

## CITY OF ISLETON POLICE DEPARTMENT

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### Issue

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Is the City of Isleton and its Police Department operating in compliance with standards for California peace officers under California Government Code sections 1029, 1030 and 1031? Is the Isleton Police Department in compliance with the Commission on Peace Officer Standards and Training Regulations, Title 11, California Code of Regulations, sections 1002 and 1010? <sup>(1)</sup>

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### Reason for the Investigation

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A complaint was received by the Grand Jury from a citizen of Isleton, who reported receiving inappropriate treatment by member(s) of the Isleton Police Department.

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### Method of Investigation

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The Grand Jury interviewed the following individuals:

- Complainant
- Executive Director of Peace Officer Standards and Training (POST)
- POST employees directly involved with certification of peace officers hired by the City of Isleton
- Chief of Police, City of Isleton
- Mayor, City of Isleton.

The Grand Jury made telephone inquiries to the Sacramento County Sheriff's Department and the Sacramento Police Traffic Enforcement Department to verify information obtained from the City of Isleton officials.

The Grand Jury also received and reviewed the following documents:

- POST memorandum dated February 22, 2005 regarding the Isleton Police Department
- Letter dated March 25, 2005 to POST from the Isleton Police Department
- California Government Code section 1029 - Conviction of a felony as a disqualification for peace officer
- California Government Code section 1030 – fingerprinting of police officers
- California Government Code section 1031 – public officers or employees having powers of peace officers, minimum standards
- POST regulation 1002 - Minimum standards for employment as a California Peace Officer
- POST regulation 1010 - Participation in the POST programs

(1) All regulations referred to hereafter are to Title 11, California Code of Regulations

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## **Background and Facts**

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### **City of Isleton**

The City of Isleton became a general law city in 1923. The present population of the city is approximately 850. There has been little growth within the city since 1975. Presently, there are plans for the development of new residential homes within the city in 2006. This development may help the city generate more revenue for community services.

### **The Isleton Police Department**

The Isleton Police Department is currently staffed by the Chief of Police, four full-time peace officers and seven on-call reserve peace officers.

- Since 1990, the Department has had five chiefs of police. Their tenures have ranged from seven months to over three years.
- The Police Department's annual budget is \$327,000. Seventy percent is designated for wages and fifteen percent for officer training. An additional fifteen percent is designated for everyday operation of the department.
- No officer has resigned or been terminated since November 2004.
- The pay rate for full-time City of Isleton peace officers is \$16-18 per hour, plus medical and dental benefits. Efforts are being made to make retirement benefits available through the California Public Employees Retirement System. Funding for this is an issue.
- Some officers recently received 20 hours of Driving Under the Influence training from the Sacramento Police Department.

### **Post Compliance Issues**

On May 12, 1975 the Isleton City Council enacted Ordinance 228, which stated:

“Pursuant to Section 13522 of the California Penal Code, the City of Isleton will adhere to the standards for recruitment and training established by the California Commission on Peace Officer Standards and Training.”

Since the passage of this ordinance, POST staff has documented a 12 year (January 11, 1993-February 11, 2005) history of non-compliance by the Isleton Police Department. All efforts by POST to assist this police department to keep current and in compliance have failed.

On March 11, 2004 the Isleton Police Department withdrew from the POST program.

A basic failure of the Isleton Police Department has been its inability or unwillingness to provide complete background investigation packages on all individuals appointed as peace officers in its jurisdiction. Officers were hired after the contract background investigator recommended against hiring, including the current chief of police. The city manager, who is the hiring authority, did not respond to repeated attempts by POST to discuss this problem.

Current issues facing the Isleton Police Department are all related to non-compliance and are not unprecedented. POST staff has conducted a study of compliance reviews dating back to 1992. At that time, the acting chief of police was admonished to complete all background checks and to notify POST of new peace officer appointments. In every compliance review by POST since 1993 there have been deficiencies noted in these areas.

### **Revocation of Isleton City Police Department Privileges by POST**

A 2004 POST review of Isleton Police Department personnel files determined the following:

- Improperly submitted notices of peace officer appointments
- Peace officer appointments made prior to the satisfaction of selection standards and procedures
- Incomplete background investigations
- Missing criminal history inquiries or responses
- Insufficient documentation to demonstrate compliance of peace officer training standards and requirements necessary to support the peace officer appointments

As a result of these continuing deficiencies, POST took the following actions:

- The Isleton Police Department personnel were precluded from access to the Electronic Data Interchange System (EDI).
- The Isleton Police Department personnel were suspended from participation in POST programs.
- Reimbursement and participation in POST programs and services by Isleton Police Department personnel were suspended.

California Penal Code section 13523 and POST regulation 1010 (c) require adherence to applicable law and regulation as a condition of eligibility for participation in the POST programs. As a result of continued non-compliance, POST suspended the Isleton Police Department from further participation, effective August 11, 2004.

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## **Findings and Recommendations**

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**Finding 1.** The City of Isleton and the Isleton Police Department have a long history of non-compliance with California law and POST regulations in the selection and appointment of peace officers. If the City of Isleton intends to continue to operate its own police department, the citizens of Isleton deserve to have POST-qualified, properly trained police officers.

**Recommendation 1.** The City of Isleton, through its city council and city manager, should take all steps necessary to rectify its non-compliance issues with POST in the selection of police officers. The city council and chief of police should ask for and accept professional assistance from other local law enforcement agencies in securing POST accepted training for its regular and reserve police officers.

The Grand Jury recommends all future background investigations for the Isleton Police Department be assigned to a specific employee who must:

- be a full time or retired sworn peace officer
- be qualified by a POST accredited training facility in ‘background investigations’
- have direct responsibility to maintain and update personnel files of regular and reserve police officers as related to POST training
- be responsible for all required training, and verification to POST upon completion of training
- have the attention of the chief and city manager with respect to recommendations made.

**Finding 2.** The Grand Jury finds Isleton citizens and visitors have had unfavorable contact with Isleton police officers. The Grand Jury finds that this is due to the employment of unqualified peace officers and their lack of professional training.

**Recommendation 2.** Since the City of Isleton does not have a wage and benefit package that allows it to compete in a small city market for well-qualified police officers, the city should conduct a comprehensive evaluation of all costs relating to the operation and maintenance of its own police department as compared to contracting out for law enforcement services.

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### Response Requirements

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**Penal Code sections 933 and 933.05 require that specific responses to both the finding and recommendations contained in this report be submitted to the Presiding Judge of the Sacramento Superior Court by October 1, 2006 from:**

- **Isleton City Mayor**
- **Isleton City Council**