

3-02/020.23 - Procedures for Private Entity Contract Services

Criteria Required for Deputy Personnel to Work Private Entity Contracts

- Supplemental law enforcement services may be provided to the following:
 - Private individuals or private entities to preserve the peace at special events or occurrences that occur on an occasional basis.
 - Private nonprofit corporations that are recipients of federal, state, county, or local government low income housing funds or grants to preserve the peace on an ongoing basis.
 - Private entities at critical facilities on an occasional or ongoing basis. A “critical facility” means any building, structure, or complex that, in the event of a disaster, whether natural or manmade, poses a threat to public safety including, but not limited to, airports, oil refineries, and nuclear and conventional fuel power plants.
- Supplemental law enforcement services shall be rendered by regularly appointed, full-time peace officers (as defined in section 830.1 of the *Penal Code*). When these supplemental services are provided to private individuals or private entities, in order to preserve the peace at special events or occurrences that happen on an occasional basis, they may be rendered by Level I reserve peace officers, as defined in section 830.6 (a)(2) of the *Penal Code*, who are authorized to exercise the powers of a peace officer, as defined in section 830.1 of the *Penal Code*, only if there are no regularly appointed full-time peace officers available to fill the positions as required in the contract.
- Duties performed by deputy personnel shall encompass only law enforcement duties and not services authorized to be provided by a private security operator (refer to *Business and Professions Code*, section 7582.1).
- Supplemental law enforcement services shall not reduce the normal and regular ongoing service that the Department normally provides.

Approval of the Private Entity Contract (PEC)

Private individuals, private entities, or private nonprofit corporations desiring to contract for supplemental law enforcement services shall direct their request(s) to the concerned unit commander. Requests should explain the type of services required (e.g., crowd control), the number of deputy personnel needed, and the number of hours to be worked. This information shall be determined pursuant to discussions between the unit commander and the private entity's authorized representative.

Before any services are performed, the private individual(s) or private entity's representative shall sign a Supplemental Services Contract. The unit commander shall ensure that three copies of the contract are signed by the contracting entity, and paragraph 10 “Authorized Representative” of the contract is completed in its entirety. The signed contracts shall be forwarded to the Contract Law Enforcement Bureau for processing. Contract Law Enforcement Bureau personnel shall review the Supplemental Services Contract for accuracy and obtain authorization from the requesting station's, unit's, or bureau's concerned division chief. Once signed, the Supplemental Services Contract will be valid for three years, and there are no further agreements required between the private entity and the department during this time period. The private entity may submit subsequent written requests for law enforcement services under authority of the valid contract and may request to extend the Supplemental Services Contract at any time.

Contract Law Enforcement Bureau personnel shall return two signed Supplemental Services Contracts to the concerned station while retaining a signed copy in their files. Unit commanders shall keep one of the contracts for their station files and forward the other signed original to the private entity.

The unit commander shall prepare an operations plan for each requested event which shall describe the event, the location, the date(s), the number of personnel required, the number of hours to be worked, and the duties of assigned personnel. Upon completion of the event, this operations plan shall be forwarded to the Contract Law Enforcement Bureau with the appropriate billing memo.

Private Entity Contracts with Movie/Television Studios

Sheriff's Information Bureau personnel will be responsible for coordinating Supplemental Services Contracts between the department and movie/television studios. Station personnel shall refer all requests for movie/television filming contracts to the Sheriff's Information Bureau's film coordinator.

Sheriff's Information Bureau personnel shall maintain a movie event log and contact concerned patrol stations to coordinate operations plans for each event.

Jurisdiction and Staffing

Unit commanders shall be responsible for providing service within their own area. If unit commanders are unable to fill manpower requirements from their own ranks, the unit commander shall notify his division headquarters and request assistance in meeting manpower requirements.

Staffing for private entity events shall, whenever possible, remain with the smallest unit-level necessary to handle the event (e.g., patrol station, patrol division, etc.).

When an event takes place in two or more station areas, event coordination and supervision shall remain with the primary station in whose jurisdiction the event takes place. Should any question regarding jurisdiction arise, the concerned patrol division chief shall make the final determination as to the primary station. When there are insufficient personnel available from the patrol divisions to meet the total manpower requirements of the contract, personnel assigned to other divisions shall be utilized.

Level I reserve deputies, as defined in section 830.6 (a)(2) of the *Penal Code*, who are authorized to exercise the powers of a peace officer, as defined in section 830.1 of the *Penal Code*, may provide these services to private individuals or private entities if the special event or occurrence only happens on an occasional basis and there are no regularly appointed full-time peace officers available to fill the positions as required in the contract.

Control Numbers, Pre-payment, Billing, and Timekeeping Procedures

Prior to issuing the Private Entity Control Number, the Contract Law Enforcement Bureau staff shall obtain the payment status of the requesting private entity from the Special Accounts Unit, Personnel and Training Command. If the private entity is reported as delinquent or has made late payments, Contract Law Enforcement Bureau shall require the private entity to submit a pre-payment. A pre-payment may also be required if the private entity is unknown. Collection of pre-payments from the movie/television studios is

coordinated by the Sheriff's Information Bureau film coordinator.

If a pre-payment is required, the Sheriff's station, unit, or bureau providing personnel for the special event shall compute the pre-payment cost utilizing the Private Entity Pre- Payment Form. The completed Pre-Payment Form shall be forwarded to the Contract Law Enforcement Bureau staff who will coordinate the collection of the pre-payment. Pre-payments shall be made by cashier's check only.

Once the Supplemental Services Contract has been approved and any pre-payment has been received, the Contract Law Enforcement Bureau shall issue a private entity control number to the requesting station/bureau. The private entity control number is required in order for the unit time accountant to enter any overtime worked into the eHR Human Resources Management Application. The private entity control number shall be used on all correspondence regarding the particular event. Prior to issuing a private entity control number, Contract Law Enforcement Bureau shall require the following information for tracking and documentation purposes:

- Station providing the service;
- Station designee requesting the private entity control number;
- Private entity company name and address;
- Event date(s);
- Event name;
- Event location;
- Private entity representative;
- Representative's title;
- Operations date (the date the Operations Plan was completed).

F.L.S.A. Employee - Overtime Hours Worked Report form (SH-AD-678) shall be approved at the station responsible for coordinating the event and forwarded to the station's time accountant for recording. Personnel assigned to units other than the primary station shall have overtime slips approved by the event coordinator at the primary station providing the service. Personnel working the private entity event shall be responsible for submitting the approved F.L.S.A. Employee - Overtime Hours Worked Report form (SH-AD-678) their assigned unit's time accountant. The F.L.S.A. Employee - Overtime Hours Worked Report form shall indicate both the applicable Overtime Reason Code and Budget Activity Code for the Private Entity Contract (e.g., Overtime Reason Code 804 for Directed Patrol and Budget Activity Code RE02), and specify both the private entity event name and the Control Number (OCN)/Project Code for each event.

For special events (e.g., Rose Parade), the Emergency Operations Bureau (EOB) collects all F.L.S.A. Employee - Overtime Hours Worked Report forms and forwards them to Pay, Leaves, and Records (PLR) Units for entry into the eHR Human Resources Management Application.

Employees covered by F.L.S.A. shall have prior approval from their supervisor, before working overtime, unless such overtime worked is the result of a bona fide emergency (e.g., natural disaster, riot, spontaneous jail lockdown, etc.). Absent emergent situations, per this MPP, failure to obtain prior approval violates County policy and may result in employee discipline.

Managers and approving supervisors shall ensure that overtime is within their budget and is not misused by employees. However, any overtime that is worked by an employee, and that is properly documented, whether it was pre-authorized or unauthorized, shall be paid/saved, if applicable, in accordance with the F.L.S.A.

The unit commander shall, within five days following the conclusion of the event, send a billing request memo to the Contract Law Enforcement Bureau indicating the time expended on behalf of the private event. The memo shall also include:

- Event name;
- Control number;
- Employees' names, ranks, and employee numbers;
- Total hours worked per employee (by date if the event covers two or more days);
- Each deputy's home unit of assignment;
- Type, vehicle number, and mileage of any county vehicles utilized during the event.

Upon receipt of the billing memos, Contract Law Enforcement Bureau shall make necessary billing adjustments (supplemental billing or refunds) for private entities that have made pre-payments. Rates charged to the private contractor are determined by the Auditor-Controller and, pursuant to law, the full cost of providing the service(s) contracted for shall be recovered. Current rates schedules shall be obtained from the Contract Law Enforcement Bureau.
