to read "DK Kirby".

Debra K. Kirby
Global Service Line Leader
Security Risk Management



Table of Contents

EXECUTIVE SUMMARY	4
Strategic Context: The Need to Conduct This Assessment	4
Assignment: What You Asked Us to Do	4
Methodology and Approach: A Highly Integrated Process	5
KEY FINDINGS	6
OVERVIEW OF THE HAYWARD POLICE DEPARTMENT	9
Hayward’s Geographical Location and Demographics	9
City Government	9
HAYWARD POLICE DEPARTMENT JAIL FACILITY – ASSESSMENT OF CONDITIONS, STAFFING AND OPERATIONS	10
Current Facility	10
IMPACT OF HPD JAIL OPERATIONS ON THE REST OF HPD’S OPERATIONS	31
Recommendations	36
APPENDIX: THE JENSEN HUGHES PROJECT TEAM	38



Executive Summary

Strategic Context: The Need to Conduct This Assessment

Among the many important services any city provides to its residents and community stakeholders, providing public safety is among the most important. However, given the current social environment in which law enforcement agencies across the country operate, greater scrutiny than ever before is being given to all operations of these agencies, including any jail operations they provide. Hence, while the City of Hayward decided to build its own local jail when constructing its current police facilities in 1974-75, as the city contemplates whether it is time to build new police facilities, a fresh look at how and why the HPD operates its jail is a discussion that merits review and analysis. Some of the topics that deserve discussion include what type of jail facility the HPD operates, the benefits of operating the jail for patrol personnel, the challenges and liabilities that come with operating a jail, what additional tasks jail personnel could handle to assist its understaffed police department, and what the ramifications would be if the jail was closed, among many others.

In this Executive Summary, we provide a brief summary indicating what the City of Hayward asked us to do during our assessment efforts, outline the methodology we used to conduct our work and then provide Key Findings that highlight what we learned during our work. The remainder of the report focuses on providing the details and specifics of what we learned that led to the Key Findings, followed by Recommendations indicating how HPD and the city could address what we outlined in the list of Key Findings. We also provide some context to the issues associated with HPD's jail operations and their impact on overall HPD operations by providing a section focused on the opinions, concerns and ideas of key city and HPD stakeholders.

Assignment: What You Asked Us to Do

We were asked to visit the HPD's current jail facility located on the ground floor of the police headquarters building located at 300 W. Winton Ave. to assess the physical facility itself, the jail's current staffing levels and its operational policies and procedures, as well as analyze and assess the impact the jail has on HPD's day-to-day operations. We were asked also to provide the HPD and city leadership with a written assessment report containing observations, findings and recommendations for policy, procedure and organizational changes to help ensure HPD is using best practices and sound policies in the operations of its jail facility.

The principal focus of our assessment efforts included the following key tasks:

- + Assessing the jail's compliance with HPD's written policies and procedures for jail operations and state standards.
- + Comparing the jail's existence and operations with those of similarly sized cities in California.
- + Assessing the current budget and operating costs of the jail facility.
- + Analyzing and assessing the pros and cons of operating the HPD jail facility.



Methodology and Approach: A Highly Integrated Process

During this engagement, the Jensen Hughes assessment team performed the following tasks:

- + Reviewed departmental policies, orders, directives, staffing and deployment data, and training information related to its jail operations and the jail's impact on HPD's day-to-day operations.
- + Conducted an on-site review during a site visit to examine the HPD jail facility and its operations, as well as visited a neighboring jail facility in the City of Fremont, California, to allow for some comparing and contrasting with a different jail facility in the local area.
- + Conducted over 15 non-attributional interviews with department and city stakeholders to learn about the jail's operations and the impact the jail's services have on HPD's operations throughout the department and the city. These efforts included conducting interviews with the following, among others:
 - Acting Police Chief Bryan Matthews and members of his leadership team
 - Lt. Garrett Wagner, current command officer overseeing HPD jail operations
 - Mayor Mark Salinas
 - Councilmember Daniel Goldstein
 - Councilmember George Syrop
 - City Manager Kelly McAdoo
 - City Finance Director Nicole Gonzales
 - Lt. Ryan Cantrell, Patrol Commander
 - Sgt. Chad Olthof, Patrol Supervisor
 - Mike Elardo, HPD Community Service Officer (CSO) (jail staff member)
 - B. Portillo, HPD CSO (jail staff member)
 - Tina Mills, HPD CSO (jail staff member)
 - Scott Turner – Coordinates HPD's compliance with the Commission on Accreditation for Law Enforcement Agencies (CALEA)
 - Sgt. Ricardo Flores, President of the Hayward Police Officers Association
 - Members of the greater Hayward community who are not employees of HPD or the city
- + Conducted post-site visit analyses of what we learned during the site visit, with a focus on comparing and contrasting HPD jail operations with what is required by state law and with policies and procedures recognized as best practices by many law enforcement agencies and organizations.



Key Findings

1. Day-to-day oversight of the HPD jail has improved.

For decades, the HPD jail has operated with little if any direct supervision from police administration, with the jail supervisor maintaining almost complete independence while overseeing the jail operations. The acting chief addressed this issue prior to our site visit, in that a sworn lieutenant now oversees the day-to-day operation of the HPD jail facility, offering a significantly greater level of oversight of the jail operations.

2. Routine statistical data collection for the jail needs to be improved.

Routine statistics that quantify the HPD jail's workload have not been kept sufficiently, which has resulted in staffing and budgeting decisions being based solely upon the way jail operations have always been or portrayed by previous administrators. The improvement of such data collection would also be imperative to allow for a more robust analysis of the jail operations' efficiencies, any fiscal benefits that come from its operations and any operational shortcomings that may exist.

3. HPD needs to establish sufficient, formal written procedures and protocols for its jail operations, as well as ensure there are no conflicts in existing policies.

There are insufficient formal written procedures and protocols for the daily functions of the jail, which leads to significant operational inconsistencies between work shifts. Additionally, the existing HPD jail policies and procedures that are written are not specific to the operations of the Hayward jail, relying instead solely upon the generic policies provided by the Lexipol policy management software system, and some of the existing policies have conflicting language in them. For example, Section 900 of the policy manual makes references to the jail chain of command that is no longer in place. Also, there is great value in adding agency-customized language when necessary to the Lexipol system, as many agencies do.

4. The HPD jail currently serves more as a temporary holding facility/pre-processing center than it does a Type I jail facility.

The jail's function has changed significantly since it was constructed almost 50 years ago. With the closure of the Alameda County Courthouse in Hayward, the function of the jail has changed into that of a temporary holding facility, wherein arrestees are processed for fingerprints, photographs, other evidence and criminal history checks prior to being transported the Santa Rita County jail, released on bail or a citation or simply released rather than being held for significant amounts of time. Whether this is consistent with the strategic vision of the City of Hayward and the department remains unresolved.



5. As it is currently being used, the jail is larger than is needed to handle the typical number of arrestees.

The square footage of the jail is much larger than is currently required to hold the average number of arrestees brought in for booking/pre-processing on a regular basis. In March 2023, the HPD jail was empty almost 40% of the time. This finding assumes the facility is only being used as a pre-processing center rather than as a Type I jail facility that accommodates long-term incarceration.

6. Due to the current understaffing of HPD sworn personnel, requiring patrol officers to take over the duties of the CSOs if they were no longer responsible for handling jail duties would have a decided impact on the number of patrol officers available to handle the community's 911 calls for service when arrests are made.

Considering that a best-case scenario for the time it takes to process an arrestee at the HPD jail, transport the arrestee to the Santa Rita County jail in Dublin and then return to Hayward is approximately one-and-a-half hours, and that it could take three-and-a-half to four hours to accomplish this same task when a medical clearance for an arrestee is required and traffic is heavy, it is understandable why HPD personnel have concerns over any closure of the jail operations, since it takes officers away from responding to calls for service. This is also a critical data point, given that the department is currently short 44 sworn personnel of its allocated staffing, representing a vacancy rate of 22.22%. There is also concern that should officers be required to take on the tasks currently handled by the jail staff, it could impact officers' decisions to make an arrest when such an action may be in the best interest of the community and the arrestee.

7. HPD jail CSOs have significant amounts of uncommitted time that could be used to complete additional HPD tasks.

The jail CSOs have significant uncommitted time in which they could be doing tasks that benefit the department, such as handling some of the lower-level calls for service tasks. Marking or towing abandoned vehicles is but one example, in that these tasks could be accomplished and still allow the jail CSOs to respond to the jail facility in a timely manner to handle arrestees when needed.

8. No formal HPD jail physician is identified for the HPD jail facility.

There is no "responsible physician" formally identified for the HPD jail, as required by California Board of State and Community Corrections (BSCC) Standards, Chapter 1200.

9. The seismic construction requirements for any new HPD jail would be the same as those for any new HPD facility by itself.

There are no requirements for additional seismic reinforcements if a new jail is built beyond those that are already required for a police department building itself, since it is already defined as an essential facility per the Essential Services Act.



10. Information on the HPD website regarding the jail's management staff needs to be updated.

The HPD website lists contact information for the jail as being the previous jail manager, who has not worked there for almost six months. Likewise, Section 900 of the HPD Policy Manual makes references to the jail's chain of command that are no longer accurate.

11. Current HPD jail workstations are inadequate.

The current physical workstations and spaces for the CSOs to perform their duties are inadequate at best, and alternative workspaces should be sought.

12. No legal claims against the HPD jail were identified.

During our team's interview activities while on site, no one who was interviewed could identify or recall any legal claims that had been made against the jail and its operations. While this is very positive news, as previously noted, it is important to ensure HPD's jail facility operates with updated written policies and procedures to help prevent future liability issues.

13. Some members of the Hayward community are concerned that any new jail facility the city may contemplate building would not serve as a "net widening" tool and focus solely on addressing crime through arrests and incarceration.

As seen in many jurisdictions across the nation, renewed efforts are underway to help provide collaborative community support to law enforcement agencies as police, nonprofits, social service organizations and others work together to provide a multidisciplinary community approach to addressing the root causes of criminal activity. By leveraging community resources, focus can be placed on the prevention of crime and on intervention efforts with those who may be engaging in crime, rather than focusing solely on suppressing crimes through arrests and incarceration. Some members of the community would like to see greater city support for such efforts.



Overview of the Hayward Police Department

Hayward’s Geographical Location and Demographics

To provide background information helpful for the context of our assessment, we note that Hayward is located in Alameda County, California, in the San Francisco Bay area about 35 miles outside of San Francisco and 16 miles south of Oakland. Hayward is the sixth largest city in the Bay Area and the 37th largest city in California. The Diablo Mountain Range physically separates Hayward, located on the east side of the San Francisco Bay in Alameda County and on the west side of the mountain range, from the Alameda County Santa Rita jail, located in Dublin on the east side of the range. This separation requires police agencies located west of the mountain range to travel significant distances to book arrestees. For example, using Interstate 880, I-238 and I-580, the driving distance between the Hayward Police Department (HPD) and the Santa Rita jail in Dublin is 18.6 miles, requiring a one-way trip of between 24 to 30 minutes when traffic is moving at the speed limit.

Hayward has a foreign-born population of nearly 39%. Hispanics represent the largest racial and ethnic community in Hayward, with common ancestry groups including Mexican (30.2%), Salvadoran (2.5%), Puerto Rican (1.5%), Nicaraguan (1.2%), Honduran (1%), Peruvian (0.5%) and Cuban (0.2%). Asian-Americans represent the second-largest group, with common ancestries of Filipino (10.4%), Chinese (3.9%), Indian (3%), Vietnamese (2.7%), Japanese (0.5%), Korean (0.5%), Cambodian (0.2%) and Pakistani (0.1%).¹ Hayward covers a city area of 64.06 square miles.²

City Government

The City of Hayward Charter was adopted on March 7, 1956. The charter outlines the incorporation of the city, defines its powers and establishes the municipal government to be a council-manager form of government.³ The mayor and six city councilmembers serve as the local elected officials for the municipality. The city’s administrative departments are overseen by a city manager, with all department heads, including the chief of police, reporting to the city manager for direction.

Hayward Police Department Budgeted Staff as of May 25, 2023			
Position Type	Allocated	Vacant	Current Staff
Full-Time Sworn	198	44	154
Full-Time CSOs	20	4	16
Full-Time Civilian	108.5	16	92.5 ⁴

1 <https://worldpopulationreview.com/us-cities/hayward-ca-population>.

2 <https://www.populationu.com/cities/hayward-ca-population>

3 <https://www.hayward-ca.gov/your-government/codes-regulations>

4 The half position is that of a reserve police captain.



Hayward Police Department Jail Facility – Assessment of Conditions, Staffing and Operations

Current Facility

The Hayward Police Department (HPD) jail was built as part of the current police department facility's construction in 1974-1975. The original jail space was later expanded to increase its holding capacity to 76 arrestees. The Hayward jail does not hold anyone who has been convicted of a crime unless they are arrested on a court-ordered warrant for failure to comply with their sentence. The Hayward jail temporarily holds individuals who are arrested as a result of an encounter with police officers in the field. These individuals are pre-trial detainees and are not convicted offenders.

The Hayward jail operates as a "Type I facility" under California Board of State and Community Corrections (BSCC – Title 15). By definition, a Type I facility is:

"A local detention facility used for the detention of persons for not more than 96 hours excluding holidays after booking. Such a Type I facility may also detain persons on court order either for their own safekeeping or those committed to a city jail, or may house people sentenced to the county jail provided such placement in the facility is made on a voluntary basis on the part of the person incarcerated. As used in this section, an incarcerated worker is defined as a person assigned to perform designated tasks outside of their cell or dormitory, pursuant to the written policy of the facility, for a minimum of four hours each day on a five-day scheduled work week."⁵

The definition above could lead the reader to believe that arrestees are in custody for multiple days before being transported. However, the current HPD jail, while classified as a Type I facility, really functions as a temporary holding facility, with arrestees held there no more than 24 hours before release or transport to the county jail. Many arrestees are brought in, fingerprinted and photographed, and cited and released. Some arrestees may be held for a few hours if they are under the influence of harmful substances.

Based upon available data for the month of March 2023, there were 124 arrestees booked at the Hayward jail, and 63 of those were transported to the Alameda County jail (ACJ) in Santa Rita. The other 61 arrestees were released directly at the Hayward jail within a few hours of their arrest.

Interviews revealed that in practice, there are rarely more than a handful of individuals in custody, and this was supported upon review of the data for March 2023. Alameda County used to operate a criminal court across the parking lot from the police department. However, this court was converted to a family court several years ago, perhaps more than a decade ago. When that conversion took place, individuals who were arrested had to be transported to the ACJ on a daily basis in order to make their first appearance in court.

⁵ <https://govt.westlaw.com/calregs/Document/IC0E2A7406CA011EDB5569A0BCCCD916B>



The closure of the local court facility next to the police department changed the function of the jail, which currently operates more like a law enforcement temporary holding facility or lockup. For comparison, the BSCC definition of a temporary holding facility is:

“Temporary Holding facility’ means a local detention facility constructed after January 1, 1978, used for the confinement of persons for 24 hours or less pending release, transfer to another facility, or appearance in court.”⁶

The current jail has an exterior sallyport area (an enclosed secure area where patrol officers move the arrestee from the patrol vehicle into the jail facility), holding cells, a processing area and five housing cells used for holding arrestees. The jail also has several small holding cells and two padded cells used to house intoxicated arrestees.



A holding cell at Hayward jail.

Upon arrival at the jail, an arrestee is searched based upon the charges they were arrested for, reduced to one layer of clothing and, if being held, placed in a cell temporarily until release or transport to ACJ.



Arrestee processing area.

Note the jail workspace is through the doorway to the left of the computer screen.

Often, arrestees are intoxicated at the time they arrive at the jail. These arrestees will not be issued their citation until they have reached a level of sobriety where they are not a danger to themselves or others. These arrestees are housed in one of the padded cells. The padded cells reduce the chances that an individual will injure themselves in a fall.

Physical Facility

Typical of jail construction of the 1970s, the jail is constructed of cinder block walls, has concrete floors, is windowless, has poor lighting, exposed wire mesh such as that seen in the above picture of the holding cell, and metal braces to support bunks, which create several potential ligature attachment points, increasing the potential for suicide attempts. There are privacy screens that block the view to the toilet in each cell, creating large blind spots that would allow an arrestee to hide behind these privacy walls. There are two cells that are padded, including one large one that can hold multiple individuals.



Panic button.

There are multiple “panic buttons” along the hallways in the facility. The buttons are located at waist height and are bright red. Jail staff can use the buttons to set off an alarm alerting police department personnel to respond to the jail.

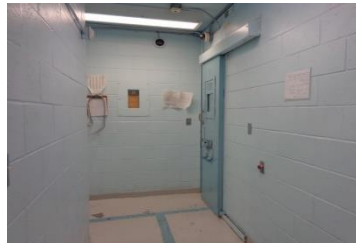
⁶ <https://www.bscc.ca.gov/wp-content/uploads/Final-Regulation-Text-2023.04.01-Clean-Copy-for-Web.pdf>



The placement of the buttons in corridors allows them to be triggered easily by arrestees and janitorial staff, as well. Interviews revealed the buttons are tested on a regular basis.

The jail has limited video cameras that record activities in the jail hallways. There is no recording inside the cells. The emergency services dispatch staff have the ability to monitor the video cameras in the jail. However, doing so is not their primary responsibility.

The phones that are available all have hardwired cords, and in one case, the phone has a cord that is approximately 10 feet long so that it can reach the farthest cell in the row. This cord is a clear risk for self-harm. Alternative methods can easily be identified for anyone who needs to use a phone in these cells; for example, a cordless phone could be used. Phone calls made by arrestees are managed by the jail phone vendor, NCIC Inmate Communications. All calls are recorded by NCIC.

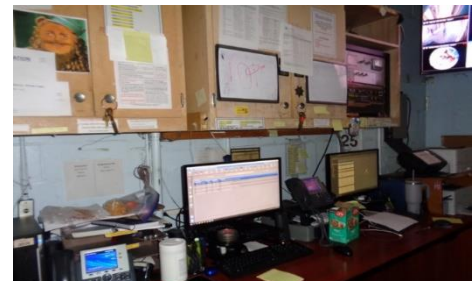


Corridor leading into arrestee housing areas.



Phone with cord that could be used for self-harm.

The jail staff work nearly shoulder to shoulder in an extremely small office that has a single desktop with three computers on it. The room is dark, with significant air circulation problems, and the room does not provide for any direct observation of arrestees from the jail work area.



Jail work area (a third workstation is to the left of the picture).

Work Levels and Trends

There is limited historical data on HPD jail activity. Interviews revealed anecdotal information about the volume of work that occurs daily; however, the department is lacking basic statistical information that should be available from any jail. That information includes statistics for:

- + Bookings per day, per day of the week, and hour of day
- + Average length of stay
- + Population breakdown based upon male, female, nonbinary, adult, juvenile
- + Arrest charges for misdemeanors and felonies
- + Most frequently charged offenses
- + Transports per day
- + Refused bookings and reasons
- + Arrestees needing medical care or mental health assessment
- + Significant incidents within the jail, such as assaults, injuries, uses of force, requests for accommodation, general complaints and Prison Rape Elimination Act (PREA) complaints



Some limited statistics were provided, but they mostly reflected workload indicators for activities not traditionally associated with jail operations. It should be noted there was a change in the jail supervision in October 2022. The previous jail manager position has been eliminated, and the jail supervisors now report to a sworn lieutenant instead of a support services manager. Prior to the change, it is unclear if any statistics were kept or if they were even asked for by department administration. Statistical information is critical to any decisions regarding the size of any potential new facility, and these figures should be used to calculate staffing and budget needs on an annual basis.

Statistics of jail activity based upon the time of day and day of the week are also helpful to determine when shift changes should occur, when transports are least impactful or if there are power shifts that would be advantageous. This information is critical for basic staff management of personnel and is critical for an efficiently operated jail.

Quantifying the amount of work that is done by the jail staff is difficult given the lack of basic statistics available. The jail staff only enter very basic information in an activity log sheet. The activity log sheet for March 2023 was used in order to try to quantify the volume of activity for the jail. It should be noted that the below information is based on data from a single month. It is unknown if March 2023 represents a typical month's activity or not, but it does provide a snapshot for discussion.

The following information was obtained from the March 2023 activity log:

- + There was a total of 124 bookings, including two juveniles.
- + Of the 124 arrestees, 63 were transported to ACJ, and 61 were released directly from Hayward jail.
- + There are an average of four bookings per day.
- + March 3 had the highest 24-hour arrestee population of 10.
- + The average daily population was four – based upon the total number of bookings divided by 31 days in March.
- + The average hourly population is 1.3.

The following calculations are derived from the hourly data contained in the jail log:

- + 39.7% of the time, there were no arrestees in the jail.
- + 26.5% of the time, there was one arrestee in the jail.
- + 17.1% of the time, there were two arrestees in the jail.
- + 7.5% of the time, there were three arrestees in the jail.
- + 5.9% of the time, there were four arrestees in the jail.
- + 3.3% of the time, there were five or more arrestees in the jail.



These numbers are highly relevant to any evaluation of staffing levels and in any effort to determine space needs for consideration of replacing the existing building.

Staffing

The jail is staffed with community service officers (CSOs). The jail has 19 full-time employees (FTEs) allocated between four shifts. The CSOs work 12-hour shifts; three days on, three days off and then every other Sunday. There are four CSOs assigned to three shifts, and one shift with only three CSOs. Four of the CSOs are designated as jail supervisors. At the time of the on-site assessment, there were five CSO vacancies. This results in almost daily overtime in order to meet CSO self-imposed staffing levels. Interviews indicated that staffing is determined by each jail supervisor, and overtime is authorized by that same supervisor.

CSOs are initially hired to work in the jail and can then apply for other special assignments in other areas of the police department. The special assignments last for five years. Some of those other assignments include vehicle abatement, personnel and training, and intelligence. These special assignments provide career development opportunities for CSOs and utilize the skills they have developed working in the jail. Currently, most special assignments are vacant due to shortages in jail staffing.

Interviews revealed some CSOs are interested in applying for special assignments, and others would prefer to work exclusively in the jail. Some CSOs do work on special assignments on overtime, taking calls that do not require a sworn officer, such as directing traffic, handling cold calls for service and processing abandoned vehicles.

The CSOs have also been given a variety of non-correctional tasks to accomplish while they work in the jail. Interviews revealed CSOs feel that daytime hours are filled with these additional administrative tasks and the evening and night hours are spent on more traditional jail tasks of processing and transporting arrestees.

The administrative tasks are of benefit to the department and appear intended to fill some of the many uncommitted hours that the jail CSOs currently have. Some of these assignments include sex offender registration, public fingerprinting, telephone and online report processing, and the completion of required Racial and Identity Profiling Act (RIPA) reporting to the state.

Given the level of activity in the jail, the current staffing seems excessive for the very small number of arrestees processed. Several references were made during interviews that the CSOs are frequently seen not working, and there is a perception that at times they deliberately defer arrestees for booking to the ACJ or require medical clearance prior to acceptance in order to not interrupt social activities, which requires patrol personnel to handle these tasks.

Sworn staff expressed a belief that there has been an erosion of the tasks the CSOs are willing to do, and they are willing to do less and less. The "half-sheet" was referenced by multiple people as an example of this erosion of tasks. It was reported that the CSOs used to take the information that the



sworn officer wrote on the half-sheet to complete the necessary booking entries, but now the officers are required to do the booking entry.

Some concerns were mentioned about a perceived lack of leadership in the jail, and that operational decisions were made without any guidelines, resulting in inconsistency between the four jail shifts. Sworn staff identified that one shift may accept an arrestee but another shift would refuse the same arrestee, requiring medical approval before acceptance. Refusal criteria that do not actually exist in writing were mentioned by CSOs for refusing arrestees. We note that due to the recent assignment of a sworn lieutenant to oversee the jail operations, many issues of concern that have been raised are being reviewed and/or addressed.

By contrast, the CSOs universally indicated they needed more staff to keep up with their workload. It is likely that the previous jail manager supported this view of the workload, and that belief has now been adopted by the CSOs.

With the exception of the CSOs, staff across the city felt the CSOs could be doing more work than they are. Also expressed was a desire to reassign more tasks traditionally performed by sworn officers to the CSOs in an effort to augment sworn strength. The current authorized sworn strength has almost 25% vacancies. Given the very limited workload, this concept seems like a feasible solution. For example, some CSOs could work in the field assisting with abandoned vehicle tows or completing basic reports for crimes in which the suspects are not present and, due to the size of Hayward, could still respond to the jail quickly to assist with jail operations if there were a temporary need for more jail personnel to handle the demand for those services.

As noted, the jail staffing does appear excessive for the volume of work. However, police department policy requires that whenever an individual is being moved, there must be two CSOs present. The applicable policy is:

Hayward Police 900.16.6 Prisoner Movement

When a prisoner is being moved out of a cell, there will be two escorting Jail CSOs or Police Officers present at all times. Officer safety and jail security shall be the major concern in the jail setting.

There are certainly some high-risk individuals who this requirement should apply to. However, not every arrestee is violent or needs this level of control. Having a two-person escort policy means that anytime a CSO is doing something else, arrestees may be refused. For example, two CSOs are transporting arrestees to the county jail; if a new arrestee was brought in and there was only one CSO at the jail, they may be deferred for booking. As written, this policy increases the opportunity to defer arrestees to ACJ.

Another example mentioned was when a CSO was in the jail alone and a bond agent arrived to post bail. The agent was told to leave and come back later because the jail could not be left "unattended." However, the bond was for the one arrestee in the jail at the time. The refusal was based upon the anticipation of another arrestee coming into the facility or the need to answer the phone.



In 2005, Los Angeles County was held liable for unnecessary delays in releasing arrestees from custody once a court order was received authorizing their release. Prompt release should occur when a bail agent arrives, or a court order is received, authorizing a release of an arrestee.⁷

Jail staffing is addressed in Hayward Police 900.7 § e and requires:

Number of Personnel. In accordance with 15 CCR § 1027 there shall be sufficient personnel on duty at all times to provide for the safety and security of the facility and its prisoners and to ensure the implementation and operations of all programs and activities required by these regulations. Minimum staffing shall include at least one certified personnel on duty at all times. If one or more female inmates are in custody, there shall be at least one certified female personnel on duty at all times.

Again, this language has been interpreted to require a male and a female CSO on each and every shift. It is unclear if any consideration has been given to the use of other female staff. For example, some agencies in California have designated non-jail female staff as jail matrons for the purpose of this requirement. It might also be feasible to determine if a sworn member of the department could fulfill this requirement on an as-needed basis, including having a sworn female officer who made the arrest assist until another CSO is available.

Some of the tasks that are assigned to the jail CSOs are unusual. For example, the incoming phone lines for the police department are answered by the jail after regular business hours. The CSOs are also responsible for confirming stolen property and vehicles through the National Crime Information Center (NCIC). These tasks can have time limits and, as a result, the “can’t leave the jail” attitude is perpetuated. It may be possible to assign these tasks to others to reduce jail staffing, if desired.

Policy Considerations

The HPD uses Lexipol for its policy manual. Detention services are covered in Section 900. However, these are broad policy statements and verbatim from the state standards, but often not the detailed procedures usually associated with jail operations. The existing policy manual also makes several references to a chain of command no longer in place for the jail.

The BSCC issues standards for the operation of jails. Those standards were just updated and reissued on January 1 and April 1, 2023. Hayward needs to update its policy to comply with the requirements of Article 3, §1029 regarding policy and procedure manuals. The existing policy is missing required language regarding zero tolerance for sexual abuse, staff retaliation, release policies and planning, and multiple ways in which individuals can report sexual assault.⁸

⁷ *Berry v. Baca*, 379 F.3d 764 (9th Circuit, 2004)

⁸ <https://www.bscc.ca.gov/wp-content/uploads/Adult-T15-Effective-1.1.2023-Strikeout-Underline.pdf>



CSO Training

Historically, there was no field training program (FTO) for the CSOs. This has recently been corrected, and a standardized training program for the CSOs has been implemented that mirrors the format for sworn officers. Having a consistent training program will help unify decision-making by the CSOs across different shifts going forward and assist supervisors in reinforcing department standards as identified in the FTO program for all CSOs.

The jail relies upon the BSCC training portal for most other training requirements. With the exception of the basic training class that is attended at regional locations, other training takes place utilizing video.

Video training can be completed during a shift and reduces employee overtime and staffing issues. However, it is not usually engaging and should not be used for critical subjects such as suicide prevention where the ability to ask questions, participate in role-playing training scenarios and verify understanding are key to successful training.

Operational Considerations

Interviews revealed that prior to the recent departure of the former jail manager, decisions and procedures varied between the staff working each shift, and many of these different approaches continue to this day.

For example, the HPD jail has a list of individuals who would not be accepted for booking at the Hayward jail. This list is known by a variety of different terms, including the "Do not come to jail list," the "No fly list" and the "Refusal list." When asked how many names were on the list, answers were provided that ranged from "a handful" to "more than a page."

More concerning than the number of names on the list, no one could explain the criteria for putting someone's name on the list. Again, a variety of theories were offered on how an individual's name was added, including "the previous jail manager decided;" "I don't know, never asked;" "it is discussed and decided by the jail supervisors;" "it is decided by department supervisors (meaning the patrol supervisors at the request of the jail manager);" and finally "it is discussed and decided by the jail manager (who was recently replaced by the support services lieutenant)." However, interviews with the patrol supervisors and support services lieutenant indicated they were unaware that they were involved in the decision to place anyone on the "list."

There does not appear to be any active management of the names on the list or any knowledge of why they are there. Interviews indicated there used to be a reason why someone's name was on the list; however, "someone" decided listing a reason may be a violation of HIPAA, so that information is no longer recorded on the list. As the jail does not provide medical care, this concern is unfounded.

Once someone's name is on the list, there is no formal protocol established allowing it to be removed. This is in contrast to almost every other action taken in law enforcement. For example, officer safety



files must be validated annually in order to determine the information is still correct. A similar validation process should be occurring if the police department wishes to continue using the list. If a decision is made to continue using this list, it should be done with the support of the department administration, specific criteria should be developed to place names on the list and the names should be distributed to patrol officers so they know those individuals need to be directly booked at ACJ.

Similarly, by policy, the jail staff is supposed to determine an individual's level of intoxication before they are released if they were arrested for public intoxication. Interviews revealed there is no procedure by which sobriety is determined. A portable breath reader was cited frequently as being used; however, some staff indicated they would let individuals go when their intoxication level read .08 or below, while others indicated it needed to be .04 or below. Others indicated that they relied on a chart that showed the standard times associated with the body's metabolism of alcohol.

How quickly someone metabolizes alcohol can vary significantly based on individual factors. Without a protocol in place to determine when someone should be released, the jail is exposing itself to claims of disparate treatment.

Current policy and BSCC standards require that individuals held in sobering cells be evaluated by medical staff at the six-hour mark. The applicable policy is:

Hayward Police 900.15.3 § C

"Under no circumstances shall an inmate be held in a sobering cell for more than six hours without being evaluated by qualified medical personnel to ensure that the inmate does not have an urgent medical issue." (Required by 15 CCR § 1056)

When asked how that six-hour medical evaluation occurred, CSOs indicated they rarely had people on intoxication checks for longer than six hours. If needed, they would be transported to the hospital.

When we reviewed the records for March 2023, there were three arrestees who were held in the intoxication cell. All three were moved from intoxication observations, which require 30-minute welfare checks instead of hourly welfare checks, within minutes of the six-hour threshold that triggers the mandatory medical evaluation.

Without a procedure for checking their intoxication or documentation to support how the decision was made to move the arrestee from the sobering cell, it can easily appear that CSOs simply held the arrestee for six hours without considering if they were sober earlier or that they remove them at six hours to avoid the required medical evaluation.

General Jail Liability

There is always liability associated with government actions, and jail operations are no exception. Interviews with multiple city individuals could not identify a single claim that had been made against the jail; however, that does not eliminate the possibility of future claims.



Areas of high liability were reviewed at the Hayward jail. The most frequent jail claims cited in litigation involve one of the below categories:

- + Accommodating religious practices
- + Classification
- + Medical Care
- + Suicide Prevention
- + Strip search
- + Use of force.

These should be considered broad categories only, and litigation can and is frequently brought for additional reasons. Courts have determined that pre-trial detainees, the arrestees who Hayward jail holds, are entitled to more rights than those who have been convicted of a crime. Each of the potential liability areas is discussed below.

I. Religion

The right to practice the tenants of one's faith is protected under legislation known as the Religious Land Use and Institutionalized Persons Act of 2000. Known as RLUIPA, this law provides multiple provisions to allow those in jails and prison facilities to observe their faiths.

Given the very short length of stay of arrestees at the Hayward jail, requests to observe or practice their faith are very limited. However, it could be raised by arrestees requesting a dietary accommodation, such as Kosher or Halal meals. Another area is arrestees who request a prayer rug, an article of clothing that represents their faith or a text of their faith (e.g., Bible, Quran or Book of Mormon).

These requests can be easily met. Most faith organizations will provide materials specific to their beliefs for free or at no cost, and a library with such materials can easily be created. Similarly, items such as jail-issued head coverings and prayer rugs can be provided upon request.

One of the easiest ways to reduce liability in this area is to develop procedures that can be followed by CSOs when asked for religious accommodations. A simple request form should be developed and provided to any arrestees upon request for religious accommodations. Having a blanket policy of refusals for any request or accommodation is particularly problematic and has been frowned upon by the courts.

II. Classification

Classification is the process by which determinations are made about which arrestees can be housed with other arrestees. Hayward jail has the luxury of space. The jail is physically much bigger than is usually needed to accommodate the small number of arrestees in custody at any one time. However,



in the event that two or more arrestees must be housed in the same cell, a classification decision is required.

When determining classification, jails begin with broad categories, such as gender, criminal charges and medical needs. Interviews revealed CSOs had an understanding of the appropriate requirements for separating arrestees and voiced that there was a significant number of arrestees with gang affiliations who needed to be separated while in custody.

Hayward Police 900.15.1 Classification Procedures

Officers booking prisoners into the jail shall initially advise the jail CSO of the criminal charges using the completed PC and VC sections, including all subsections about the prisoner. The Officer shall provide the jail CSO with any specific information as to the prisoners [sic] suspected gang/group affiliation, sexual orientation, flight risk, or known medical problems. Officers are responsible for providing the jail CSO with any and all information that will benefit the health, welfare, and security of the prisoners, the employees and the facility.

This language is unique because it tasks the arresting officer with the responsibility of determining if the arrestee has any gang affiliation, known sexual orientation, flight risk or known medical problems. These determinations should be a part of the intake process, and the jail CSOs should be making inquiries into these areas with every arrestee.

Jail CSOs indicated they do not run NCIC III checks at the time of booking to determine the criminal history of arrestees. Instead, they wait until it is time to release an arrestee. Arrestees should be run at the time they are being processed at the jail to reduce the potential of unexpected violence. The prevailing principle of classification is that violent offenders should never be housed with non-violent arrestees. Without a comprehensive criminal history, an arrestee's previous violent criminal history is unknown and cannot be considered in housing decisions.

III. Medical Care

Failing to provide adequate medical care is frequently the cause of litigation. The Hayward jail does not have any medical staff; however, a brief review identified several problematic policies and the potential for claims in this area.

Hayward jail uses a brief screening form known as the "Inmate Medical Screening and Classification" form. The CSOs complete this form at booking. The form consists of 14 yes or no questions, followed by nine direct observations by the CSO. The form relies upon the arrestee to make known what problems may exist if one is not observable. Arrestees, especially when under the influence of any type of intoxicants, are poor historians. They may refuse to answer medical questions, or they may provide information that is not helpful, such as, "I take the blue pill in the morning and the yellow one before bed." Interviews revealed that if an individual said they were taking medication, the officer would ask the arrestee what happens if they do not take it, and based upon that answer decide if they would accept them or not. The information that an arrestee provides while being booked is often



inaccurate. Arrestees typically are experiencing heightened emotions, are usually angry or upset and often are not forthcoming, or they are unable to provide adequate medical information to the booking officers. Again, the jail should have detailed procedures on how to make such inquiries and what to do with the responses they receive.

Hayward Police: 900.17.1

“A yes answer to any of the listed questions shall prompt an immediate decision on medical treatment, prisoner segregation, or transfer of the arrestee to the Alameda County facilities.”

There are no additional parameters identified in policy; specifically, who is supposed to make the “immediate decision” that is required by policy? Is it the CSO, the sworn officer presenting the arrestee or someone else? There are no other HPD procedures or criteria that exist to make this decision.

Other policies that could be problematic in litigation include:

Policy 900.17.2

“All jail personnel are required to be familiar with written standing medical orders posted in the Jail adjacent to all the telephones.”

Since the jail does not employ medical staff, who writes the standing orders? When were they written? Who in the department has approved them?

Policy 900.17.4 designates certain individuals with the following medical conditions as high-risk prisoners:

- + Diabetics
- + Heart patients on medication
- + Those using tranquilizers
- + Those requiring psychotropic medication (being treated for a mental disorder)
- + Those on controlled medication
- + Females past the third month of pregnancy (first trimester)
- + Developmentally disabled persons
- + Addicted pregnant females

The policy says:

“They [the high risk [sic] prisoners] are not to be detained in the Hayward Police Department Jail. The Jail Supervisor shall evaluate each on a case by case [sic] basis, and directly transfer [sic] to the County Jail Facility when applicable. The Watch Commander shall be advised when this occurs.”



This policy is problematic because it has a prohibition about holding arrestees with any of the conditions listed in policy. However, the following sentence allows the jail supervisor to evaluate each case. The policy prohibits acceptance and allows the jail supervisor to accept the arrestee. Which is the intention of the policy?

The same policy restricts arrestees taking certain types of medications from being accepted, such as those on heart medications, tranquilizers and psychotropic medications. Interviews indicated that there was no list available of what those medications may be. Furthermore, CSOs with whom we spoke were unable to identify how they would verify any medications that were brought in with an arrestee. The standard response was “we are not medical providers.”

The provision of prescription medications does not occur at the Hayward jail, except limited over-the-counter medications. Interviews revealed CSOs would not provide any prescription medications to any arrestee, even if they had them in their possession at the time of arrest, which is in direct conflict with this policy, California Penal Code 3409 and Hayward Jail Policy.

Policy 900.17.9 details when prescription medications may be delivered to an arrestee. Specially § d discusses the provision of birth control medications as required by state law.

State law requires inmates to have access to birth control medication. The California Penal Code requires that birth control medications are available when someone is incarcerated. However, when asked about allowing women access to birth control pills while in custody, CSOs indicated they would not be provided at the Hayward jail.

Numerous standards in the California Code of Regulations Title 15 relate to medical screening and treatment of individuals in custody and require the development of plans, protocols, policies and procedures by the “responsible physician” or the “local health care authority” in Type I jail facilities.⁹

There is no responsible physician for the Hayward jail. Other standards require that any non-medical staff who perform the medical screening follow the established protocol are trained by the “responsible physician.” There does not appear to be any policy, procedure or plans developed or reviewed with the involvement of health care professionals as required by the standards. Some examples of the requirements from Title 15 are shown in the table below.

⁹ “Health Authority” is defined in Title 15 CCR 1006 – Definitions and means that “individual or agency that is designated with responsibility for health care policy pursuant to a written agreement, contract or job description. The health authority may be a physician, an individual or a health agency.”



Examples of Title 15 Requirements for Health Care Professional Involvement in Policy and Planning¹⁰

§ 1202 – Health Audits	Requires a written plan for annual report on all services provided.
§ 1206 – Health Care Procedures Manual	Health Authority and facility administrator develop policies and procedures that are reviewed every two years.
§ 1206.5 – Communicable Disease Management	Physician developed plan to address identification, control and follow up management.
§ 1207 – Medical Receiving Screening	All procedures established by responsible physician. Also requires screening performed by “trained facility staff.” The training must be documented.
§ 1209 – Mental Health Services	Health Authority established policies and procedures that include screening procedures for identification and referral for mental health needs.
§ 1211 – Sick Call	Health Authority shall develop written policies and procedures which provide for daily sick call.
§ 1216 – Pharmaceutical Management	Health Authority developed written plan for storage, controlled administration and disposal of medications, including how over-the-counter medications are made available and delivered by staff.
§ 1220 – First Aid Kits	Contents, location, number and inspection procedures are all approved by the responsible physician.

A comprehensive review of requirements established in Title 15 regarding the provision of medical care and the duties of the jail is needed. It should be noted that the BSCC inspector did not review Title 15 standards regarding the provision of medical services at the last inspection.

IV. Suicide Prevention

Whenever a suicide or injury-causing attempt occurs in a jail, the agency should expect a claim to be made. These claims often surround inadequate identification of suicidal individuals or the failure to recognize signs of suicidal behavior.

BSCC just issued updates to CCR Title 15, Article 3 § 1030 – Suicide Prevention Program. As with the medical services, there are several requirements for suicide prevention efforts that require additional action by the Hayward jail.

¹⁰ There are additional standards requiring input by medical professionals that are not shown in the table.



§ 1030 – Prevention Program	Requires “comprehensive suicide prevention program” developed by facility administrator, or designee, in conjunction with the health authority and mental health director.
A	Annual prevention training for all custodial personnel.
B	Intake screening for suicide risk immediately upon intake and prior to housing.
C	Suicide prevention screening during special situations, including placement in restrictive housing, following a hearing.

The suicide screening in place is inadequate. HPD’s current suicide screening consists of one question on the medical screening form – “Have you ever attempted suicide? When?”

It is unlikely that a court would find a single question satisfies the requirements of a “comprehensive suicide prevention program.” Lindsay Hayes, a recognized jail suicide expert, recommends making the following inquiries with each arrestee:

- + Was the inmate a medical, mental health or suicide risk during any prior contact and/or confinement within this facility?
- + Does the arresting and/or transporting officer have any information (e.g., from observed behavior, documentation from sending agency or facility, conversation with family member) that indicates inmate is a medical, mental health or suicide risk now?
- + Have you ever attempted suicide?
- + Have you ever considered suicide?
- + Are you now or have you ever been treated for mental health or emotional problems?
- + Have you recently experienced a significant loss (relationship, death of family member/close friend, job, etc.)?
- + Has a family member/close friend ever attempted or committed suicide?
- + Do you feel there is nothing to look forward to in the immediate future (expressing helplessness and/or hopelessness)?
- + Are you thinking of hurting and/or killing yourself?¹¹

State standards also require additional mental health screening at intake for anyone who has given birth within the past year who is charged with murder or attempted murder of their infant. The screening is to assess for any signs of postpartum psychosis, and a referral is to be made for further evaluation if the assessment indicates any risk.¹² No HPD policy, screening procedure or form appears to address this requirement.

¹¹ <https://www.ncchc.org/wp-content/uploads/Suicide-Prevention-2017.pdf>
¹² Title 15 CCR 1207.5 – Special Mental Disorder Assessment



CSOs indicated they did not hold arrestees who said they were suicidal. However, in reviewing the jail log for March 2023, there were at least two arrestees who said they were suicidal. One log entry said the arrestee was “evaluated by patrol officer and suspect will stay in our facility.” Even if the patrol officer is a licensed mental health provider, they are not employed in that capacity while working for HPD. Furthermore, there does not appear to be any additional documentation about the interaction conducted by the officer or why they believed the arrestee could continue to be held safely until transported to ACJ.

The arrestee in question was logged at 19:40 hours as stating he “wanted to harm himself and needed medical attention.” He remained in the jail and was transported to ACJ at 20:46 hours. This arrestee remained in custody for more than an hour and was checked on twice by CSOs at 20:01 and 20:35 hours. This individual could have easily harmed himself based on the amount of time they were left without direct observation. Additionally, HPD policy 900.21 Cell Checks requires that suicidal persons shall be checked every 15 minutes through the duration of their incarceration at the Hayward jail. The 30-minute checks were a violation of this policy.

There does not appear to be any other documentation associated with this log entry. At the bare minimum, a case report should have been written regarding the details of why this determination was made by the patrol officer.

Once an inmate indicates they want to harm themselves, the only appropriate response is evaluation by a mental health professional. That could be at the hospital, at a community mental health center, by a mental health professional responding to the jail, through telehealth resources, or even calling 911 for emergency response if all other avenues have been exhausted. However, having a patrol officer make the determination that an arrestee is OK to stay in custody is not one of them.

The existing suicide prevention protocols are not sufficient. At a minimum, there should be annual suicide identification and prevention training. The CSOs workstation does not allow direct observation into any of the arrestee housing locations. While the jail logs demonstrate regular observation by the CSOs on an hourly basis, an individual could die within a matter of minutes, and the jail has numerous design hazards by which someone can attach a ligature to hang themselves, which is the most common manner in which someone commits suicide in jail.

15 CA ADC § 1030 requires “annual suicide prevention training for all custodial personnel.” Interviews indicated limited familiarity with suicide training beyond what takes place during the initial CORE academy classes. Some staff only indicated that “it may have come up on video training.”

V. Strip Searches

All arrestees are searched upon arrival at the jail. If they are arrested on a misdemeanor, they will not be strip searched unless the charge involves weapons, controlled substances or violence.



Policy requires preauthorization for a strip search from a supervisor. Interviewed staff were familiar with the parameters of the policy. Policy requires that strip searches are conducted in the presence of a witness (another CSO or police officer) and conducted within view of the video surveillance system.

Interviews revealed that searches are usually conducted in the former holding cells because there is no video recording in these cells. The policy as written suggests that the search should be recorded, which is inconsistent with other jails in California.

VI. Use of Force

Excessive use of force is frequently cited in litigation. Should there be a use of force in the jail, it is reported in HPD's Blue Team system and goes through the chain of command for approval. Jail CSOs wear body cameras when they interact with arrestees, so any use of force is captured on video.

There were no use of force responses in the jail in March 2023. Arrestees who are uncooperative are restrained in handcuffs or transported directly to ACJ, reducing the likelihood of force in the jail.

California State Standards

There is a general lack of understanding of California Code of Regulations Title 15 requirements as they apply to the Hayward jail. Knowledge of the requirements was deferred to the previous jail manager. BSCC issued revisions to the standards on January 1 and April 1, 2023. None of the changes identified in the updates have been incorporated into policy. However, given that HPD uses Lexipol for policy manual maintenance, the updates are expected to be incorporated in the next release. In the meantime, the HPD is still required to comply, and directives could be issued to reflect the changes.

In California, jails are subject to a biannual inspection by BSCC. Due to the COVID-19 pandemic, the last round of inspections was primarily a "desk audit" reviewing policies and answering yes and no questions. While such inspections are a starting point to determine compliance with state requirements, absent a more thorough review, it is impossible to know that the state requirements are being met.

In the last inspection, the jail inspector identified that since the jail may refuse acceptance of classes of individuals – such as mentally disordered inmates and/or those with communicable diseases – that HPD jail is in compliance with the standard. While the state inspector checked "Yes" for compliance, there is a concern that future inspections would continue to interpret the jail in the same manner. But as already discussed, screening for medical and mental health is not adequate, so how full compliance was determined is questionable. Should someone come in who has an undiagnosed communicable disease or a mental disorder but is not identified at the time of booking, HPD would be out of compliance.



Each agency must have a robust audit and inspection process that reviews compliance with policy and procedures, and it is imperative that there is a fundamental understanding of policy by the individual HPD CSOs.

As previously noted, the Hayward jail is considered a Type I jail, probably due to the original function of the jail decades ago. However, the jail currently operates much more like a temporary holding facility, where arrestees are either released directly to the street or transported to the county jail facility within a few hours. Each jurisdiction decides what type of facility it operates. How the jail will operate in the future is a decision for the HPD and the City of Hayward. Budgetary and staffing implications derive from either decision, and actions will be required.

For example, Level I facilities trigger mandatory requirements that are not required for temporary holding facilities. These differences are most notable regarding medical care and training requirements. For example, 15 CCR §1200 (a) says:

- + In Type I, II, III and IV facilities, the facility administrator shall have the responsibility to ensure provision of emergency and basic health care services to all incarcerated persons. Medical, dental, and mental health matters involving clinical judgments are the sole province of the responsible qualified health care professionals, dentist, and psychiatrist or psychologist respectively; however, security regulations applicable to facility personnel also apply to health personnel.
- + Each facility shall have at least one physician available. In Type IV facilities, compliance may be attained by providing access into the community; however, in such cases, there shall be a written plan for the treatment, transfer, or referral in the event of an emergency.

While the Hayward jail defers arrestees for booking who have known medical problems, to meet this requirement, there are several policies that require development and approval in conjunction with a qualified medical provider. (See discussion above regarding Medical Liability)

Interestingly, the BSCC inspection form does not show a review of compliance with any of the standards required in Chapter 1200 and above. It is unclear why these are not included in the review. A review of medical requirements in Title 15 identified several areas where Hayward jail policy is not adequate to meet the standard.

Consideration should be given to continuing to operate as a Type I facility while the jail is currently operating as a temporary holding facility. Changing the type of facility can be accomplished by the following three steps:

- + A formal letter is written to the BSCC field representative on letterhead stating the intent of requesting a jail classification update and the date of any change.
- + Write an operational program statement and submit it to the BSCC field representative.
- + Change facility's policies to reflect a Temporary Holding Facility if the status change is implemented.



Since the Hayward jail was built before 1978, if it changes to a Temporary Holding Facility, it would no longer be subject to BSCC inspections, unless requested by Hayward.

The state inspector for BSCC found the jail to be in compliance with standard 1068 regarding confidential consultation with legal counsel based solely on policy. Interviews with CSOs revealed all phone lines are recorded and there are no unrecorded phones for confidential attorney phone calls.¹³ This is a violation of both state and federal requirements.

PREA Considerations

PREA is federally mandated. While the title is directed at prisons, it applies to all jails and police holding facilities as well. PREA requires mandatory signage, notification of a zero tolerance for sexual assault and harassment, required reporting methods, and mandatory annual training. The required reporting notice is included on the Hayward Police website.¹⁴

Interviews verified differing understandings among the CSOs of what PREA was. Many were not familiar with the acronym but had some basic knowledge of the goal to reduce sexual assault within a correctional facility. However, current practices in the jail do not meet the requirements. For example, there is no vulnerability assessment for arrestees booked at the Hayward jail, as required, and current classification practices separate arrestees who identify as LGBTQ in violation of PREA.

Jail Budget

The total annual jail budget was \$3,461,566 for the budget year 2022-23. As with most government services, the majority of the budget is made up of personnel costs. As of March 30, the jail had only expended 52.8% of its budget for salaries; this is largely due to the number of existing vacancies within the jail.

If the budget is divided equally into 12 months, the monthly salary expense is approximately \$108,168 per month, with an anticipated year-end budget expense of \$1,298,000 – approximately 71% of the annual amount for salaries. Current vacancies result in sizeable salary savings during this budget period.

However, the overtime budget, as of March 2023, is 613% of the budgeted amount. Using the same formula, the anticipated year-end jail overtime budget will be approximately \$530,844. When the regular salaries and overtime are combined, the total amount is \$1,909,636. The year-end total for salaries and overtime is estimated to be \$1,828,844 – approximately 95% of the budgeted amount.

Essentially any salary savings are being used to augment staff with overtime. While public safety overtime is often limitless, it results in burnout among employees, budgets that must be balanced by making cuts elsewhere and staffing challenges. Consideration should be given to the current practice of allowing limitless overtime in the jail based on the very small number of arrestees processed.

¹³ BSCC Inspection Report, dated January 12, 2021, page 18

¹⁴ <https://www.hayward-ca.gov/sites/default/files/police/prison-rape-elimination-act.pdf>



Life Span of Building

Since the HPD jail is being used as a holding facility and pre-processing center rather than a Type I facility, the current footprint of the jail is much bigger than needed or is being used. It is also well beyond the expected life span of high-use buildings like jails. The key control systems are manual, several obstructions provide opportunities for arrestees to attach a ligature in a suicide attempt, and there is no direct observation of arrestees based on the physical layout of the CSOs workspace and where the arrestees are housed.

If a new police facility is to be considered in the future, the California Essential Services Act should be reviewed. This Act requires that "all facilities that need to remain open to service the public in the event of a natural disaster are considered essential, and this puts them in a higher category for certain things." However, the Essential Services Act applies to the police department itself. If a new jail was included in future building plans, the jail would not trigger any additional building requirements beyond what is already required for the police department facility itself.

Any modern correctional facility could be constructed so that it could operate as a temporary detention facility or a Type I jail, allowing the function to change at a later time. Keeping the jail allows the city to maintain control of its services and prevents it from having to rely on others for an essential service, which merits considerable consideration, given the long traveling distance between HPD and the ACJ and the impact on police operations if patrol officers would need to transport all arrestees to that location.

Available Alternatives

Some individuals have asked if there is a need to have the jail at all. Is there an alternative to Hayward having the jail? The answer is always yes; however, it must be followed by considerations of the cost and the impact on daily police resources and overall operational efficiency.

It is possible that Hayward could exclusively use ACJ by booking all arrestees. However, this is fraught with operational concerns. Currently, Hayward is charged a booking fee of either \$366 or \$515 for each individual booked into the jail. These amounts represent an increase of approximately 37% from the previous year's amounts. This fee appears to extend to municipal bookings and not for those involving felony charges, which are the responsibility of the county. However, that also means that should changes in fees or costs occur, they may be passed along to the user agencies.

According to the Alameda County Sheriff's budget, when the jail costs and medical are added together, the ACJ makes up the largest portion of the sheriff's budget. The ACJ has been the subject of significant litigation that has resulted in large financial awards and requirements to increase services within the jail. Additionally, the physical location of the ACJ in Santa Rita creates several logistical problems. At a minimum, a transport to ACJ and return to Hayward takes at least 90 minutes if HPD officers were able to book arrestees immediately and as long as eight hours depending on traffic to the Santa Rita jail in Dublin, the volume of other agencies waiting to book arrestees, and whether additional medical clearances are required by ACJ medical staff.



The largest source of revenue for the sheriff's office is user fees. As a result of these factors, and actions taken by several other county jails, Hayward should anticipate that the costs of booking arrestees at the ACJ could significantly increase in the future.

Absent increasing fees and charges, jails reduce their budgets by implementing booking restrictions in order to reduce staffing. For example, many jails have adopted policies where they simply do not accept certain types of individuals. Again, if this was to transpire, Hayward would have no place to book those individuals. The only option would be to issue a citation to the offender without booking.

Not being able to book an arrestee means there would be an almost immediate increase in the number of offenders who are on the street, in plain view. For example, if Hayward closed its jail and the ACJ no longer accepted non-mandatory arrests, there is simply no place to take the individual. The most common offenders in this category are those arrested for crimes like public intoxication. As a result, an increase in complaints from citizens and businesses that are now having to address the presence of these individuals without any assistance from law enforcement is predictable.

If ACJ started refusing misdemeanor arrests, Hayward would need to find another jail willing to take them. It is unlikely that would occur with no cost to the City of Hayward. At this time, it is unknown if other municipal jail resources could be identified that would be willing to accommodate Hayward arrests.

In addition to the direct financial costs associated with booking arrestees at other facilities, there are the indirect costs associated with the increased transportation time and undefined costs of physically moving individuals on a regular basis.

The long-term options for the Hayward jail are:

- + Close the jail and redeploy the existing CSOs – this would require identifying available alternative jail facilities.
- + Continue to operate the jail as is; however, this would require developing necessary procedures, reviewing staffing and the allocation of resources, and reviewing state standards.
- + Change the classification of the jail to a “holding facility,” which would require developing new procedures; however, this would be less than a full-service jail, which could impact future arrest options depending upon changes to the county's booking policies but could allow for the redeployment of some of the CSOs to other department functions with a better return for the staff investment. As previously noted, the CSOs could also be redeployed to handle some lower priority calls for service with the ability to return to the facility if there is a need to process or maintain observation of arrestees.



Impact of HPD Jail Operations on the Rest of HPD's Operations

Introduction

In addition to our detailed analysis of the HPD jail's physical facility and day-to-day operations, an important part of our assessment was evaluating the jail operations' ability to enhance and support the actual operations of HPD on a daily basis. In other words, the following are some of the key questions we sought to address during our assessment:

- + What are the operational benefits HPD currently realizes by having a jail, and what would be the consequences if the jail were to be closed?
- + Does having CSOs handle the processing, booking and transportation of arrestees to the Alameda County Jail (ACJ) help keep HPD sworn personnel on the street in Hayward in any significant way, or is the impact of relieving them of processing and then transporting arrestees to ACJ really that significant?
- + If there is a significant advantage to having a jail facility, are there things the CSO jail staff could be doing during the time arrestees are not being processed or awaiting transportation that would make more effective use of their time, potentially assisting others in the short-staffed department?
- + What is the sentiment of HPD's sworn personnel who handle approximately 300,000 calls for service each year; do they feel the jail is helpful to them, or how would the closure of the jail impact their daily work?
- + What thoughts or concerns do Hayward's elected officials and city management personnel have regarding HPD's jail; is there a desire to continue operating a jail, and what potential impact would its closure have on the community?

As previously noted, to conduct this part of our work, we conducted non-attributional interviews of CSOs, as well as a number of people throughout the sworn ranks of HPD to learn more about their ongoing experiences interacting with the CSOs who work in the jail and to gain a better understanding of any benefits the patrol personnel realize. We explored the benefits of patrol officers' ability to drop an arrestee off for processing at the jail, allowing them to return immediately to the field. We also conducted non-attributional interviews with city administrators and elected officials to gain insights into their thoughts and opinions regarding the value of operating their local jail. We also sought information from elected officials regarding concerns and opinions of the community members they represent. Furthermore, we looked at data that help to quantify any significant advantages or disadvantages realized through the ongoing operation of the HPD jail, and we visited a neighboring jail in the City of Fremont to compare and contrast that city's operations of its local jail with that of Hayward. The following represents the opinions of the numerous stakeholders with whom we spoke to help us answer the questions we raise in this section of the report, as well as some data analysis we conducted to quantify any actual benefits that come from having jail CSOs provide the services they do.



Description of HPD's Booking Process

It would be helpful at this stage to explain the process HPD personnel use after a suspect has been arrested and needs to be processed and/or booked into jail, as this will help in identifying whether the process is effective and efficient.

When an HPD police officer detains or arrests an individual for a law violation, there are three types of crimes typically associated with the interaction. For low-level law violations classified as infractions, such as a traffic violation, an officer typically issues a warning to the violator and/or issues a citation to the individual to pay a fine or to appear in court. Violators are then allowed to leave, as infractions are law violations for which incarceration is not an option. For misdemeanor crimes, what typically occurs is a police officer issues a citation requiring the violator to appear in court, or the officer transports the violator to a jail, where they are booked and placed into jail. Typically, it is most common that when an officer can release a misdemeanant with a citation to appear in court, it is the preferred process, since it prevents the need to spend time booking an individual, as well as saves booking fee costs associated with the placement of an individual into the county jail, which is currently \$515 per booking or \$366 if HPD does the fingerprinting, photographing and computer data entry for an arrestee prior to arriving at ACJ.

However, certain types of misdemeanor violations make releasing an individual on a citation difficult, such as when someone has been arrested for misdemeanor drunken driving, in which the arrested driver would still be a risk to the public safety if allowed to leave while still intoxicated. When officers arrest someone for a felony, these types of crimes typically require booking someone into jail due to the seriousness of the offense. Booking a felon into jail also facilitates the collection of important physical evidence associated with some felonies, such as collecting and booking as evidence the clothing of an individual who is charged with a crime such as a sexual assault or an armed robbery.

In Hayward, when officers determine a physical arrest needs to be made, officers transport the suspect to the local jail located at HPD headquarters. The patrol officer pulls into a secure sallyport area, whereupon the officer takes the suspect into the jail facility and turns the individual over to the jail CSOs. Typically, the CSOs then fingerprint, photograph and facilitate the collection of any physical evidence from the suspect. This effort could include a phlebotomist's collection of a blood sample from a suspect, as well as the collection of clothing or any other item associated with the commission of a crime, such as drugs or drug paraphernalia. Efforts of the jail personnel could also include conducting a breath test of an individual arrested for drunken driving. Depending on the circumstances, once an arrestee has been processed at the HPD facility, they would then be released immediately after being issued a citation to appear in court or CSOs would eventually transport the arrestee(s) to the ACJ to be booked while awaiting further determinations regarding their status within the criminal justice system.

While the arresting officer's responsibility is to transport the arrestee to the HPD jail and assist the jail CSOs in initiating the processing of the suspect before an eventual booking or a release on a citation, the officer is then freed up so they may return to the field and handle ongoing calls for service. That



an officer may return quickly to the field rather than be responsible for conducting ongoing processing tasks or transporting an individual to the ACJ is the main advantage to the officers in this process.

Some additional factors influence the amount of time it takes to arrest, process and book arrestees into the ACJ. First, an arrestee may be transported to the booking area at the ACJ and have jail personnel from the Alameda County Sheriff's Department refuse immediate entrance into the jail facility after an initial medical review of the arrestee. This requires HPD personnel, be they sworn officers or the CSOs who are transporting individuals, to seek a medical clearance at a hospital before they can return the arrestee to the jail and finish the booking process. Currently, HPD personnel are required to return to Hayward to seek these medical clearances at St. Rose Hospital. Obtaining these clearances in a timely manner depends in great part upon how busy hospital personnel are when HPD personnel arrive to seek the clearance. While this effort might take 15 to 30 minutes, quite frequently it takes one to several hours to get these clearances, which requires HPD personnel to stand by with the arrestee during the process.

An additional factor that can slow down the booking process for HPD personnel is that the jail facility itself may be extremely busy. For example, on Friday and Saturday nights, there may be a backup at the booking area at the ACJ due to the numerous officers from throughout Alameda County who have descended upon the jail to book arrestees. Much like at a busy airport with numerous airplanes waiting for their turn to use a runway to depart the airport, police officers are lined up in a holding pattern to have their prisoners processed at a jail facility. Obviously, this contributes to slowing down the overall booking process from beginning to end.

Furthermore, because Hayward is located between the east side of the San Francisco Bay and the west side of the Diablo Mountain Range, it is not a short trip between the City of Hayward and the jail facility in Dublin, which is on the east side of the Diablo Mountain Range. For example, when CSO personnel transport arrestees to the ACJ, they typically would travel northbound on Interstate 880, eastbound on I-238 and then continue onto eastbound I-580. This represents a one-way driving distance of 18.6 miles each way, taking approximately 24 to 30 minutes to travel if traffic is moving at a steady pace. If there is not a line at the booking facility at the ACJ, it may take between 15 to 30 minutes for HPD personnel to complete their part of the booking process. As such, just to transport a suspect to the ACJ and return to Hayward represents a process that takes approximately one-and-a-half hours to complete under the best of circumstances. However, as previously noted, if a medical clearance becomes necessary, a minimum of approximately one-and-a-half to two hours is added to this process since HPD personnel are required to transport the individual to St. Rose Hospital in Hayward before returning to Dublin, meaning the booking of an individual requiring a medical clearance could take three-and-a-half to four hours or even longer.

Based upon the assessment of the time it takes for HPD personnel to book an arrestee into the ACJ in Dublin, it quickly becomes evident that when individuals need to be booked into the ACJ, it is much more efficient for the HPD CSOs to handle this process than it is to tie up sworn patrol personnel for one-and-a-half to four hours booking a prisoner, which would represent time lost for patrol personnel to respond to calls for service from the Hayward community. Given HPD is short 44 full-time police officers from its authorized staffing level, this is a significant issue.



Stakeholders Assessments of HPD's Jail Facility's Impact on HPD Operations

We learned during our interviews with HPD sworn personnel, particularly those who work in patrol, that having the jail facility is seen as a positive factor in their operations. These personnel say the main benefit comes from being able to turn an arrestee over to HPD jail facility personnel to handle the processing and ultimate transportation of a suspect, thereby reducing the amount of time officers need to spend on these administrative duties and allowing them to return to the street as soon as possible. While some personnel were concerned that they are being required to do more of the initial paperwork necessary to complete an arrestee's processing at the jail facility, that they are too frequently being asked for medical clearance from the jail CSOs themselves prior to having an arrestee admitted into the HPD jail or that jail CSOs appear at times to not have enough work to do, they still clearly see the benefits of having a local jail where they can process arrestees without having to transport them directly for booking in Dublin.

Concerns were also expressed that not having the CSOs in the jail to oversee prisoners before transporting them would make it difficult for detectives to be able to interview suspects while they are still in custody at HPD headquarters. Jail personnel have also been able to deploy the jail van to assist during search warrants and special operations activities, which help to streamline such operations.

Some of the comments made by sworn personnel during our interviews were as follows:

- + Not having the jail would represent a "diminished capacity to serve the community."
- + "I would hate to think what it would be like without it [the jail]."
- + "Having the jail is very convenient."
- + "[Having the jail is] definitely a convenience."
- + For any officer who complains about the jail and its operations, they "don't know [or understand] the luxury of having a jail [in Hayward]."
- + There is "immense value" the jail provides.
- + "[HPD personnel] who gripe about the jail are ignorant."

A number of the sworn personnel we interviewed also indicated they believed the operations of the jail have improved significantly since a lieutenant recently became responsible for overseeing its day-to-day operations, in that what occurs there on a day-to-day basis is now on the radar of HPD leadership and steps can be taken to improve the operations and ensure they are operating according to best practices. Sworn personnel encouraged HPD to continue to have a sworn command officer overseeing the facility rather than a civilian manager.

Our interviews with elected officials and city administrators also revealed that overall, there is a general understanding of the advantages that come to the City of Hayward because they have a local jail facility to process arrestees prior to booking in the ACJ, with the fact that it allows patrol personnel



who have made arrests to get back on the street quickly to handle calls for service being one of the primary benefits.

At the same time, concerns or issues raised by individuals in the stakeholder groups regarding the HPD jail centered mostly on the following:

- + Making sure the HPD jail is operating with robust operational policies and procedures considered to be “best practices” for local jails.
- + Ensuring steps are taken to ensure any potential liabilities associated with jail operations are reduced.
- + Conducting a cost-benefit analysis if a new HPD jail is to be part of any new HPD headquarters building in the future. Comparison should include the additional costs to include a jail in a new facility with the money that would be saved over time from any booking fees charged at the ACJ.
- + Helping educate the community on exactly how the jail facility is being used within Hayward, including sharing it was built as a Type I jail facility, which allows for the long-term housing of prisoners, and is still certified to be used as such if necessary; however, for the last several years, it has been used exclusively as a pre-processing facility, which focuses on fingerprinting and photographing arrestees and collecting any necessary evidence from them prior to them being transported to the county jail in Dublin for long-term housing or eventual release. This process reduces the amount of time HPD personnel will spend at the county jail after transferring arrestees to that location, as well as allows for the transportation of multiple arrestees at the same time to reduce multiple trips to the county jail.
- + Ensuring that the sensitive political issue regarding the use of a bail system is understood better by the community in general, in that HPD does get involved in bail issues because arrestees charged with felonies do get processed at the department's jail facility, and bail could be posted there instead of after transporting an arrestee to the ACJ. Any efforts to help educate the public on how and when this process works at the HPD jail facility could prove helpful.
- + Ensuring steps are taken as a community to help mitigate the impact that a number of social issues can have on the most vulnerable so that booking them into jail is a last resort after providing as much assistance as possible.
- + Recognizing that there are operational advantages that come with having a local jail facility, in that having such a facility gives the City of Hayward more control over deciding who may be arrested and held to protect the city's community if decisions are made at the county or state level regarding what type of law violators would be allowed to be booked at a county facility.
- + Strengthening the efforts of the HPD and the City of Hayward to identify ways to work proactively and collaboratively with local nonprofits, social service organizations, school districts, faith-based organizations and others to strengthen crime prevention efforts and to



provide intervention services to those who are already engaging in crime, thereby reducing the need to focus solely on arrests and incarceration to address crime.

Our site visit to the neighboring jail facility in the City of Fremont also provided some good insights when comparing the facilities in Fremont with those in Hayward. Our discussions with people responsible for the operations of the Fremont jail helped to highlight the advantages they realized by operating a Type I jail facility at the local level, which are very similar to the advantages HPD is realizing by using its facility as a pre-processing center. As the Fremont facility is also located a significant distance from the county jail in Dublin, Fremont can also reduce the amount of time its patrol officers delivering arrestees spend on the booking process so they may return quickly to the field to handle calls for service. The City of Fremont is also able to recover some operating costs due to its policy of providing processing and/or holding facilities for other jurisdictions in the area, such as the Highway Patrol and some federal agencies.

We also note that the City of Fremont helps to maintain the jail facility through funds that otherwise would have been submitted to the county as booking fees, since they do not need to book individuals at the county jail, as well as the fact they collect booking fees from those agencies who use their facilities to hold individuals rather than transporting them to the county jail in Dublin. We highlight the recommendations previously made in the report regarding the need to increase the collection and analysis of detailed booking data at the HPD facility, as this would be important data needed to conduct a more robust cost-benefit analysis of maintaining a Type I jail facility or a pre-processing center at HPD.

Recommendations

Rec. #	Recommendation
1.1	<p>Daily, weekly and monthly statistics should be kept for jail activities, which would help HPD leadership and management personnel ensure the proper policies, procedures and protocols for its jail and ensure it is being staffed and operated in the most effective and appropriate manner. Some of the data we recommend be captured and analyzed on an ongoing basis are as follows:</p> <ul style="list-style-type: none"> + Highest daily arrestee population + Daily number of bookings + Average length of stay in hours + Type of charges that arrestees are booked on + Method of release, e.g., posting bail, cited and released, transported
1.2	<p>Explore ways to leverage the jail staff’s downtime to provide services that could reduce the need for sworn personnel to handle tasks that could be completed by the CSO jail staff while still allowing them the capacity to return to the jail quickly if an arrestee needs</p>



	to be processed. Once a statistically relevant sample can be obtained from jail operations data, options could be considered about redeploying CSOs to more relevant tasks that reduce the hours of uncommitted time and benefit the department.
1.3	HPD should consider conducting a review of the "Do Not Admit List" and have police administration determine whether the names on the list are relevant. Establish specific, written criteria and procedures for adding names and removing names from this list, which identifies arrestees who are not allowed to enter or be processed at the HPD jail.
1.4	Jail management and staff should become more familiar with current case law and generally accepted practices for jail operations. Some available resources may be found through the American Jail Association, the National Institute for Corrections, the National Commission on Correctional Health Care and the Civic Research Institute. All the above provide resources for free or with a nominal membership fee.
1.5	HPD Jail management should review all the specifics contained in CALEA Standards Chapter 72 to determine if the HPD jail needs to comply with additional requirements currently in place for jail operations.
1.6	HPD management should consider assigning some administrative tasks, such as Racial and Identity Profiling Act (RIPA) data entry and phone reporting, to a specific jail CSO and assign that CSO to a specific workspace within the jail facility where those tasks could be accomplished when arrestees are not being processed.
1.7	HPD management should consider incorporating Prison Rape Elimination Act (PREA) screening for all arrestees based on the jail's continued operation as a Type I facility or temporary holding facility.
1.8	HPD jail staff should consider generating an inclusive supply of religious materials that can be available upon an arrestee's request and develop a request form and appropriate procedures to document the process for responding to requests for such materials.
1.9	HPD should consider strengthening training for jail CSOs by identifying key training topics for CSOs and others, along with designing, presenting and documenting this training on an appropriate training schedule.
1.10	Consider the strengths and challenges of maintaining a Type 1 facility as the HPD and City of Hayward take their next steps in determining what type of jail/pre-processing center they may build. The delivery of local crime strategies, including incarceration, should be part of the analysis, as should the budgetary impact for retention or change in the facility type. Part of the decision should include identifying ways to work proactively and collaboratively with local nonprofits, social service organizations, school districts, faith-based organizations and others to strengthen crime prevention efforts and to provide intervention services to those who are already engaging in crime, thereby reducing the need to focus solely on arrests and incarceration to address crime.



Appendix: The Jensen Hughes Project Team

Internal Project Oversight and Project Management

Robert L. Davis, Senior Vice President and Practice Lead, Law Enforcement Consulting



Rob is a highly regarded and innovative national leader in policing and public safety with extensive experience assessing federal, state and local law enforcement agencies across the U.S. Rob served in a variety of capacities during his 30 years' career with the San Jose Police Department, including as the Chief of Police for seven years. During his time as chief, Rob also served as the President of the Major Cities Chiefs Association. He provided consulting services for the U.S. State Department, traveling on numerous occasions to Central and South America to provide training in community policing methods addressing gang prevention, intervention and suppression. Since retiring from San Jose, Rob has been involved in numerous assessments of police departments across the nation, including serving as the Project Director for Jensen Hughes's Department of Justice Collaborative Reform Initiative for Technical Assistance contract, which provides technical assistance to small, mid-size and large police departments throughout the country.

Penny Bartley, Subject Matter Expert - Jail Facilities and Operations Expert



Penny is an innovative correctional administrator with progressively responsible positions in jail management and law enforcement. She is a skilled administrator with expertise in jail operations, contract negotiations, media relations, budget development, grant writing and administration, regional initiatives, accreditation, public speaking and training, and organizational development. In her capacity as a corrections consultant, she has provided on-site and remote assessments for criminal justice agencies, including jails and police departments. She has provided numerous consulting services, including development of a training curriculum and delivery of on-site and video training for jail auditing. She has provided jail assessments and reviews for tribal and municipal law enforcement agencies in Arizona and California, as well as law enforcement records assessments and reviews in California.

From 2010 to 2018, she served as Executive Director for a correctional entity, where, among other responsibilities, she led the creation of an independent regional government that constructed and operates an 802-bed regional jail and developed a corresponding Public Development Authority for the issuance of \$86 million in construction bonds for the new jail. She served as project manager for the construction of the new jail facility, completing the construction two months ahead of schedule and \$5 million under budget. She was responsible for all start-up operations of the new organization and jail, including hiring of all staff including department directors and subordinates, development and implementation of all policies and procedures and development of and responsibility for all budgets and organizational development.