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California State Parks: Implementing Recent Recommendations Regarding Peace Officers

*Requested by the
Senate Natural Resources
and Water Committee
and the Assembly Water, Parks
and Wildlife Committee*



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February 2015

CRB 15-001

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ISBN 1-58703-270-8

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ACKNOWLEDGEMENTS

This report would not have been possible without the kind and generous assistance of many parks professionals and subject matter experts. They include Margaret Bailey, Vice President of CHM Government Services; Bill Bryan, Director of Missouri State Parks; Peter Finn, Former Deputy Director at New York State Parks; Kevin Good, Assistant to the Director of Texas State Parks; Becky Kelley, Director of Georgia State Parks and Historic Sites; Bryan Martyn, Executive Director of Arizona State Parks; and Chas Van Genderen, Administrator of Montana State Parks. We particularly wish to thank several rangers and superintendents at California State Parks who shared their perspectives, time, and data with us—these include Scott Bayne, Jason DeWall, Dan Falat, Anthony Guzman, Michael Lynch, and Jackie Olavarria.

Contents

Executive Summary	1
Introduction.....	5
Existing Structure of California DPR	7
Organizational Structure	7
Peace Officer Classifications	8
Legal Requirements and Authority.....	10
Recent Recommendations for Change.....	13
Creating A Non-Sworn Park Manager Classification.....	13
Restructuring the Ranger Classification	15
Implementing the Recommended Changes	17
Administrative Actions	17
Statutory Changes	18
Additional Considerations	21
Non-Sworn Park Manager Classification	21
Non-Sworn Park Ranger Classification	23
Promotion and Retention	24
Strategies to Answer the Questions	24
Conclusion	26
Toward Broader Reforms for DPR.....	27
Context And Structure Determine the Effects	27
Developing a Vision and a Plan for Moving Forward.....	29
Bibliography	33
Appendix.....	37

Executive Summary

The California State Legislature requested a blueprint for implementing certain recommendations of the Little Hoover Commission (LHC), the Parks Forward Commission, and others for organizational change at the Department of Parks and Recreation (DPR). In its March 2013 report, “Beyond Crisis: Recapturing Excellence in California’s State Park System,” LHC recommended transforming DPR into a new operating model built around shared management, innovation, greater transparency, and the expectation that it generate more revenue from its operations.¹ LHC recommended two specific actions as critical steps to achieving the transformation: first, to create a promotional path to management for staff without law enforcement training; and second, to restructure the ranger classification with separate “generalist” and “park police” classifications. Similarly, in its July 2014 draft report, the Parks Forward Commission called for creating a “pathway to leadership for the most qualified and competent employees from all relevant backgrounds.”^{2, p. 2}

Currently, state civil service rules require park superintendents to successfully complete the Commission on Peace Officer Standards and Training (POST) basic training course. This requirement limits the promotional opportunities available to many DPR staff, most of whom are not POST-certified sworn peace officers. According to the LHC report, the peace officer requirement contributes to an inflexible organizational culture that inhibits the department’s ability to adapt quickly to changing circumstances. LHC recommended establishing a “park manager” classification without requiring POST certification to open a promotional path to management for maintenance staff, interpreters, business specialists, cultural and natural resource specialists, and others. They imply that this strategy would enable DPR to develop a group of managers with a broader outlook and a more diverse set of skills and experiences. Such managers might be better equipped to address the department’s current challenges and meet LHC’s goals of shared management and a more entrepreneurial organization.

Civil service rules also require park rangers to be POST-certified, sworn peace officers. LHC found this requirement imposes significant costs on DPR and may contribute to a “chronic shortage” of rangers.^{1, p. vii} Further, LHC noted that the increasingly specialized training and responsibilities of peace officers essentially limit rangers to law enforcement duties. LHC recommended splitting the ranger classification into law enforcement specialist rangers and non-sworn “generalist” rangers. Without the six-month POST training requirement, DPR could attract more applicants to a non-sworn ranger class. Doing so might also reduce DPR’s costs if fewer sworn rangers were needed to ensure the safety of park visitors, resources, and property.

To create these new civil service classifications, DPR would need to obtain the approval of the State Personnel Board (SPB) and the California Department of Human Resources (CalHR). In addition, the Legislature would need to amend California Public Resources Code (PRC) Section 4022, which limits the use of the title “ranger,” to allow DPR to have non-sworn park “rangers.” Getting through the CalHR and SPB review process could take from six to 18 months, depending on the controversy and complexity of the proposal, potential costs or savings, anticipated effects on employees, and the political drive of the requesting state agency.

These actions would establish the legal and administrative authority needed for the park manager and non-sworn park ranger classifications. However, without further details about the functions

and allocation of the new classifications, it is hard to know whether they would have the desired effect—to start the transition toward a new, outward-looking, collaborative organization.

These seemingly simple proposals raise questions about the roles and responsibilities of key operational staff, particularly incumbent peace officers, such as:

- How could DPR create a pool of non-sworn park manager candidates with the experience and skills necessary to manage parks?
- How would DPR deploy the new park managers in the park system? What level of authority would they have in relation to district or sector superintendents?
- Would non-sworn park managers supervise or manage peace officers? What are the implications for law enforcement training, coordination, and chain of command?
- Would peace officers be required to relinquish their badges to promote into park manager positions? How would that affect recruitment and retention of law enforcement personnel?
- How would DPR determine which type of ranger to use in a given position? Would the duties and functions of sworn and non-sworn rangers depend upon the specific circumstances of each park—such as size, location, numbers of visitors, type of park, or form of recreation (e.g., boating at reservoirs, OHV activity, touring historic sites)?
- How would the restructured ranger classification affect the cost of DPR’s law enforcement program? A dual-ranger approach might be more efficient in parks with a large law enforcement need, but could be more expensive than the status quo in more remote parks or those with little visitation.
- How would the salary and benefits of the non-sworn parks manager and ranger compare to those of their peace officer counterparts?

Implementing these recommendations raises challenging questions about DPR’s core functions and organizational structure. Consequently, the Legislature, Administration, and department may wish to consider these questions while revising civil service classifications. A number of strategies could provide answers to these questions and help determine the best way to incorporate new, non-sworn classifications into the department. Examples include:

- A review of current personnel and organizational issues, particularly the allocation of duties among peace officers and non-sworn staff;
- A law enforcement needs assessment for each park unit in the system, as is done by the National Park Service (NPS) once every three years;
- A comparison with other state and regional park systems’ law enforcement programs, as well as NPS;
- Further conversations with LHC and the Parks Forward Commission.

Recently, many voices have described the challenges facing California’s state parks and called for fundamental change to ensure the long-term sustainability of the state park system. In 2012 and 2013, the Legislature stated its intent that DPR should increase its revenue-generating

potential and enhance its efficiency at collecting fees, while maintaining public access for all Californians. * In 2014, the Parks Forward Commission presented a draft plan to “transform state park management and modernize state park operations.”^{2, p. 1} Both Parks Forward and LHC noted that DPR lacks modern business tools—Parks Forward specifically called for new tools, processes, and systems that would “enable accurate and accountable budgeting, planning, and project implementation.”^{2, p. 7}

DPR must operate within the world of state government, which means that it cannot control some aspects of its operations. Control agencies, such as the Department of General Services and the Department of Finance, oversee departmental spending. Their reviews are intended to ensure adherence to state standards for construction, procurement, and accessibility—not to enable a state agency to be nimble and flexible in its business practices and partnership activities. However, nimbleness and flexibility, along with accuracy and accountability, are among the organizational attributes necessary to succeed as the sustainable park system described by the LHC and Parks Forward.

In this context, the Legislature may wish to consider some additional questions that affect DPR’s ability to change how it operates. These include:

- What are the legal authorities and procedural constraints that affect revenue generation and partnerships?
- How do DPR’s organizational structure and decision-making processes affect a superintendent’s or park manager’s ability to generate revenue and engage in partnerships?
- Does the current budgeting system offer sufficient incentives to park managers or superintendents to maximize their revenue generation and partnership building efforts?

Although the proposed classification changes may, in time, help to change the internal culture of DPR, they may not be sufficient to achieve the desired organizational changes. LHC expressly stated that: “Any part of a new revenue-driven vision for the future of state parks *must include proper business systems, appropriate software, entrepreneurial training and flexible budgeting to enable the department to run as an enterprise* [emphasis added].”^{1, p. 32} Parks Forward called for the formation of a team dedicated to the transformation of DPR, comprising DPR staff and expertise from throughout and outside of state service, to develop and implement a new organizational structure and business model within two years.^{2, p. 2} DPR recently formed a Transformation Team, which was highlighted in the Governor’s Budget Summary for FY 2015-16.^{3, p. 113}

More work is needed to develop the new organizational vision and determine what needs to change to allow DPR to realize that vision. The Legislature could work with DPR to review its rules and procedures governing contracting, partnerships, leases, operating agreements, and other business activities, and develop new approaches to help DPR become a sustainable modern park system. Pilot programs for individual parks or districts, with specific timeframes and reporting requirements, could serve as useful controlled experiments for new tools and procedures. As the LHC noted, “Overcoming [these challenging conditions] will require strong leadership and the support of the Governor and the Legislature.”^{1, p. 19} Parks Forward also called upon California’s

* AB 1589 (Huffman, Chapter 533, Statutes of 2012) and AB 594 (Committee on Water, Parks, and Wildlife, Chapter 407, Statutes of 2013).

leaders to “summon the political will to pursue a bold path forward,” and to pursue reform that “will almost certainly engender opposition and criticism.”², p. 2

Introduction

This report responds to a request from the California State Legislature for a blueprint to implement certain recommendations of the Little Hoover Commission (LHC), the Parks Forward Commission (Parks Forward), and others concerning organizational change at the Department of Parks and Recreation (DPR). In its March 2013 report, “Beyond Crisis: Recapturing Excellence in California’s State Park System,” LHC recommends transforming DPR into a new operating model built around shared management, innovation, greater transparency, and the expectation that it generate more revenue from its operations.¹

As part of this new model, LHC recommended establishing a “park manager” job classification without requiring park managers to be certified by the Commission on Peace Officer Standards and Training (POST). In addition, LHC called for restructuring the ranger classification to create a “generalist ranger” classification with broad responsibilities and a “park police ranger” classification, which would focus on law enforcement and public safety. LHC suggested that such changes were necessary to help transform DPR into “an enterprise-based organization that takes the ‘role of center’ in a constellation of other groups and organizations.”^{1, p. iv}

The Parks Forward Commission, created to undertake an evaluation of and develop recommendations for the long-term sustainability of the state park system, also called for transformation of DPR to “implement...new programs, initiatives, directions, and partnerships that are essential to advance the Department’s mission into the next century.” In its July 30, 2014 draft report, Parks Forward stated that the “first order of business must be to transform DPR’s procedures, policies, structure, and culture in order to bring about change at the scale needed to succeed.” Parks Forward also noted that DPR is “debilitated by an outdated organizational structure, underinvestment in technology and business tools, and a culture that has not rewarded collaboration, excellence, and innovation.”^{2, p. 5} Specifically, Parks Forward called for eliminating the peace officer certification requirement for promotion to higher management.^{2, p. 6} These recommendations have largely been retained in its recently-released, finalized recommendations.⁴

This report describes how the Legislature and Administration could implement recommendations to create park manager and ranger classifications that do not require peace officer certification. LHC identified these components as particularly important, stating that “in the short term, it [DPR] can make significant strides with a small number of key job classification changes.”^{1, p. 67}) Parks Forward called for “immediate focus” on creating an open pathway to leadership, reinforcing the sense of urgency and importance of these recommendations.^{2, p. 2}

The first section of this report describes the existing organizational structure of DPR, focusing on peace officers’ roles in park operations. Next, the report summarizes the recommended staffing changes. It then describes the steps necessary to put these recommendations into effect, and raises questions about how these personnel changes would affect the organization’s structure. It concludes with additional considerations about whether these changes are sufficient to achieve LHC and Parks Forward’s broader goals for transforming DPR, namely, improving its revenue generation and partnership-building capacity, as well as effectively protecting and maintaining the resources of the state park system.

Existing Structure of California DPR

This report describes the work necessary to implement recent recommendations for changing the role of peace officers at the Department of Parks and Recreation (DPR). It then raises a series of questions that the Legislature may wish to consider in order to achieve the desired outcomes. The issues associated with making such changes cannot be understood fully outside the context of DPR's organizational structure and the role of peace officers, however. Consequently, this section sets the stage by describing DPR's organizational structure, focusing on law enforcement personnel. It describes the current peace officer classifications, identifies the number of peace officers employed by the department, and reviews the existing laws that specify the authority, standards, training requirements, and scope of practice for state parks peace officers.

ORGANIZATIONAL STRUCTURE

California State Parks consists of 279 park units—the most of any state park system. These park units comprise 25 districts, which are run by District Superintendents that oversee all staff, programs, and activities in the parks. The DPR employs roughly 1,900 regular full-time and 1,000 seasonal staff in the field. Including all offices and divisions of the department, DPR has almost 5,200 employees, of whom approximately 2,400 are regular full-time and 2,800 are seasonal staff.^{5, p. 18}

DPR's most recent organization chart shows 12 offices or divisions reporting to the Director and Chief Deputy Director. Of these, two divisions are chiefly concerned with operating the parks: the Park Operations and Off-Highway Motor Vehicle Recreation (OHMVR) Divisions (see the Appendix for an organization chart). Both operating divisions consist of a mix of law enforcement and non-law enforcement staff, including administrative personnel, natural and cultural resource specialists, interpreters, and maintenance workers.

The Director appoints the Deputy Director for Park Operations, who oversees two Field Division Chiefs and five headquarters Division Chiefs.* The Field Division Chiefs supervise 20 District Superintendents. The District Superintendents oversee Public Safety Superintendents and Sector Superintendents, who in turn supervise rangers and all other field staff. The Deputy Director for Park Operations, Field Division Chiefs, and Policy Division Chiefs serve in "Career Executive Assignment positions (CEAs)†. The Deputy Director and Field Division Chief positions are typically promoted from District Superintendents.

The Governor appoints the Deputy Director of the OHMVR Division, who oversees five District Superintendents. The OHMVR Division consists of eight State Vehicular Recreation Areas (SVRAs) and associated field and headquarters staff.

* These Divisions are: Natural Resources; Archaeology, History and Museums; Interpretation and Education; Law Enforcement and Emergency Services; and Facilities Management.

† "CEAs are State employees in high-level managerial positions. CEAs develop and implement policy. They may serve in a department Director's cabinet or form a department's executive staff. CEAs serve at the top levels in a department (first or second levels for small departments, top three for medium-sized departments, top four for large departments)."²⁷

All law enforcement functions, with the exception of training, reside within the Park Operations and OHMVR divisions. The Law Enforcement and Emergency Services Division within Park Operations supports the law enforcement functions with services such as communications and dispatch, internal affairs, and recruiting for state park peace officer positions.

PEACE OFFICER CLASSIFICATIONS

DPR employs peace officers to protect state park visitors and resources, and to perform a wide variety of operational tasks in state parks. These peace officers serve in three civil service classes, “State Park Peace Officer (Ranger),” “State Park Peace Officer (Lifeguard),” and “State Park Superintendent.” The California Department of Human Resources (CalHR) and State Personnel Board (SPB) determine the duties, qualifications, and pay for each class.* All three classifications require California Commission on Peace Officer Standards Training (POST) certification.

Superintendents

Superintendents manage Districts and Sectors within the Park Operations and OHMVR divisions. According to the California State Personnel Board, Superintendents can be responsible for all aspects of park operations including:

...natural and cultural resource management and protection, visitor services, public safety and law enforcement, interpretation, aquatic programs, facilities maintenance, capital outlay engineering, landscaping, property management, historic properties preservation, concessions, equipment, and administration including budget preparation and review, revenue collection, employee development and performance evaluation, and employee discipline.⁶

Although the superintendent classification requires certification from POST, nothing in law requires superintendents to be peace officers. The superintendent positions are the most senior non-CEA management positions within DPR and receive the highest salaries and benefits.

DPR’s Department Operations Manual (DOM) describes the roles of the various superintendents as follows:[†]

- **District Superintendents** oversee all aspects of district operations. A District Superintendent “may delegate authority, but remains responsible for all district decision and activities. The District Superintendent reports to the Field Division Chief. The District Superintendent retains ultimate district level authority through departmental delegation and is the district point-of-contact for the department’s Executive Staff. The District Superintendent determines where responsibility for projects, programs, mandates, issues or processes will be assigned within their district. The District Superintendent serves as the district’s chief law enforcement officer for their district. However, in districts where the District Superintendent is in a CEA/non-peace officer classification, the Public Safety Superintendent will be assigned this responsibility.”^{7, p. 3}

* All civil service classifications and pay are available online at CalHR’s website www.calhr.ca.gov.

† California DPR, Department Operations Manual, Chapter 0200, Sections 0202.2.4.1-2.

- **Public Safety Superintendents**, where utilized, report directly to the District Superintendent and are responsible for the effective administration of the district’s public safety program. “The role of the Public Safety Superintendent is to ensure compliance with state law, Department of Justice requirements, training, district-wide enforcement report and evidence procedures, investigation support and coordination, policy and directives, advice, provide support and service to the sectors as well as provide programmatic quality control, and compliance district-wide.”^{7, p. 4}
- **Sector Superintendents** report directly to the District Superintendent and “are responsible for the full operation of their sector and as appropriate, assign leadership for their sector’s projects, programs, mandates, issues or processes.”^{7, p. 5}

Rangers and Lifeguards

Rangers and lifeguards “perform professional and technical duties in State park units involving operation, interpretation, resource protection/management, patrol, safety and law enforcement, assist with program management activities, and may supervise and/or serve as a lead to seasonal and lower level permanent staff.”^{8, 9} Ranger, Supervising Ranger, Lifeguard,^{*} and Supervising Lifeguard classifications require POST certification.

To become a ranger or lifeguard, prospective employees must be accepted into DPR’s Academy. Candidates must pass background checks and physical and psychological screening. Once accepted, Basic Visitor Services Training (BVST) instructs the cadets in state park operational areas, including procedures, management policies, equipment operation, fire suppression, resource management, and park history. BVST also includes the POST basic course. Upon successfully completing the six-month Academy, cadets become State Park Peace Officers – lifeguards or rangers. Individuals who have already completed POST basic[†] need only complete the state parks-specific portion of BVST.

Training and advancement presumes that rangers and lifeguards will have experience in law enforcement, public contact and visitor services, interpretation, and resource management. Rangers can promote up to Supervising Ranger, while lifeguards can promote to Supervising Lifeguard III. Employees, including non-sworn staff, can compete for Sector and District Superintendent positions, which are among the highest paid positions in the department. Non-sworn DPR employees promoted to Superintendent positions must complete the POST basic course within 12 months of appointment.

* Unless otherwise noted, references throughout this report to “rangers” do not include lifeguards. However, they are discussed in this section because lifeguards are POST-certified peace officers and comprise 15 percent of the pool of staff eligible for promotion to the superintendent class.

† The POST basic course consists of standard California police training, with instruction in 43 modules including law, evidence, vehicle operations, use of force and weapons, defensive tactics, arrest and control procedures, criminal investigations, and physical fitness. The basic course also includes 80 hours of emergency medical response training. Over time, POST basic training has grown from 400 hours in 1982, when rangers obtained general peace officer authority, to the 664 hours now required.

Number of Peace Officers

The Fiscal Year (FY) 2014-15 budget authorized DPR to employ 3,930 full-time permanent employees, including 662 peace officers (17 percent).¹⁰ Peace officers represent 48 percent of authorized DPR management positions, and 54 percent of upper management positions.* The 662 authorized peace officer positions break down as follows:

- 365 Rangers;
- 96 Supervising rangers;
- 69 Lifeguards;
- 18 Supervising lifeguards; and
- 113 Superintendents.

LEGAL REQUIREMENTS AND AUTHORITY

Current law, including provisions in the Public Resources Code (PRC) and the Penal Code (PC), specifies the authority, standards, training requirements, and scope of practice for state parks peace officers.

The PRC authorizes the department to have peace officer employees. Additional provisions require all state park peace officers to complete the POST basic training course, and limit the use of the term “ranger.”

- **PRC Section 5008(b)** authorizes the Director of DPR to designate any officer or employee of the department as a peace officer.[†]
- **PRC Section 5008.8** After January 1, 1989, every peace officer authorized pursuant to Section 5008, shall have satisfactorily completed, prior to the date he or she is first designated a peace officer, the basic training course established by the Commission on Peace Officer Standards and Training.
- **PRC Section 4022** restricts the use of the title “ranger” and “park ranger” to only those persons designated as “peace officers under Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, employees of the Department of Forestry and Fire Protection, or employees of the Department of Parks and Recreation classified as State Park Ranger (Permanent Intermittent)”[‡]

* “Management” positions include all supervisory, management, and CEA positions. “Upper management” excludes supervisory positions.

[†] “The primary duties of the peace officer shall be the enforcement of this division, Sections 4442 and 4442.5, the rules and regulations of the department, Chapter 5 (commencing with Section 650) of Division 3 of the Harbors and Navigation Code, the rules and regulations of the Department of Boating and Waterways, Chapter 2 (commencing with Section 9850) of Division 3.5 of the Vehicle Code, and Division 16.5 (commencing with Section 38000) of the Vehicle Code and to arrest persons for the commission of public offenses within the property under its jurisdiction. The authority and powers of the peace officer shall be limited to those conferred by law upon peace officers listed in Section 830.2 of the Penal Code.”

[‡] Added by Statutes of 1989, Ch. 351, Sec. 1

The PC confers and defines the authority of peace officer employees of different types of agencies (state, universities, districts, etc.). It also prescribes the standards of training required and the scope of practice for different types of peace officers.

- **PC Section 830.2(f)** conveys full statewide authority to state park peace officers—the same authority vested in California Highway Patrol Officers and Department of Fish and Wildlife Wardens. It notes their primary duty is to enforce the laws set forth in PRC Section 5008, above.
- **PC Section 832** establishes the requirement that all peace officers shall complete an introductory training course as prescribed by the Commission on Peace Officer Standards and Training.

Recent Recommendations for Change

Over the last two years, two state commissions have called for restructuring leadership at the Department of Parks and Recreation (DPR). In March 2013, California’s Little Hoover Commission (LHC) issued “Beyond Crisis: Recapturing Excellence in California’s State Park System.”¹ In that report, the LHC concluded that California has an “opportunity to save a park system by transforming DPR into a new operating model built around shared management, innovation, greater transparency, and the expectation that it generate more revenue from its operations.”^{1, p. ii} In late July 2014, the Parks Forward Commission (Parks Forward) issued a draft plan “to transform state park management and modernize state park operations.”^{2, p. 1} An earlier version called for “fundamental change—in the vision for California’s parks, in the way the vision is achieved, and in the Department itself.”^{11, p. 10} Both LHC and Parks Forward called for revising DPR’s management structure to enable more non-peace officer staff to advance into leadership positions.

As the Legislature requested, this report focuses on the recommendations to create a park manager job classification that does not require POST certification and to restructure the current ranger classification to create non-peace officer generalist park ranger and park police ranger classifications. LHC identified these components as particularly important, stating that “in the short term, it [DPR] can make significant strides with a small number of key job classification changes.”^{1, p. 67} Similarly, Parks Forward called for an “immediate focus on creating a pathway to leadership for the most qualified and competent employees from all relevant backgrounds”^{2, p. 2} In this section we review the arguments made by LHC and summarize their recommended changes to civil service classifications.

CREATING A NON-SWORN PARK MANAGER CLASSIFICATION

After the LHC concluded a year-long study of the state park system, its then-chairman, Jonathan Shapiro, in a cover letter conveying LHC’s report, concluded that California has an “opportunity to save a park system” by transforming DPR around “a new operating model built around shared management, innovation, greater transparency, and the expectation that it generate more revenue from its operations.”¹ However, LHC found that “many new, specialized skill sets required to meet these new complexities presently do not exist with the department”^{1, p. 68} and that outside partners described DPR as having “a rigid, at times authoritarian culture in which district superintendents and headquarters staff are resistant to alternative management concepts or innovations that could generate revenue or streamline operations.”^{1, p. 73}

Within the LHC report, the classification-change proposals fall under a multi-part recommendation that addresses management structure, training, and public safety at DPR:^{1, p. 84}

Recommendation 6: The department’s new operating model will require a variety of skillsets, some of which do not currently reside within the Department of Parks and Recreation. The department should be given the flexibility to hire and promote employees who demonstrate the skills to manage and operate state parks in accordance with the mission of natural and cultural preservation, public access and education.

The other components of this recommendation call for DPR to increase training for existing staff capacity for developing sustainability plans, forecasting, marketing, and park management; revise promotion requirements to enable non-POST-certified staff to be promoted into

management positions; and develop a public safety strategy that includes memoranda of understanding with local law enforcement. In addition, the recommendation also suggested that the California Park and Recreation Commission should solicit an independent assessment of the park system's law enforcement needs.^{1, p. 84}

Creating a path to leadership featured prominently in the Parks Forward's draft report as well. Noting that DPR needs a diverse set of leaders with expertise and training to solve complex problems in a multi-disciplinary fashion, the Commission suggested that the peace officer requirement for superintendent positions limited the promotional opportunities for non-peace officers. Parks Forward called for eliminating that requirement to enable employees with broader expertise and experience to advance to top leadership positions.^{2, p. 6}

Although non-peace officer staff can obtain POST certification to become eligible for superintendent positions, the required six months of training imposes a significant barrier to those without law enforcement skills and experience. Consequently, park rangers (and lifeguards), whose typical education and departmental training focus almost exclusively on law enforcement, fill the majority of superintendent and upper management positions (such as Field Division Chief and Deputy Director for Park Operations).*

The shared background of rangers and most superintendents provides for a common perspective, and the focus on law enforcement results in a considerable set of knowledge and skills related to public safety. One consequence of this shared perspective and specialization in law enforcement, however, may be a lack of variety and flexibility in the approach and expertise responding to DPR's current challenges.

Assuming that LHC is correct that the department exhibits a skill deficit and cultural resistance to change and that these result from managers' common background in law enforcement, then one solution could be to create a management classification that does not require POST certification. LHC's specific recommendation states:

“The state should establish the job classification of park manager. The department should be given the authority to hire park managers and district supervisors with demonstrated park management and strategic planning skills, either from experience in other public park systems or from private enterprise. These managers should not be required to obtain [Peace] Officer Standards and Training certification.”^{1, p. 84}

Creating a park manager classification could open a promotional path to management for non-sworn personnel, including maintenance staff, interpreters, business specialists, cultural and natural resource specialists, and others. Depending on how the park manager classification was used, the department could eventually produce a group of managers in the field with a broader outlook and a more diverse set of skills and experiences. Such managers could be more capable of addressing the department's current challenges and meeting the goals laid out in the LHC and Parks Forward reports.

* Currently, all of the District Superintendent and Field Division Chiefs are peace officers. The recently appointed Acting Deputy Director for Park Operations, Kathleen Amann, is not a peace officer. She previously served as Deputy Director for Acquisitions and Development.

RESTRUCTURING THE RANGER CLASSIFICATION

The LHC report's explicit argument for restructuring the ranger classification relies on the relatively high vacancy rate for ranger positions in DPR. In 2012, "the department reported that 17 percent of its ranger positions were currently vacant" and that "the rate has been as high as 30 percent."^{1, p. 74} The report suggested that the high vacancy rate is the result not only of rangers leaving for jobs with higher salaries outside the department but also the POST-certification requirement. Specifically, LHC recommends:

To address the shortage of park rangers, the state should restructure the ranger classification to create a generalist park ranger classification with broad responsibilities and a park police ranger classification, which would focus on public safety in state parks operated by the department. Rangers in both classifications should be eligible for promotion into management.^{1, p. 84}

LHC also suggested that restructuring the ranger classification could reduce the state's costs to operate the park system. The initial 28 weeks of training for new park rangers (20 weeks of which are devoted to POST certification) costs the department approximately \$18,000 to \$20,000 per ranger.^{1, p. 71} Annual training required to comply with POST requirements impose additional costs on DPR. In addition, the higher safety retirement for peace officers costs the state more than the retirement offered to non-safety employees. According to LHC, many non-sworn personnel with DPR "believe outlays required to support training, pay and benefits for a large law enforcement contingent displaces spending on their areas."^{1, p. 72}

LHC acknowledged that with "employee costs representing 55 percent of the department's operating budget, it is impossible to separate the department's personnel structure from the operating model which signaled its failure with the decision to close 70 parks [in 2012]."^{1, p. 70} Because rangers represent more than one third of DPR's total personnel costs, the "high costs for personnel, equipment, training and peace officer retirements has long been recognized as a liability."^{1, p. 71}

LHC recommended that the state create a generalist ranger classification responsible for non-law enforcement tasks and a police ranger classification with a focus on law enforcement. Restructuring the ranger classification might be one way to address the vacancy issue and allocate more resources to other aspects of DPR's mission, as long as public safety within parks could be maintained. Qualified individuals who are interested in the non-law enforcement aspects of the new generalist ranger job could provide DPR with a new pool of potential applicants to fill existing ranger vacancies. To the extent that fewer sworn rangers would be needed to ensure the safety of park visitors, resources, and property, funding previously spent on law enforcement could be shifted to other park operation functions.

Implementing the Recommended Changes

Creating the park manager and non-sworn park ranger classifications would require significant effort on the part of the Department of Parks and Recreation (DPR) and administrative actions to change existing civil service classifications. Although no statutory change would be needed for the park manager recommendation, the Legislature would need to amend PRC Section 4022, which restricts the use of the title “ranger,” to allow non-sworn “park rangers.” This section describes in detail the steps required to implement these recommendations.

ADMINISTRATIVE ACTIONS

Changing or creating civil service classifications requires the approval of the State Personnel Board (SPB). The SPB considers proposed classification changes after the California Department of Human Resources (CalHR) reviews a state agency’s proposal. The review and approval process can take up to 18 months, depending on the controversy and complexity of the proposal, the potential cost or savings, anticipated effects on employees, and the political drive of the requesting state agency.¹² The review process is as follows:

- The state agency submits a “Classification Proposal Request” package, which includes a standard Form 730 signed by the proper authority within the agency and a justification. The justification must include details of the proposed class specifications (title, levels, qualifications, definition of duties, etc.) along with an explanation of who would be hired, the time frame, why the change is needed, and consequences for existing employees.
- Once submitted, CalHR’s Personnel Management Division (PMD) staff reviews the justification, the quality of the analysis, and the bargaining units that would be affected. CalHR may require additional information from the agency.
- Once PMD has all the necessary information, the package goes to the Labor Relations and Costing Units within CalHR, as well as to the Department of Finance (DOF) to determine the cost and potential savings of the proposed changes.
- CalHR notifies employee organizations of the proposed changes (a 30-day notice) and places the matter on the SPB calendar for a hearing and vote.

A proposal to change classifications requires significant effort on the part of the requesting agency. The request package includes a series of forms with detailed questions about the classification itself as well as the reasons for its proposal.* Along with a salary analysis, the package must include a proposed class specification with definitions of the series and levels, examples of typical duties, and minimum qualifications. The requesting department must also describe the personnel management problem they are trying to address, explain why existing classifications are insufficient, and describe how the proposed classification would be an improvement. Additionally, the proposal must discuss the effect any changes might have on other classifications and explain what will happen to current incumbents who might be affected.

* The relevant forms include the Classification Proposal Request Transmittal (DPA-730),²⁸ Department Analyst Checklist for Classification Proposals,²⁹ Classification Proposal Concept,³⁰ Classification Considerations,³¹ and Salary Analysis.³²

To support the recommended changes, DPR may need to conduct job analyses of employees serving in a variety of civil service classifications in the department. Such job analyses would examine the essential tasks and functions performed by incumbents in existing positions within the current classifications and analyze the knowledge, skills, abilities, and personal characteristics necessary to perform those tasks and functions. There are many methods and techniques for conducting job analyses—any of which would require the department to allocate significant time and resources to the task in advance of submitting the classification proposal requests to CalHR.*

The classifications to be analyzed would depend on the specifics of each recommendation. To create a park manager classification consistent with LHC’s recommendations, DPR would likely need to analyze all non-law enforcement supervisory positions overseeing various aspects of park operations (maintenance, resource management, interpretation, etc.). In addition, DPR would need to analyze the duties and skills of the superintendent classification, which requires POST basic certification and supervises law enforcement personnel. Changes to the park ranger classification likely would require an analysis of the current ranger classification, and may also require analysis of other, non-law enforcement classes that perform tasks and functions related to visitor services.

DPR may have already taken steps to implement the park manager recommendation. CPS Human Resources Services (CPS), a consulting firm that specializes in public sector human resource management, assisted DPR with a study of a proposed parks manager class between 2007 and 2011.¹³ DPR submitted a classification proposal to CalHR in early 2011. The parks manager study and proposal did not directly address the question of whether state park superintendents should be peace officers. Instead, it focused on the sub-superintendent positions within all non-law enforcement functions of state parks.[†] The particular proposal was not approved by CalHR and it is unclear whether components of the 2011 package could be used in an updated request to create the park manager classification.

STATUTORY CHANGES

These changes may also require legislation. Creating the parks manager classification would not, in itself, require amending the Public Resource Code (PRC) or the Penal Code, as there is no statutory requirement that superintendents be POST-certified. As described in a previous section, however, current law limits the use of the title “ranger.” Implementing LHC’s ranger

* The SPB’s Merit Selection Manual summarizes the steps necessary to conduct a task-based job analysis.³³ Analysts must work with subject matter experts and other personnel to develop a list of task statements reflecting the work performed in a given position. Literature reviews, job audits, interviews, work observations, and questionnaires may all be necessary to produce task statements that accurately reflect the work associated with a particular classification and provide enough detail for an assessment of the knowledge, skills, and abilities required to perform it. Subject matter experts then rate tasks according to their importance and frequency with which they are performed. A similar process identifies the knowledge, skills, and abilities associated with a given classification and those which are linked to essential tasks reflecting the qualifications required for successful job performance.

† The specific classifications to be combined into a Park Manager classification under this approach included State Park Interpreter III, Park Maintenance Chief III, Staff Park and Recreation Specialist, Supervisor-Cultural Resources Program, Senior Park and Recreation Specialist, Administrative Officer III Resources Agency, Staff Services Manager I, Training Officer II, Staff Services Manager I (Supervisory), Supervising Land Agent (Supervisory), and Staff Services Manager III.

recommendation and creating a non-sworn park ranger classification would require amending PRC Section 4022, which states:

The titles of ranger, park ranger, and forest ranger, and derivations thereof, may only be used by persons who are peace officers under Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, employees of the Department of Forestry and Fire Protection, or employees of the Department of Parks and Recreation classified as State Park Ranger (Permanent Intermittent).

While additional legal guidance would be necessary, the following deletion could update PRC Section 4022 to allow for the use of the “ranger” title for any employee of DPR, regardless of his or her peace-officer status:

The titles of ranger, park ranger, and forest ranger, and derivations thereof, may only be used by persons who are peace officers under Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, employees of the Department of Forestry and Fire Protection, or employees of the Department of Parks and Recreation ~~classified as State Park Ranger (Permanent Intermittent).~~

Additional Considerations

If the Legislature accepts the arguments and recommendations for changing DPR peace officer classifications, then the most immediate steps would be to revise the Public Resources Code (PRC) as needed and work with DPR and the Administration to carry out the necessary administrative tasks. These actions would create the legal and administrative authority needed for the park manager and non-sworn park ranger classifications. However, the use, effectiveness and effects of the new classifications are unknown without further details about the new classifications' functions and their allocation within DPR's organization.

These complex proposals raise important questions about the effect on incumbent peace officers and consequences for the structure of park operations. This section discusses the questions that arise from the potential implementation of the recommendations, and suggests strategies for answering those questions. The strategies include conducting job analyses, assessing the need for law enforcement in state parks, looking at other park systems as models, and creating the transition team recommended by Parks Forward, as well as further discussion with LHC and Parks Forward.

NON-SWORN PARK MANAGER CLASSIFICATION

The questions associated with the park manager classification turn on the use of these positions within DPR. Deploying park managers as equal to various levels of superintendents leads to other questions about organizational structure, chain of command, promotion, and training.

How will DPR deploy the new park managers in the park system? Park managers could be used to fill sub-superintendent positions, or could be equivalent and interchangeable with superintendents.

If park managers fill only the positions beneath superintendents in the existing organizational hierarchy, then the outcome would be similar to that sought in DPR's 2011 park manager proposal. In that proposal, non-law enforcement positions subordinate to superintendents would have been consolidated into a single park manager class. The new park manager could be used in headquarters or field positions that have no law enforcement responsibilities, such as managing cultural or natural resource programs, volunteer programs, nonprofit partnerships, or concessions. They might be used to manage low-crime or low-visitation parks. This approach would not necessarily expand the skillset within the highest levels of park operations management (i.e., superintendents) or moderate the alleged law

Key Questions

- How will DPR deploy the new park managers in the park system?
- Will non-sworn park managers supervise or manage peace officers?
- How could DPR create a pool of non-sworn candidates with the requisite experience and skills to manage parks?
- How will DPR determine which type of ranger to use in a given position?
- How will the restructured ranger classification affect the cost of DPR's law enforcement program?
- Will peace officers be required to relinquish their badges to promote into park manager positions?
- How will the salary and benefits of the non-sworn parks manager and ranger compare to those of their peace officer counterparts?

enforcement culture within DPR, but it would offer a higher promotional path than currently exists for non-sworn personnel.

Alternately, if the park manager classification is used as an equivalent to the superintendent classification, then DPR could assign non-sworn park managers to districts or sectors that have relatively low need for law enforcement. Parks managed by a non-sworn park manager would need to coordinate with sworn supervisory staff for law enforcement services. This approach would require DPR to assess the law enforcement needs for each park, sector, and district, and also develop criteria for where to use a superintendent or park manager to fill a position.

What are the implications for law enforcement training, coordination, and chain of command? If non-sworn park managers are interchangeable with superintendents, then questions arise concerning the training requirements, respective roles, supervision, and coordination with law enforcement personnel. Existing DPR policy is to use a public safety superintendent to oversee law enforcement in the instances where the district superintendent is not POST-certified.^{*} This policy suggests that an organizational structure with non-sworn park managers overseeing all facets of operations, including law enforcement, could work as long as there is an adequate law enforcement supervisory chain of command within each district or sector.

Non-sworn park managers would probably benefit from some law enforcement training. POST offers reserve officer training; an equivalent program or one designed specifically for DPR's non-sworn park managers might be necessary. The National Park Service trains its non-sworn superintendents in emergency response and incident command so that they can manage law enforcement issues.[†]

What would DPR need to do to create a pool of non-sworn candidates with the requisite experience and skills to be competitive applicants? Removing the POST-certification requirement from superintendent-level positions would not necessarily alter the duties of the subordinate staff. The duties and functions of park rangers and supervising rangers give those individuals broad operational experience across a wide range of law enforcement and non-law enforcement domains. Other state park job classifications do not give incumbents a similar broad exposure to park operations.

For example, the primary responsibilities of the "State Park Peace Officer Supervisor (Ranger)" classification, which generally serves as the transitional position between ranger and superintendent, include "supervision of staff, safety and enforcement, patrol, interpretation, resource protection/management, and visitor facility operation."⁸ These responsibilities mirror the duties and functions of the current superintendent classification. In contrast, the "Supervisor, Cultural Resources Program" classification, the most senior level of the Archeologist series, used within DPR, "has charge of a major cultural resource section and has statewide responsibility for the formulation, implementation, and administration of cultural resource programs and planning."¹⁴ An incumbent of this position will certainly have supervisory experience and a

^{*} See our earlier discussion of DPR's Department Operations Manual (DOM) Chapter 2 provisions concerning the role of District and Public Safety Superintendents.

[†] Training programs and standards are described in the NPS New Superintendent Handbook, available at http://www.nps.gov/training/nsa/supt_handbook_102008.pdf.

detailed understanding of the department's cultural resource responsibilities, but he or she may lack the breadth of experience available to those with a peace officer background.

DPR may need to consider other changes to create a pool of non-sworn applicants with comparable experience to peace officers. These changes might include altering the duties or expanding the functions of non-peace officer positions. It might also include additional training in park operations for non-ranger supervisory staff. In the longer term, implementation of LHC's non-sworn ranger recommendation may provide such an applicant pool as individuals progress through the non-sworn ranger series.

NON-SWORN PARK RANGER CLASSIFICATION

Another set of questions arise with the implementation of a non-sworn "generalist" park ranger as distinct from a sworn "police" ranger.

How will DPR determine which classification to use in a given position? Answering that question raises the more complex issue of determining the appropriate level of peace officers to provide an acceptable level of public safety and law enforcement. DPR may find it necessary to perform a law enforcement needs assessment for each park in order to determine the appropriate number of peace officer and non-sworn rangers.

How will the duties and functions of sworn and non-sworn rangers vary? One answer might be to strictly limit sworn rangers to only law enforcement and public safety duties. Consequently, the non-sworn rangers would perform all other operations, such as interpretation and resource protection and management. As a variation, there might be some provision for sworn rangers to perform non-law enforcement activities in remote parks or during periods of low visitation, while training non-sworn rangers in emergency medical response and authorizing non-sworn rangers to issue citations for low-level park violations (e.g., failure to pay parking fees).

How will the addition of a non-sworn ranger affect DPR's organizational structure? Sworn and non-sworn rangers might report through one chain of command to a supervising ranger or a park manager. Depending on their assigned functions, however, a separate law enforcement chain of command might be preferable. Answers to this question will affect the department's flexibility in assigning staff and determine the overall efficiency of the dual-ranger approach.

Will using the non-sworn ranger classification reduce DPR's operating costs? In 2012, the Legislative Analyst's Office (LAO) recommended eliminating the use of peace officers for certain park tasks, such as giving tours, training and managing volunteers and seasonal staff, creating park programming, managing resources, and providing information to visitors. Although the LAO did not address whether this required a non-sworn ranger classification, it asserted that such a change in duties could result in savings "in the low millions of dollars."^{15, p. 12} If lower-cost, non-sworn rangers can fulfill some of the duties that peace officers now perform, it might save money; but cost savings would only materialize if DPR did not need to hire more peace officers to provide an adequate level of public safety. As will be discussed in a later section of this report, DPR does not, at this time, have sufficient data to assess the need for law enforcement and determine the appropriate staffing level.

PROMOTION AND RETENTION

The introduction of non-sworn rangers and park managers raises a series of questions about promotion, retention, recruitment, and pay of incumbent peace officers. Peace officer positions generally receive higher salaries, greater retirement benefits, and incentive payments that are not available to non-sworn positions. These factors will affect the salary ranges of the park manager classification as well as the career paths of current POST-certified DPR employees. These questions include:

- Would peace officers be required to relinquish their badges to promote into park manager positions?
- How would the parks manager class affect retention and recruitment of peace officer rangers, lifeguards, and current superintendents?
- How would the salary and benefits of the park manager classification compare to the existing superintendent series?
- How would the salary and benefits of the non-sworn rangers compare to the peace officer rangers?

The answers to these questions may shape the reaction of current peace officers to the proposed changes and affect the pool of candidates applying for positions within each class.

STRATEGIES TO ANSWER THE QUESTIONS

The questions in the previous section attest to the complexity of the recommendations and the challenges that DPR would face in changing the peace officer classifications. Answering these questions would require additional information and specific assessments of organizational structure and function. There are a number of strategies that could generate sufficient information to answer these questions about structural change. These include internal data collection efforts such as job studies and law enforcement needs assessments. Obtaining additional information from other park systems and Parks Forward would also be helpful.

Law Enforcement Needs Assessment

Typical approaches to determining the appropriate level of law enforcement staff take one of three simple approaches: per capita assessments based on a jurisdiction's total population; minimum staffing requirements set through organizational policy and collective bargaining agreements; or staffing levels authorized through incremental budgeting processes.¹⁶ A more comprehensive approach uses data on actual officer workload to identify appropriate workforce levels. Such workload assessments can be complicated as they require intensive data collection and analysis. However, they may be preferable to the simple approaches because they yield objective, justifiable estimates that account for an agency or jurisdiction's unique environment.¹⁶ While such assessments can be costly in terms of time and other resources, the workload analyses and job studies necessary to justify the classification changes to CalHR will generate some of the information needed to assess the law enforcement needs of DPR.

Consulting firms and law enforcement organizations have developed techniques for analyzing workloads and assessing law enforcement staffing needs. Although the specific requirements vary, they generally estimate future staffing needs by modeling the level of current law enforcement need or demand. They use existing data on the timing, location, and type of calls for service as well as the average amount of time spent on a given call.¹⁶ However, the International Association of Chiefs of Police (IACP) notes that “these methodologies have greatest utility in urban and suburban areas where the service population is concentrated and calls-for-service are heavy and constant.”¹⁷

NPS uses models for allocating and assessing the need for law enforcement staff. In the 1990s, NPS developed its Visitor Management Resource Protection Assessment Program (VRAP), which was an attempt to supplement traditional needs assessments with park-relevant data such as park acreage, trail miles, and presence of water features.¹⁷ Although VRAP is no longer used, the NPS requires park superintendents to update their law enforcement needs assessment every three years using information on visitation, the availability of qualified law enforcement assistance, criminal activity, access/circulation patterns, etc.¹⁸

The LHC recommended that the state conduct “an independent analysis of crimes committed on state park property to determine where and what level of public safety resources are most needed.”^{1, p. 84} DPR could conduct a law enforcement needs assessment to obtain information with which to make decisions about structural and staffing issues, as well as evaluate cost effectiveness of various strategies for deploying the new classifications.

Conducting an assessment for each park unit within California would require a significant investment of resources. The LHC noted that “shortcomings in the department information systems have reduced the quality of crime statistics that could provide an accurate and up-to-date basis for assessing the department’s overall public safety needs.”^{1, p. 72} DPR has moved to a new computer-aided dispatch system that has improved the available information considerably since the LHC report was released. However, the department still lacks some of the data and tools that would aid in any needs assessment, including a record management system for storing, organizing, and reporting data related to calls for service and some form of global positioning system for collecting geographic data on ranger and call locations.

Other States as Models for Law Enforcement

Other states have already tackled these questions and have reorganized law enforcement and park management programs or are in the process of doing so. A 2007 DPR report from the Generalist Ranger Task Force identified at least six states with a dual ranger approach and an additional five states whose rangers are only responsible for non-law enforcement functions.¹⁹ The LHC report points to the National Park Service and East Bay Regional Park District as examples where park operations and law enforcement are separated to varying degrees.

Other examples at the state level exist as well. In Montana and Georgia, the parks department obtains law enforcement services from the law enforcement department of the same agency.^{20, 21} In Missouri, the Parks Director oversees a Law Enforcement Division that is separate from the Park Operations Division.²² In Arizona, New York, and Texas park systems, law enforcement lies within park operations, although the degree of integration with park management varies. In Arizona and Texas, some but not all superintendents and managers are law enforcement officers.^{23, 24} In New York, the park police and park management are in separate divisions, but

both report to the Deputy for Park Operations.²⁵ Texas is currently reviewing the efficacy of having peace officer superintendents, using budgetary, professionalism, and officer safety criteria in the evaluation.²⁴

Parks Forward Transition Team

Follow-up discussions with LHC may help to clarify the organizational change envisioned as part of the classification changes. Further, Parks Forward, whose report is to be released in early 2015, may provide valuable insight. The July 30th draft of the Parks Forward report recommended “to capture the broader expertise and experience of staff in administration, interpretation, resource management, and facilities maintenance, the Department must open the pathway for leadership to all employees by eliminating the requirement of peace offer certification to advance to top leadership positions.”^{2, p. 6} In detailing this recommendation, the draft report addresses one question associated with non-sworn park managers by stating that “those managers and supervisors who do not have a peace officer background will undertake training on how to manage and work with the peace officer and law enforcement functions.”^{2, p. 6}

In addition, the Parks Forward draft report calls for an embedded transition team within DPR that, presumably, could address many of the organizational concerns associated with implementing the classification changes. For example, regarding the pool of staff qualified for non-sworn park manager positions, Parks Forward says that the transition team should “establish a field management structure that provides equitable opportunities for all staff to gain mission-related expertise and supervisory experience.”^{2, p. 23} An embedded transition team might be able to answer many of the implementation questions raised in this section.*

CONCLUSION

In conclusion, implementation of the particular LHC recommendations concerning non-sworn park managers and rangers requires CalHR and SPB approval of the classification changes and revision of PRC Section 4022. Implementation of the classification changes also generates questions about their effects on DPR’s organizational structure. Consequently, a more comprehensive approach to reform may be needed, including a thorough review of how DPR currently allocates duties and functions across all types of staff within Park Operations and the OHMVR. Depending on the information obtained through the review, DPR may need to change its park management and law enforcement structures and reallocate the duties of sworn and non-sworn personnel.

* DPR recently created a Transformation Team, which was highlighted in the Governor’s Budget Summary for FY 2015-16.³

Toward Broader Reforms for DPR

Many voices have described the challenges facing California’s state parks and argued for fundamental change to ensure the long-term sustainability of the state park system. LHC called for DPR’s “transition to an enterprise-based organization that takes the ‘role of the center’ in a constellation of other groups and organizations.” The Legislative Analyst’s Office (LAO) suggested many changes in operations, including eliminating the use of peace officers for certain tasks, in order to cut costs.¹⁵ The Legislature stated its intent that DPR should increase its revenue generating potential and enhance its efficiency at collecting fees, while maintaining public access for all Californians.* Parks Forward described its draft plan to “transform state park management and modernize state park operations.”^{2, p. 1} With so many demands for reform, it seems difficult to establish priorities and determine where to begin.

This section looks at the proposed park manager and non-sworn ranger classifications in the larger context of reforming DPR. It raises questions about how these changes would help to achieve specific reform goals identified by LHC, Parks Forward, and others—namely, improving DPR’s revenue generation and partnership building capacity while improving the cost-effectiveness of the law enforcement program.

CONTEXT AND STRUCTURE DETERMINE THE EFFECTS

The previous section of this report raised questions about the details and potential organizational impacts of the proposed park manager and non-sworn ranger classifications. Similar questions arise concerning how the new classifications might affect broader goals associated with revenue generation, partnership building, public safety, and budget efficiency.

Non-Sworn Park Managers

There are several other factors—legal, structural, and cultural—that affect the department’s capacity to generate revenue and engage in partnerships. It is not clear that moving to non-sworn park managers alone would also address these issues.

What legal constraints and control agency requirements also affect revenue generation and partnership building?

Changing to non-sworn park managers may create a promotional path to management for different types of employees, resulting in a more entrepreneurial culture within DPR. However, it will not address a host of legal requirements that also affect DPR’s ability to raise revenue and work with partners. Some of these requirements

Key Questions

- What are the legal authorities and constraints that affect revenue generation and partnerships?
- How do DPR’s organizational structure and decision-making processes affect a superintendent’s or park manager’s ability to generate revenue and engage in partnerships?
- Does the current budgeting system offer sufficient incentives to park managers or superintendents to maximize their revenue generation and partnership building efforts?
- What will happen to the number of applicants for ranger positions?
- Will the dual-ranger approach result in an adequate level of public safety and resource protection at a reduced cost?

* AB 1589 (Huffman, Chapter 533, Statutes of 2012) and AB 594 (Committee on Water, Parks, and Wildlife, Chapter 407, Statutes of 2013).

impose complex and time-consuming reviews on actions or projects, while others limit DPR's authority. Examples include:

- **PRC Section 5003.17** defines the department's authority to lease state park system property and requires that leases be approved by the Department of General Services (if for 10 years or fewer) or the Legislature (if for more than 10 years).
- **PRC Section 5002.2** requires a General Plan before any development project can be done in a park and requires approval of said plan by the State Park and Recreation Commission.
- **PRC Section 5080.3** authorizes the department to enter into concession agreements but states those agreements cannot be entered into "solely for their revenue producing potential."
- **PRC Section 5080.40** requires operating leases or agreements to be approved by the Legislature or the State Public Works Board and outlines the reporting requirements.
- **PRC Section 5080.42** limits nonprofit operating agreements for entire parks to those units at risk of closure.

How do DPR's organizational structure and decision-making processes affect a superintendent's or park manager's ability to generate revenue and engage in partnerships? Park managers will operate in the context of an hierarchical department, which includes several layers of management above the district level (field division chiefs, deputy director for operations, the chief deputy director, and the director). Non-sworn park managers presumably will still need the approval of upper management to engage in partnerships and revenue-producing activities. Further, any revenue generation or partnership-based projects that involve capital outlay or development components will fall into the purview of the department's Acquisitions and Development Division, which also constrains the superintendent or park manager's individual authority to commit and carry out projects.

Does the current system offer sufficient incentives to those in charge of park operations to maximize their revenue generation and partnership building efforts? The answer to this question likely depends on the functions assigned to park managers and the dimensions on which they are evaluated. One example unrelated to any classification change was identified in a previous CRB report on revenue generation at DPR.²⁶ While districts have some financial incentive to achieve their revenue targets, most of the districts' earned revenue goes into the State Park and Recreation Fund (SPRF) to be allocated by the Legislature in the following fiscal year. Although there is a small amount of continuously appropriated funding, districts do not get to keep what they earn, and the department's practice is to use SPRF dollars to subsidize those districts that do not earn as much revenue. These factors, as well as other internal budgeting practices, may limit the districts' incentives to maximize revenue.

Non-Sworn Park Rangers

Creating a non-sworn, generalist ranger and police ranger will affect employee recruitment and retention, as well as DPR's personnel costs.

What will happen to the number of applicants for ranger positions? The LHC argument in favor of the non-sworn, generalist ranger classification is based, in part, on the idea that it will

attract a greater number of applicants. Those qualified individuals who view POST-certification as a significant barrier would be free to apply for non-sworn ranger positions. If the number of qualified applicants for sworn positions remains constant under this scenario, vacancy rates could improve. However, the LHC report suggests that many current rangers might be unsatisfied in positions with a pure law-enforcement focus without the visitor services and other traditional operations components.¹ Further, current salary differences between state park rangers and other peace officers could strongly affect retention and recruitment if police rangers are limited to only law-enforcement activities.*

Will the dual-ranger approach result in an adequate level of public safety and resource protection at a reduced cost? This question cannot be answered without more detailed information about the law enforcement needs of individual park units and a cost-benefit analysis of various staffing scenarios. The 2012 LAO report estimates that shifting non-law enforcement responsibilities away from rangers could result in savings in the “low millions of dollars annually” because the department could hire fewer sworn staff.¹⁵ The LHC report, on the other hand, cites an argument made by rangers during its public hearing process suggesting that costs could increase because law enforcement specialization “would actually result in a need for additional staff to do work no longer performed by a specialized law enforcement ranger.”^{1, p. 77}

Several characteristics of California state parks make it difficult to assess the need for law enforcement. Seasonal differences in visitation, widely varying park sizes, and the relative isolation of many park units complicate staffing decisions and efforts to assess whether the department’s law enforcement program is the “right” size. A dual-ranger approach might be more cost-effective in parks with high visitation and a greater need for law enforcement, where specialized staffing would be more efficient. However, the same may not be true of parks with low visitation and only sporadic law enforcement needs. Size matters as well—police rangers covering large territories may not be able to respond fast enough to calls. Specialization may require a higher level of staffing in the larger parks to maintain adequate response times, or agreements with other law enforcement entities to cover large remote parks (e.g., county sheriffs, California Highway Patrol, or other park districts).[†] One approach might be to reduce the number of sworn staff at parks with low law enforcement needs, but decreased patrols and increased response times associated with such a change could magnify the consequences of public safety or resource protection issues when they happen to occur.

DEVELOPING A VISION AND A PLAN FOR MOVING FORWARD

The LHC report called for a new operating culture and a new vision in which the “department will lead a multi-partner system that spreads park management across a wider base of players and budgets.”^{1, p. 31} Currently, LHC notes that “the department views itself as the entirety of the state park system, one in which state employees operate parks in a highly regulated arena and outside groups...follow state dictates.”^{1, pp. 31-32} Consequently, in order to shift that culture toward a more open and partnership-oriented model, both LHC and Parks Forward recommended changing the peace officer requirements for superintendents. LHC also recommended creating a

* For example, the bottom of the salary range for park ranger cadets is \$3,211 per month.¹⁰ That same figure is \$4,442 for California Highway Patrol cadets.³⁴

† A law enforcement needs assessment would help to identify the law enforcement needs in each park, and would serve as the basis for MOUs or other arrangements with alternative providers of law enforcement services.

non-sworn generalist park ranger that could reduce personnel costs and ranger vacancies. Together, these changes would open up promotional opportunities to staff with non-law enforcement experience and create a pool of qualified non-law enforcement staff to become managers.

While LHC partly attributes DPR's orientation to the strong law enforcement culture, the report also acknowledges that DPR must operate within the world of state government.^{1, pp. 72-78} In particular, LHC identifies the "layers of regulations and the involvement of control agencies in developing and approving contracts" as a factor that must be addressed.^{1, p. 32} Consequently, LHC suggests that to move toward the desired vision, DPR "will need the support of the Governor and Legislature.... To make its new direction clear, the Director must lay out a new vision for the department, one that redefines the role of the Department in relation to its partners, to the public, and to the communities in which it operates."^{1, p. 42} To succeed as the center of a partnership-based model, DPR management and the Administration would need to agree to the new vision.

Parks Forward also noted that DPR relies on out-of-date and ineffective systems, which limit its ability to manage core functions. As stated in the Commission's draft report, "DPR does not have the tools to measure performance or generate data on its ongoing costs, or manage for cost-effectiveness." Parks Forward called for new business tools, processes, and management systems to enable DPR to succeed.^{2, p. 7}

LHC and Parks Forward identified specific problems confronting DPR. These include the lack of modern business tools to sustain a revenue-driven model, cumbersome procurement processes, and budget uncertainty caused by the lag between earned revenue and expenditure authority. As LHC put it:

"Few businesses would envy a department expected to operate like a commercial enterprise while being hobbled by the financial practices that come with being part of state government. The department faces this conflict daily while operating the state park system. The Legislature and administration have steered the department toward a revenue-based model *without providing tools* to make the transition or sustain itself." (emphasis added)^{1, p. 19}

LHC noted that some conditions are beyond DPR's control, including failing general fund support, unpredictable fee revenue, and lack of procurement flexibility that would "enable managers and executives to move to a more enterprise-driven system, invest strategically in improvements, and think ahead."^{1, p. 22} Although DPR has a small amount of continuously appropriated funding (\$4.3 million annually in SPRF for revenue generation activities), DPR must operate within the rules and procedures for spending as required by control agencies such as the Department of General Services, the Public Works Board, and Department of Finance. Control agencies seek to prevent state agencies from inappropriately spending public funding or misusing public property. It is probably safe to say that most of these procedures were not designed to enable a state agency to be nimble and flexible in its business practices and partnership activities. However, those are the organizational attributes probably required of a sustainable park system as described by the LHC and Parks Forward. As the LHC notes, "Overcoming [these challenging conditions] will require strong leadership and the support of the Governor and the Legislature."^{1, p. 19}

The issues and questions raised in this chapter suggest that additional analysis and reforms may be necessary. Although the classification-related recommendations could be implemented immediately, they are one element of reform. More work and information is needed to develop the overall picture of what DPR should look like in the long run, and how to get there. Some of the needed information could be collected as part of the job analysis used to justify classification changes to CalHR and SPB. Other information could be collected through DPR's newly created Transformation Team, as well as specific studies such as a law enforcement needs assessment.

Although the proposed classification changes may help, in time, to change the internal culture of DPR, they may not be sufficient in themselves to achieve the desired organizational changes. LHC expressly stated that: “Any part of a new revenue-driven vision for the future of state parks *must include proper business systems, appropriate software, entrepreneurial training and flexible budgeting to enable the department to run as an enterprise.* [emphasis added]”¹, p. 32. Consequently, the Legislature may wish to work with DPR to review its rules and procedures for contracts, partnerships, leases, operating agreements, and other business activities, and develop new approaches to help DPR become a sustainable modern park system. The Legislature could also work with DPR to develop a plan and time frame for developing new business systems, budgeting approaches, and training programs that would enable DPR to succeed as an entrepreneurial organization. Pilot programs for individual parks or districts, with specific time frames and reporting requirements, could serve as useful controlled experiments for new tools and procedures.

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Appendix

