

CAPISTRANO BAY DISTRICT  
AGENDA REPORT  
May 31, 2022

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Security

## ITEM 6b

### E-bikes and Speed Control

Suggestions were offered at the previous board meeting on how to control the reckless e-bikers, their speeding and also how to control vehicle speeding. Suggestions were as follows:

- More training of our security officers
- Install surveillance cameras throughout the community
- Reinstate the District Police program that was shut down by the Board in 2018

### Security Officer Training

A program for monitoring e-bikes coming into the community by vacation renters will be set up to record all incoming guests and renters that have e-bikes in tow. Those addresses can be provided to security patrol so they know which homes to watch for e-bike activity. Additionally, the District can create an information handout to put those parents on notice as they first arrive. Then it's up to the duty patrol officers to be PROACTIVE in watching and responding to ebike violators. Legal counsel has already indicated that impounding an offender's e-bike is acceptable so that warning language will be included in the information handout. Locking up a kid's bike for a day might send a strong message to both the kid and the parents to slow down and ride safely. Perhaps the threat of impoundment will be enough deterrence.

### Community wide Surveillance Camera System

The District has looked into this previously and has concluded that the cost of such a system is not justified by the benefit received. While we might observe a speeding or reckless biker on a monitor, the same can be achieved by an observant and assertive security officer on patrol. Additionally, speeding vehicles cannot be cited by observing them on a monitor – that can only be performed by a police officer using radar and observing the violator in person in real time.

### Reinstating the District Police Program

The District retained two POST certified police officers from 2004 through 2018 when the Board at that time chose to shut down the program and let the policemen go. The main reason cited was that the officers weren't writing enough speed citations. The Board felt the community was not getting the results it was paying for. It would've been a simple solution to set a more proactive policy to direct the officers to write more cites rather than issuing warnings. This is nothing more than a matter of setting an assertive policy and making sure the officers carry out those orders. The District continues to retain all of its police authority, one of the two previous police officers has been contacted, and is interested in returning as a part-time District Policeman should the Board be interested in having a POST Certified Police Officer on duty to run interference with e-bikes, speeding vehicles, and out of control renters.

***\*(the next 2 pages contain a letter from the outgoing police officer and comments from a homeowner)***

(letter from Jim Williams / District Police officer)

August 9, 2018

RECEIVED

AUG 17 2018

Board of Directors

Capistrano Bay District

ITEM NO. 6b

I appreciate the opportunity to address the concerns of the Board as well as the needs of the community regarding providing Police Services, specifically and most importantly, traffic enforcement on Beach Road. And I want to thank you all for taking the time to allow me to do that.

I think that there can and should be a more proactive approach to enforcement of speed as well as other important rules of the road, such as violations of driving without Insurance, driving without a valid driver's license and driving without current vehicle registration. All of which pose a significant risk to the community just to name a few.


I feel that given my more than four years of experience working in the community, on Beach Road, I am the logical choice to continue enforcing these laws. It is my hope that you will agree.

If reinstated to my former position at Capo Bay, it will be my intention to aggressively enforce the Vehicle Code and Penal Code and to issue Citations for all violations, with very few exceptions. I leave room for some exceptions, because enforcing the law, traffic laws or any law needs to be accomplished by an officer with a solid grasp on the idea that there is the rule of law and the letter of the law. And then there is the spirit of the law. That kind of discernment in the administration of justice can only be accomplished effectively by an experienced Police Officer. I am one who has more than 30 years' experience, and that is something that is extremely valuable to the community.

A routine traffic stop is inarguably the most hazardous activity for a Police Officer to engage in. I can tell you that in my time working on Beach Road, I have made traffic stops where the vehicle was being driven by as well as occupied by Felons who were on Parole for murder, (subject to search and seizure). I have encountered wanted persons (with warrants for their arrest) who were operating vehicles, as well as persons walking in the community looking for an opportunity to commit crimes. (mostly theft). These are persons who need to have an encounter with a Police Officer to keep the community safe.

The community benefits greatly by having a professional Police Officer on the Road. Security Officers are fine and good and provide a valuable service. But they are extremely unqualified, untrained and not prepared to do what I or another Police Officer can.

Respectfully submitted,



Jim Williams

## Homeowner Comments

**From:** Jefferey B. Lurner <jlurner@email.com>  
**Sent:** Saturday, June 30, 2018 10:26 PM  
**To:** DonRussell Russell <drussell@capobay.org>  
**Subject:** BEACH ROAD POLICE OFFICERS

TO THE MEMBERS OF THE BOARD AND ALL HOMEOWNERS:

It is with great surprise and concern that I heard that the board has unilaterally, without reference to our community, voted to terminate the services of our police officers who patrol our Road.

Not only is this decision of monumental impact to our community, but the fact that the board has taken it upon itself to make such an important decision without reference to us as a community, is both alarming and without precedent.

Accordingly, by this notice, as a resident of the Road, I am placing the individual board members on notice that because I believe that their decision is arbitrary and capricious, such decision could have overwhelming consequences, including, but not limited to, the following:

1. To the extent the monitoring and policing of our Road is left to Securitas, we will have no teeth to enforce our rules. Consequently, and without doubt, the rules, especially the speed limit and beach fire prohibitions, will be flaunted by many, especially outside workers and renters;
2. Our policemen are properly trained and armed under the auspices of law, are connected to the police department, and understand how and when to apprehend, stop, and inquire. And they too have the authority to arrest and cite law breakers. Securitas has no such ability or credentials;
3. The current problem with homeless people in our area is increasing and without a viable, visible force able to make arrests and take the appropriate action, our community is facing exposure. Factually, our officers stop vagrants, and where appropriate, handcuff them and run police reports for outstanding warrants. There are cases where vagrants have been arrested on our street and taken to jail. Why would we possibly want to reduce this protection?;
4. Most importantly should anyone on the road be injured or killed as a result of speeding or other traffic violation, we have a defense of sorts by raising the fact that we have trained police officers on our road. Conversely, to the extent they are terminated, the question would be why, and if the primary reason was to save money (some \$5,000 or so a month in a community of over 180 homes - approx. \$27 per homeowner - all of which homes are valued in the multiple millions) our community, board members and managers, may face additional personal risk.
5. I have been told that our right to use police officers on our road has been "grandfathered" into our rules. If this is the case, are we placing ourselves in jeopardy by terminating the contracts with the officers?

Accordingly, I ask that Don Russell, to whom this email is initially addressed, circulate it to all of the board members as well as all of the homeowners AS A MATTER OF URGENCY.

I also request that the decision to terminate be suspended until the community, by and large, has had the opportunity of being able to voice its opinion.

Jeff Lurner

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