



DATE: November 14, 2023

TO: Mayor and City Council

FROM: Acting Chief of Police

SUBJECT: HPD Jail Assessment: Review of Findings and Recommendations from the HPD Jail Assessment Report

RECOMMENDATION

That the Council reviews the independent Jail Assessment Report (Attachment II), which was authored by the Jensen Hughes project team, and provides feedback on staff recommendations for future jail operations within the Hayward Police Department (HPD).

SUMMARY

In an ongoing effort to evaluate operational efficiencies and explore ways to improve service delivery, the Hayward Police Department hired a project team of subject matter experts from Jensen Hughes, a nationally recognized firm, to conduct an independent assessment of the HPD's Jail. The project team examined the HPD Jail facility, staffing levels, operational policies and procedures, and the overall impact on the HPD's operational effectiveness in providing services to the City. The project team authored an associated report, which outlines assessment findings and makes recommendations for policies and procedures as well as operational and organizational changes to ensure the HPD is adhering to industry best practices. The Jail Assessment Report also highlights the value of maintaining a Jail facility within the City.

BACKGROUND

The current HPD building was constructed in 1974-1975 and became operational in 1976. It included a Jail facility, which was later expanded to increase its holding capacity to 76 detainees, and it has operated as a Type 1 Jail facility since that time. Under the California Board of State and Community Corrections (BSCC – Title 15), a Type 1 Jail facility is one that can hold detainees for up to 96 hours after booking. The current HPD Jail facility is constructed of cinder block walls, has concrete floors, is windowless, and has 36 beds with additional rooms that can hold multiple detainees.

Over the years, legislative and statutory changes have reduced the ability of police departments to hold detainees for court after they are arrested. Many theft and narcotics-

related offenses now require offenders to be released on a notice to appear (NTA) with a future court date, in many cases without being booked into the HPD Jail (they are released on a NTA in the field). As such, detainees are not being held for court as they were in years past, which prompted HPD staff, in conjunction with the City Manager's Office, to question the need to maintain a Jail within the City.

Additionally, the City convened a Public Safety Policy Innovation Workshop in the aftermath of the murder of George Floyd to explore alternative response models, innovative policy changes, and programmatic changes related to public safety. One of the options identified, and ultimately endorsed by Council, was the use of Community Service Officers (CSOs) for additional field responsibilities (a majority of current CSOs are assigned to work in the HPD Jail). Council directed HPD staff to develop a pilot program in which CSOs were assigned to the field and were responsible for responding to low-level, cold calls for service. A pilot program was developed and CSOs were provided with initial training and equipment, allowing them to answer these calls for service, thereby freeing up Police Officers to focus on other higher-priority, in-progress public safety issues. This pilot program showed initial success and led to questions regarding making such a program permanent using existing CSO staff members.

To address these questions, HPD hired a project team of subject matter experts, whose expertise was specific to matters concerning Jail policy, procedures, and operations. This project team was comprised of members of the nationally recognized firm Jensen Hughes. They were directed to assess the HPD Jail facility, staffing levels, operational policies and procedures, and the overall impact the HPD Jail has on the HPD's operational effectiveness in providing services to the City. Specifically, the project team was directed to focus their assessment on the following key tasks:

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

DISCUSSION

During this assessment, the Jensen Hughes project team engaged in the following activities to inform their key findings and recommendations:

1. Reviewed departmental policies, procedures, staffing and deployment data, and training information related to HPD Jail operations and the HPD Jail's impact on day-to-day departmental operations.
2. Conducted on-site review and examination of the HPD Jail facility and its operations, as well as visiting a neighboring Jail facility in the City of Fremont to allow for comparison with another local Jail facility.

3. Conducted multiple stakeholder interviews to learn about HPD Jail operations and the impact of HPD's operations throughout the department and the City.
4. Conducted post-site visit analyses of learning points with a focus on comparing and contrasting HPD Jail operations with state law requirements and with policies and procedures recognized as best practices nationwide.

Key Findings

Based on their comprehensive review, the Jensen Hughes project team identified thirteen (13) key findings as a result of their assessment:

1. Day-to-day oversight of the HPD jail has improved in the past few years.
2. Routine statistical data collection for the jail needs to be improved.
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.
4. The HPD jail currently serves more as a temporary holding facility/pre-processing center than it does as a Type 1 jail facility.
5. As it is currently being used, the jail is larger than is needed to handle the typical number of arrestees.
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.
7. HPD Jail CSOs have significant amounts of uncommitted time that could be used to complete additional HPD tasks.
8. No formal HPD jail physician is identified for the HPD jail facility.
9. The seismic construction requirements for any new HPD jail would be the same as those for any new HPD facility by itself.
10. Information on the HPD website regarding the jail's management staff needs to be updated.
11. Current HPD jail workstations are inadequate.
12. No legal claims against HPD jail were identified.
13. Some members of the community are concerned that any new jail facility the City may contemplate building would serve as a "net widening" tool and that the focus should not be solely on addressing crime through arrests and incarceration.

Jensen Hughes provided ten recommendations to address their key findings. Several of these recommendations have already been implemented, are in progress, or are being held for discussion and future direction to staff:

Recommendations

Based on their key findings, the project team from Jensen Hughes provided ten (10) recommendations, which are listed below. It should be noted that many of these recommendations have already been addressed and implemented, while others are in the process of being addressed or implemented:

1. 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:

- 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

Implemented: *Our current CAD/RMS system allows us to collect and analyze the above data. Lieutenant Garrett Wagner is currently overseeing this data collection and analysis, which will be used to determine future staffing needs and opportunities to increase operational efficiency.*

2. 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 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.

In Progress: *In addition to their duties in the HPD Jail, CSOs are currently assisting with the review of online police reports, telephone police reports, convicted sex offender registrations, and the approval of data entries under the Racial Identity and Profiling Act (RIPA). Lieutenant Garrett Wagner and the HPD Command Staff are exploring additional options for maximizing downtime and the feasibility of making the field CSO pilot program permanent using existing staffing.*

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.

Implemented: *The "Do Not Admit List" has been reviewed and updated. Lieutenant Garrett Wagner developed a process for updating the list during a new annual review process.*

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.
In Progress: *Lieutenant Garrett Wagner and the HPD Command Staff are exploring training opportunities and professional organization memberships for HPD Jail staff.*

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.

In Progress: *Lieutenant Garrett Wagner and CALEA Administrator Scott Turner are currently reviewing the associated CALEA standards to ensure our operations are in alignment.*

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.

Implemented: *CSOs are currently assisting with the review of online police reports, telephone police reports, convicted sex offender registrations, and the approval of data entries under the Racial Identity and Profiling Act (RIPA).*

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.

In Progress: *A HPD Jail staff member has been identified and is scheduled to attend a course designed to certify him to be the departmental expert on PREA and the screening process. Changes to the screening process will be developed and implemented upon his completion of this course.*

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.

Implemented: *Lieutenant Garrett Wagner developed a procedure for identifying relevant religious materials and providing them to arrestees upon request. This includes relevant religious materials in a variety of languages.*

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.

Implemented: *Each HPD Jail staff member receives 24 hours of annual training and training topics are identified by Lieutenant Wagner based upon BSCC requirements and identified operational needs.*

10. Consider the strengths and challenges of maintaining a Type 1 facility as the HPD and the City of Hayward take their next steps in determining what type of jail/pre-processing center they may build in the future. 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.

For Discussion: *Based upon this assessment and internal discussions, HPD staff recommend maintaining a Type 1 Jail facility as it provides expanded investigative capabilities under certain circumstances. Maintaining a Type 1 Jail facility, while continuing to primarily operate as a temporary holding facility (holding arrestees for less than 24 hours), will allow for the flexibility to hold arrestees for up to 96 hours pending the completion of investigative steps in significant cases (e.g., holding a homicide suspect so he/she can be interviewed, etc.). The only significant difference between a Type 1 Jail facility is the amount of annual training required for HPD Jail staff:*

- **Type 1 Jail Facility** – Completion of a Corrections Academy and 24 hours of annual training required for each staff member
- **Temporary Holding Facility** – No Corrections Academy and 4 hours of annual training required for each staff member

As such, the cost difference between a Type 1 Jail facility and a temporary holding facility is minimal. Additionally, based on the training requirements, HPD Jail staff will be trained at a higher level than they would otherwise be if we were to operate a temporary holding facility only.

While the recommendation from HPD staff is to maintain a Type 1 Jail facility, the assessment revealed the size of the current HPD Jail facility is too big based on current operational needs. As such, any future facilities would not require such a large Jail facility. In addition, HPD staff anticipate proceeding to identify other opportunities for Jail CSOs to perform additional duties during unoccupied time that would fall within their existing job description. This could also include expanding and making permanent the pilot program described earlier in this report.

ECONOMIC IMPACT

None anticipated.

FISCAL IMPACT

The expansion of community services provided by CSOs could require additional training and equipment. The cost of training and equipment needs has yet to be determined.

If the necessary size of any future jail facility is smaller than the current facility, this could create cost savings for any future building construction. The collection of the data outlined in this report will help HPD staff determine the appropriate sizing of any future jail facility.

STRATEGIC INITIATIVES

This agenda item supports the Enhance Community Safety & Quality of Life strategic priority.

Goal 1: Invest in community-based crime response and enforcement models.

Objective 1: Conduct an assessment of the jail and other Community Services Officers.

NEXT STEPS

HPD staff will continue to work to implement the remaining recommendations from the project team. Additionally, HPD staff will work to incorporate Council and community feedback into future Jail operations as we collectively work to best serve the department and community.

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Recommended by: Bryan Matthews, Acting Chief of Police

Approved by:



Kelly McAdoo, City Manager