

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

550



FROM: Stanley L. Sniff Jr., Sheriff-Coroner-PA

SUBMITTAL DATE:
01/18/12

SUBJECT: Approval of an Agreement with Jones and Mayer Attorney Services

RECOMMENDED MOTION: Move that the Board of Supervisors:

1. Authorize the Purchasing Agent to purchase attorney services from Jones and Mayer for the Sheriff's Department, at a cost not to exceed \$50,000 annually, renewable in one year increments, through June 30, 2016, without securing competitive bids, in accordance with Ordinance 459.4.

2. Authorize the Chair to execute the Agreement on behalf of the Board.

BACKGROUND: The Sheriff's Department is constantly involved in conducting criminal investigations, law enforcement operations that involve near constant fiscal risk, and administrative actions that involve complex legal issues that turn and evolve on civil and criminal court cases and new laws codified each year.

Sheriff Stan Sniff
Office of the Sheriff, Riverside County

FINANCIAL DATA	Current F.Y. Total Cost:	\$50,000	In Current Year Budget:	Yes
	Current F.Y. Net County Cost:	\$0	Budget Adjustment:	No
	Annual Net County Cost:	\$0	For Fiscal Year:	FY 2011-12

SOURCE OF FUNDS: Department Budget BR 12-046	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION:

Approve -

County Executive Office Signature LARRY PARRISH

- Policy
- Policy
- Consent
- Consent

Dep't Recomm.:
Per Exec. Ofc.:

3.28

Departmental Concurrence

Single Source Approval for Jones and Mayer

BR 12-046

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For nearly 40 years, the Office of Sheriff has utilized a very small handful of specialized and privately contracted attorneys that focus on law enforcement operations, policy, procedures and law enforcement disciplinary guidance, with increasing need to keep up with the complexity on an as-needed basis.

The Sheriff routinely seeks legal input from County Counsel for a variety of contractual, civil and county ordinance related areas and will continue to do so for those appropriate areas of expertise. In areas of criminal statute interpretation, the impact of new statutes or criminal case law, legal guidance on the operations of the department that include jail, courts and coroner responsibilities, and including police discipline, the Sheriff needs access to the best legal advice. The Sheriff needs quick and experienced legal guidance and opinion from those attorneys who specialize and routinely operate in that arena.

The firm of Jones and Mayer has for many years provided research, analysis and opinions on issues specifically related to law enforcement litigation and operational issues impacting California police departments and sheriff's offices. The firm specializes in legal issues that include use of force, pursuits, discipline and due process, public records, personnel files, the California Public Safety Officers Procedural Bill of Rights Act (POBR), Megan's Law, Public Law 280, and more recently, the State's "realignment" issues pursuant to AB 109. Also, the firm serves as General Counsel to the California State Sheriffs' Association (CCSA), the California Police Chiefs Association (CPCA), and the California Peace Officers' Association (CPOA). The firm of Jones and Mayer for over 25 years is considered to be the experts in law enforcement litigation, POST-related training issues, and many chief executives within the law enforcement community openly share that legal guidance. Nearly every law enforcement executive receives routine legal updates in the form of training bulletins from this firm, underscoring the extremely high level of expertise in the law enforcement specialization and police litigation.

This firm has published several books concerning police litigation, practices and procedures; this firm provides classroom instruction throughout California on the topic and has a very extensive internet site with client alerts and publications. This firm also offers expertise in the field of municipal law, employment litigation, writs and appeals, tort litigation and civil litigation. Often issues arise in these ancillary fields and are directly impacted by POBR implications and other considerations exceptional to law enforcement. New sheriff's taking office in California receives their training on their constitutional legal authority and responsibilities from this same firm.

The Sheriff's Department is a very unique entity that is involved in a wide variety of specialized areas, in which other county departments or functions are not impacted. The expertise of the Jones and Mayer firm in the field of police litigation allows for short notice guidance in very specialized and complex areas of the law. It is important to the Office of Sheriff to get prompt, thorough legal guidance that is strengthened in credibility by understanding what other California law enforcement agencies are doing. When necessary, the firm can provide an independent and impartial legal analysis needed to avoid conflicts of interest or the perception of a conflict. Additionally, there are times when legal advice is necessary outside normal business hours and the firm is available if this necessity arises.

The Sheriff must be able to seek timely legal advice and guidance from the best possible and most credible legal sources available, in order to both protect the County of Riverside and the 2.3 million residents the department serves directly or indirectly.

Price Reasonableness

Due to their longstanding history with the County of Riverside, the hourly rate of \$185 per hour is significantly less than the hourly rate charged to most of their law enforcement clients. Newer clients are brought in at a higher rate.

Date: November 15, 2011
From: Will Taylor, Director of Finance Department/Agency: Sheriff's Administration
To: Board of Supervisors/Purchasing Agent
Via: Purchasing Agent
Subject: Single Source Procurement; Request for Attorney Services

The below information is provided in support of my Department requesting approval for a single source. Outside of a duly declared emergency, the time to develop a statement of work or specifications is not in itself justification for single source.

1. **Supply/Service being requested:** Attorney Services for issues specifically related to law enforcement litigation.
2. **Supplier being requested:** Jones and Mayer
3. **Alternative suppliers that can or might be able to provide supply/service:** None in California with the level of expertise as Jones and Mayer.
4. **Extent of market search conducted:** Past and present Sheriffs have utilized the firm of Jones and Mayer over the year to provide research, analysis and opinions on issues specifically related to law enforcement such as the California Public Safety Officers Procedural Bill of Rights Act (POBR), Megan's Law, and more recently the state realignment issues. As General Counsel to the California State Sheriff's Association and the California Police Chiefs Association, Jones and Mayer are considered to be the experts in law enforcement litigation.
5. **Unique features of the supply/service being requested from this supplier, which no alternative supplier can provide:** Attorney Mayer serves as legal counsel to the Sheriffs and Chiefs of Police in about 70 law enforcement agencies throughout California. Mayer serves as General Counsel to the California State Sheriff's Association (CSSA) and is General Counsel to other law enforcement associations including the California Police Chiefs Association.
6. **Reasons why my department requires these unique features and what benefit will accrue to the county:** Jones and Mayer specialize in the field of police litigation issues and the California Public Safety Officers Procedural Bill of Rights Act (POBR). The firm of Jones and Mayer has published several books concerning the same, provides classroom instruction throughout California on the topic and has a very extensive Internet site with client alerts and publications. The firm also offers expertise in the field of municipal law, employment litigation, writs and appeals, tort litigation and civil litigation. Often issues arise in these ancillary fields and are directly impacted by POBR implications and other considerations exceptional to law enforcement.

The Sheriff's Department is a very unique entity that is governed largely by POBR, while other county entities are not impacted. The expertise of the Jones and Mayer firm in the field of police litigation allows for a more specialized and complex area of the law. When necessary, the firm of Jones and Mayer can provide an independent and impartial legal analysis needed to avoid conflicts of interest or the perception of a conflict. Additionally, there are times when legal advice is necessary outside normal business hours and the firm of Jones and Mayer is available if this necessity arises.

- 7. **Price Reasonableness including purchase price and any ongoing maintenance or ancillary costs from the supplier:** Due to their longstanding history with the County of Riverside, the hourly rate of \$185 per hour is significantly less than the hourly rate charged to most of their law enforcement clients. Newer clients are brought in at a higher rate.
- 8. **Does moving forward on this product or service further obligate the county to future similar contractual arrangements or any ongoing costs affiliated with this sole source? (Maintenance, support, or upgrades, if so, please explain).** No.
- 9. **Period of Performance:** Not to exceed \$50,000 annually, renewable in one year increments through June 30, 2016, as long as price increases do not exceed the CPI, and funds are available in the budget.




Chief Deputy Signature 11/21/11
Date

Department Head Signature Date

Purchasing Department Comments:

Approve Approve with Condition/s Disapprove
Not to exceed: \$ 50,000 One time Annual Amount through 6-30-2016



Purchasing Agent 11-23-11
Date 12-307
Approval Number
(Reference on Purchasing Documents)