



Office of the City Auditor

**Report to the City Council
City of San José**

**POLICE HIRING:
ADDITIONAL EFFORTS
TO RECRUIT QUALIFIED
CANDIDATES URGENTLY
NEEDED TO FILL
VACANCIES**

**Report 15-09
September 2015**

September 10, 2015

Honorable Mayor and Members
Of the City Council
200 East Santa Clara Street
San José, CA 95113

Police Hiring: Additional Efforts to Recruit Qualified Candidates Urgently Needed to Fill Vacancies

The San José Police Department conducts an extensive hiring process for incoming police recruits. The Department actively recruits for new Officers, conducts interviews and background investigations, trains recruits through the police academy, and prepares recruits for duty through a field training program. Hiring new recruits has become urgent because the number of sworn employees leaving City employment is greater than the number of new hires.

Finding 1: Rising Vacancy Rates Have Increased the Urgency to Improve Officer Recruitment. The vacancy rate among sworn ranks has been increasing. At the start of Fiscal Year (FY) 2012-13, there were 40 vacant Police Officer positions out of an approved 871. By the start of FY 2015-16, the vacancies had more than quadrupled: there were 181 vacant Police Officer positions out of an approved 871. Further, the Department has been unable to fill its police academies to capacity, and the number of recruits it has been able to hire has dropped precipitously. The Recruiting Unit in the Police Department faces significant recruiting challenges including competition from neighboring cities and limited resources. As of August 2015, over 50 Bay Area jurisdictions were recruiting for law enforcement positions.

In addition to exploring options for improving SJPD's reputation, including staff morale and pay as a means of attracting more candidates, the Department should bolster advertising efforts, conduct additional outreach, and create more events in which potential candidates can learn about the Department, police work, and the application process. We further recommend the Department allow military experience with an honorable discharge to be substituted for higher education requirements, reimburse the costs of the written test and physical agility test for candidates who are hired as police recruits in the Academy, and expand its future candidate pool by increasing outreach to community youth through its cadet programs. In addition, the Department should enhance its civilian staffing in the Recruiting Unit.

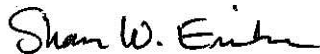
Finding 2: SJPD's Process for Vetting Candidates Is Thorough and Training Is Comprehensive. The San José Police Department's standards for hiring and backgrounding Police Officer candidates are thorough and, in some cases, exceed the Commission on Peace Officer Standards and Training (POST) requirements. This results in a comprehensive vetting of potential new employees. SJPD complies with POST record-keeping requirements with regard to background investigations. Similarly, the Academy and Field Training Program in which new recruits participate are also consistent with POST standards.

Finding 3: High Turnover Rates Reduce SJPD’s Return on Investment in Hiring and Training Recruits. In FY 2014-15, the Department spent \$200,000 per recruit in hiring and training costs. Despite this investment, 40 percent of recruits who have entered the Academy in the last three years have left within 1.5 years of beginning their employment as recruits. Furthermore, of those who have separated voluntarily, 35 percent have gone to work for another police agency. In our opinion, the Department should explore options, such as retention bonuses or reimbursement agreements, to encourage recruits to stay with the City.

Finding 4: More Outreach Is Needed to Increase the Diversity of the Candidate Pool. The San José Police Department does not mirror San José’s diverse population. While the selection process appears reasonable, the Department should improve its outreach to various groups in order to increase the diversity of the Police Department’s candidate pool such that it reflects the diversity of San José’s population overall. Further, changing the timing of physical tests to later in the hiring process may allow a wider pool of candidates to be successfully hired.

This report includes 14 recommendations. We will present this report at the September 17, 2015 meeting of the Public Safety, Finance, and Strategic Support Committee. We would like to thank the San José Police Department especially the Recruiting Unit, Backgrounding Unit, Academy staff, and the Field Training Program staff for their time and insight during the audit process. The Administration has reviewed this report and its response is shown on the yellow pages.

Respectfully submitted,



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Introduction

The mission of the City Auditor's Office is to independently assess and report on City operations and services. The audit function is an essential element of San José's public accountability and our audits provide the City Council, City management, and the general public with independent and objective information regarding the economy, efficiency, and effectiveness of City operations and services.

In accordance with the City Auditor's fiscal year (FY) 2014-15 Audit Work Plan, we have completed an audit of Police Hiring. The purpose of our audit was to analyze the Department's recruiting, backgrounding, and hiring processes, and determine to what extent San José is subsidizing other jurisdictions with its San José Police Academy.

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives. We limited our work to those areas specified in the "Audit Objective, Scope, and Methodology" section of this report.

The Office of the City Auditor thanks the management and staff from the San José Police Department (SJPD), Human Resources Department (HR), the Office of Employee Relations, the City Manager's Office, and the City Attorney's Office for their time, information, insight, and cooperation during the audit process.

Background

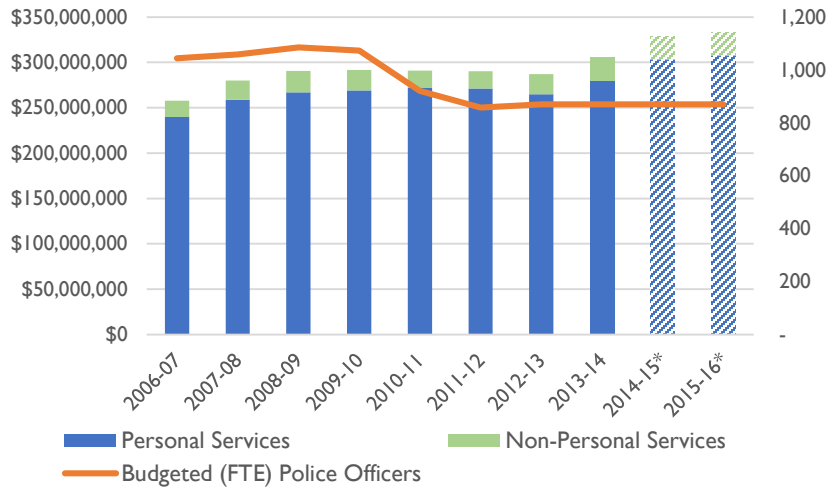
The San José Police Department's mission is to "*create safe places to live, work and learn through community partnerships.*" The 2015-16 proposed Police Department budget is \$333 million.

The Department has 1,611 authorized staff of which 870¹ are authorized sworn Police Officers. Authorized Police Officer staffing has dropped from 1,044 in

¹ The 870 only includes those employees in the classification of Police Officer. It does not include Police Sergeants, Lieutenants, Captains, Deputy Chiefs, Assistant Chief, or the Chief. The focus of this audit was on the hiring of Police Officers because the majority of sworn vacancies in the Department are in the Police Officer classification. As of July 1, 2015, there were over 180 vacancies for Police Officer positions (including those positions soon to be filled by Academy graduates) and less than 30 vacancies for all other sworn positions (Police Sergeant and Police Lieutenant positions were vacant). There is an additional Police Officer authorized in the City Attorney's Office budget (871 total Police Officers in the City).

2006-07 to 870 in 2015-16. Exhibit I below shows the Department budget and authorized Police Officer staffing since 2006-07.

Exhibit I: Police Department Budget and Police Officer Staffing—2006-07 to Current



* Adopted and Proposed Budget
 Source: Auditor summary of budget and staffing

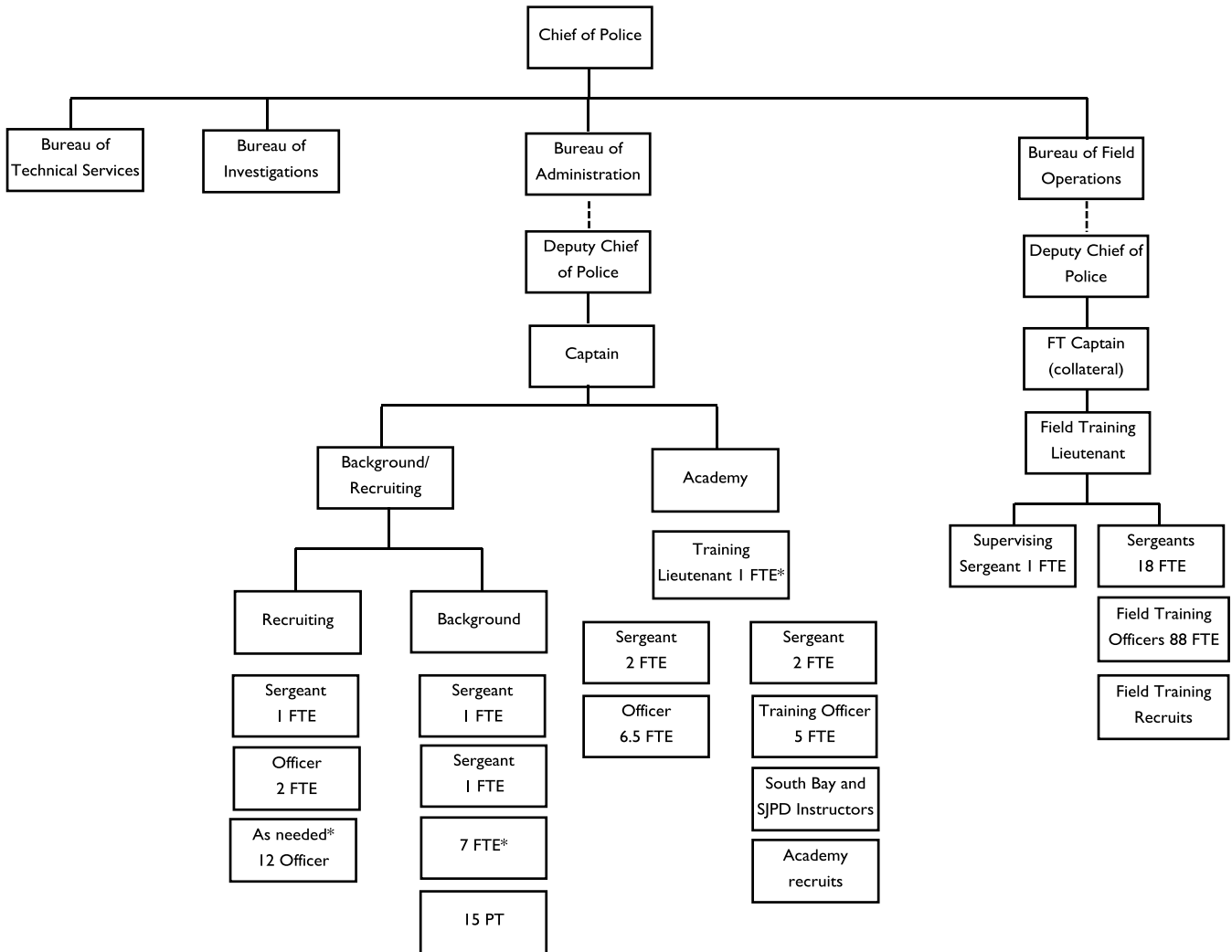
Staffing and Organization Chart

The Police Department conducts its own recruiting and backgrounding of new employees. The Department also operates police training academies for new police recruits. These functions (recruiting, backgrounding, and academy) are located within the Bureau of Administration (BOA).

In the Backgrounding/Recruiting/Academy section, there are a total of 29.5 FTE and 15 part-time employees including the Unit Captain. In addition, the Recruiting Unit uses 12 sworn personnel on an “as needed” basis to assist with recruiting and to attend various recruiting events. These as needed personnel are funded using overtime funding.

After recruits graduate from the police academy, they have to undergo field training. The Field Training Officer (FTO) Program is located within the Bureau of Field Operations. Exhibit 2 below shows the staffing for these functions.

Exhibit 2: SJPD Recruiting and Hiring Organization Chart



Note: The recruiting unit uses satellite officers as needed. The Backgrounding, Training and Academy Unit Captain also oversees City Attorney investigators, Property and Evidence Division and the Photo Lab. The Training Division Commander also oversees the Range Unit, the Video Unit, a Safety Officers, the Honor Guard Detail (about 16 volunteer officers) and the Facilities Management of the Sub-station.

Source: Auditor summary

In addition, the Fiscal and Personnel Units in the Bureau of Administration (BOA) are involved with the process but do not report to the BOA captain.

Throughout the report, we use the following terms to refer to those who have applied to become San José Police Officers:

Terms Used to Describe Persons at Various Stages of the Hiring Process

Candidate – A person who has applied to SJPD to become a Police Officer but who has not yet completed and passed the backgrounding process and hiring board.

Recruit – A person who has completed the backgrounding process and entered Police Academy, or is in the Field Training Officer Program or remaining probation (differentiated from already employed Police Officers).

Street-Ready Police Officer – A person who has successfully completed the Field Training Officer program and probationary period.

Laws and Regulations

The *San José City Charter* establishes the Civil Service System and generally defines those employees who are classified and unclassified. Chapter 3.02 of the San José Municipal Code lays out the City’s personnel regulations including establishment of classified and unclassified positions, recruitment and assessment, eligible lists and disqualification and filling of vacancies.

The *Municipal Code* gives the HR director the authority to administer the civil service rules. According to section 3.04.630

“[T]he director shall administer all provisions of the civil service rules not specifically reserved to the council, the commission, the city manager or other officer or officers.”

Per mutual agreement with the HR department, the SJPD independently runs its recruitment and hiring process with little HR involvement.

California Law and Peace Officer Standards and Training (POST)

California Government Code (GC) requires that all individuals vested with the powers of a peace officer must meet state minimum selection standards, whether they are applying to be a highway patrol officer, insurance fraud investigator, part-

time reserve officer, or any one of hundreds of classifications of peace officer. POST regulations are intended as minimum standards.²

The Commission on Peace Officer Standards and Training (POST) was established by the California Legislature in 1959 to set minimum selection and training standards for California law enforcement. The POST organization, with more than 130 staff members, functions under the direction of an Executive Director appointed by the Commission.

The POST Program is voluntary and incentive-based. Participating agencies agree to abide by the standards established by POST. POST also awards professional certificates to recognize peace officer achievement and proficiency.

Peace Officer Local Agency Policy

Though POST regulations set minimum selection standards, POST also has a local agency policy that describes the ability of local agencies to expand upon these standards. The policy states:

Local agencies can and do create standards that exceed these minimums. For example, it is quite common practice for agencies to administer a physical ability test, as well as a detection of deception examination (i.e., lie detector test), even though neither are required by POST. Many agencies also require standards that exceed state and POST minimums, such as a minimum age requirement of 21 years old and/or requiring a 2-year college degree.

Even for the parts of the selection process that are required by POST, it is up to the agency to establish their own “cut scores.” For example, POST does not dictate a minimum acceptable score on the reading and writing test, what aspects of personal history (e.g., past illegal drug use) are grounds for failing the background investigation, nor what type of medical or psychological findings make a candidate unsuitable for peace officer employment. These are all the responsibility of the local agency.

² The minimum requirements to be a peace officer in California, are:

- Be at least 18 years of age
- Be a U.S. citizen or a permanent resident alien who is eligible and has applied for citizenship
- Have a U.S. high school diploma, GED certificate, or high school equivalency certificate, or a two-year, four-year, or advanced degree from an accredited or approved college/university
- Be free of any felony conviction or certain misdemeanor convictions that are disqualifying
- Be of good moral character as determined by a thorough background investigation
- Be free of any physical, emotional, or mental conditions that might adversely affect the exercise of the powers of a peace officer.

San José does set higher minimum selection standards in some areas. As discussed later in this section, San José requires a minimum age of 21 years and 40 semester units or 60 quarter college credits.

While participating in the POST program is voluntary, every POST-participating department and/or agency must ensure that each “peace officer candidate” satisfies all minimum selection requirements specified in the POST regulations unless waived by the POST Commission on a case by case basis. Statutory requirements in these regulations cannot be waived by the Commission. In addition to the minimum qualification requirements, POST requires that each agency test for the following:

- Reading and Writing Ability Assessment
- Oral Interview
- Background Investigation
- Medical Evaluation
- Psychological Evaluation

POST conducts regular reviews of the participating agencies to ensure compliance with its standards.

San José’s Selection Process

A potential San José Police Officer has to meet the following minimum selection requirements or minimum qualifications:

- Be at least 21 years old at the time of the academy
- Have a valid United States driver's license
- U.S. high school diploma or general education diploma (GED)³
- 40 semester college credits or 60 quarter college credits from an accredited college or university
- U.S. citizenship or permanent resident alien who has applied for citizenship
- Must have at least 20/40 uncorrected vision

After meeting these minimum qualifications, San José’s selection process follows the above stated POST criteria including some additional steps above what POST requires. Specifically, the candidate has to pass a physical test, a written test, and a personal history questionnaire (Reading and Writing Ability Assessment). The candidate then appears for an Oral Board composed of two City employees (one a sworn supervisor) and one community member (Oral Interview). The next step

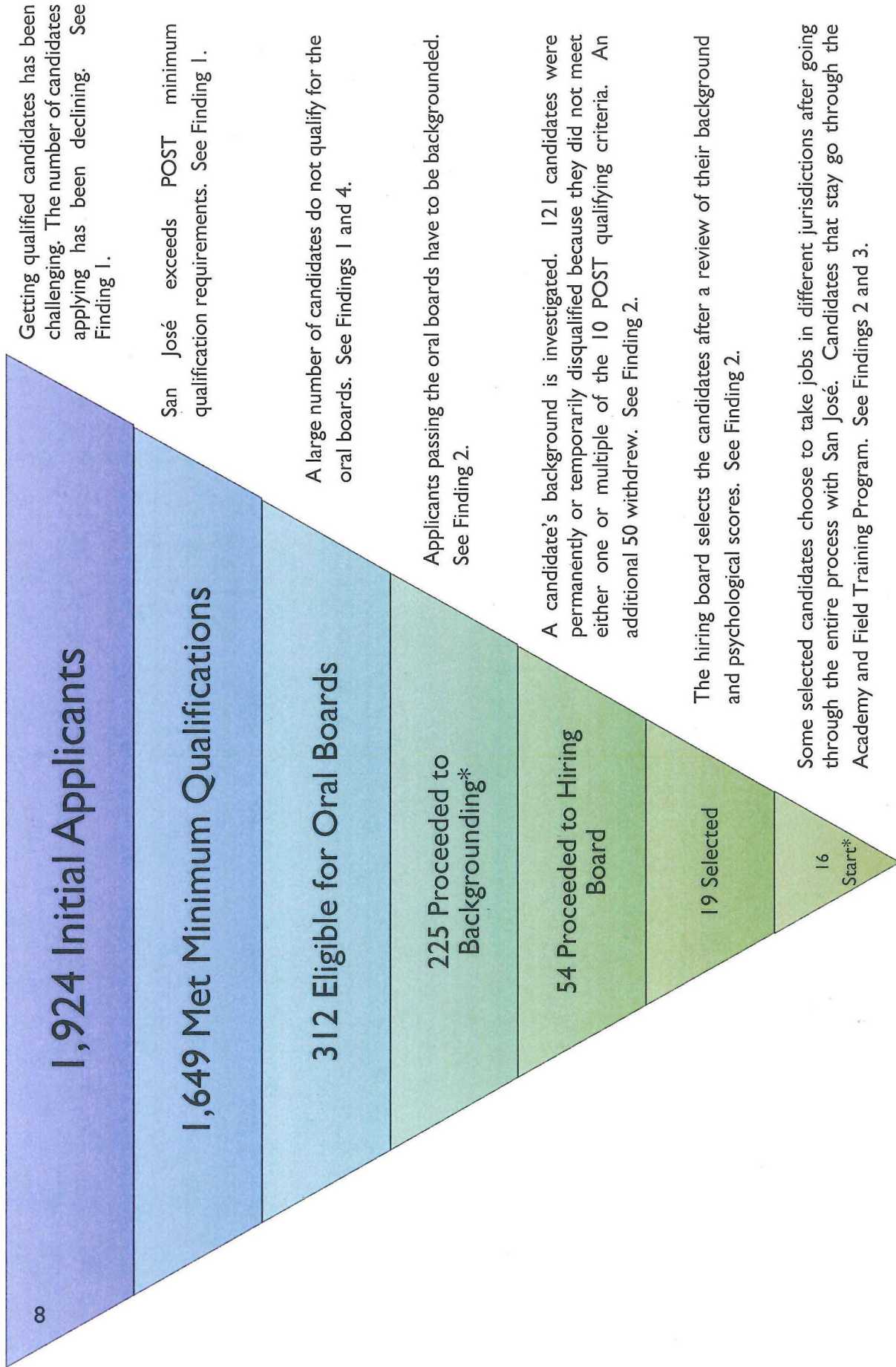
³ Waived if the candidate has a college degree from an accredited college within the U.S.

is the backgrounding process (Background Interview), a psychological test (Psychological Evaluation), and a polygraph exam. Finally a hiring board composed of the Deputy Chief of the Bureau of Administration, the Captain of the Backgrounds/Recruiting Unit, the psychologist, and the backgrounder makes the final selection. Once selected, the candidate undergoes a medical exam with the City Physician (Medical Evaluation) and can then begin as a police recruit at the San José Police Academy (“the Academy”).

While many candidates apply to be San José Police Officers, very few meet all the POST and SJPD requirements. Exhibit 3 shows the dropout rate at each step of the process for the current academy (SJ24). The recruits for SJ24 submitted their applications between September and November 2014 and the first day of class for SJ24 was June 1, 2015.

We will discuss each step of the selection process in Finding 1, 2, and 3.

Exhibit 3: Number of Candidates Dropping Out at Each Step of the Hiring Process (SJ24)



Source: Auditor summary of SJ24 drop-out rates.

*Some applicants are from previous application cycles or lateral candidates.

As shown in Exhibit 3, the biggest drop in the candidate pool is prior to the oral boards and during backgrounding. Many candidates fail either the physical or the written test or the personal history questionnaire prior to the oral boards or get disqualified during backgrounding.

San José Police Academy

Since 2012, when it began hiring again after a three year hiring freeze, the San José Police Department has contracted with the South Bay Regional Public Safety Training Consortium (South Bay) to provide training for San José Police recruits.

The Academy is a 25-week program with approximately 940 hours of training. As described above, the Department is required to meet California POST standards. POST standards require 664 hours of training. San José's standards exceed the California POST minimum standards for Police Recruit Officer training. Training is generally conducted during the weekdays from 7:00 am to 4:00 pm with some training conducted after hours and on weekends.

Until this year, previous academies were run at the South Bay facility in the Evergreen area of San José. Currently, the San José Police Academy is located at the recently opened Police Substation in south San José.

The Academy curriculum includes physical requirements and training, fire arms training, role-playing, California laws (including laws pertaining to search and seizure and criminal investigations), emergency response driving, etc. There are numerous exams, mid-term evaluations, and a final exam.

South Bay Regional Public Safety Training Consortium

South Bay operates under a Joint Powers Agreement with eleven community colleges and certifies training in law enforcement, fire services, emergency medical training, dispatch, and more.⁴ Member colleges⁵ provide college credit for most courses offered by the Academy.⁶

South Bay has designated a coordinator to manage the San José Police Academy. The coordinator reports to a director overseeing all regional South Bay academies. San José's relationship with South Bay is somewhat unique in that SJPD is closely involved in every aspect of the Academy and training program. Specifically, SJPD has assigned two sergeants and four Recruit Training Officers to ensure

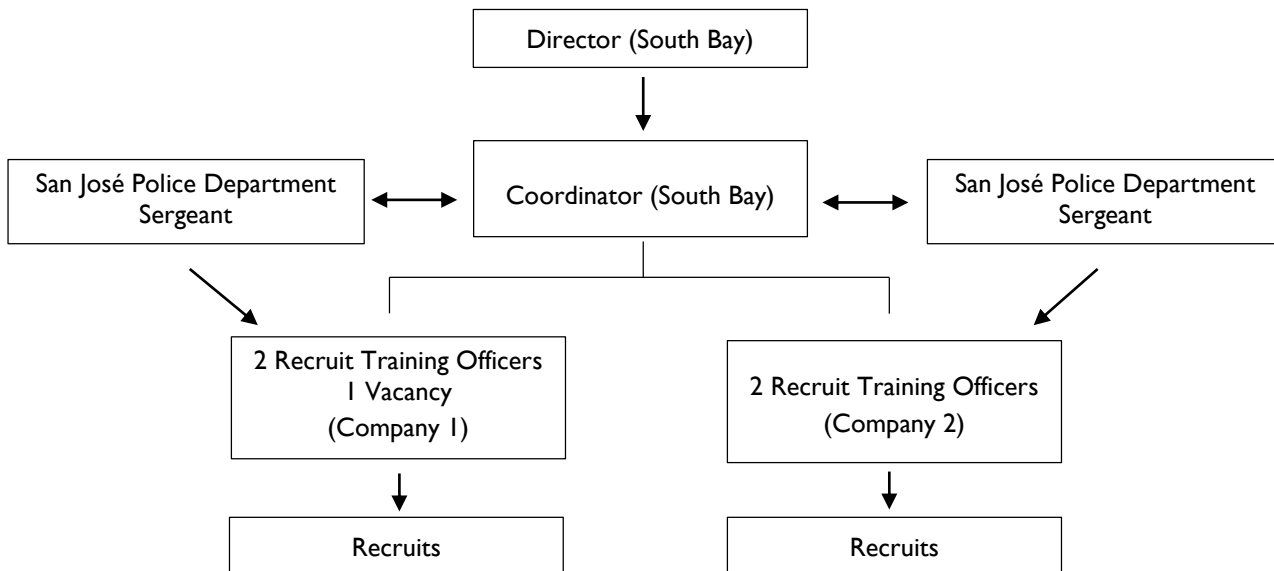
⁴ Previously, SJPD was certified to run its own police academies. However, during the hiring freeze, it lost its certification. When the City began hiring and needed potential recruits to be trained it contracted with South Bay to provide this training.

⁵ These include Gavilan College, Monterey Peninsula College, College of San Mateo, Lake Tahoe Community College, Cabrillo College, Mission College, Hartnell College, Foothill College, Ohlone College and San José Evergreen Community College District.

⁶ http://www.theacademy.ca.gov/about_the_academy

compliance with San José’s policies and internal department standards.⁷ Exhibit 4 below shows this unique relationship.

Exhibit 4: San José Police Academy Organizational Chart (As of 9/2/15)



Source: Auditor generated.

Oftentimes, Academy course instructors are SJPd sworn personnel. Some South Bay instructors are retired San José sworn personnel. Since 2012, when the City restarted the Academy, it has graduated six academy classes.

Field Training

The final step towards becoming a Police Officer is the Field Training Program. The Field Training Officer (FTO) Program of the Patrol Division trains recruits⁸ to become solo patrol Officers. It lasts 17 weeks, but is sometimes extended to provide additional guidance to FTO recruits. Recruits rotate to different shifts to experience various aspects of patrol work. Recruits work with trained Field Training Officers in the Program. There are currently 1 lieutenant, 18 sergeants, and 88 field training Officers working in the FTO Program. Many recruits separate with the Department during this step of the Program.⁹ Of the graduates of Academy SJ20, almost 25 percent did not finish the FTO Program. Over the

⁷ SJPd assigns a pair of Recruit Training Officers to oversee each academy class (one pair oversaw SJ23, and the other pair oversees SJ24).

⁸ After graduating from the Academy, recruits are technically promoted to a “Police Officer” job classification. However, as the FTO Program staff use the term “FTO recruit” to refer to the new Officers, we will be using this term “recruit” to distinguish between those still in the Field Training Program and those who are street-ready Police Officers.

⁹ Separations include resignations, resignations in lieu of termination, and terminations.

course of the entire probationary period for FTO recruits—about one year, including the FTO Program—almost 40 percent of graduated recruits from SJ20 separated or transferred to become a community service officer.¹⁰

Audit Objective, Scope, and Methodology

The objective of the audit was to analyze the Department’s recruiting, backgrounding, and hiring processes, and determine to what extent San José is subsidizing other jurisdictions with its San José Police Academy. In order to achieve our audit objective we did the following:

- Ran vacancy, hiring, and turnover reports for FY 2009-10 to FY 2015-16 from the City’s PeopleSoft system;
- Reviewed relevant City laws, regulations, and City policies and procedures related to employee hiring—the San José City Charter, San José Municipal Code, the City Policy Manual, San José Police Department Duty Manual and Field Training and Evaluation Manual;
- Reviewed relevant California Peace Officers Standards Training (POST) regulations;
- Compared minimum POST regulations for backgrounding and training to SJPD standards;
- Reviewed the Police Memorandum of Agreement (MOA);
- Reviewed the South Bay Recruit Procedures Manual and other Academy guidelines;
- Reviewed SJPD demographics;
- Reviewed relevant reports from the City’s Financial Management System (FMS);
- Attended relevant training sessions at the San José Police Academy and talked to new recruits about their experiences;
- Attended various recruiting events with SJPD recruiting staff;
- Attended hiring board and oral board meetings;
- Reviewed the City’s contracts with its external marketing firm—CKR Interactive;
- Reviewed other relevant contracts such as—South Bay Regional Public Safety Training Consortium, and Law Enforcement Partners;

¹⁰ Community service officers are civilians in the Police Department who assist Police Officers by responding to and investigating lower priority calls for service.

- Interviewed and observed work processes of staff from SJPD and HR to understand the hiring/recruiting process;
- Interviewed SJPD staff and a recruit to understand the FTO Program;
- Interviewed consultants at the Law Enforcement Partners (SJPD's psychologist) and the South Bay Regional Public Safety Academy coordinator;
- Observed the Santa Clara County Law Enforcement Explorers Academy;
- Benchmarked the City to other jurisdictions to compare the City's hiring practices to others. The jurisdictions we compared were: City of San Diego, County of San Diego, Los Angeles County, and City of Oakland; and
- Reviewed Police Memoranda of Understanding and salary schedules for cities of Santa Clara, Palo Alto, Atherton, Piedmont, Hayward, and Oakland and compared to the Memorandum of Agreement (MOA) between the City of San José and the San José Police Officers' Association.

The scope of work focused on the Police hiring process for new recruits. It did not include a review of candidate backgrounding files or Academy training/remediation files for individual recruits.

Finding I **Rising Vacancy Rates Have Increased the Urgency to Improve Officer Recruitment**

Summary

Since the beginning of FY 2012-13, the San José Police Department has seen a rise in vacancies and a decline in new hires. Vacancy rates reached a historic high of 21 percent at the start of FY 2015-16. The Department has been unable to fill its police academies to capacity, and the number of recruits it has been able to hire has dropped. The Recruiting Unit in the Police Department faces significant recruiting challenges including competition from neighboring cities and limited resources. The Department should expand its future candidate pool by increasing outreach to community youth through its cadet programs. In addition, the Department should enhance its civilian staffing in the Recruiting Unit, and increase the number of community events it puts on.

Vacancy Rates Have Been Rising and Are at Historically High Levels

Police Department vacancy rates have increased since FY 2012-13 for sworn positions overall as well as for the Police Officer job classification.

In FY 2012-13 (start of year), 50 sworn positions overall were vacant out of 1,109 total sworn positions.¹¹ By FY 2015-16 (start of year), 210 sworn positions overall were vacant, also out of a total 1,109.¹²

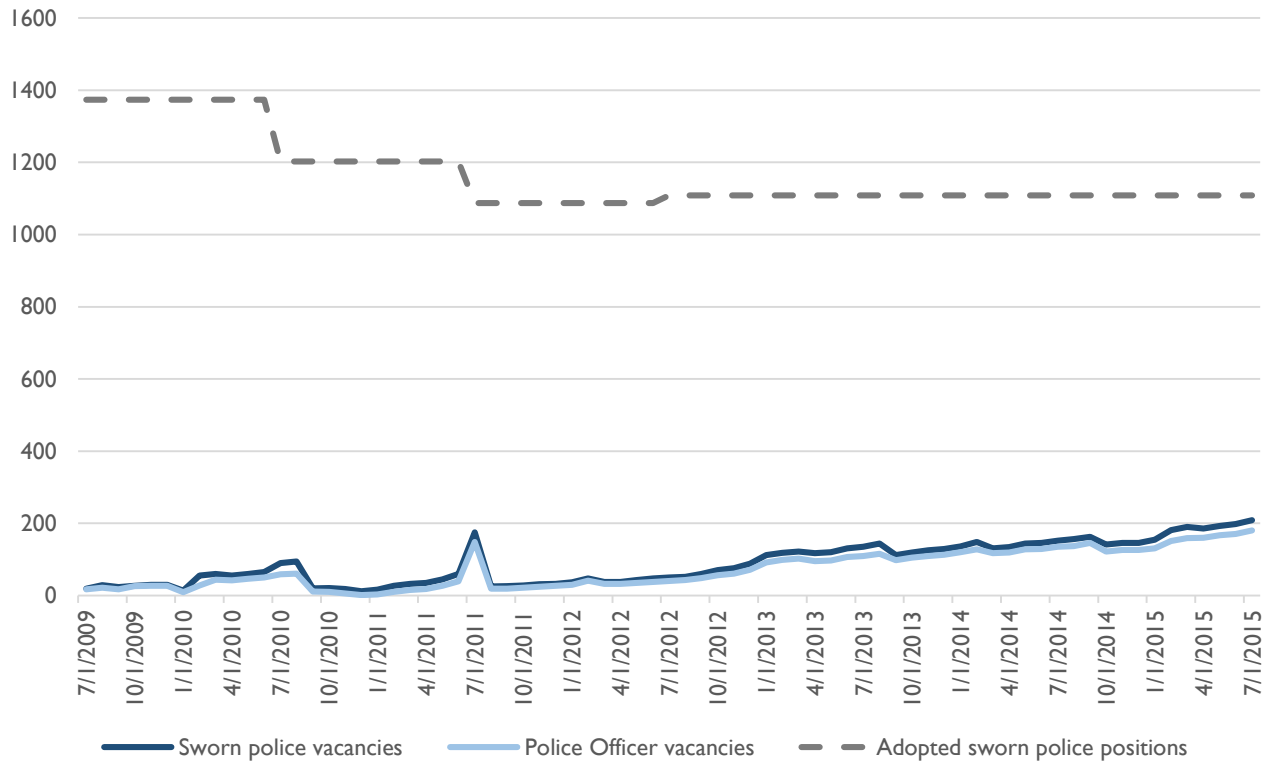
Similarly, in FY 2012-13 (start of year), 40 Police Officer positions were vacant out of 871 total Police Officer positions. By FY 2015-16 (start of year), 181 Police Officer positions were vacant, also out of a total 871. This more than quadruples the number of Police Officer positions for which the Department must recruit.

Exhibit 5 illustrates a graph of the vacancies over time, as compared to the budgeted positions.

¹¹ As of July 1, 2012. This equates to a five percent sworn vacancy rate and a five percent Police Officer vacancy rate. Two sworn positions are assigned to the City Attorney's Office.

¹² As of July 1, 2015. This equates to a 19 percent sworn vacancy rate and a 21 percent Police Officer vacancy rate. Two sworn positions are assigned to the City Attorney's Office.

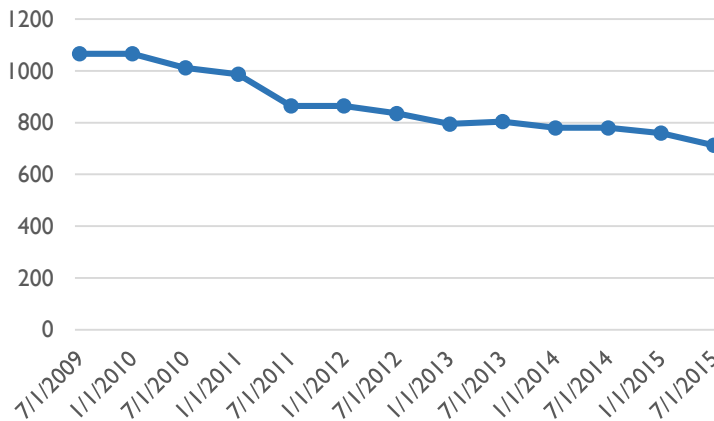
Exhibit 5: Sworn Police Vacancies Over Time



Source: Auditor summary of PeopleSoft data.

Exhibit 6 shows the steady decline in actual Police Officers. In July 2009, SJPD had more than 1,050 Police Officers. As of July 1, 2015, this number had dropped 32 percent to 713. This 713 includes Police Officers who may be on leave or modified duty, so the actual number of Police Officers on the street is even lower.

Exhibit 6: Actual Number of Police Officers Since July 2009



Source: Auditor summary of PeopleSoft data.

Factors Affecting Vacancies

Many factors affect vacancies. One of the major factors is that since 2012, the rate at which the City has been filling its police academies has dropped precipitously. Exhibit 7 shows the number of recruits in each Academy since SJPD restarted its Police Academy in 2012 with Academy 18.¹³

Exhibit 7: Number of Academy Recruits by Academy¹⁴

Academy # (Year)	Number of Recruits
18 (2012)	45
19 (2013)	50
20 (2013)	54
21 (2014)	28
22 (2014)	24
23 (2015)	23
24 (2015)	16

Source: Auditor summary of SJPD data.

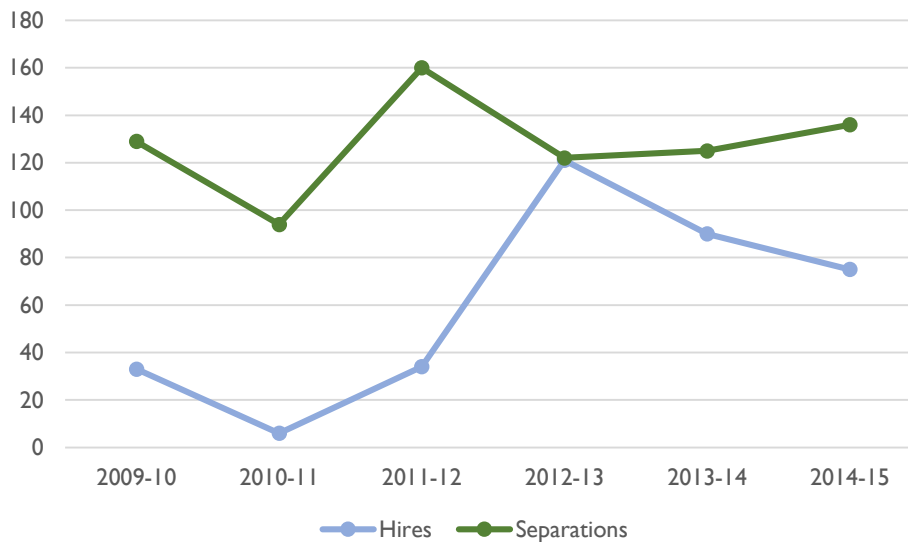
In 2015, the City plans on graduating three academies and is continuously hiring to fill those academies. The target number of recruits per Academy is 48.

Further, there are fewer sworn police personnel being hired than there are leaving City employment. Two years after the hiring freeze in FY 2010-11, in FY 2012-13 SJPD hired as many sworn police as left employment. However, since that time, the number of new hires has decreased while the separations have steadily increased. Exhibit 8 shows this trend.

¹³ The capacity for academies SJ18 to SJ20 was 54. The capacity for academies thereafter is 48.

¹⁴ These numbers include both newly hired recruits, as well as recruits who were “carried over” into a different academy (“retreads”). For example, in Academy 21, there were 26 newly hired recruits and 2 retreads who were carried over from Academy 20, which they were unable to complete.

Exhibit 8: Sworn Separations and Hires Over Time



Source: Auditor analysis of PeopleSoft data.

The Hiring Process Is Long

The police hiring process has five major milestones:

- Minimum qualifications
- Written test, physical test, and personal history questionnaire
- Oral boards
- Backgrounding
- Hiring Board

These are described below.

Minimum Qualifications: Candidates generally complete an online application. The minimum qualifications for becoming a San José Police Officer include:

- Be at least 21 years of age
- Have at least 40 semester college credits or 60 quarter college credits
- Be a U.S. citizen or a permanent resident in the process of obtaining citizenship
- Have 20/40 vision
- Have no felony, domestic violence, or misdemeanor assault convictions

SJPD disqualifies any candidates who do not meet these minimum qualifications.

Written Test, Physical Test, and Personal History Questionnaire: Candidates take written and physical agility tests at the South Bay Regional Public Safety Training Consortium located at the Evergreen College campus. Candidates have to pay \$10 for the written and \$100 for the physical agility test.

The written test (PELLETB)¹⁵ is designed to measure reading and writing ability. It is a paper and pencil, multiple-choice examination. The physical agility test, or Work Sample Test Battery (WSTB),¹⁶ includes a 99 yard obstacle course, a 32 foot body drag (165 lbs.), a six foot chain link fence climb, a six foot solid wall climb, a 500 yard sprint, and a 1.5 mile run (completed in 14 minutes or less).

Once candidates complete the written test and the physical agility test, they receive an online link to a Personal History Questionnaire (PHQ). Passing the PHQ, as well as these other tests, qualifies a candidate for an oral interview. The PHQ is designed to screen out (at an early stage) candidates with easily identifiable issues (such as recent drug use) for which they would be eliminated later during the backgrounding process.

Oral Board: The oral board is an oral interview with three panelists. These generally include an SJPd sworn staff member, a non-sworn City employee, and one community member. POST guidelines require an assessment of the following during the oral interview:

- *Experience* – assesses ability and experience in accepting responsibilities and performing assigned tasks as demonstrated through achievements in work, school, and other activities
- *Problem Solving* – assesses reasoning skills in developing timely, logical responses to a wide variety of situations and problems
- *Communication Skills* – assesses oral communications skills, which includes speaking, listening, and non-verbal communication
- *Interest/Motivation* – addresses interest in and preparedness for the peace officer job. It includes an assessment of the candidate’s general level of interest, initiative, and goal orientation
- *Interpersonal Skills* – assesses many facets, such as social knowledge/appropriateness, social insight, empathy, social influence, social self-regulation, sociability, team orientation, social self-confidence, conflict management skills, and negotiating skills

¹⁵ PELLETB stands for POST Entry-Level Law Enforcement Test Battery.

¹⁶ POST does not require a physical test as part of the selection process; however, the majority of law enforcement agencies administer a physical agility test in some form. As such, POST has no standards or guidelines for administering a physical agility test. POST does, however, require the administration of a physical conditioning program during the academy followed by a Work Sample Test Battery (WSTB), a physical ability test, which is given at the end of the academy and must be passed in order to graduate.

- *Community Involvement/Awareness* – focuses specifically on experiences and interest in community issues, as well as your interest in and ability to fill multiple roles and serve a diverse community

Backgrounding: Candidates who have passed the oral interview move on to the backgrounding phase of the process. Each candidate is assigned a background investigator who does an in-depth investigation of the candidate. This investigation includes the candidate’s romantic relationships, lifestyle, driving records, academic records, past drug and alcohol use, previous employment, etc.

Candidates also have to undergo a psychological test and pass a polygraph test. The psychological test is an hours-long process where the candidates complete psychological questionnaires and meet with the psychologist. The psychologist assigns each candidate a letter grade. The backgrounder’s work is conducted independently from that of the psychologist. The City has contracted with a consultant to provide the psychological testing services—Law Enforcement Psychological Services, Inc. The polygraph is administered by a different provider—E-merging Technologies Group, Inc.

Hiring Board: The final step of the process is the hiring board. A panel composed of the Deputy Chief of the Bureau of Administration, the Backgrounds/Recruiting Unit Captain, the assigned backgrounder and the psychologist meet to discuss and decide whether to hire each candidate. The hiring board is the first time that the assigned backgrounder and the psychologist¹⁷ discuss their findings about each candidate with each other as well as with the other panel members. The panel then either approves or rejects a candidate.

The psychological score is a very important facet of this process. The psychologist assigns a letter grade ranging from “A” to “F” based on extensive interviews and questionnaires with a candidate, designed to identify any past history that might cause the person to be unsuitable for police work. Any candidate receiving a letter grade below a “C” is not offered SJPD employment (discussed more in Finding 2).

Once a candidate is selected by the hiring board he/she undergoes a medical exam conducted by the City Physician. The candidate can then begin training at the SJPD Academy.

Few Candidates Are Ultimately Selected for the Police Academy

While many candidates apply to become Police Officers, very few make it through to the Academy. As discussed previously, about 1,900 candidates applied for a

¹⁷ Dr. Michael Roberts has worked with SJPD since 1971 on psychological screening for Police Department applicants. Johnson Roberts is the firm that he founded with his statistical partner. This firm develops and provides the testing materials. Law Enforcement Psychological Services, Inc. is the firm that does the psychological backgrounding testing. Both firms provide services to a number of police departments across the country.

recent San José Police Academy class, but only 16 candidates (or 0.8 percent) began training at the Academy.¹⁸

A large drop in candidates occurs before the oral boards and during backgrounding. Almost 90 percent of candidates do not pass either the physical test, written test, or the personal history questionnaire. A similar percentage either gets disqualified or drops out during the backgrounding process. Specifically, during the last backgrounding cycle, 92 percent of the candidates who made it to the backgrounding process were either disqualified or dropped out.

SJPD's Lengthy Process Is not Unusual

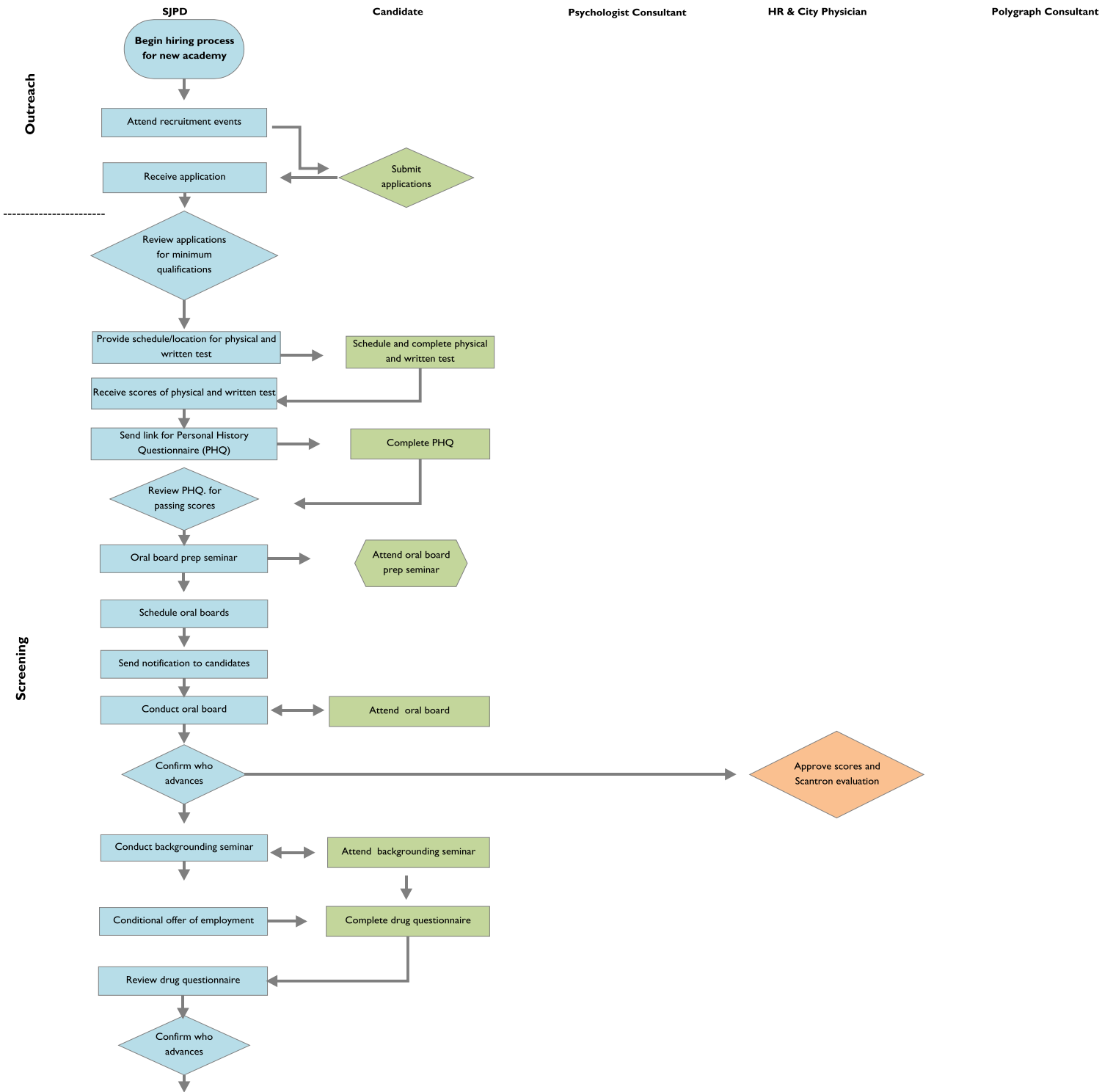
The time that it takes for a candidate to be hired to become a police recruit is also inherently long. For example, we found that it took candidates more than six months to complete the application process. This mirrors the timeframe in many other jurisdictions.

There are 39 steps that a candidate has to go through to become a “street ready” Police Officer. The more than six month long process can disengage candidates and may allow time for candidates to take jobs in other jurisdictions instead.

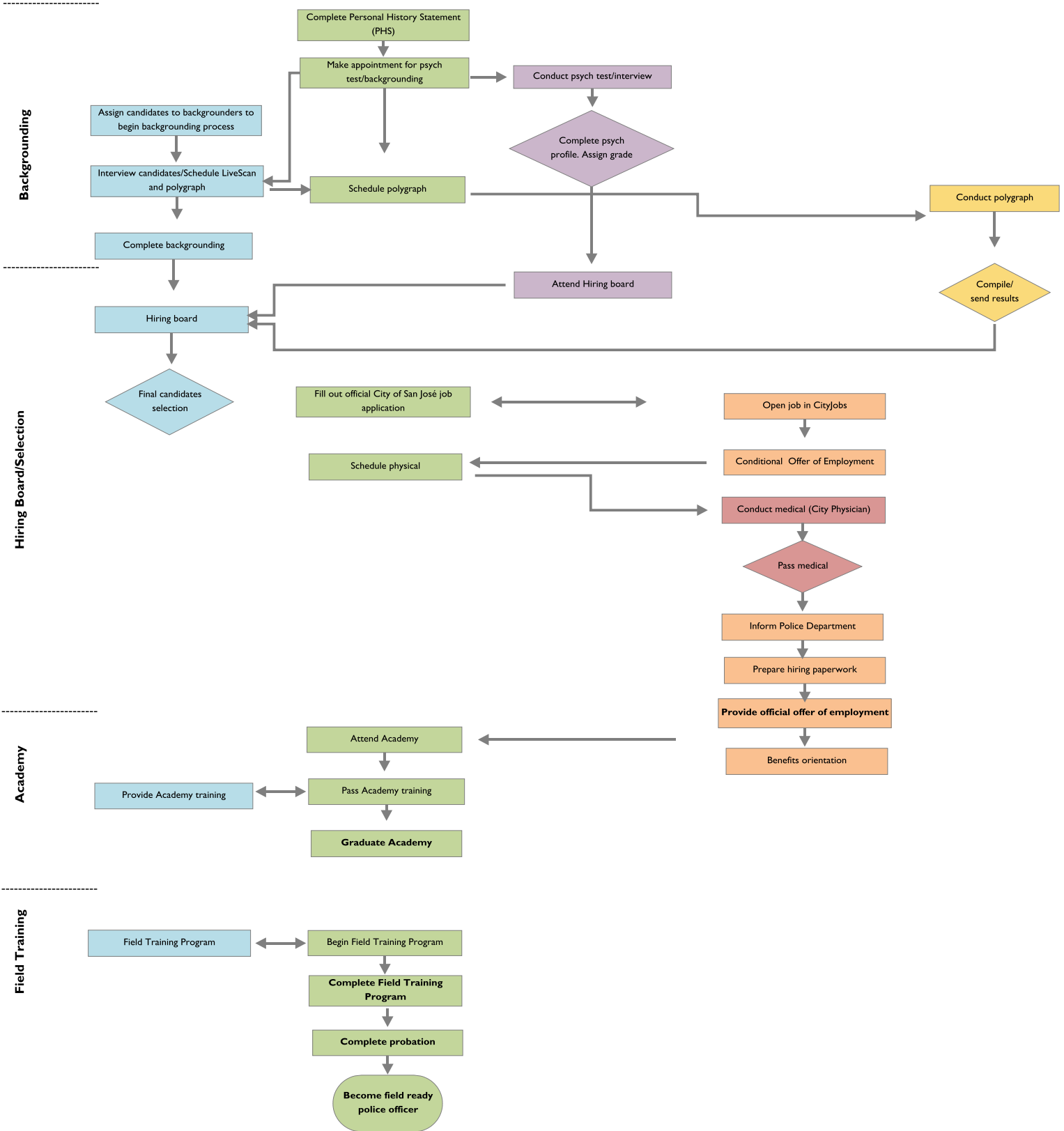
Exhibit 9 shows the various steps during the hiring process.

¹⁸ Three candidates that were selected chose to take employment with other neighboring police departments. Three of the sixteen candidates were from a previous hiring cycle.

Exhibit 9: SJPD Police Recruit Hiring Process



(Continues on next page)



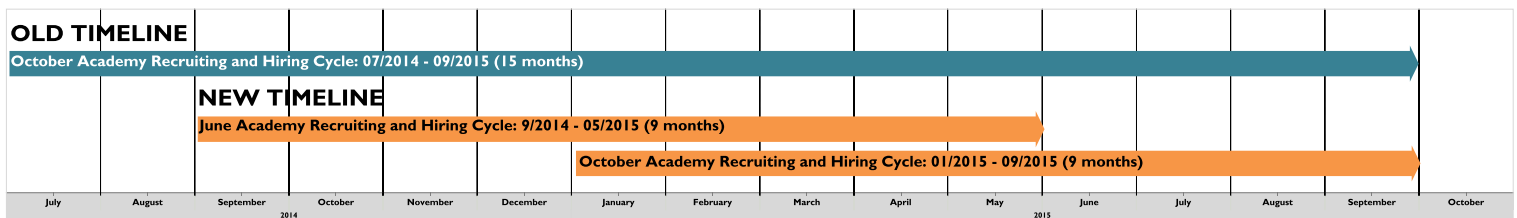
Source: Auditor summary.

The Police Department Has Made Recent Changes to Increase the Number of Qualified Candidates

The number of candidates applying to SJPD has decreased over the past several academies. Recognizing the need to increase the number of potential candidates, SJPD has made some process changes. For example, the Department now offers three police academies per year as opposed to two academies to allow for more continuous recruiting and hiring. This has shortened the hiring timeline for candidates.

Exhibit 10 provides an example of how, under the new academy timeline, SJPD can recruit for and begin two different academies in the same time that previously would have allowed for only one. Under the old timeline, a candidate might have had to wait 15 months to begin an Academy after applying. Under the new timeline, the candidate would only wait up to 9 months. This also facilitates SJPD recruiting on a continuous basis.

Exhibit 10: Timeline of Hiring Under Old Timeline (Two Academies per Year) and New Timeline (Three Academies per Year)



Source: Auditor analysis of Recruiting and Academy timeline information.

In addition, SJPD offers out-of-area candidates the opportunity to complete many phases of the initial testing during one weekend. Finally, the Department advises that it offers free preparation classes for the written exam and the oral boards, encourages non-passing but viable candidates to reapply, and provides one-on-one sessions in order to help candidates pass the oral boards. The Department’s recruiting website also has information about the South Bay Regional Public Safety Training Consortium practices for the physical agility test, offers candidates advice on how to prepare for tests, and has free written test preparation materials.

San José’s Recruiting Challenges Appear Similar to Those of Departments Nationwide

Recruiting and retaining sworn personnel appears to be a challenge for departments across the country. According to the Bureau of Justice Statistics,¹⁹ “[f]rom 1992 to 2008, the number of sworn personnel employed by general purpose agencies increased by 141,000, or 25%.” The statistics show that in 2008, agencies hired about 61,000

¹⁹ Reaves, Brian A. Bureau of Justice Statistics, *Hiring and Retention of State and Local Law Enforcement Officers, 2008*. <http://www.bjs.gov/content/pub/pdf/hrslleo08st.pdf>

officers nationwide, but lost about 51,000 through resignations (54 percent), non-medical retirements (23 percent), dismissals (10 percent), probationary rejections (five percent), and medical or disability retirements (five percent).

A 2004 U.S. Department of Justice National Institute of Justice report²⁰ found the following:

- As a result of Federal funding and demands for service, slightly more than half the nation's police agencies grew in officer strength during the late 1990s. However, in about 20 percent of police agencies (mostly small ones), officer strength declined, often as a result of fiscal or recruitment problems.
- Most agencies with Federal hiring funds keep the positions after the grants expire.
- Continued growth in hiring may not be sustainable at recent rates. By 1999, more than half of actively hiring agencies had difficulty finding enough qualified applicants.
- Screening and training new officers typically took eight to 11 months.
- Nine out of ten recruits completed their training.
- Many officers leaving their agencies in 1999 had served only a few years, and many left one law enforcement agency to work for another.

According to a recent news article,

“From the nation’s largest police force in New York City to tiny departments with only five officers, far fewer people are looking to join the force than in years past, and departments of all sizes are being forced to rethink how they fill their ranks. While public safety departments face some of the same problems other employers do with U.S. unemployment at a 30-year low, police recruiters are additionally stymied by the job’s low pay, tarnished image, increasingly tougher standards for new recruits and limited job flexibility.”²¹

²⁰ U.S. Department of Justice National Institute of Justice, *Hiring and Keeping Police Officers*, July 2004. <https://www.ncjrs.gov/pdffiles1/nij/202289.pdf>

²¹ Libaw, Oliver Yates, “Police Face Severe Shortage of Recruits.” <http://abcnews.go.com/US/story?id=96570>

Recruiting Efforts Should be Increased and Monitored

As shown in the Background section of the report, there is a dramatic drop between the initial number of candidates and the final selected recruits. Increasing the number and quality of qualified candidates is therefore essential in increasing the number of final recruits. However, the total dollar amount spent to recruit is the smallest component of the total cost to hire and train a new Police Officer. The breakdown of costs for a new police recruit is described in Finding 3.

The Recruiting Unit Lacks a Formalized Process for Evaluating the Yield Rate at Various Recruiting Events

Because of the limited number of qualified candidates, the Recruiting Unit has an important role to play. Recruiting at the right events and locations is critical to getting the right candidates. The Recruiting Unit mostly attends recruiting events in California in addition to a few outside the state. The Unit attended about 200 events between January 2014 and May 2015, of which 180 were in California. These included career fairs, athletic events, cultural festivals, and visits to other police academies. One-third of all events attended were in San José. The recruiting budget is about \$1.6 million (including personal and non-personal funds). Exhibit II shows the locations of recruiting events in California.

Exhibit II: Map of Recruiting Events Attended from January 2014 Through May 2015 in California



Source: Auditor analysis of Recruiting Unit event information.

The vast majority of the candidates that SJPd received for the recent Academy class 24 (SJ24) were from California. After California, New York State amassed the next highest number of candidates despite the fact that in the 17 months leading up to the start of SJ24, SJPd never recruited there. Nevada came in third despite having a relatively small population; the Unit attended more events in Nevada than any other state outside of California.

To gather better information, the Department could expand the survey questions. For example, if a candidate marks that they heard about the job at an athletic event, the online survey could direct the candidate to a further question in which common athletic events the Unit attends are listed. For some categories in which the Unit attends a very large number of events, such as career fairs, the Recruiting Unit could first ask candidates in what city or during what season they attended the career fair. This would limit the number of options candidates have to read through.

If the Recruiting Unit compared the responses from qualified candidates with the recruiting events they attended and where they advertised, it would allow them to better target their resources.

The County of San Diego actively tracks where candidates heard about the job opportunity. It asks this question on the personal history questionnaire that all candidates are required to fill out. This helps the Department track where it received the most return and where in the future it could focus recruiting efforts.

In addition to surveys of candidates, the Recruiting Unit notes when a candidate fills out a paper application at a recruiting event. However, the number of applications received at an event does not fully demonstrate whether that event was worthwhile. To evaluate whether an event was worth attending, the Recruiting Unit could begin tracking the number of interested candidates that sign up for the SJPD mailing list at specific recruiting events or the number of flyers distributed to candidates, and the number of attendees at Department-sponsored events.

As the Recruiting Unit boosts efforts to bring in candidates for SJPD academies, it would help to evaluate which strategies are most successful in (a) garnering applications and (b) producing viable candidates.

Recommendation #1: Develop a formal process to determine the yield rate from various recruiting events and determine future recruiting events based on the analysis. Use candidate surveys to better capture information required to analyze its yield-rate.

Staffing and Resources for Recruiting Need to be Enhanced

Currently, the Recruiting Unit is staffed by three sworn personnel who rotate every three years. The three year rotation is SJPD policy which applies to many SJPD sworn personnel. Recruiting staff are responsible for planning which events to attend, organizing collateral recruiters to attend events, and devising new strategies to increase recruiting. At recruiting events, recruiters gain insights as to which events may have the most outputs.

Staff rotating into the Department will have to spend time learning the process while long-term projects to increase the number of qualified candidates have to be put on the back burner. For example, recruiting staff indicated that they wish to transfer to a new candidate tracking system, but this is a years-long project and two of the three staff will have rotated out of the Unit in a year's time.

There is currently one temporary civilian position assisting with office work. In our opinion, permanent civilian support would increase consistency and decrease the impact of high turnover. Further, having civilian staff work on planning recruiting strategies and managing the advertising campaigns would leave more time for the sworn personnel to visit recruiting events.

Compared to other jurisdictions, San José has relatively few recruiters. For example, the San Diego County Sheriff's Department has four full-time recruiters working to fill about 175 vacancies this year. By comparison, SJPD has three full-time recruiters to fill the 200 sworn vacancies the Department currently has, not including those that will accumulate this year.²²

The recruiting staff reported frustration in gaining access to basic tools to effectively recruit. This includes mobile computing tools such as tablets to enable candidates to apply online at career fairs. The tablets allow recruiters to continuously stay connected on social media platforms, which have become a growing part of modern recruiting. After several requests, the Unit was finally granted approval to have these tablets.

In addition, the ability of recruiting staff to transport basic materials, such as tents, tables, water, and pamphlets to recruiting events is inefficient and time-consuming. Specifically, staff use a standard Crown Victoria with no distinguishing markings to indicate that it is used for recruiting. The Police Officers (recruiters) have to set aside extra time to load and unload the equipment since it is difficult to fit equipment into a passenger vehicle. With limited staffing, the Unit staff's time is better spent on actual recruiting activities and analytics instead of loading vehicles. Further, a larger dedicated vehicle would give SJPD the ability to increase visibility and build the SJPD brand by wrapping the car with SJPD recruitment advertising.

Recommendation #2: To increase efficiency of recruiting, the San José Police Department should:

- a) Increase civilian staffing in the Recruiting Unit to provide staffing continuity and additional marketing assistance, and**
- b) Provide Recruiting Unit staff with a vehicle suitable for transporting materials and equipment.**

²² The Recruiting Unit also recruits for non-sworn positions; in total, the Unit recruits for nine classifications.

Though External Advertising Has Aided Recruitment Efforts, It Has Been Underutilized

In July 2014, the City contracted with CKR Interactive, a recruitment, marketing and employee communications firm. CKR has helped SJPD revamp advertising and the employer brand. Through a series of focus groups, CKR developed the message and design of SJPD recruiting consisting of radio advertisements, Internet ads, website banners, and targeted email blasts. According to SJPD staff, call volume to the Recruiting Unit with questions from potential candidates increased during the months that CKR was actively advertising.

The Recruiting Unit has underutilized its contract with CKR. Specifically, in FY 2014-15, the Department signed a contract for \$270,000 with CKR. The contract scope included a new recruitment marketing plan, a unique employer brand, an advertising plan, and a new website. However, by the end of the fiscal year, the Department was able to use only half of the contract amount, leaving over \$135,000 unused and many tasks not completed.

Further, there was a lapse in advertising for several months because CKR had used the advertising portion of its contract. According to the Department, monies were unspent because of a lack of communication among staff. SJPD staff reports that the money was earmarked for the completion of the new recruiting website. In our opinion, advertising is a critical part of getting qualified applicants into the recruiting pool. Monies set aside for recruiting should be immediately used for those purposes because of the urgent need to get more people to apply to SJPD.

Further, the advertising performed by CKR is only in English. San José is a diverse city with numerous languages spoken by residents. Additionally, as we will discuss in Finding 4, Asian Americans are underrepresented in the Department, compared to the demographics of San José residents. Specifically, Asian Americans make up almost 32 percent of San José's population but only 15 percent of SJPD's sworn personnel. The representation of Hispanic Americans is slightly better. Hispanic Americans make up 33 percent of San José's population but only 24 percent of SJPD's sworn personnel.

While the Department has targeted efforts to increase the diversity of the candidate pool, this needs to be included in targeted advertising including multi-lingual advertising and marketing for these demographics.

Finally, nowhere in the CKR budget is there any support for a social media presence, which is still handled by SJPD sworn recruiting personnel. Staff recognize that in the current age, social media is a critical tool in recruiting.

Along with monitoring SJPD recruiting yield rates, SJPD staff should monitor the yield rate of CKR advertising to ensure that the Department's resources are being targeted effectively.

Recommendation #3: To bolster advertising efforts, the San José Police Department should:

- a) Fully use the funding allocated to CKR Interactive for marketing and advertising to assist SJPD in recruiting efforts;
- b) Monitor the yield rate of external advertising;
- c) Include in marketing plan culturally specific and multi-lingual advertising and marketing; and
- d) Use the external marketing firm to increase the Department's social media presence.

Some Application Requirements May be Creating Barriers to Attracting Qualified Candidates

As mentioned above, the current minimum requirement to apply to be a San José Police Officer is 40 semester college credits or 60 quarter college credits from an accredited college or university. The list of accredited colleges is long and includes many colleges that do not appear to have any relevance to a Police Officer's job. For example, massage therapy and beauty schools would be considered an accredited college.

However, a military veteran with multiple years' of relevant experience in the military but without the 40 semester college credits would not qualify to become a Police Officer. In our opinion, waiving this requirement for military veterans may encourage more qualified veterans to apply. The Department advises that it is currently in the process of reviewing this requirement and determining if the change can be made.

Recommendation #4: Allow military experience with an honorable discharge to be substituted for higher education requirements.

Additionally, as mentioned previously, candidates pay \$10 for the written test and \$100 for the physical agility test that they must pass to move forward in the hiring process. This \$110 may be prohibitive to some candidates thinking of applying. The Department could reimburse the \$110 to candidates who are hired as recruits in the Academy to remove this barrier for qualified individuals who have demonstrated their commitment to the Department through the hiring process.

Recommendation #5: Reimburse the costs of the written test and physical agility test for candidates who are hired as police recruits in the Academy.

Expanding Existing Youth Programs Would Create a Future Candidate Pool

A recent POST survey revealed a significant number of law enforcement agencies are experiencing high candidate failure rates, often as high as 90 percent to 95 percent.²³ These candidate failures involve tens of thousands of candidates. The primary issues causing high candidate failure are weak academic performance, primarily in reading and writing, weak fitness levels, and deficits in character and behavior. The report states:

[O]ne of the most effective ways to prepare future applicants was to collaborate with local school districts and develop Career Pipeline programs. This program format would assist in “growing our own” qualified applicant pools, that would not only meet the academic and fitness requirements of the law enforcement selection process but also prepare our youth to meet the character demands required in the POST Background Investigation and the Psychological Examination.

The report further says:

Law enforcement agencies must become more proactive in developing programs that can literally “grow their own” qualified candidate pools, not only for the position of peace officer but for the many other related positions required by all law enforcement organizations. These positions include emergency dispatchers, community service officers, forensic specialists, computer experts, accountants, records clerks, administrative assistants, and others. All of these law enforcement positions require a character background and review, usually not in the same depth as that of a peace officer, but none the less, a background investigation seeking quality candidates that are competent and trustworthy.”

The Police Activities League manages the Law Enforcement Unit (LEU) Cadet Program.²⁴ This program was initially created to introduce young people to law enforcement as a career opportunity. The program includes instruction by employees from other police agencies, as well as by San José employees.²⁵

While in the program, cadets participate in several aspects of police work including working at Police Department events and helping at DUI checkpoints. Exposing cadets to police work can help create an interest in a career in law enforcement

²³ California Commission on Peace Officer Standards and Training, *Building a Public Safety Career Pipeline* (Update 2014). <https://www.post.ca.gov/addressing-recruitment-challenges.aspx>

²⁴ In addition, the Department recently established a leadership program designed to mentor San José youth.

²⁵ While we support the concept of the program, we found that SJPD may need to exercise more oversight of the program’s instructional approaches and content. We observed one portion of the course (taught by an employee from another jurisdiction) and reported some concerns to SJPD about the presentation content. No one from SJPD had been present at this particular presentation.

and result in candidates who are already aware of what work as a Police Officer entails. In our opinion, this type of program is an ideal way to reach future potential candidates. SJPD should explore expanding this option after ensuring that the Department is exercising sufficient oversight over the program.

Recommendation #6: After ensuring appropriateness of content and sufficiency of oversight of the Law Enforcement Unit (LEU) Cadet Program, SJPD should enhance and expand the program to encourage San José residents to become San José Police Officers.

The City of San José Faces Competition from Nearby Jurisdictions

SJPD is one of the largest departments in the Bay Area. A career in the Department offers many opportunities that may not exist in smaller departments. For example, the Department offers diverse opportunities to rotate into multiple units. According to senior staff, the current attrition has also created an opportunity for quick advancement.

However, the net pay offered by SJPD may not be competitive with other Bay Area jurisdictions. As addressed in Finding 3, many of the SJPD sworn personnel resigning from the Department move to neighboring departments. Further, many of these departments are competing at the same career fairs as San José for new recruits, making these differences more obvious. As of August 2015, over 50 Bay Area jurisdictions were recruiting for law enforcement positions.

San José Police Department staff expressed concern that San José's reputation as a top-choice employer has declined due to a variety of reasons, including take-home pay. Internally, Department staff members report that they face low morale. This can affect potential future candidates and retention of recruits.

The competitiveness of the SJPD job offer and the image of SJPD affects the ability to hire quality candidates despite the many opportunities that the Department provides. Department staff expressed concern in referring future candidates to apply to the Department. In our opinion, the City needs to actively address morale and pay issues within the Police Department.

Recommendation #7: Explore options for improving SJPD's reputation including staff morale and pay as a means of attracting more candidates.

Community Events Can Help Recruiting Efforts

Other jurisdictions use department-sponsored events to recruit a diverse pool of candidates. Advertising effectively to various different groups could have a positive impact on the diversity of the candidate pool.

A POST study of best practices in recruitment and retention²⁶ explains the success of the Miami Dade Police Department in achieving diversity goals:

In the 1980's there was a riot in Miami. It became apparent that the department needed a more diverse police agency. At the time, about 84% were White, 8.5% were African American and 7.5% were Hispanic. The department established goals of increasing the African American representation to 25% and Hispanic to 50%. It also set a goal of increasing the number of female officers from 7.5% to 25%. With this in mind, the department sought a similar mix in each academy. Over the next 20+ years, the composition of the department has changed substantially. In 2004, the diversity of the department was 32% White, 19.5% African American and 47.5% Hispanic with 23.6% being female officers.

There were a variety of factors that contributed to the success, but a few were creative marketing to communities and “considerable” money spent on advertising. Consistent, continuous advertising helped Miami Dade Police Department accomplish its goals. The study states:

The agency was strategic in making an effort to send a consistent message to the community, which was beneficial. Regular ads in the newspaper reinforced the message each Sunday.

SJPD is aware of the need to increase this type of community marketing and events to increase the diversity of the candidate pool and eventual diversity of the Department. For example, in June 2015, the Department hosted a Women in Law Enforcement seminar to showcase careers in law enforcement for women and increase awareness about the various selection requirements for being a Police Officer in SJPD. This seminar was very well attended and received positive reviews from attendees. In a survey conducted of attendees, 100 percent of respondents agreed that the seminar was helpful. Several of the respondents requested that the seminar be longer or have even more information provided, and one respondent suggested such seminars be offered for men as well. The Department reports that these types of events require significant coordination and budget and this particular seminar required over six months of planning.

Finally, having local candidates is also beneficial to the Department. In the most recent Police Academy, only one recruit was a San José resident, out of 60 San José residents who made it as far as the backgrounding portion of the application process. In a city of one million people, there is potential to expand the pool of local candidates. A recent news article reported that the Oakland Police Department is trying to recruit more local talent to build its force. Officials say

²⁶ California Commission on Peace Officer Standards and Training, *Recruitment & Retention: Best Practices Update (April 2006)*. <http://lib.post.ca.gov/Publications/RecruitmentBestPrac.pdf>.

police-community relations would likely improve if more Police Officers lived in the city.²⁷

In our opinion, community outreach events are essential to highlighting SJPD's recruiting efforts and should be increased.

Recommendation #8: Build on recent successes to create more ongoing SJPD community outreach events in which potential candidates can learn about the Department, police work, and the application process.

²⁷ <http://ww2.kqed.org/news/2015/02/12/oakland-police-want-to-hire-local-and-get-help-from-college-program>

Finding 2 SJPD's Process for Vetting Candidates Is Thorough and Training Is Comprehensive

Summary

The San José Police Department's standards for hiring and backgrounding Police Officer candidates are thorough and, in some cases, exceed POST requirements. This results in a comprehensive vetting of potential new employees. SJPD complies with POST record-keeping requirements with regard to background investigations. Similarly, the Academy and Field Training Program in which new recruits participate are also consistent with POST standards.

California Law Requires a Pre-Employment Background Investigation for Police Officer Candidates

California Government Code requires a pre-employment background investigation for peace officers; POST Commission regulations further define this requirement: "Every peace officer candidate shall be the subject of a thorough background investigation to verify good moral character and the absence of past behavior indicative of unsuitability to perform the duties of a peace officer."

The POST *Background Investigation Manual* explains the significance of background investigations for aspiring police officers:

The pre-employment background investigation satisfies two goals: 1) assuring compliance with all applicable minimum standards for appointment and 2) screening out candidates who, based on their past history or other relevant information, are found unsuitable for the positions in question. ...Backgrounds are among the most important investigations that a law enforcement agency will ever conduct. The manner in which a background investigation is conducted can make the difference between hiring an individual who will truly protect and serve versus someone who may cause harm to oneself, the agency, and society. Background investigations are also among the most challenging investigations to conduct. They must be comprehensive if they are to lead to informed hiring decisions. Past misconduct and other signs of unsuitability must be uncovered so that dangerous or otherwise unfit candidates are screened out.

POST specifies 10 “dimensions”²⁸ upon which police officer candidates are assessed:

...the ten background dimensions shall be considered in the conduct of every peace officer/public safety dispatcher investigation. The dimensions are organized into five major categories (Moral Character, Handling Stress and Adversity, Work Habits, Interactions with Others, and Intellectually-Based Abilities).

POST provides context for the redundancy of the assessment of certain characteristics during the hiring process:

Although these background investigation dimensions were selected based on their specific amenability to assessment during the background investigation, a number of them are also evaluated elsewhere in the selection process. For example, “Integrity” is assessed at several other pre-employment stages, such as during the hiring interview and psychological screening. This redundancy is intentional, as it serves to highlight the interdependence of these selection criteria as well as enhance the measurement accuracy of important peace officer and public safety dispatcher character attributes. Each dimension includes a behaviorally based definition and description, along with a set of indicators for use by background investigators in evaluating candidates against these attributes. Note, however, that specific thresholds of acceptability (e.g., number of allowable moving violations) are not included. The establishment of tolerance levels is an agency’s prerogative.

POST specifies that certain documentation should be assembled and retained related to the background investigation. These include the Personal History Statement (PHS) that makes inquiries regarding personal identifying information, relatives and references, education, residence history, experience and employment history, military history, financial history, legal history, driving history, and other topics related to moral character. Areas of overall investigation during the backgrounding process include citizenship verification, criminal records checks, driving record check, and education verification. SJPD maintains a file for each candidate that includes these documents, as POST requires. SJPD also retains these files for the duration of employment of those hired, also as specified by POST:

The background investigator shall summarize the background investigation results in a narrative report that includes sufficient information for the reviewing authority to extend, as appropriate, a conditional offer of employment. The report, along with all supporting documentation obtained during the course of the background investigation, shall be included in the candidate's background investigation file. The supporting documents shall be

²⁸1) Integrity 2) Impulse Control/Attention to Safety 3) Substance Abuse and Other Risk-Taking Behavior 4) Stress Tolerance 5) Confronting and Overcoming Problems, Obstacles, and Adversity 6) Conscientiousness 7) Interpersonal Skills 8) Decision-Making and Judgment 9) Learning Ability 10) Communication Skills.

originals or true, current, and accurate copies as attested to by the background investigator. The background investigation file shall be made available during POST compliance inspections.

The background narrative report and supporting documentation shall be retained in the individual's background investigation file for as long as the individual remains in the department's employ.

POST Strongly Encourages Police Departments to Develop Local Standards Using POST as Minimum Guidelines

POST guidelines serve as a baseline. Jurisdictions may establish their own criteria so long as they at least comply with POST. POST states:

The selection standards imposed by state statutes and POST regulations are minimum standards. Agencies are free to establish more rigorous selection criteria, as long as they are job-related and legally defensible. For example, agencies may choose to require peace officers to be at least 21 years of age, even though state law permits their appointment at age 18. It is also not uncommon for agencies to require peace officer candidates to have earned some college credits, although none is specified under the law. Verifying most of the statutory and regulatory minimum qualification standards, such as age, citizenship, and absence of felony convictions, is relatively clear-cut. However, California Government Code §1031(d) also requires all peace officer candidates to be screened for “good moral character.” What prior conduct constitutes good moral character (or, more importantly, the absence thereof)? The POST background dimensions...are intended to assist agencies and investigators in answering this question by identifying and detailing the attributes underlying moral character and other qualities essential to the jobs of peace officer and public safety dispatcher. Nevertheless, it is ultimately up to each agency to establish its own clearly articulated legally defensible standards of conduct.

Although it is not necessary for each background report to include a separate evaluation of the candidate on each of the ten dimensions, they should serve as points of focus for the background investigation itself, as well as for issues to be considered when preparing the final report. Agencies are strongly encouraged to establish standards associated with such issues as criminal convictions, thefts, illegal drug use and other criminal conduct, and driving history. If these issues have not been addressed, background investigators are faced with the need to continuously consult the chain of command every time they encounter negative information. This slows the process and may expose the department to liability in the event that inconsistent and/or inappropriate standards are applied. Investigators must also exercise caution not to impose their own personal beliefs and/or prejudices as the benchmark against which to measure character,

especially if the agency has not defined its own standards. To be defensible, agency standards must be job-related and consistent with business necessity; moreover, overly demanding selection requirements further reduce an already-shrinking applicant pool.

No amount of standard-setting, however, will eliminate the need to make case-by-case judgments based on specific facts presented by each candidate's background. Rarely is one fact a sufficient basis for disqualifying an individual; rather, it is generally necessary to investigate the circumstances surrounding each fact in order to make an educated assessment of the candidate's suitability, taking into consideration such factors as:

- The patterns of past behavior and specific combinations of fact and circumstances,*
- The consequences if past undesirable behavior occurs again or becomes generally known,*
- The likelihood of recurrence of the undesirable behavior,*
- The relevance of the past behavior to the job demands and requirements,*
- The length of time between the particular undesirable act and the application for employment, with consideration given to the intervening behavior of the candidate, and*
- The legal rights of the candidate.*

SJPD Standards and Disqualifiers

SJPD has adopted some standards that exceed POST such as in the examples cited regarding minimum age (21 in San José) and college credits (40 semester or 60 quarter college credits in San José). Large California cities such as Los Angeles, San Francisco, and San Diego require only a high school degree or GED.

SJPD also uses its own Personal History Statement that is based on the POST Personal History Statement but goes into more detail in some areas. For instance, SJPD asks more detailed questions about past romantic relationships than POST does. Similarly, San José asks more detailed questions about a candidate's finances than does POST. SJPD advises that it believes such detailed questions help thoroughly screen candidates and potentially identify problems sooner in the process.

Cities have the autonomy to decide their priorities in learning about candidates' history. For example, just as San José uses its own Personal History Statement, San Diego does too. It asks more about financial history than POST's questionnaire (similar to SJPD) and also more than San José asks about the candidate's history of residences but far less about romantic relationships.

SJPD has established written guidelines as to what past behaviors or patterns of behavior will automatically disqualify a candidate from the hiring process, in some cases permanently, depending on the issue. Automatic disqualifiers relate to illegal drug use, criminal history, financial problems, and driving history problems. SJPD has chosen not to make the specifics of such guidelines public because of a concern that candidates might adjust their responses to just below the threshold of unacceptability. It is common for cities to give broad descriptions of what might disqualify a candidate, such as a past history of lawlessness or drug use. In some cases, a police department will publicly post its detailed automatic disqualifiers. For example, Palo Alto makes public its list of automatic disqualifiers. Examples include (but are not limited to):

- Receipt of two or more moving violations within three years prior to application; involvement as a driver in two or more chargeable collisions within three years of application
- Conviction of driving under the influence of alcohol/drugs within four years prior to application or any two convictions of driving under the influence
- Any material misstatement of fact or significant admission during the application or background process shall be disqualifying, including inconsistent statements made during the initial background interview (Personal History Statement) and polygraph examination or between this background investigation and other investigations conducted by other law enforcement agencies shall be disqualifying
- Conviction of any offense classified as a misdemeanor under California Law within three years prior to application; Commission of any acts amounting to a felony under California Law as an adult within 5 years prior to application
- Commission of any act of domestic violence as an adult shall be disqualifying
- Missing any scheduled appointment during the application process without prior permission shall be disqualifying
- Any adult use or possession of a drug classified as a hallucinogenic within seven years prior to application for employment
- Any adult use of possession of marijuana within 3 years prior to application for employment

SJPD Rebuilt Its Backgrounding Unit in Recent Years

Several years ago, as the economy performed poorly and the City faced laying off newly hired Police Officers, both the San José Police Department's Backgrounding Unit and Recruiting Unit were essentially eliminated. They have now been re-established. Prior to its elimination, the Backgrounding Unit was staffed by Officers who were temporarily transferred from Patrol or other assignments. When the Backgrounding Unit was first re-established, SJPD tried contracting out the function

but ultimately resumed performing the function internally. Today it is staffed primarily with part-time, retired SJPD sworn employees as well as former sworn from other jurisdictions. The Backgrounding Unit also includes four full-time former sworn employees (now considered non-sworn) who perform backgrounding, as well as other sworn and civilian administrative support employees. The Backgrounding Unit is supervised by two sergeants.

In SJPD, sergeants periodically rotate among specialty units and Patrol to gain a broad range of experience. The Backgrounding Unit lacks formal written policies and procedures about protocol and practices. Given that sergeants will rotate out, we recommend that the Unit establish written policies and procedures that can provide guidance to new backgrounders and consistency in practices as well as a smooth transition when the Unit's leadership changes.

Recommendation #9: Develop written policies and procedures to provide guidance to new backgrounders as well as to ensure consistency among backgrounders and when sworn staff rotates out of the Backgrounding Unit.

Law Enforcement Psychological Services, Inc. has compiled historical tracking data when a San José sworn employee is terminated. This data tracks the psychological letter grade assigned to the employee when he or she was a candidate for hire. The psychologist uses this to review the usefulness of the psychological screening process and to seek opportunities for improving it. In our opinion, this is a valuable practice that should be formalized and reviewed and discussed with the Police Department on a regular schedule.

Recommendation #10: To assess the validity of the psychological testing and to identify opportunities for improving it, the Police Department should direct Law Enforcement Psychological Services, Inc. to annually provide data on the psychological letter grade for sworn employees who were terminated during the prior year.

The San José Police Academy Provides Training Consistent with POST Standards and Those of the South Bay Regional Public Safety Training Consortium

Academy Instruction

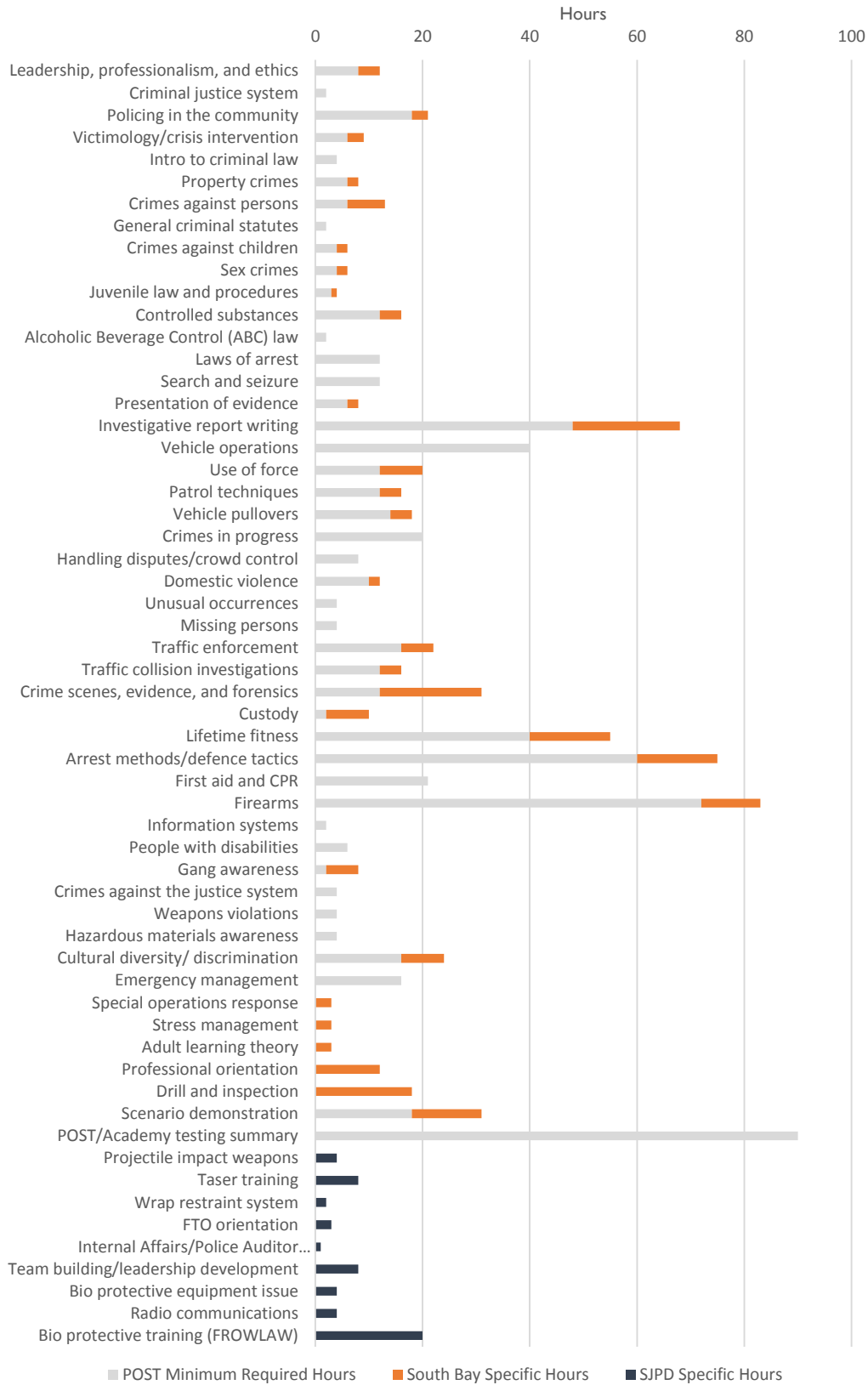
As mentioned in the Background, California POST guidelines prescribe minimum standards that agencies must meet in hiring and training police officers. These standards include the number of instruction hours required for a police academy (664 hours). Instruction hours are divided among different instruction topics called "learning domains," exams and tests, as well as physical training. The South Bay

Regional Public Safety Training Consortium, with which the City contracts to host the SJPD Academy, sets its minimum instruction hours at a higher level (888 hours) than POST prescribes. As shown in Exhibit 13, South Bay exceeds the minimum required POST instruction hours in several learning domains.

SJPD also requires that additional instruction be given to recruits to orient them to Department-specific practices. These hours are also shown in Exhibit 13. In total, the SJPD Academy consists of around 940 hours of training²⁹ over a 25 week period.

²⁹ This does not include remedial training, which will be discussed later in this finding.

Exhibit 13: Instruction Hour Breakdown (for Academy 21)



Source: Auditor summary of POST, South Bay, and SJPD required academy training hours.

Criteria for Termination of Recruits and Remediation Processes Are Reasonable

Upon enrolling in the Academy, recruits are given a Recruit Procedures Manual, which, among other guidelines, details how a recruit could fail the Academy. These termination standards follow POST standards. They include:

- Failure of five learning domain exams (i.e., written tests)³⁰
- Failure of a re-test (explained below)
- Absence for more than five percent of the Academy

When a recruit fails a test, he or she is given a second opportunity to pass another test (“re-test”) covering the same material. Before the re-test, the Department provides additional assistance (“remedial training”) to help a recruit pass, in accordance with POST standards. The dates and times of the re-test and remedial training are detailed in a formal document called a Remedial Notice that is issued by the Academy staff to the recruit.

South Bay requires that remedial training be given to a recruit who has failed a test. The San José Police Academy’s remediation process provides training in line with this requirement.

In addition, the SJPD Academy has programmed into its schedule dedicated time for additional remedial training (that is separate from the remedial training provided if a recruit fails a test). Mock tests for firearms practice are also conducted, but the results are not used in a recruit’s official grading. Rather, such tests are intended to help recruits identify areas for improvement.

The Academy Provides Other Opportunities for Improving Underperforming Recruits

Remedial Notices are only one part of the Academy’s remediation process used for underperforming recruits. Other forms of remediation include the following:

Performance Improvement Plan: When a recruit is struggling in certain areas, staff may work with him or her to develop an improvement plan.

Notice of Deficiency: If a recruit exhibits more serious performance deficiencies (such as failing three tests) or behavioral issues (such as not obeying command), staff issue a Notice of Deficiency. This is kept in a recruit’s permanent record.

In addition to these formal memos, Academy staff regularly meet with recruits to discuss performance, and counseling logs are kept to document any issues that arise.

³⁰ Recruits can fail any number of Scenario and Exercise testing (e.g., Emergency Vehicle Operations, Firearms, Domestic Violence role play, etc.) over the course of the academy as long as they pass the retest.

We reviewed a sample of six files in order to review the sufficiency of the remediation process. Based on our review, we found that the remediation process was reasonable. For example, Remedial Notices were issued whenever a recruit failed a test and a recruit's termination memo detailed the specific termination standards met that led to the recruit's dismissal from the Academy.

Currently, however, Academy staff does not have a centralized log summarizing the number of remedial training hours provided to recruits and whether or not a recruit has received other remediation documents (Performance Improvement Plan, Notice of Deficiency). Such a log could help staff identify trends in areas in which recruits need additional training and also provide a high-level overview of recruit performance without going through individual recruit files.

Recommendation #11: Academy staff should maintain a summary log to track the remediation process (remedial training hours, issuance of a Performance Improvement Plan or Notice of Deficiency, etc.) provided to recruits in order to help staff identify trends and provide a high level overview of recruit performance.

The Field Training Officer (FTO) Program Prepares Recruits to Become Street-Ready Officers

The San José FTO Program is recognized state-wide as the standard in preparing recruits to become street-ready Officers. It is also nationally recognized as the "San José Model." The formal training program lasts 17 weeks, during which recruits experience working at different shifts and beats under the guidance of several field training Officers.³¹ These field training Officers serve as their trainers, evaluators, and fellow team members. After successfully completing this 17-week period, recruits begin patrolling as solo Officers while still receiving bi-weekly, and then monthly, evaluations from their sergeants. At the 10-month mark, recruits participate in an interview during which they are able to give their assessments of the entire FTO Program. After another two months, recruits officially end their probation.

Field training Officers themselves must go through an application process and take a POST course in order to be certified to train recruits. Field training Officers teach recruits how to apply the lessons they have learned in the Academy to real world policing. This on-the-ground training is supplemented by homework assignments and oral quizzes.

³¹ FTO recruits can and do work overtime hours.

Recruits Are Being Evaluated on a Regular Basis Throughout Their Field Training Program

A recruit's performance is evaluated daily by the field training Officer in charge through a Daily Observation Report (DOR), which is organized into 30 performance metrics. Scores between one (lowest) and seven (highest) are given based on recruit performance.³² At the end of each day, the Officer and recruit review the DOR together to see what areas are in need of improvement. Moreover, the field training sergeant completes a weekly summary of recruits' performance.

At the end of each rotation, a broader assessment called a "side evaluation" is conducted, in which a recruit and his or her training team assesses his or her work for the entire four week rotation. The FTO Program staff also join for the side evaluation. The side evaluation provides a forum for different individuals (e.g., the recruit's field training Officer, an Officer of a different team, the field training sergeant, etc.) to raise multiple assessments of one individual, encouraging a more nuanced dialogue of how to help a recruit improve.

Recruits are not expected to score highly in every DOR performance metric when they begin the FTO Program. When a recruit is underperforming in one area, Officers provide immediate feedback, and can schedule further remedial training if needed. Remedial training may include more real life practice with certain police situations, or even roleplaying scenarios set up by a recruit's team to help that recruit improve in a more controlled environment. The FTO Program manual stipulates that the 17-week timeline can be extended to accommodate recruits who need more training before becoming solo beat Officers.

³² Standardized evaluation guidelines exist that detail what each score between one and seven might mean in a DOR. Moreover, scores are distinguished qualitatively between unacceptable (one to three) and acceptable (four to seven), which gives further guidance to field training Officers in rating recruit performance.

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Finding 3 High Turnover Rates Reduce SJPD's Return on Investment in Hiring and Training Recruits

Summary

In Fiscal Year (FY) 2014-15, the Department spent \$200,000 per recruit in hiring and training costs. Despite this investment, 40 percent of recruits who have entered the Academy in the last three years have left within 1.5 years of beginning their employment as recruits. Furthermore, of those who have separated voluntarily, 35 percent have gone to work for another police agency. In our opinion, the Department should explore options, such as referral bonuses or reimbursement agreements, to encourage recruits to stay with the City.

In 2014-15 the Department Spent \$200,000 Per Recruit

Hiring and training Police Officers, while essential, is expensive. As discussed in Finding I, the hiring process includes recruiting for candidates; backgrounding, a psychological test, and polygraph; and finally the SJPD Academy and Field Training Officer (FTO) Program. The probationary period for recruits ends roughly one year after beginning the FTO Program.

We found that the total cost per recruit of the entire recruiting and training cycle is high. Specifically, we estimate that in FY 2014-15 the Department spent about \$200,000 per recruit. Exhibit 14 illustrates this in detail.

Exhibit 14: Fiscal Year 2014-15 Cost Per Recruit³³

Expense	Total Cost	Per Recruit Cost (70 Recruits from SJ21-SJ23)	Per Recruit Cost (60 Recruits from SJ22-SJ24)
Recruiting	\$1,595,500	\$22,800	\$26,600
Backgrounding	3,293,200	47,000	54,900
Academy	2,456,600	35,100	40,900
Academy Recruit Salaries	2,232,200	31,900	37,200
FTO Program Administration	847,400	12,100	14,100
FTO Premium Pay	575,600	8,200	9,600
FTO Recruit Salaries	2,406,300	34,400	40,100
TOTAL	\$13,406,800	\$191,500	\$223,400

Source: Auditor analysis based on FMS reports and PeopleSoft data. (Figures rounded to nearest hundred).

³³ Recruiting and backgrounding costs include expenses related to hiring non-sworn personnel as recruiting and backgrounding for both sworn and civilian staff is done concurrently. However, a majority of the Department's recruiting and backgrounding expenses go towards hiring sworn personnel.

San José’s Oversight Structure Contributes to the High Cost of the Academy

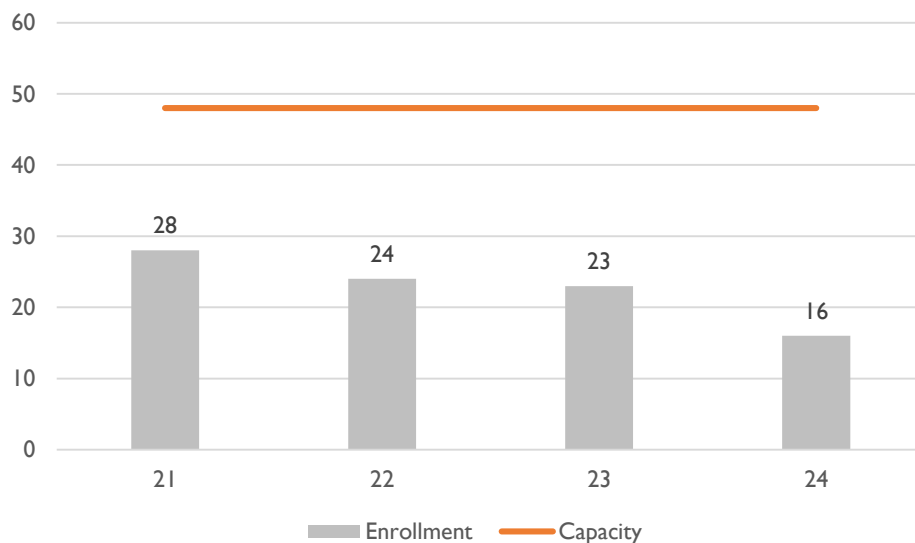
One factor contributing to the high cost is the City’s investment in an SJPD-specific police academy. As detailed in the introduction, while the Academy is run through South Bay, SJPD sworn staff also oversee the training of recruits. Moreover, around half of the Academy instructors are current San José sworn staff, who are paid more than instructors provided by South Bay. Despite the increased cost, according to Department staff, maintaining close control of the Academy, both in terms of its operation and the education provided, is an important quality control and morale builder.

Other jurisdictions’ police departments do not run their own police academies. For example, the City of San Diego and the County of San Diego simply send their recruits to a police academy run out of the Miramar College in San Diego. Those academies are not specific to either jurisdiction, and anyone meeting application requirements can be in the classes.

Low Enrollment Drives Up Costs

Perhaps the largest factor driving the increasing cost per recruit is the Academy’s low enrollment numbers. The past four academies (SJ21-SJ24) have operated well below capacity, as depicted in Exhibit 15. With small academies, the fixed costs of running the Academy (e.g., instruction, facility use, etc.) are shared among fewer recruits, resulting in higher per recruit costs. A fully enrolled academy would drive down the cost per recruit as fixed costs would be shared among many more recruits.

Exhibit 15: Academy Enrollment Compared to Capacity



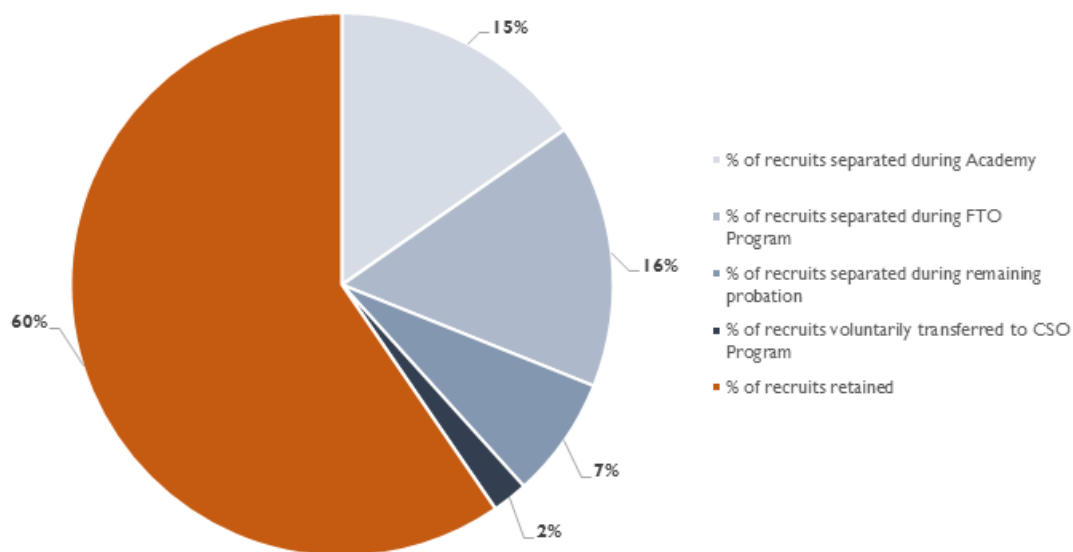
Source: Auditor Summary based on San José Police Academy Enrollment.

In Exhibit 14, we show the per recruit cost calculation based on two different total recruit counts: SJ21-SJ23 with 70 recruits, and SJ22-SJ24 with 60 recruits. A difference in only ten recruits resulted in a per recruit cost increase of \$30,000. Filling the Academy would significantly reduce the cost per recruit.

A Large Turnover Exists Among New Recruits

Within the last three years, we found that 40 percent of recruits that entered the Academy left within 1.5 years (roughly the time it takes to complete the Academy, FTO Program, and remaining probation).³⁴ Exhibit 16 illustrates this.

Exhibit 16: Percent of Recruits Retained and Separated (SJ18-SJ24, As of 6/30/15)



Source: Auditor analysis of PeopleSoft data.

Of the 40 percent of recruits that separated, 80 percent resigned or transferred to become a Community Service Officer (CSO) (versus being terminated). In other words, most left voluntarily.³⁵

³⁴ The time range covered by this analysis is from the start of SJ18 in 2012 to the end of the 2014-15 fiscal year. More recruits may separate from the Department over the remainder of academy SJ24 and the remainder of the FTO Program/probationary period for graduates of academies SJ22 and SJ23. This figure does not include candidates who were offered a position in the Academy but declined or did not show up to the first day. Additionally, while the formal FTO Program lasts 17 weeks, for this analysis we chose to consider the entire one year probationary period that FTO recruits go through during which they are still being monitored as new Officers.

³⁵ Since the Department restarted its Academy in 2012, 235 recruits were hired, of whom 95 have separated from the Department (36 during the Academy, 37 during the FTO Program, 17 during the remainder of recruit probation, and 5 who voluntarily transferred from FTO Program to become a CSO in the Police Department). Of the 95 who separated, 77 resigned voluntarily or transferred to become a CSO. Resignations may include some recruits who resigned in lieu of being terminated at a later date.

SJPD Significantly Subsidizes Other Jurisdictions

The competition for new recruits is fierce. As previously stated, as of August 2015, over 50 Bay Area jurisdictions were recruiting for law enforcement positions. As discussed in Finding I, some police departments in the Bay Area offer more competitive net pay. Some departments are actively recruiting San José recruits. Exhibit 17 shows a billboard of Contra Costa County’s advertisement in San José. The same billboard was also posted less than one mile from the SJPD headquarters.

Exhibit 17: Billboard Advertising for Contra Costa County Law Enforcement Positions in San José



Source: Auditor photograph.

Of the recruits that separated voluntarily within the last three years, about 35 percent went to work for other police departments. In other words, in the past three years, of the 77 police recruits that resigned from the Department or voluntarily transferred to become a CSO, 27 separated in order to work for other jurisdictions. Exhibit 18 below shows the agencies to which recruits have left.

Exhibit 18: Agencies to Which SJPD Recruits Have Transferred

Agency	Count	Agency	Count
Hayward PD	6	Daly City PD	1
Davis PD	4	Elk Grove PD	1
Morgan Hill PD	3	Gilroy PD	1
Fremont PD	2	Rochester PD	1
Oakland PD	2	San Bruno PD	1
Campbell PD	1	San Francisco PD	1
Chula Vista PD	1	US Marshals Office	1
Concord PD	1		

Source: Auditor summary of SJPD Bureau of Administration data.

A majority of the recruits that left for another agency separated during the FTO Program, which effectively means that the City subsidized other agencies for their recruiting and Academy costs.

Other Jurisdictions Have Implemented Reimbursement Agreements and Retention Bonuses³⁶

Reimbursement agreements—in which recruits must pay the city for their training costs should they leave before a set amount of time—have been used by other jurisdictions. In the immediate San José area, the Hayward Police Department and Oakland Police Department use this as a means to incentivize recruits to stay in the department to cover their cost of training. In a public memo provided to the City Council in November 2013, the City Attorney’s Office advised that adopting a reimbursement agreement in San José may be valid. However, it is important that this process be structured in an appropriate manner.^{37 38} The City Attorney also advised that any such provision may be subject to negotiations.

There are other options available to encourage candidates trained by San José to stay employed by the City for a given period of time. For example, in San Francisco, a sworn employee who refers a new candidate to the department receives a referral bonus of \$1,000 (\$500 upon that candidate’s successful completion of the Academy and an additional \$500 upon that candidate’s successful completion of field training). Further, laterally hired employees receive a \$5,000 signing bonus that is paid within 30 days after the employee successfully completes the FTO program, and if the employee is still employed at the time the signing bonus is due to be paid.

³⁶ In late August 2015, the City Council approved an agreement with the San José Police Officers’ Association (SJPOA) that included: A one-time, non-pensionable retention bonus split into two equal payments totaling approximately five percent of an employee’s base pay. The first one-time, lump sum non-pensionable retention bonus of approximately 2.5 percent shall be effective September 18, 2015, and the second one-time, lump sum non-pensionable retention bonus of approximately 2.5 percent shall be effective December 11, 2015. To receive the first onetime, lump sum non-pensionable retention bonus, a full-time employee must be continuously employed in a POA represented position from June 21, 2015, to September 12, 2015. To receive the second one-time, lump sum non-pensionable retention bonus, a full-time employee must be continuously employed in a POA represented position from June 21, 2015, to December 5, 2015.

³⁷ The legality of Oakland’s reimbursement agreement was challenged in the State court for deprivation of civil rights, violations of the Fair Labor Standards Act, wage violations, “unlawful contract,” “void contract,” and unfair competition. However, the First District of the California Court of Appeal found that the contract requiring payment of training costs did not: violate the Fair Labor Standards Act; illegally recollect paid wages; illegally withhold wages; or result in an illegal covenant not to compete. It did, however, find that the agreement violated minimum wage law to the extent that an officer’s entire final paycheck was withheld for repayment.

³⁸ Also, in August, a three-judge panel of the 4th District Court of Appeals overturned a Los Angeles Superior Court ruling. The ruling of the three-judge panel was that the Los Angeles Police Department (LAPD) cannot require recruits who leave employment in less than five years to repay the portion of their training that exceeded POST requirements. The court did not address whether the city could charge departed recruits for the POST training portion of their time in the academy. The ultimate outcome of this case may impact SJPD’s ability to request reimbursement when recruits leave.

SJPD offers compensation time as a referral bonus. This program rewards Department members with up to 40 hours of compensatory time³⁹ for referring police recruit candidates, and up to 60 hours for police lateral or direct entry candidates.

Employee referrals are generally a good practice. However, SJPD staff has not been referring many candidates. The Department advertises this program in its internal newsletter but Department members do not seem interested.

Specifically, for Academy 21, only nine sworn personnel referred candidates that were hired as recruits. However, none of those recruits completed probation. They either left voluntarily or were terminated.

In our opinion, in addition to reimbursement programs, SJPD should explore options to retain candidates trained by San José to stay with the Department for a given time period. However, as discussed in Recommendation 7, in addition to these measures the City and Department should continue to explore options for improving SJPD's decreased reputation and pay as a means of attracting more candidates.

Recommendation #12: Explore options, such as retention bonuses or reimbursement agreements, to encourage candidates trained by San José to stay employed by the City for a given period of time.

³⁹ Officers are provided 10 hours of compensation time at each milestone of a recruit's career culminating with passing probation. The four milestones are 1) recruit hire, 2) completing of the Academy, 3) completing Field Training Program, and 4) completing probation.

Finding 4 More Outreach Is Needed to Increase the Diversity of the Candidate Pool

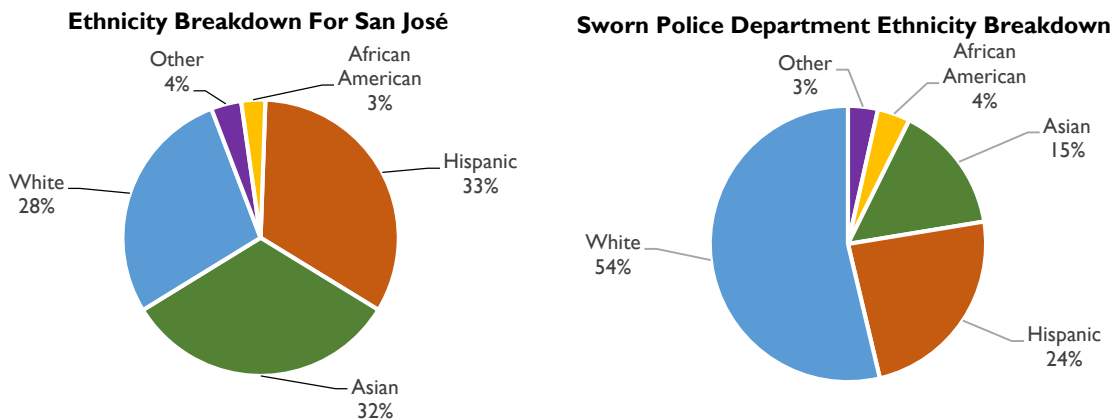
Summary

The San José Police Department has low numbers of female sworn personnel in comparison to the population of the City. The number of Hispanic and Asian American sworn personnel also do not reflect the makeup of San José’s diverse population. While the selection process appears reasonable, in our opinion, the Department could improve its outreach to these populations. Further, changing the timing of physical tests to later in the hiring process may allow a wider pool of candidates to be successfully hired.

SJPD’s Ethnic and Gender Representation Does Not Match that of San José

The ethnic and gender composition of the sworn SJPD personnel does not reflect that of San José’s population overall. For example, while 33 percent of San José residents are identified as Hispanic, only 24 percent of the San José Police sworn personnel are Hispanic. Similarly, while 32 percent of San José residents are Asian, only 15 percent of San José Police sworn personnel are Asian. Exhibit 19 below shows the ethnic composition of San José overall, and the current ethnic composition of SJPD.

Exhibit 19: Ethnic Composition of San José as Compared to SJPD



Source: Auditor analysis of 2013 American Community Survey data and 2015 PeopleSoft data.

Note: Other includes individuals that did not state their ethnicity.

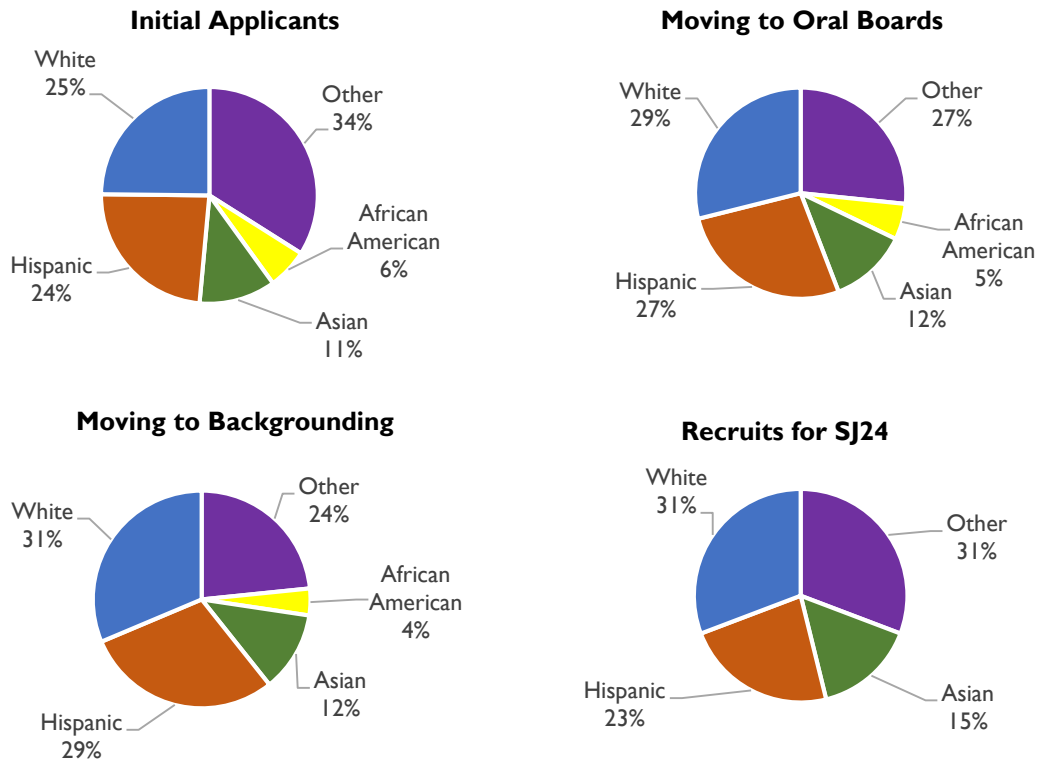
As shown in the charts above, the representation of Hispanics and Asian Americans in SJPD does not reflect the composition of those ethnicities in San José. While the California Constitution prohibits the City from making hiring decisions based

on race, gender, ethnicity or national origin, in our opinion, the City can and should do more to increase the diversity of the candidate pool.

Ethnic Composition of the Candidates for the Most Recent Police Academy

The composition of candidates for SJ24 was slightly more diverse than the Department’s current ethnic makeup. The pool of those ultimately hired was less diverse. However, that Academy class was so small that it had minimal impact on the overall diversity of the Department (16 recruits compared to 1,109 authorized sworn staffing). Exhibit 20 below shows the ethnic makeup of the overall candidate pool during the major milestones of the hiring process.

Exhibit 20: Self-Identified Ethnic Breakdown of Candidates for SJ24 During Various Stages of Hiring Process



Source: Auditor summary of SJ24 candidates’ ethnic breakdown as self-identified on applications. Other includes those applicants that did not self-identify their ethnicity.

Note: Three recruits that entered SJ24 applied in an earlier testing cycle and are not included in the previous data. According to City employment records in which all recruits self-identified their ethnicity, the SJ24 Academy class was 63 percent white, 25 percent Hispanic, and 13 percent Asian.

The problem with recruiting underrepresented groups, such as Hispanics and Asian Americans, is not unique to San José. POST reports⁴⁰ that there is underrepresentation of these ethnic groups across California:

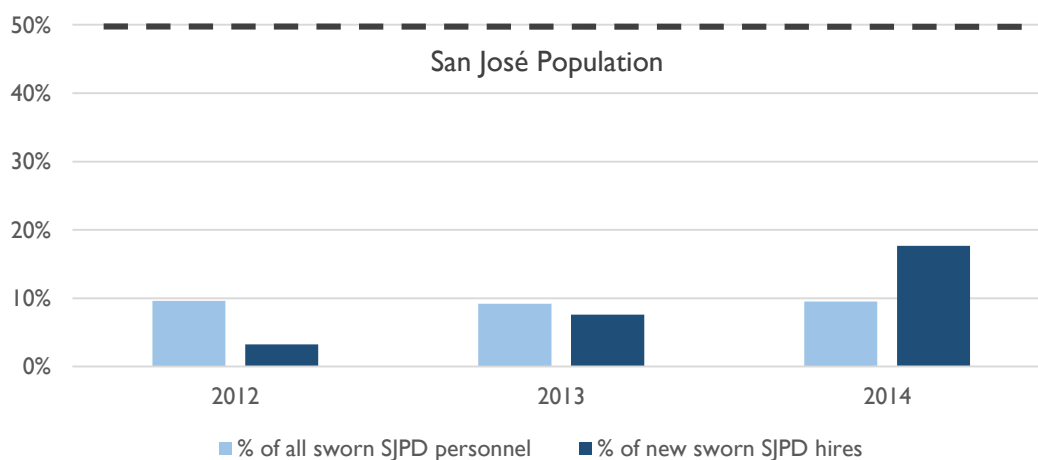
The biggest disparity is among Hispanics and Asians. Hispanic officers currently represent 20.3 percent of peace officers state-wide. This percent would need to increase to 32 percent to reach parity with the population at large. The percentage of Asian officers would need to more than double to reach parity with the population at large. In short, considerably more officers are needed to better reflect ethnicity in California.

Gender Composition

The representation of women in SJPD is lower than the San José population of women. As shown in Exhibit 21, 9.5 percent of SJPD sworn personnel are currently women.

Further, SJPD is lower than average on the number of women in the police force compared to other large jurisdictions. According to Department of Justice statistics, in 2008, 20 percent of law enforcement officers across the country were women. In 2007, large local police departments in particular (which include San José) had an average of nearly 15 percent of officers who were women. In 2007, twelve of the thirteen largest police departments in the country had higher percentages of female officers than San José does today.⁴¹

Exhibit 21: Comparison of Women in San José Police Department to Overall San José Population



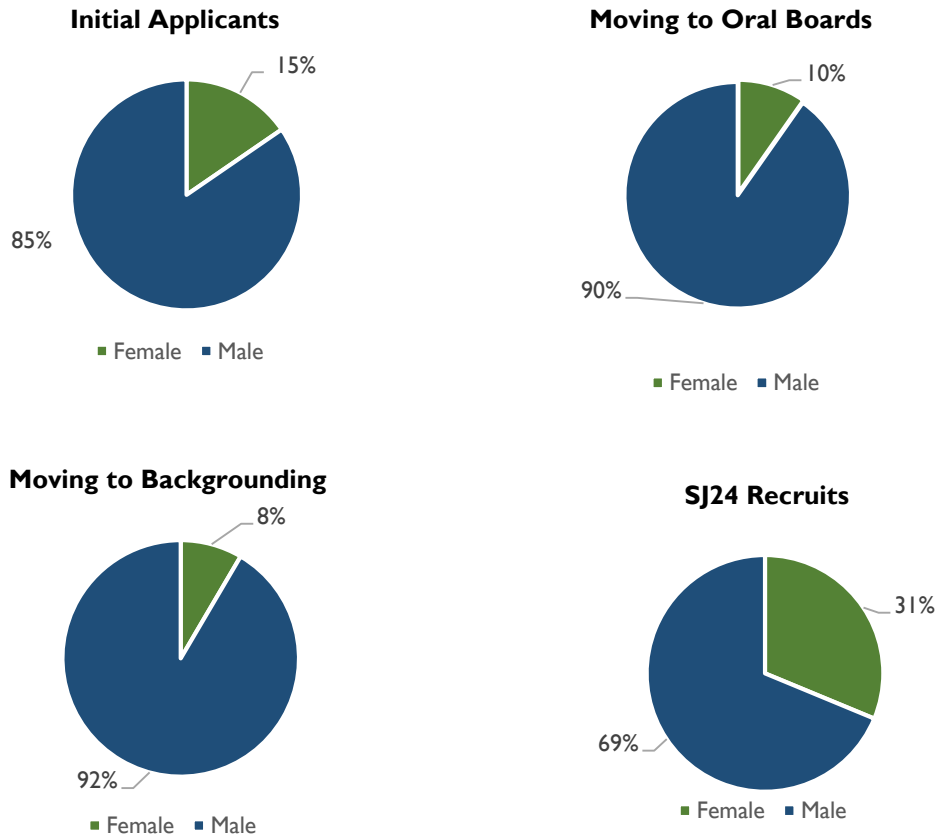
Source: Auditor analysis of PeopleSoft data (2012-2014) and American Community Survey (2012 and 2013).

⁴⁰ California Commission on Peace Officer Standards and Training, *Recruitment & Retention: Best Practices Update (April 2006)*. <http://lib.post.ca.gov/Publications/RecruitmentBestPrac.pdf>.

⁴¹ Bureau of Justice Statistics Crime Data Brief: Women in Law Enforcement, 1987-2008. <http://www.bjs.gov/content/pub/pdf/wle8708.pdf>.

Though the percentage of women in SJ24 is higher, as discussed in Finding I, the number of recruits in 2014 was lower than in 2012 and 2013 which makes it difficult to predict the impact on the future gender makeup of the Department. Exhibit 22 shows the gender breakdown at each of the major milestone steps during the hiring process for SJ24.

Exhibit 22: Men/Women Breakdown During Various Steps of the Hiring Process (SJ24)



Source: Auditor summary of SJ24 gender breakdown as given on applications.

In 2000, the National Center for Women & Policing⁴² cautioned that simply waiting for more women to join police forces was not an effective strategy:

The most recent research shows that only 14.3% of sworn personnel are female, with an annual increase of only 0.5% over the last several years. At this rate women will not achieve parity within the police profession for at least another 70 years, and many have cautioned that time alone is not sufficient to substantially increasing their numbers.

⁴² National Center for Women & Policing, *Recruiting & Retaining Women: A Self-Assessment Guide for Law Enforcement*. <https://www.ncjrs.gov/pdffiles1/bja/185235.pdf>

Physical Testing

We found that many candidates drop out of the process even prior to the oral boards. Specifically, for SJ24 about 80 percent candidates did not qualify or dropped out before the oral boards; with respect to female candidates, 90 percent did not qualify or dropped out before the oral boards.

Other jurisdictions have changed the timing of their physical agility test to enable a wider pool of candidates to be successfully hired. For example, to apply to the Los Angeles Sheriff's Department (LASD), while candidates have to take a physical test, according to LASD, this test is not as difficult as the POST physical agility test that must be administered during an academy. However, it gives a baseline of the physical fitness a candidate needs to be successful in the academy. The LASD physical test does not require a wall climb like the POST physical test does. The wall climb is only administered during the Academy, as required by POST. The LASD academy administers the POST physical agility test during the first few weeks as a practice, and then officially on the sixteenth week. Though passing the physical test is challenging for some candidates initially, by the sixteenth week, passing the POST physical agility test is not a major factor in candidates leaving the academy. According to the National Center for Women & Policing:

During the recruit academy, students are given physical conditioning training. They are required to pass the California Peace Officers Standards & Training (POST) agility test before they can graduate from the academy. If anyone fails the test, they are offered positions as custody assistants until they can re-test. Using this approach, the Sheriff's Department has been able to increase the numbers of women hired.⁴³

The San Diego County Sheriff's Office provides candidates practice sessions to prepare for the physical exam before they enter the academy. Candidates can come to a voluntary workout every Thursday. This helps with the POST physical agility test as well as the physical requirements for the Academy. San José does not provide this support. As mentioned previously, South Bay offers practice sessions for the physical agility exam.

⁴³ National Center for Women & Policing, *Recruiting & Retaining Women: A Self-Assessment Guide for Law Enforcement*. <https://www.ncjrs.gov/pdffiles1/bja/185235.pdf>

A 2003 article⁴⁴ by the National Center for Women & Policing found:

[P]hysical agility tests have largely replaced the old height and weight standards as a screening device for police officer candidates. These tests typically also have a negative impact on women. In fact, the negative effect of physical agility testing on women is often so severe that some commentators have speculated that its very purpose is to screen out female applicants across the board. [...] To recruit successful female officers, however, it is critical that police agencies remedy the disproportionate negative impact of physical agility testing on women versus men in the selection process.

After weighting [...] data to represent the breakdown of agency size and type in the 1997 Law Enforcement Management and Administrative Statistics, the results reveal that women accounted for only 12.7% of sworn law enforcement positions in large agencies nationwide in 2001. This figure is less than four percentage points higher than in 1990 when women comprised 9% of sworn officers. The data also indicate that the representation of women in large police agencies actually declined, from 14.3% in 1999 to 13.0% in 2000 and 12.7% in 2001 [...]. Information regarding the representation of sworn women was then linked to information about the physical agility test used by each responding agency.

The present research provides empirical support for a number of conclusions regarding physical agility testing for entry-level police selection. First, the results confirm the widespread use of physical agility testing with the vast majority of police agencies using some form of physical agility testing as part of their entry-level selection process. Overall, 88.7% of the surveyed agencies reported using a physical agility test, including 100% of state agencies, 94.7% of city agencies, and 76.2% of county agencies. Second, the research documents striking variety in the specific protocols used for entry level physical agility testing. [...] Third, the research highlights the dubious nature of the existing entry-level events used by some police agencies in their physical agility tests. [...] There is also some question regarding the appropriateness of other test components such as the dummy drag, wall climb, and vehicle push. [...]

As mentioned before, POST does not require the physical agility test as an entry requirement for the academy. It only requires passing this test to graduate the police academy. In our opinion, moving the physical requirement from the entry level to a graduation requirement may encourage a more diverse pool of candidates. According to the same article referenced above:

⁴⁴ National Center for Women & Policing, *Tearing down the wall: Problems with consistency, validity, and adverse impact of physical agility testing in police selection*.
<http://womenandpolicing.com/pdf/PhysicalAgilityStudy.pdf>.

Another option for police officer selection is to test the physical performance of recruits after they participate in a conditioning program as part of the training academy. Not only does this strategy mitigate the risk of discriminatory impact by allowing recruits to train for successful performance, but it may also afford better assessment of job-related tasks such as defense tactics. For example, recruits could actually be evaluated on their physical apprehension of a resistant person after they have received training in general physical agility and unarmed defense tactics. Although some police administrators raise concern regarding the cost of such programs, there may be savings in terms of injuries, disability, reduced turnover and absenteeism, and perhaps even potential litigation. Moreover, the expenditure reflects the value that agencies place on increased health and diversity in the workforce. Post-academy testing is perhaps best combined with entry-level health screening, to insure that police recruits are physically capable of completing the academy training and to individualize the conditioning program. An additional advantage of post-academy testing is that it can potentially provide an opportunity for recruits to re-test after failing an initial attempt and participating in remedial training. Indeed, fitness training programs have been shown to have success in improving the health, well-being, and job performance of law enforcement personnel.

If the POST physical agility test were moved to the Academy, all candidates could be given instruction on the best techniques to pass this test during the Academy. If desired, a different physical test to provide initial screening could be offered earlier in the recruiting phase, similar to the Los Angeles Sheriff's Department.

Recommendation #13: SJPD should

- a) Offer optional physical fitness instruction for all candidates to pass the physical agility test, and**
- b) Change when the POST-required physical test is administered while still requiring a minimum of fitness for entry into the Academy.**

Increasing Diversity in Candidate Pool

The Department understands the need for diversity in the Department. In June 2015, it hosted a Women in Law Enforcement event at the newly opened police substation in South San José. The event was well attended and many women appeared to be very interested in a career in law enforcement.

As mentioned earlier, outreach and recruiting requires significant resources. In FY 2014-15, the Recruiting Unit spent about \$430,000 in non-personal funds for recruiting activities and advertising. Furthermore, in addition to its three full-time recruiters, SJPD has six satellite recruiters (as discussed in Finding 1) that focus on

recruiting target groups, including Asian Americans, African Americans, and women. The satellite recruiters represent a diverse pool of SJPD personnel. Their recruiting duties, however, are in addition to their permanent assignments.

Getting the right number of qualified candidates into the process is extremely important. As shown previously, the number of candidates not qualifying even before the final selection process is very high. Diversifying and increasing the size of the qualified candidate pool is very important to ensuring that the SJPD's ethnic and gender makeup more accurately reflects that of the community.

Allocating sufficient resources to do targeted outreach to ensure a diverse pool of candidates is key. For example the City of San Diego conducts many outreach events at colleges. They have contacts with University of Nevada Las Vegas, Arizona State as well as the local colleges in San Diego. They contact coaches for women's sports in colleges and recruit there. They also recruit regularly at marathons, military bases, etc. Recruiting staff attend various community events, such as Filipino gatherings, etc. to get the word out about the Department's hiring. They do monthly outreach to the African American community at a local library, where they set up a table to provide information to residents.

Similarly, the San Diego Sheriff's Department actively advertises for open positions. They advertise on several radio stations, buses, etc., and recruit on college campuses. They also have a van. They try to make themselves visible and advertise in various community-specific magazines.

The Los Angeles Sheriff's Department advertises to specific demographics, including women, Asians, Pacific Islanders, and African Americans. For example, they run ads in the Asian American community magazines or newspapers to reach out to potential candidates and encourage people to apply.

Recommendation #14: Develop a plan to increase the diversity of the Police Department's candidate pool to reflect the diversity of San José's population overall.

Conclusion

The San José Police Department is facing 200 sworn vacancies with small academy classes in the pipeline and high employee turnover. Though thousands apply for police recruit positions, very few are accepted into the Academy and still fewer make it to become street-ready Police Officers. The hiring process and training programs are thorough and comprehensive, but SJPD needs more qualified candidates to apply for and enter the police academy to rebuild staffing. The costs of hiring, backgrounding, and training recruits are high, but many new recruits are leaving SJPD before making it through probation. As SJPD works to fill vacancies, the Department should make efforts to increase the diversity of the candidate pool by attracting women, Hispanics, and Asian Americans—all of whom are underrepresented among sworn police ranks.

RECOMMENDATIONS

Recommendation #1: Develop a formal process to determine the yield rate from various recruiting events and determine future recruiting events based on the analysis. Use candidate surveys to better capture information required to analyze its yield-rate.

Recommendation #2: To increase efficiency of recruiting, the San José Police Department should:

- a) Increase civilian staffing in the Recruiting Unit to provide staffing continuity and additional marketing assistance, and
- b) Provide Recruiting Unit staff with a vehicle suitable for transporting materials and equipment.

Recommendation #3: To bolster advertising efforts, the San José Police Department should:

- a) Fully use the funding allocated to CKR Interactive for marketing and advertising to assist SJPD in recruiting efforts;
- b) Monitor the yield rate of external advertising;
- c) Include in marketing plan culturally specific and multi-lingual advertising and marketing; and
- d) Use the external marketing firm to increase the Department's social media presence.

Recommendation #4: Allow military experience with an honorable discharge to be substituted for higher education requirements.

Recommendation #5: Reimburse the costs of the written test and physical agility test for candidates who are hired as police recruits in the Academy.

Recommendation #6: After ensuring appropriateness of content and sufficiency of oversight of the Law Enforcement Unit (LEU) Cadet Program, SJPD should enhance and expand the program to encourage San José residents to become San José Police Officers.

Police Hiring

Recommendation #7: Explore options for improving SJPD's reputation including staff morale and pay as a means of attracting more candidates.

Recommendation #8: Build on recent successes to create more ongoing SJPD community outreach events in which potential candidates can learn about the Department, police work, and the application process.

Recommendation #9: Develop written policies and procedures to provide guidance to new backgrounders as well as to ensure consistency among backgrounders and when sworn staff rotates out of the Backgrounding Unit.

Recommendation #10: To assess the validity of the psychological testing and to identify opportunities for improving it, the Police Department should direct Law Enforcement Psychological Services, Inc. to annually provide data on the psychological letter grade for sworn employees who were terminated during the prior year.

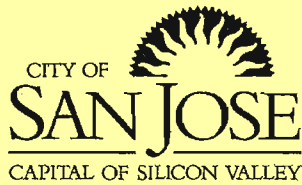
Recommendation #11: Academy staff should maintain a summary log to track the remediation process (remedial training hours, issuance of a Performance Improvement Plan or Notice of Deficiency, etc.) provided to recruits in order to help staff identify trends and provide a high level overview of recruit performance.

Recommendation #12: Explore options, such as retention bonuses or reimbursement agreements, to encourage candidates trained by San José to stay employed by the City for a given period of time.

Recommendation #13: SJPD should

- a) Offer optional physical fitness instruction for all candidates to pass the physical agility test, and
- b) Change when the POST-required physical test is administered while still requiring a minimum of fitness for entry into the Academy.

Recommendation #14: Develop a plan to increase the diversity of the Police Department's candidate pool to reflect the diversity of San José's population overall.



Memorandum

TO: SHARON ERICKSON
CITY AUDITOR

FROM: Larry Esquivel

**SUBJECT: RESPONSE TO THE AUDIT OF
POLICE HIRING**

DATE: September 9, 2015

Approved

Dominique Amaguir

Date

September 9, 2015

BACKGROUND

The final draft report on the *Audit of Police Hiring: Additional Efforts to Recruit Qualified Candidates Urgently Needed to Fill Vacancies* (Audit) was submitted to the San Jose Police Department on August, 21, 2015 by the Office of the City Auditor (Auditor). The Department would like to thank the Auditor and her staff for completing this Audit. The Auditor has dedicated considerable time and effort working with staff from multiple departments, divisions, and units in an effort to develop recommendations related to the processes the Department has in place to recruit, hire, and train qualified candidates. As noted by the Auditor, this Audit was developed with the input from the City Attorney, Human Resources Department, Police Department Bureau of Field Operations Field Training Unit, and the Department's Bureau of Administration, which includes the Personnel Division, Recruiting Unit, Background Unit, Training Division – Academy, and Law Enforcement Psychological Services.

The Audit includes fourteen recommendations centered on the following four findings:

1. Rising vacancy rates have increased the urgency to improve officer recruitment;
2. The Department's process for vetting candidates is thorough and training is comprehensive;
3. High turnover rates reduce the Department's return on investment in hiring and training recruits; and
4. More outreach is needed to increase the diversity of the candidate pool.

The Department is in agreement with these four findings and has the following responses to the Auditor's recommendations.

RECOMMENDATIONS AND ADMINISTRATION'S RESPONSE

Recommendation #1: Develop a formal process to determine the yield rate from various recruiting events and determine future recruiting events based on the analysis. Use candidate surveys to better capture information required to analyze its yield-rate.

Administration's Response to Recommendation #1:

The Administration agrees with this recommendation. Although the Recruiting Unit does track application and interest data on candidates, the information has been limited and difficult to analyze from recruiting events. The Department is currently in the process of hiring a civilian staff position that will be responsible for compiling the recruiting data and analyzing the yield-rate.

Once additional staff are on board, the Department will develop appropriate questionnaires and candidate surveys, determine where in the recruiting process to collect information, and begin collecting data in an effort to determine the yield rate from various recruiting events and activities. The data will be used to determine which events were more successful and what strategies had the most impact on attracting viable candidates and actual applications received. The results of the analysis is intended to help guide the department in determining the best recruiting strategy in the following year.

Target Date for Completion: March 2016

Recommendation #2: To increase efficiency of recruiting, the San José Police Department should:

- a) Increase civilian staffing in the Recruiting Unit to provide staffing continuity and additional marketing assistance, and**
- b) Provide Recruiting Unit staff with an assigned vehicle suitable for transporting materials and equipment.**

Administration's Response to Recommendation #2:

The Administration agrees with Recommendation #2(a). The Department is currently in the process of hiring a civilian part-time employee, pending the completion of the background process. The Department will evaluate additional staffing resources within the context of the City's 2016-2017 General Fund budgetary outlook and other departmental and City funding priorities. In the meantime, the Recruiting Unit has recently assigned a citizen volunteer through the Police Volunteer Opportunities and Leadership Training (VOLT) Program to assist officers with administrative duties. The Department will also consider the possibility of utilizing interns.

The Administration also agrees with Recommendation #2(b). Through coordination with the Bureau of Field Operations and City Fleet Management Division, a new vehicle that meets the needs of the Recruiting Unit will be rotated to the Unit prior to its deployment within the Patrol Division. This rotation will allow the Recruiting Unit staff to better transport materials and equipment, as well as enhance marketing capacity. This plan will allow the Recruiting Unit's vehicle to be rotated with a different new vehicle on an annual basis.

Target Date for Completion:

Recommendation #2(a), March 2016

Recommendation #2(b), March 2016

Recommendation #3: To bolster advertising efforts, the Department should:

- a) Fully use the funding allocated to CKR Interactive for marketing and advertising to assist SJPD in recruiting efforts;**
- b) Monitor the yield rate of external advertising;**
- c) Include in marketing plan culturally specific and multi-lingual advertising and marketing; and**
- d) Use the external marketing firm to increase the Department's social media presence.**

Administration's Response to Recommendation #3:

The Administration agrees with Recommendation #3(a). Although the intent was to utilize all allocated funds for CKR Interactive (CKR), the Recruiting Unit experienced unforeseen delays related to contractual limitations to fully expend the monies allotted. These delays have been identified and have been rectified. The remaining Fiscal Year 2014-15 funds have now been expended and the Recruiting Unit has taken steps to avoid the same delays in Fiscal Year 2015-2016.

The Administration agrees with Recommendation #3(b). Under the current marketing plan, CKR tracks how effective external advertising is and reports back to Recruiting Unit staff on quarterly basis. The Recruiting Unit will analyze the information and, together with CKR, make adjustments to the plan to adjust the advertising plan accordingly. For example, the Department might replace advertising that underperforms with increased frequency with an outlet that generates positive results, or add new opportunities that come available.

The Administration agrees with Recommendation #3(c). The Recruiting Unit is currently working with CKR to include culturally specific and multi-lingual advertising and marketing through a third party vendor, Professional Diversity Network. The Recruiting Unit is also working with community members to establish storefront advertising in Vietnam Town Shopping Mall.

Over the past year, the Recruiting Unit has completed projects and attended events that specifically target San José's diverse communities. These include: the Women In Law

Enforcement Symposium, the Vietnamese Tet Festival, the Japanese Obon Festival, the Tamale Festival, and the Black College Expo. The Recruiting Unit will also be attending future events such as: the International Dragon Boat Festival, the Chinese Mid-Autumn Moon Festival, the Japanese Aki Matsuri Fall Festival, the Southern Black Expo, and the Fiestas Patrias El Grito Festival. As the Recruiting Unit learns about additional opportunities for outreach, it will work to add new events to its recruiting schedule.

The Administration agrees with Recommendation #3(d). The Recruiting Unit and CKR have already completed this recommendation with plans to expand the Department's presence online through a new recruiting website and ongoing social media advertising through Facebook, Pandora, PoliceOne.com, and other online outlets. The Department also posts regularly on its Twitter and Facebook accounts, including a Facebook account dedicated to recruiting.

Target Date for Completion:

Recommendation #3(a), Completed July 2015

Recommendation #3(b), Completed July 2015

Recommendation #3(c), March 2016

Recommendation #3(d), Completed July 2015

Recommendation #4: Allow military experience with an honorable discharge to be substituted for higher education requirements.

Administration's Response to Recommendation #4:

The Administration agrees with this recommendation. The Recruiting Unit is currently drafting a memorandum outlining the reasons the Department should allow military experience to be substituted for higher education requirements and recommendations for implementing this policy change. The memorandum will be reviewed by the Office of the Chief of Police. Once approved, the Police Department will coordinate the recommend change in the job description requirements with the Human Resources Department so that the Human Resources Department can revise the class specifications, as needed, and notify the Civil Service Commission of the change. The Recruiting Unit will then update its materials and reach out to veteran and military organizations.

Target Date for Completion: September 2016

Recommendation #5: Reimburse the costs of the written test and physical agility test for candidates who are hired as police recruits in the Academy.

Administration's Response to Recommendation #5:

The Administration agrees with this recommendation. The Department will work with the City Manager's Office and the Finance Department to determine budget implications, explore any meet and confer obligations, and finally develop a process to facilitate this reimbursement, if appropriate.

Target Date for Completion: September 2017

Recommendation #6: After ensuring appropriateness of content and sufficiency of oversight of the Law Enforcement Unit (LEU) Cadet Program, the Department should enhance and expand the program to encourage San José residents to become San José Police Officers.

Administration's Response to Recommendation #6:

The Administration conceptually agrees with this recommendation. The Recruiting Unit believes that reaching out to youth in their high school years—or even in middle school or younger—can inspire them to pursue a career in law enforcement. Beyond inspiring local youth to become police officers, we need to educate them on what is required to become a police officer so that they can be successful at each step of the process, from testing through background investigation, academy, and field training. The Department hosted its inaugural Youth Leadership Academy in July 2015. Thirty-eight students successfully completed the program and graduated. Several students expressed interest in careers with the Department. However, continuing such programs and enhancing the Cadet Program so that it becomes an effective recruiting tool is labor-intensive, and the Department has limited resources. The Department plans to revisit this recommendation once staffing numbers within the Department increase.

Target Date for Completion: Unknown

Recommendation #7: Explore options for improving SJPD's reputation including staff morale and pay as a means of attracting more candidates.

Administration's Response to Recommendation #7:

The Administration agrees with this recommendation. At the time this audit was underway, the City and the Police Officers Association had yet to reach an agreement on the new three-year contract and settlement agreement over pension reform and Measure B. The new contract and settlement agreement include bonuses totaling 5% for former San José police officers who return to the Department, wage increases totaling 8% by July 2016 that will bring the take-home pay of

sworn personnel in line with other Bay Area jurisdictions, as well as the opportunity for those police officers who were in Tier 1 of the pension plan to return to that tier. For new recruits, the contract and settlement agreement include changes to disability provisions of Measure B that were seen as problematic by recruits as well as other changes that make the Department more competitive with other law enforcement agencies in the state.

The Recruiting Unit will monitor the impact of the changes noted above through metrics to include: the number of former police officers returning to the Department and changes in the number of recruits in the academy. The Recruiting Unit will also work with the Department's PIO team and CKR to establish means of sharing good news about the Department and its police officers to recruits and the broader community via social media and other means.

Target Date for Completion: 2016/2017

Recommendation #8: Build on recent successes to create more ongoing SJPD community outreach events in which potential candidates can learn about the Department, police work, and the application process.

Administration's Response to Recommendation #8:

The Administration agrees with this recommendation. Following the success of the Recruiting Unit's Women In Law Enforcement Symposium, the Recruiting Unit plans to conduct twice yearly law enforcement recruiting conferences.

Target Date for Completion: March 2016

Recommendation #9: Develop written policies and procedures to provide guidance to new backgrounders as well as to ensure consistency among backgrounders and when sworn staff rotates out of the Backgrounding Unit.

Administration's Response to Recommendation #9:

The Administration agrees with this recommendation. The Background Unit has written policies and procedures that have been developed and utilized over the years. However, these policies and procedures were never compiled into one standard document that was accessible to incoming staff members. The Background Unit has completed drafting Unit Guidelines that encompass updated policies and procedures. This document will provide guidance and consistency as experienced staff rotate out and new members rotate into the Background Unit.

Target Date for Completion: Completed August 2015

Recommendation #10: To assess the validity of the psychological testing and to identify opportunities for improving it, the Police Department should direct Law Enforcement Psychological Services, Inc. to annually provide data on the psychological letter grade for sworn employees who were terminated during the prior year.

Administration's Response to Recommendation #10:

The Administration agrees with this recommendation. The Department is working with Law Enforcement Psychological Services, Inc. and the City Attorney's Office on ways such a project could move forward and comply with existing law regarding law enforcement personnel. Law Enforcement Psychological Services, Inc. is ready to provide data in this area to not only validate the current psychological letter-grade process, but to find areas to improve the selection of qualified candidates. The Background Unit is also working with the City Attorney's Office and the Department's Internal Affairs Unit to formalize a process to begin this project that includes steps to ensure that the information is compiled in a manner that is consistent with Department policies regarding protecting the confidentiality of employees who were terminated.

Target Date for Completion: September 2016

Recommendation #11: Academy staff should maintain a summary log to track the remediation process (remedial training hours, issuance of a Performance Improvement Plan or Notice of Deficiency, etc.) provided to recruits in order to help staff identify trends and provide a high level overview of recruit performance.

Administration's Response to Recommendation #11:

The Administration agrees with this recommendation. The Training Division and Academy staff are dedicated to providing the best training possible for recruits to be successful police officers upon graduation. Recruits are tested regularly throughout their time in the Academy to ensure successful mastery of the subject matter and skills required to move to field training and an eventual career as a police officer.

In addition, Academy staff provides supplemental training to recruits who have been identified as having potential deficiencies during the Academy. Staff first works to identify potential deficiencies prior to recruits taking tests as a way to help minimize remedial testing. Then, if a recruit does fail a test, they are provided remedial training and a retest. This is done for written tests, scenario tests, or manipulative skills tests, such as firearms, arrest control, and driving.

The Academy maintains records of all remedial training that is provided to recruits. The information is documented in the individual recruit's file but has not been tracked previously in summary format. Academy staff will begin documenting all remedial and supplemental training

provided during the course of an Academy in a summary log. The Department will use the data to identify common issues and, if necessary, adjust curriculum or instructional methods.

Target Date for Completion: March 2016

Recommendation #12: Explore options, such as retention bonuses or reimbursement agreements, to encourage candidates trained by San José to stay employed by the City for a given period of time.

Administration's Response to Recommendation #12:

The Administration agrees with this recommendation. The Memorandum of Understanding between the City and the Police Officer Association now provides a retention bonus for current employees and for police officers returning to the Department who had previously left for other agencies. See the response to Recommendation #7 for more details.

Target Date for Completion: Completed August 2015

Recommendation #13: SJPD should:

- a) Offer optional physical fitness instruction for all candidates to pass the physical agility test; and**
- b) Change when the POST-required physical test is administered while still requiring a minimum of fitness for entry into the Academy.**

Administration's Response to Recommendation #13:

The Administration agrees with recommendation #13(a). The Recruiting Unit currently refers candidates to the South Bay Regional Law Enforcement Training Consortium for seminars on physical agility testing prior to taking the physical agility test. However, the Recruiting Unit would also like to conduct Department-specific seminars. The Recruiting Unit is exploring the feasibility of holding physical fitness training courses that would educate and train candidates about how to successfully complete its physical agility test.

The Administration partially agrees with this recommendation. San José's fitness requirements at the time of entry to the Academy already are lower than the POST fitness standard that recruits must pass in the final week before graduation. Building skills and increasing fitness to POST levels over the course of the Academy requires dedicated training as it is. However, the Department will reach out to other agencies to see how changing the timing of physical agility testing has impacted recruits' ultimate success in passing the physical agility test and ways that those agencies worked to improve recruits' success in the fitness component.

Target Date for Completion:
Recommendation #13(a): September 2016
Recommendation #13(b): September 2016

Recommendation #14: Develop a plan to increase the diversity of the Police Department's candidate pool to reflect the diversity of San José's population overall.

Administration's Response to Recommendation #14:

The Administration agrees with this recommendation. The Recruiting Unit and CKR have already begun to address this recommendation as mentioned in the response to Recommendation #3. The Recruiting Unit and CKR will develop an expanded plan to enhance the diversity of the Department's candidate pool and work to attract recruits that reflect the diversity of the City of San José.

Target Date for Completion: September 2016

COORDINATION

This response was prepared in coordination with the City Manager's Office, the City Attorney's Office, the Human Resources Department, the Office of Employee Relations, and Law Enforcement Psychological Services, Inc.

CONCLUSION

The Audit is a very thorough and informative report. The Department would like to express gratitude and appreciation to the Auditor and her staff for their diligence and professionalism during this process. The Audit will aid the Department as it works to improve recruiting efforts and expand the hiring of qualified candidates. The Audit not only identified issues and areas where the Department can improve processes, but it also highlights much of the excellent work already being done by the Bureau of Administration - Personnel Division, the Training Division, and the Bureau of Field Operations Field Training Unit.

/s/
LARRY ESQUIVEL
Chief of Police