



Agenda Date: 4/12/2005
Agenda Placement: 6E

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors
FROM: Michael Loughran for Gary Simpson - Sheriff-Coroner
Sheriff
REPORT BY: Michael Loughran, Captain, 253-4259
SUBJECT: Approval of Professional Services Agreement for Policy Review

RECOMMENDATION

Sheriff requests approval of and authorization for the Chair to sign an agreement with Lexipol, LLC for a maximum of \$12,000 for the term May 1, 2005 through June 30, 2006 for review and revision of the Sheriff's Department Policy manual.

EXECUTIVE SUMMARY

The Sheriff would like to contract with Lexipol services to update and revise the policy manual to ensure compliance with state and federal requirements. The numerous case law changes require constant monitoring to adapt policy to current standards. Initial review costs will be shared with the County Risk Management unit.

FISCAL IMPACT

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	Yes
Where is it budgeted?	The initial cost of the first year is \$7950.00 with a possible additional charge of \$35.00 for any new policies unique to the Napa Sheriff's Department with total cost not to exceed \$12,000.00. The first year costs will be equally shared between the County's Risk Management Unit and the Sheriff's Department each contributing \$3975.00 to a maximum of \$6000 each in the event unique policies are required. The annual maintenance cost of \$2950.00 after the initial revision will be paid by the Sheriffs Department.
Is it Mandatory or Discretionary?	Discretionary
Discretionary Justification:	Increased litigation against counties often targets the policies of a specific

agency, looking for noncompliance with laws or case requirements. Language in policies can sometimes result in an award being issued to a plaintiff simply on the existence of an outdated policy or the lack of a required policy. This service will ensure that the Sheriff's Department policies are revised and updated to be in legal compliance. It will also help maintain those policies in compliance. This action is preemptive and may prevent successful civil litigation in some matters related to Sheriff's activities.

Is the general fund affected? Yes

Future fiscal impact: The Department will absorb the annual cost of the service subscription in the budget.

Consequences if not approved: The department's policies may become more outdated or fall out of legal compliance.

Additional Information: None

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

BACKGROUND AND DISCUSSION

The Sheriffs Department, because of its primary function, is often a target for civil litigation. Attorneys frequently attack policies of law enforcement agencies when trying to bolster their case. It is more important than ever to ensure that policies are constantly updated and compliant with legal requirements. The Sheriffs Department does not have anyone on staff that has the legal experience necessary to maintain such a manual. The current manual should be reviewed for legal compliance and updated to current standards. Lexipol is a company that provides this revision service to numerous law enforcement agencies in California. Their legal staff is well versed in current laws related to the field and are the only company that offers the complete revision and annual update service.

SUPPORTING DOCUMENTS

None

CEO Recommendation: Approve

Reviewed By: Helene Franchi