

**MEMORANDUM OF UNDERSTANDING
BETWEEN
THE CITY OF LONG BEACH
AND
THE LONG BEACH JOB CORPS CENTER
32389**

This Memorandum of Understanding is entered into by the **City of Long Beach**, 333 W. Ocean Boulevard, Long Beach, California 90802, and the federally-funded **Long Beach Job Corps Center**, operated by Odle Management and located at 1903 Santa Fe Avenue, Long Beach, California 90810, situated in the northwest corner of Santa Fe and 19th Street (map of center attached).

The provisions of this Memorandum of Understanding are related to the enforcement of applicable State statutes and local City ordinances within the boundaries of the Long Beach Job Corps Center. This Memorandum of Understanding will be in effect immediately and will continue indefinitely subject to periodic review and amendment by all signatory entries. Either party wishing to terminate this agreement must submit written notice to the other party 30 days prior to intended termination date.

AUTHORITY

Policy Requirement Handbook (Chapter 5.4 Personal Safety and Security), Public Law 97-300 "29 USC 1705 (a)d", US Title 29 Subtitle 20 CFR Section 638.805 Security and Law Enforcement (see attached documents).

INDEMNIFICATION

The parties hereto as between themselves agreed that neither party shall be liable for any damages, including but not limited to claims, demands, losses, liabilities, cost and expenses including reasonable attorney fees, approximately resulting from the negligent or wrongful acts or omissions of the other party's employees or agents in the performance of this agreement, and each party shall identify, defend and save harmless the other party from any such claims, demands, damages, losses, or liabilities. If liability is imposed pursuant to Section 830 et seq. of the Government Code, solely by reason of a dangerous condition of public property of the Job Corps sites, the Job Corps shall assume liability and defend and hold the City, its officers, employees and agents harmless from any action, loss, cost or expense caused by such condition of the Job Corps' property and any negligent or wrongful act or omission of the Job Corps' officers, agents or employees, in any way connected with such condition of the Job Corps' property.

NOTIFICATION AND RESPONSE

The Long Beach Police Department ("LBPD") agrees to respond to situations they are alerted to by the Long Beach Job Corps Center ("Center") in a timely manner and the extent necessary to gain control of the situation and restore order, to include the arrest and/or confinement of individual(s) involved in criminal acts. Upon response, all problems and situations of a general law enforcement nature will be handled by the LBPD personnel, or upon their request, other specialized public safety agencies that are suited to mitigate the situation by means of response personnel,

equipment or expertise. Once the LBPB is called, they will assume command/control until the situation is resolved.

SEARCH PROCEDURE AND DISPOSAL OF CONTRABAND, WEAPONS, AND UNLAWFUL AND STOLEN PROPERTIES.

1. Whenever reasonable suspicion exists that a student is in possession of illegal drugs, weapons, or stolen property, a search will be conducted by the Center within the guidelines of 20 CFR 638.805© (refer to attachment). Whatever drugs are found, the items will be confiscated and secured until released to the LBPB for disposal. When drugs are released to the LBPB, a written report will be provided indicating circumstances of the confiscation, which will include location of confiscation, and suspect information. All drugs will be turned over to the LBPB within 24 hours of confiscation. All students in violation will be disciplined in accordance with Center policy.
2. The LBPB will be called when illegal narcotics are confiscated from a trainee. All narcotics shall be relinquished to the Long Beach Police immediately, regardless of the quantity. The LBPB shall be notified whenever any amount of contraband is encountered where intent to distribute is indicated by quality or method of packaging. Confiscated weapons (including firearms) shall be reported and relinquished to the LBPB. The Center must maintain a list of weapons reported to local law enforcement agencies, giving the student's name, SSN, and serial number, type, make, and model of the weapon.
3. The: LBPB will respond to such reports and dispatch personnel to retrieve the illegal substances and suspects, if any. Whenever the Center confiscates and releases any contraband, weapons, or stolen property to the LBPB, the LBPB will provide the Center Safety Manager or designee with the proper receipt of such items.

DEPARTURE OF STUDENT(S) UNDER COURT JURISDICTION

The Center agrees to notify the LBPB and/or Probation authorities of the imminent departure from the Center of any student(s) having been arrested for any criminal act(s) who are departing prior to adjudication.

STUDENT(S) COMPLAINT OF POLICE TREATMENT

The Center agrees to notify and submit to the LBPB complaints made by student(s) of police mistreatment while in custody. The LBPB will investigate any such complaints in accordance with the policies set forth in the LBPB's Policy and Procedures Manual.

SEARCHES AND ARRESTS ON CENTER GROUNDS

Federal law states that the Center may allow search and arrest by local law enforcement officers in the following instances:

- 1) Police officers may enter into the Center to conduct searches or make arrests if one or more of the following exists:
 - a. The officer(s) are in possession of a lawful warrant.
 - b. Permission given by the Center Director or designee.
 - c. Urgent or emergency circumstances.

- 2) Interviews relating to any criminal act, if conducted on Center, will be conducted in a private office and in the presence of a designated LBJCC staff member, unless LBJCC staff member's presence interferes with the investigation or is deemed inappropriate by LBJCC investigator. If the LBJCC investigator and the LBJCC staff member cannot reach agreement concerning this matter, an LBJCC supervisor and an LBJCC supervisor will together determine the best course of action in accordance with current law and regulations.

LIAISON

In routine matters of mutual concern between the parties, the liaison person will be the West Division Manager or designee and the Long Beach Job Corps Center Director or designee.

PROCEDURES

The Department of Labor, in its efforts to curtail violence and drug usage on Job Corps Centers, has introduced a new procedure with a focus on alerting new enrollees to the consequences of drug use and violence (see Zero Tolerance attachment). This procedure is in effect at the Long Beach Job Corps Center. The procedure requires certification by new enrollees to remain free of drugs and abstain from violent acts while enrolled. The Long Beach Job Corps Center fully complies with the Department of Labor's procedures and incorporates certifications as attachments to this agreement. Incidents of a nature relating to violence and drug use will be strictly enforced by the Center. Accordingly, documentation of incidents off Center grounds involving Job Corps students is paramount and therefore will require input from Police sources to the extent allowed by law. Your cooperation is solicited.

MODIFICATION

This Memorandum of Understanding will not be modified, altered, or amended without the express consent and concurrence of all parties.

PROVISION OF THE LAW

If any provision of the Memorandum of Understanding is held to be invalid by operation of law, by any courts, of a competent jurisdiction, the remaining provisions will remain in full force and effect and will not be affected thereby.

The Center views a continuing good relationship with local law enforcement agencies as of paramount importance. We will always attempt to assist the LBJCC in any way possible. Police officers are encouraged to continuously visit and tour the Center at anytime to learn more about the purpose of the program and to speak to students on local laws and ordinances. Additionally, the LBJCC staff, in the various disciplines of the department, is encouraged to participate in planned Center activities. By maintaining open lines of communication, the Center hopes to continue enjoying a productive relationship with the LBJCC.

LONG BEACH JOB CORPS CENTER

The below listed guidelines are not all inclusive and may be modified by the LBJCC in cooperation with Job Corps Management.

I. Misdemeanor Crimes on Center

- a. The patrol officer will meet the victim in the Safety Manager's Office or other agreed upon place.
- b. The victim/suspect should be interviewed by the Police Department investigator in the presence of a member of the Long Beach Job Corps Center (LBJCC) staff, unless LBJCC's staff member's presence interferes with the investigation or is deemed inappropriate by the LBJCC investigator. If the LBJCC investigator and the LBJCC staff member cannot reach agreement concerning this matter, an LBJCC supervisor and an LBJCC supervisor will together determine the best course of action in accordance with current law and regulations.
- c. If, in the opinion of the Police Department investigator, a visit to the crime scene is necessary, a Mobile Advisor from LBJCC will be assigned to assist the investigator.

II. Felonious Acts

- a. LBJCC Safety personnel will secure the crime scene and have the victim/suspect isolated and available for interview.
- b. A member of LBJCC Safety staff will be assigned to assist the investigator.
- c. Procedures as outlined in Item I above shall also apply.

III. Narcotics

- a. The above procedure notwithstanding, all narcotics confiscated by the LBJCC staff and absent a suspect will be turned over the LBJCC for disposal.
- b. The LBJCC Safety Manager, or Senior Mobile Advisor, will notify the LBJCC when LBJCC staff has said narcotics.
 1. The LBJCC will dispatch a field unit to the LBJCC to pick up the narcotics.

IV. Center Disturbance

- a. The LBJCC Safety Manager, the highest ranking staff member or Mobile Advisor will notify the LBJCC for assistance when LBJCC Safety staff is confronted with a disturbance that they cannot effectively handle alone.

- b. The Communications Center will verify said calls by calling the LBJCC Safety/Security Department (562) 983-1777, or (562) 491-5151.
- c. The first arriving unit will be greeted at the gate by LBJCC Safety personnel.

V. Routine Patrol

- a. Generally, routine patrol will not be performed on the center grounds, unless specifically requested and authorized by both parties to the Memorandum of Understanding.

VI. Criminal Investigation

- a. While LBJCC Safety personnel assistance may be requested in the gathering of witness of victim statements, investigation and report responsibilities lie with the LBPB.
- b. LBJCC Safety personnel will turn over to the investigating officer, any witness/victim statements taken while investigating a criminal offense. The identity and contact information of any LBJCC staff members, witnesses, and victims should be provided to the LBPB if that information is required during the investigation of a criminal offense.

VII. Records

- a. In addition to any normal notifications, the LBJCC Safety Department or Center Standards Incentive Manager should be notified of any significant contact, concerning a criminal matter, the LBPB has with Job Corps trainees, by watch sergeant or his designee when trainees are not brought back to the Center.
- b. In this instance, contact means one that is reduced to writing.
- c. Such notification may be verbal or in writing.

VIII. Juvenile Status

- a. In field situations, whereby the LBJCC trainee is a juvenile, LBJCC Management shall be considered the legal guardian and all required notifications shall be made through them.

Approved:

June Rentas
June Rentas
Center Director
Long Beach Job Corps Center

Jim McDonnell
Jim McDonnell
Chief of Police
Long Beach Police Department

April 4, 2011
(Date)

April 14, 2011
(Date)

Assistant City Manager

Patrick H. West
EXECUTED PURSUANT
TO SECTION 301 OF
THE CITY CHARTER.
Patrick H. West
City Manager
City of Long Beach

4.27.11
(Date)

APPROVED AS TO FORM
April 12, 2011
ROBERT E. SHANNON, City Attorney
By Gary J. Anderson
GARY J. ANDERSON
DEPUTY CITY ATTORNEY

Attachments:

- Job Corps Zero Tolerance for Violence and Drugs Certifications
- Zero Tolerance Defined
- CFR Section 638.805 – Security and Law Enforcement
- Public Law 97-300 “5 CFR Parts 330 and 351”
- PRH (Chapter 5.4, Personal Safety and Security)
- Map of the Long Beach Job Corps Center

LONG BEACH JOB CORPS CENTER

ZERO TOLERANCE FOR VIOLENCE CERTIFICATION

Every student has the right to participate in the Job Corps program without being subjected to violence or drug abuse.

I _____, have had the Center rules and regulations explained to me and agree to abide by all of the rules as long as I remain a student.

I further acknowledge I have been informed of the Zero Tolerance for Violence and Drugs policies and that as long as I am a student I will follow these policies. I understand that if I commit any of the following offences, I may be immediately removed from the program and will lose the chance to be present for a Fact Finding Board. However, I understand that I will be able to make a written statement for the board panel members on my behalf. In the event that I am terminated, I understand that I have the right to appeal the decision to the San Francisco Regional Office of Job Corps Appeals Board.

The following offenses require automatic termination from the program:

1. Possession of a gun or any illegal weapon on center or while under center supervision.
2. Physical assault that causes bodily harm to student or staff.
3. Sexual assault, of a criminal nature.
4. Robbery and extortion.
5. Arson.
6. Arrest for a felony on or off center.
7. Possession, distribution, or sale of drugs on center or under center supervision.
8. Conviction of drug use, possession, or sale off center (felony or misdemeanor).
9. Use of drugs as evidenced by a positive drug test upon suspicion or a second positive drug test by the end of the 45-day probationary period.

I also understand that there are other offenses that may result in my removal from the program. I understand that committing any of these offenses at any time during my enrollment will result in disciplinary action which may include termination from the program.

Trainee's Signature

Date

Center Standards Incentive Manager or Designee

Date

ZERO TOLERANCE DEFINED

The following violations will result in immediate, *zero tolerance*, termination. The student will be removed from the center during the 48-hour investigation period. The role of the Center Review Board for these offenses is limited to fact-finding since termination is automatic under this “one-strike-and-you’re-out” provision and recommendation for sanctions are not needed.

- 1) Possession of an illegal weapon or explosive (gun, knife, bomb...)
- 2) Assault or threat of assault (battery, sexual...)
- 3) Robbery and extortion
- 4) Arson
- 5) Arrest for a felony on or off center
- 6) Conviction of drug activity (felony or misdemeanor)
- 7) Possession of illegal drugs
- 8) Second positive drug test during the probationary period or any positive test thereafter

CFR Section 638.805

20 CFR 638.805 -

Security and Law Enforcement.

Section Number: 638.805

Section Name: Security and law enforcement.

(a) The Job Corps Director shall provide guidelines to protect the security of students, staff, and property on-center on a 24-hours-a-day, 7-days-a-week basis.

(b) (1) All property which would otherwise be under exclusive federal legislative jurisdiction shall be considered under concurrent jurisdiction with the appropriate State and locality with respect to criminal law enforcement as long as a center is operated on such property. This extends to portions of the property (e.g., housing and recreational facilities) in addition to the portions of the property used as the center or training facility.

(2) The Job Corps Director shall ensure that centers on property under concurrent federal-State jurisdiction establish agreements with federal, State and local law enforcement agencies to enforce criminal laws on such property. (Section 435(d))

(c) The Job Corps Director shall develop procedures to ensure that any searches of a student's personal area or belongings for unauthorized goods follow applicable right-to-privacy laws.

Public Law 97-300
"5 CFR Parts 330 and 351"

[Federal Register: October 26, 2000 (Volume 65, Number 208)]
[Rules and Regulations]
[Page 64133-64134]

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OFFICE OF PERSONNEL MANAGEMENT

5 CFR Parts 330 and 351

RIN 3206-AJ18

Placement Assistance and Reduction in Force Notices

AGENCY: Office of Personnel Management.

ACTION: Interim regulations.

SUMMARY: The Office of Personnel Management is issuing interim placement assistance and reduction in force regulations to replace references to the repealed Job Training Partnership Act with references to the new Workforce Investment Act of 1998.

DATES: These regulations are effective November 27, 2000. Written comments will be considered if received no later than December 26, 2000.

ADDRESSES: Send written comments to Carol J. Okin, Associate Director for Employment, Office of Personnel Management, Room 6F08, 1900 E Street NW., Washington, DC 20415.

FOR FURTHER INFORMATION CONTACT: Pam Galemore, 202-606-0960, FAX 202-606-2329, TDD (202)606-0023, or by e-mail at pjgalemo@opm.gov.

SUPPLEMENTARY INFORMATION: The Job Training Partnership Act (JTPA), established under Public Law 97-300, October 12, 1982, as amended, required states to provide employment assistance programs to dislocated workers and others as defined in the Act. Since 1995, through Office of Personnel Management regulations published in sections 330.405, 351.803, and 351.807 of title 5, Code of Federal Regulations (CFR), agencies have been required to give employees affected by reduction in force information about JTPA programs in their specific reduction in force notices.

The JTPA was repealed effective July 1, 2000. States are now required to provide placement assistance programs through the Workforce Investment Act (WIA) of 1998, Public Law 105-220, August 7, 1998. This change was incorporated into the reduction in force statute at 5 U.S.C. 3502 through Public Law 105-277, Omnibus Consolidated and Emergency Supplemental Appropriations Act, section 405, October 21, 1998.

These revised regulations are issued solely to replace references to the repealed JTPA with its successor statute, the WIA, as required by the amendments to 5 U.S.C. 3502 mandated by Public Law 105-277. No other wording is changed.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because it affects only certain Federal employees.

Executive Order 12866, Regulatory Review

This rule has been reviewed by the Office of Management and Budget in accordance with Executive Order 12866.

List of Subjects in 5 CFR Parts 330 and 351

Administrative practice and procedure, Armed forces reserves, Government Employees, Individuals with disabilities.

Office of Personnel Management
Janice R. Lachance,
Director.

Accordingly, the Office of Personnel Management is amending 5 CFR parts 330 and 351 as follows:

PART 330--RECRUITMENT, SELECTION, AND PLACEMENT (GENERAL)

1. The authority citation for part 330 is revised to read as follows:

Authority: 5 U.S.C. 1302, 3301, 3302; E.O. 10577, 3 CFR 1954-58 Comp., p. 218.

Section 330.102 also issued under 5 U.S.C. 3327.

Subpart B also issued under 5 U.S.C. 3315 and 8151.

Section 330.401 also issued under 5 U.S.C. 3310.

Subpart K also issued under sec. 11203 of Pub. L. 105-33, 111 Stat. 738.

Subpart L also issued under sec. 1232 of Pub. L. 96-70, 93 Stat. 452.

Subpart D--Positions Restricted to Preference Eligibles

2. In Sec. 330.405, paragraph (b) is revised to read as follows:

Sec. 330.405 Agency placement assistance.

* * * * *

(b) Cooperating with State units as designated or created under title I of the Workforce Investment Act of 1998, to retrain displaced preference eligibles for other continuing positions.

PART 351--REDUCTION IN FORCE

3. The authority citation for part 351 continues to read as follows:

Authority: 5 U.S.C. 1302, 3502, 3503; sec. 351.801 also issued under E.O. 12828, 58 FR 2965.

Subpart H--Notice to Employee

4. In Sec. 351.803, paragraphs (a) and (b) (1) are revised to read as follows:

Sec. 351.803 Notice of eligibility for reemployment and other placement assistance.

(a) An employee who receives a specific notice of separation under this part must be given information concerning the right to reemployment consideration and career transition assistance under subparts B (Reemployment Priority List), F, and G (Career Transition Assistance Programs) of part 330 of this chapter. The employee must also be given a release to authorize, at his or her option, the release of his or her resume and other relevant employment information for employment referral to the State unit or entity established under title I of the Workforce Investment Act of 1998 and potential public or private sector employers. The employee must also be given information concerning how to apply both for unemployment insurance through the appropriate State program and benefits available under the State's Workforce Investment Act of 1998 programs, and an estimate of severance pay (if eligible).

(b) * * *

(1) The State or the entity designated by the State to carry out rapid response activities under title I of the Workforce Investment Act of 1998;

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5. In Sec. 351.807, paragraphs (a) and (c) are revised to read as follows:

Sec. 351.807 Certification of Expected Separation.

(a) For the purpose of enabling otherwise eligible employees to be considered for eligibility to participate in dislocated worker programs under the Workforce Investment Act of 1998 administered by the U.S. Department of Labor, an agency may issue a Certificate of Expected Separation to a competing employee who the agency believes, with a reasonable degree of certainty, will be separated from Federal employment by reduction in force procedures under this part. A certification may be issued up to 6 months prior to the effective date of the reduction in force.

* * * * *

(c) A certification is to be addressed to each individual eligible employee and must be signed by an appropriate agency official. A certification must contain the expected date of reduction in force, a statement that each factor in paragraph (b) of this section has been satisfied, and a description of Workforce Investment Act of 1998, title I, programs, the Interagency Placement Program, and the Reemployment Priority List.

* * * * *

[FR Doc. 00-27515 Filed 10-25-00; 8:45 am]
BILLING CODE 6325-01-P

5.4 PERSONAL SAFETY AND SECURITY**PURPOSE**

- P1. To protect the personal safety and security of students, staff, and property on Center at all times.**
- P2. To protect students' rights and guarantee privacy and protection from unreasonable search and seizure.**

REQUIREMENTS**R1. Campus Access**

Center operators shall establish rules regulating the entry, exit, and conduct of persons who seek access to the campus.

R2. Cooperation with Local Agencies

Center operators shall develop and maintain written cooperative agreements with federal, state, and local law enforcement agencies regarding management and jurisdiction for illegal activities.

R3. Prohibition of Firearms

Center operators shall prohibit the presence of firearms except in the following circumstances:

- a. For security of student payroll by non-center staff.**
- b. For law enforcement personnel conducting routine law enforcement duties. If employed by the Center, law enforcement personnel shall not carry firearms in the course of that employment.**
- c. Personal firearms kept in on-center staff housing for personal use.**

R4. Unauthorized Goods

Center operators shall ensure that the following unauthorized goods are not permitted on Center:

- a. Firearms and ammunition**
- b. Explosives and incendiaries**
- c. Knives-with blades longer than 2 inches**
- d. Homemade weapons**

- e. **All other weapons and instruments for which the primary use is to inflict personal injury**
- f. **Drugs and drug paraphernalia**
- g. **Stolen property**
- h. **Alcohol**
- i. **Tobacco for minors**
- j. **Any other items which are illegal under state law**

R5. Student Notification

Center operators shall notify all students of the center's policies and procedures regarding unauthorized goods, searches, and seizures.

R6. Search and Seizure

Center operators shall conduct searches and seizures only in the following circumstances:

- a. **General inspections of dorm rooms, lockers and other center facilities may be conducted periodically.**
- b. **Searches for unauthorized goods may be conducted only when the center director believes such goods are being hidden on Center. The reasons for the search must be documented.**
- c. **The scope of search may be no wider than what is necessary to accomplish the specific purpose of the search. Unauthorized goods found as a result of a search must be confiscated.**
- d. **A search of the person of an entire group of Job Corps enrollees is prohibited when the information in the possession of Job Corps officials indicates that only some members, or less than all members, of the group are in possession of contraband that is prohibited on center property.**
- e. **Job Corps shall not conduct strip searches of students. If the center director believes a strip search of a student is necessary, local law enforcement authorities must be contacted and requested to perform the search.**

- f. Searches for evidence of crime may be conducted for evidence in criminal prosecution. These must always be done by a law enforcement officer with a search warrant, except when delay would endanger the physical well being of students.

R7. Disposal of Unauthorized Goods

Center operators shall dispose of unauthorized goods as follows:

- a. Stolen property must be returned to its rightful owner.
- b. Narcotics must be stored and disposed of according to agreements negotiated by the center and the appropriate local law enforcement agency.
- c. Confiscated weapons (including firearms) must be reported and disposed of according to agreements negotiated by the center with appropriate local law enforcement agencies. The center must maintain a list of weapons reported to local law enforcement agencies, giving the student's name, SSN, and the serial number, type, make, and model of the weapon.

R8. Use of Physical Restraint and Isolation

Center operators shall:

- a. Limit use of physical restraint to only those situations that seriously threaten persons or property. Ensure that no student is restrained for more than 1 hour without at least verbal consultation and approval from a physician. Staff may not use handcuffs, mace, pepper spray (or any derivatives) on students.
- b. Use on-center isolation facilities for temporary segregation of students from their peers only when behavior constitutes an immediate threat to themselves, other persons, or property.

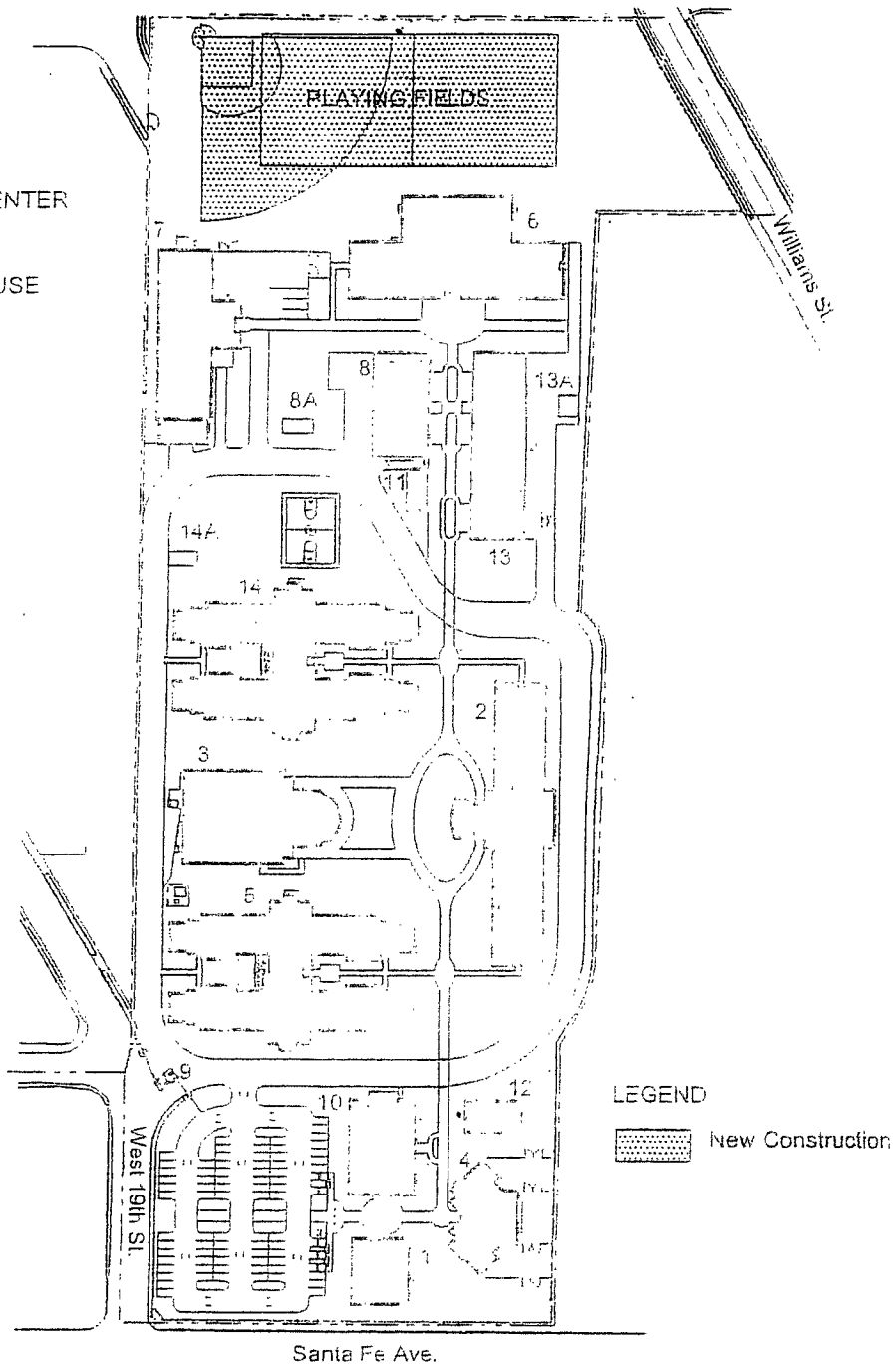
A student placed in an isolation facility must be observed every 15 minutes and this observation must be documented on a signed log giving the exact time of observation and the signature of the staff member conducting the observation. Isolation may not exceed 12 hours unless accompanied by a statement from the center physician that the isolation is not medically prohibited.

BUILDINGS

- 1 - WELLNESS CENTER
- 2 - BASIC EDUCATION
- 3 - CAFETERIA
- 4 - CHILD DEVELOPMENT CENTER
- 5 - DORMITORY
- 6 - GYMNASIUM
- 7 - MAINTENANCE/WAREHOUSE
- 8 - VOCATION/EDUCATION
- 10 - ADMINISTRATION
- 12 - CAREER CENTER
- 13 - VOCATION/EDUCATION
- 14 - DORMITORY

STRUCTURES

- 9 - GATEHOUSE
- 11 - GREENHOUSE



Proposed Site Plan

0 100 200 400 Feet

