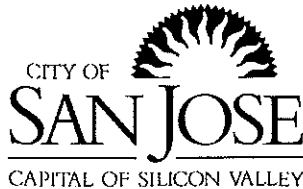


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SEP 24 2010

by City Manager's Office



Memorandum

TO: HONORABLE MAYOR & CITY
COUNCIL

FROM: Debra Figone

**SUBJECT: OPERATIONAL CHANGES
IN THE POLICE DEPARTMENT**

DATE: September 23, 2010

INFORMATION MEMO

On September 22, 2010, I received an inquiry from Mayor Reed and Councilmembers Nguyen, Liccardo, Herrera, and Constant regarding organizational changes in the Police Department (Department) that were the source of a press conference and media coverage over the previous weekend (Attachment A). The inquiry requested response to three questions noted below:

1. What changes have taken place in the SJPD organization structure and how does that compare to the approved budget?
2. How will the work done by VCET be handled going forward?
3. What other resources will continue to be deployed for gang suppression, prevention, and intervention for the rest of this fiscal year?

This Information Memo is submitted in order to outline some of the changes occurring within the Police Department regarding service levels and staffing changes. In addition, this memo demonstrates that although changes are happening within the Police Department, gang enforcement activities will not be impacted. After the merger of the Metro and VCET Units, the Metro Unit will continue the gang suppression activities of the former VCET Unit. The Mayor's Gang Prevention Task Force and the Department's Gang Investigations Unit will not be affected by these changes and will continue their gang prevention, intervention, and suppression activities. Finally, this memo responds to the above questions based on information provided by the Department.

What changes have taken place in the SJPD organization structure and how does that compare to the approved budget?

To respond to the above questions, this section outlines the following changes: reorganization in staffing that was implemented subsequent to budget action approved in the Fiscal Year (FY) 2010-2011 Adopted Budget; operational changes to offset the impacts to the community; and, outstanding issues related to implementing budget reductions for FY 2010-2011.

Implementation of FY 2010-2011 Adopted Budget Changes

The FY 2010-2011 Adopted Budget, as approved by the City Council, included an elimination of 159 sworn positions in the Department. 70 Patrol positions (62 one-time and 8 ongoing) were restored as a result of the City and the Police Officer's Association (POA) reaching a one-year labor agreement. This action resulted in the elimination of the other 89 (vacant) positions throughout the Department, including 20 vacant positions in Patrol. The number of budgeted full-time sworn positions in the Police Department for Fiscal Year 2010-2011 is 1,272. These restorations allowed the City to avoid laying-off sworn officers and to implement the remaining reductions throughout the FY 2010-2011 through attrition. Staff acknowledged during the budget process there would be unexpected changes in demands for service as a result of budget reductions and expressed the need for flexibility to address these impacts as they evolved. Attachment B provides a summary of budget actions that were implemented as a result of the FY 2010-2011 Adopted Operating Budget.

Some of the reductions approved in the budget were planned for implementation during scheduled changes in work assignments that occurred in September 2010 (September 19, 2010).¹ As the Department moved closer to implementing the FY 2010-2011 Adopted Budget, consideration was given to how the Department operationally would deploy staff to address changes in service demands and account for attrition during the year.² The Department realized that staffing needed to be increased in Patrol immediately to meet the anticipated calls for service demand and allow this flexibility in staffing. With more staffing in Patrol, as attrition occurs and service demands change, the Chief could move sworn officers from Patrol to other units to maintain services in those units.

Operational Changes & Department Reorganization

During the City Council's budget study sessions, questions were raised regarding how the Special Operations Division changes could be made, for example: making MERGE a collateral assignment; eliminating staff from the Metro Unit; and, combining Violent Crime Enforcement Team (VCET) and Gang Investigations Unit (GIU). Additional questions were raised regarding eliminating a Patrol Division and implementing alternative shift deployment in Patrol. While the Department continues to work with the City Manager's Office and City Auditor's Office on these questions, certain actions to reorganize Special Operations and investigative units were implemented as part of the September 19th shift change. The overarching goal of these changes is to ensure core services will continue to be provided in Patrol and Investigations.

The following describes the staffing and operational changes that have taken place in the Special Operations Division of the Bureau of Field Operations (BFO) effective September 19, 2010.

¹ Shift change occurs in March and September of each year.

² By January 2011, it is expected that with attrition, the Department will have approximately 65 sworn vacancies throughout the Department. While attrition is expected and was taken into consideration during the 2010-2011 Budget process, in order to maintain core services as discussed in the budget, the Department needs to have flexibility to redeploy staff as needed.

Included in the FY 2010-2011 Adopted Budget were 89 vacant sworn position reductions, 12 Metro positions (2 sergeants and 10 officers) and 20 officers from Patrol.³

While previous budget reductions focused mostly on reducing sworn positions in every sector other than Patrol or Special Operations, the recent cuts forced the Department to find ways to reorganize operationally to maintain its core services in the Field Operations sector. An administrative reorganization by the Chief of the Special Operations Units was implemented on September 19th to manage the increased demand for police services and maintain the Department's response to calls for service as a priority. The reorganization of the Special Operations was implemented in an effort to fully staff patrol beats and maintain response to priority calls. Several changes that occurred as a result of this administrative reorganization, but not part of the FY 2010-2011 Adopted Budget are as follows:

Function	Action Taken
Graffiti Abatement Detail	Shifting the Graffiti Abatement Detail to the Juvenile Unit so that work on impacting graffiti will continue (1 sergeant to Patrol). Graffiti Abatement staff moved under the Bureau of Investigations, to align services with the Juvenile Unit. There are no changes in the mission and functions of Graffiti Abatement. Supervision is transferred to the Juvenile Unit allowing one sergeant position to return to Patrol.
MERGE	A reduction of staff assigned to MERGE: reduced by one team (7 officers move to Patrol). The MERGE unit staffing has been changed from two sergeants and twenty officers to two sergeants and thirteen officers. The primary responsibility will be critical incidents and service of high-risk search warrants. The Unit will continue to focus on capturing fugitives through covert surveillance for BOL. The Unit's administrative/training sergeant will be responsible for ongoing training of Metro's Critical Response Team (CRT) officers. The MERGE Unit will now be required to use CRT officers to assist with all call outs.
Canine Unit	Shifting the Canine Unit to the beat patrol structure to respond to 911 Priority 1 & 2 calls (10 officers remain in BFO). The ten officers in the Canine Unit have been assigned to a regular patrol team with beat responsibilities. They will now respond to Priority 1 & 2 calls for service with regular patrol officers. Responsibilities of the officers and dogs remains the same and they will be available for calls requiring a Canine Unit response throughout the City.
Traffic Enforcement Unit	Change in deployment for TEU (2 officer positions move to Patrol). The Department is changing six commercial enforcement and radar officers to motor officers. Essentially, the functions of these officers will not change, except for commercial enforcement. The vehicles will be changed from cars to motorcycles which provides a greater operational efficiency and effectiveness for traffic control and enforcement. This change will also allow full staffing on each of the enforcement teams that address the highest crash locations throughout the city, to conduct school and neighborhood enforcement and will provide additional assistance during major events and special event planning.
Violent Crimes Enforcement Team (VCET)	See Response to Question 2.
Patrol	Increase staff assigned to Patrol by 30 sworn positions (5 sergeants & 25 officers)

³ An additional 62 sworn position reinstatements in Patrol will expire on June 30, 2011, allowing the Department to implement the remaining cuts through attrition during the fiscal year 2010-2011.

BOI	In reviewing the operational capacities of the BOI, and taking into account that there were already vacancies present throughout BOI, resources have been realigned to address priority functions: two vacancies in Court Liaison and one vacant position in Auto Theft were reduced in order to maintain two positions in Robbery and one position in Assaults that were planned for elimination. This allows investigative resources to be focused on persons crimes versus property crimes. The Department will continue to evaluate investigative demands and realign resources throughout the year as issue continues to arise.
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These changes allow the Department to focus limited resources to priority services, such as: calls for service, gang enforcement, critical response, and narcotics enforcement; and limit services that address quality of life issues, such as, street-level prostitution, homeless encampment clean-ups, and drug trafficking on the streets that do not involve gangs. They also enable the Department's ability to reassign staff to Special Operations from Patrol, should the service need arise, before the scheduled March 2011 shift change.

Outstanding Implementation of 2010-2011 Adopted Budget Action

As part of the FY 2010-2011 Adopted Budget, the City Council approved a change in service delivery for in-state prisoner transport services through contracting with a private or public sector service provider. Changes to staffing in the Warrants Unit have not been implemented yet. The Department is currently in the Request for Proposal (RFP) process to contract in-state prisoner transport services. However, the POA has raised concerns regarding this issue. The Department is working with Office of Employee Relations on this issue but continues to move forward with the RFP process.

As a whole, limited staffing resources continue to challenge how sworn staff is deployed throughout the Department. The Department continues to analyze trends in demand for services and staffing to determine the appropriate allocation of resources. As we move through this year, further administrative adjustments may be needed in order to account for attrition and to manage changes in service demands. The Department will communicate these efforts to the City Council before these changes occur, to the extent possible, as well as follow up on the outstanding issues discussed above.

How will the work done by VCET be handled going forward?

This section discusses the recent merger of Metro Unit (Metro) and Violent Crimes Enforcement Team (VCET) and responds to how VCET work will be handled going forward. Below is a brief description of the Metro and VCET Units:

Metro was responsible for the enforcement of quality-of-life-issues such as street prostitution and street-level narcotics dealing. The Metro also was responsible for homeless encampment clean-ups on public and private property. In the 2010-2011 Adopted Budget, staffing in Metro was reduced by 2 sergeants and 10 officers, leaving 30 officers and six (6) sergeants, for a total of 36 sworn officers.

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VCET's primary focus was gang suppression, and VCET would work very closely with the Bureau of Investigation's (BOI) Gang Investigations Unit (GIU) to address the prevention, intervention, and suppression components of the Department's gang strategy. The Department will continue to address these gang suppression issues under the Metro Unit. The VCET and the Metro were combined as part of the reorganization of Special Operations. Prior to the reorganization, VCET was made up of three (3) teams, each having six (6) officers and one (1) sergeant, and one intelligence officer for a total of 22 sworn officers.

As a result of the Special Operations Division reorganization, effective September 19th, VCET and Metro have been combined to form the Metro Unit, consisting of 32 Metro officers, four (4) Metro enforcement sergeants, one (1) Training/Administrative sergeant, and one (1) Administrative/Intelligence officer, for a total of 38 sworn officers. **The Metro Unit will continue the mission and responsibilities of the former VCET Unit (gang suppression) but will reduce services that address street-level prostitution and narcotics.** The combined units (VCET and Metro) went from a total of 58 sworn officers and sergeants to 38 sworn officers and sergeants. The difference of 20 sworn staff were shifted to Patrol to allow for maximum staff flexibility. Even though this reorganization reduces total staff, cross-training and combining resources will allow the Department to continue to focus on street-level gang suppression which will remain a priority.

The Metro Unit will no longer be responsible for the coordination of the homeless encampment clean-ups. The Department is evaluating other options to maintain the service and further evaluation is needed before a final determination is made.

Patrol officers will now be responsible for street-level prostitution enforcement and the Metro Unit will provide training to the Patrol officers on how to impact this crime. The Metro Unit will continue to do some mid-level narcotics enforcement but will focus on those cases that involve gang members to maximize efficiency. They will still do some other narcotics-related cases, such as those involving marijuana "grow houses" because of the on-going fire risk to the community.

Lastly, the Metro Unit will now pick up the Critical Response Team (CRT) responsibilities for the Mobile Emergency Response Group & Equipment (MERGE) due to downsizing. A CRT response is initiated whenever a large number of uniformed officers are needed to address a major emergency, protest, etc. Although this requires training twice per month, there will always be a Day and Swing Metro team on duty--7 days a week, 365 days a year conducting gang suppression activities.

While it is clear that the reduction of 89 vacant sworn positions in the Police Department will most certainly lead to reduced levels of service throughout the Department, the main service-level reduction impacts in these sectors of the Special Operations Division should be contained mostly to street-level prostitution enforcement, enforcement of drug trafficking issues on the streets that do not involve gangs, and homeless encampment clean-ups (pending further evaluation as noted above). Drug enforcement in areas like Fountain Alley certainly will be impacted, since the primary units now addressing those problems will be the patrol officers who handle 9-1-1 calls in the district. The Vice Unit will continue to address non street-related

prostitution issues (on-line and brick-and-mortar prostitution enforcement). Ongoing analysis will take place to measure how staffing reductions in Special Operations have led to decreases in enforcement activities.

What other resources will continue to be deployed for gang suppression, prevention, and intervention for the rest of this fiscal year?

Each of the four teams in the Metro Unit is responsible for gang suppression activities in each of the four Police Divisions, focusing the majority of their efforts on gang suppression throughout the city, seven days a week. The former VCET Unit had only 22 sworn staff and with the new model, 38 sworn staff will be allocated to address these same issues. There will be a Day Shift and Swing Shift Metro team each day. Patrol will continue gang suppression activities as proactive patrol time allows.

Additionally, School Liaison officers (eight) and Crime Prevention Specialists (four) continue to participate in school safety committees, truancy committees and other City sponsored groups/organizations, along with giving numerous presentations to students, parents and school staff regarding gangs. The Gang Investigations Unit continues to develop and maintain collaborative relationships with schools, social service agencies, and community-based organizations, related city services and departments, and other criminal justice organizations in a systematic approach to the prevention, intervention and suppression of criminal street gang activity. **The Department continues to participate in programs like the Parent Project and the Mayor's Gang Prevention Task Force (MGPTF).**

Issues Raised By POA

During the recent press conference, issues were raised by the POA that require clarification or response. Listed below is the Department's response:

POA: San Jose no longer has a Violent Crime Enforcement Team (VCET)

SJPD: While we no longer have a unit titled VCET, we do have a unit that is dedicated to and focused on combating, arresting and eliminating violent gangs in San Jose. This function is now under the Metro Unit. Thirteen of the eighteen officers formerly in VCET and two of the three former VCET sergeants currently remain in the Metro Unit.

POA: The elimination of the VCET Unit from SJPD will have a devastating impact on public safety.

SJPD: The newly formed Metro Unit will continue the mission and responsibilities of the former VCET Unit. Services that will be reduced include street-level prostitution and narcotics. Cross-training and combining resources will allow the Department to continue to focus on street-level gang suppression. Patrol officers will now be responsible for street-level prostitution enforcement, but the Metro Unit will provide training to the Patrol officers on how to impact these crimes. The Metro Unit will continue conduct some mid-level narcotics enforcement involving gang members to maximize efficiency. The Metro Unit will continue to do some other

narcotics-related cases, such as those involving marijuana “grow houses” because of the on-going risk to the community.

CONCLUSION

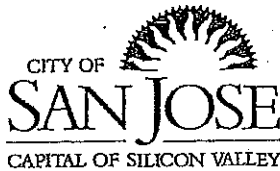
In closing, I recognize that there was confusion initiated by the POA press conference surrounding the recent changes implemented by the Police Department. The Police Department could have communicated more proactively about the changes; however, they were viewed as being in the best interest of the community in light of diminishing resources and, thus, the need to communicate at this level was not anticipated. The Department continues to make every effort to address its core services within the context of reduced resources. I believe that the good intentions of reorganizing limited resources to achieve a higher level of performance got lost due to the unanticipated need to communicate and the heightened focus on the POA press conference. As we move through this year, further adjustments may be needed in order to account for attrition and changes in service demands.



Debra Figone
City Manager

Attachments (2):

- A. Memorandum from Mayor Reed and Councilmembers Nguyen, Liccardo, Herrera, and Constant
- B. Summary of the FY 2010-2011 Adopted Operating budget reductions that were approved by the City Council and implemented in the Police Department



MEMORANDUM

TO: City Manager Debra Figone FROM: Mayor Chuck Reed
 Councilmember Madison P. Nguyen
 Councilmember Sam Liccardo
 Councilmember Rose Herrera
 Councilmember Pete Constant

SUBJECT: Elimination of the Violent Crime Enforcement Team (VCET) DATE: September 21, 2010

APPROVED

Chuck Reed

DATE:

09/21/10

RECOMMENDATION

Over the weekend we became aware of some organizational changes in the Police Department that were made as a result of reductions in the number of authorized officers in the FY2010-11 budget the Council approved in June due to a dramatic increase in employee costs. The changes included a merger of the VCET and METRO units. Upon review of the budget documents, it appears that Council did not direct the elimination of VCET but rather approved a reduction in staffing for the METRO unit.

We request the following information be made available to the Council as soon as possible.

1. What changes have taken place in the SJPD organization structure and how does that compare to the approved budget?
2. How will the work done by VCET be handled going forward?
3. What other resources will continue to be deployed for gang suppression, prevention and intervention for the rest of this fiscal year?

BACKGROUND

There has been much confusion in the past few days regarding the merging of VCET with the Metro Unit. Some members of the Community are under the impression that the City has eliminated the Mayor's Gang Prevention Task Force and nothing could be further from the truth. The work of the MGPTF encompasses prevention, intervention and suppression. It has been in operation since 1991 and entails the efforts of the police department, Parks, Recreation and Neighborhood Services, community based organizations and a myriad of partners. The City of San Jose continues to have gang prevention, intervention and suppression as one of its highest priorities.

The following is a summary of the budget reductions that were approved by the City Council and implemented in the Police Department:

- **Police Field Patrol:** Reduce by 90 sworn positions. One-time (62 positions) and ongoing (8 positions) restorations were approved by the City Council on August 3, 2010, as a result of a reduction in total compensation for employees represented by the POA; resulting in 20 vacant sworn positions being eliminated from Patrol. These restorations allowed the City to avoid laying-off sworn officers and implement the remaining reductions throughout the fiscal year 2010-2011 through attrition. Subsequent to these approved actions, the restructure of Special Operations (described later in this report) have temporarily increased the number of sworn staff in Patrol by 10 positions more than the 2009-2010 levels.
- **Police Metro Unit:** Reduced by twelve positions. These reductions were implemented at the September 2010 shift change. Subsequent to these approved actions, the restructure of Special Operations (described earlier in this report) have changed the staffing levels and the mission of the Metro Unit.
- **Police Downtown Services Unit:** Reduced by ten officers. These positions were vacant and eliminated effective July 1, 2010.
- **Financial Crimes and High Tech Units:** Combined the two units and reduced staffing by seven sworn positions at the September 2010 shift change. Financial Crimes and High Tech Units were combined in the 2009-2010 Mid-Year Budget Review as a result of eliminating the High Tech Lieutenant position.
- **Vehicular Crimes Unit:** Reduced by five sworn positions. Four of these positions were vacant and eliminated effective July 1, 2010. The remaining position was eliminated at the September 2010 shift change.
- **Crime Prevention and Community Education Restructuring:** Eliminated Community Services and restructured crime prevention under the Bureau of Field Operations. Six Crime Prevention Specialist positions were laid off effective July 2010, leaving four remaining Crime Prevention Specialist positions each working in one of the four patrol divisions. The approved elimination of three sworn positions was implemented at the September 2010 shift change.
- **Robbery Investigations:** Reduced three sworn positions. One sergeant position was eliminated at the September 2010 shift change. Changes in the Bureau of Investigations (BOI) (described earlier in this report) have changed the staffing in Robbery.
- **Police Activities League:** Reduced by three sworn positions, leaving three City funded positions assigned to PAL. These changes were implemented at the September 2010 shift change. While there has been media coverage about the reduction in staffing, the Police Department will continue to assess the impacts to PAL programs.
- **School Liaison Unit:** Reduced staffing by three vacant positions. Since positions were vacant, reductions were effective July 1, 2010.
- **Backgrounding/Recruiting:** Reduced by three sworn positions. Changes were effective at the March 2010 shift change.
- **Investigations Management Consolidation:** Reduced management by two sworn positions. A vacant lieutenant position from the Court Liaison Unit and one vacant night detective sergeant position were eliminated effective July 1, 2010.
- **Communications and Dispatch:** Reduced by 3.50 positions. These positions were vacant and deleted effective July 1, 2010.

Attachment B

- **Family Violence Unit:** Reduced by two sworn positions. One vacant officer position was eliminated effective July 1, 2010 and one sergeant position was eliminated at the September 2010 shift change.
- **Assaults/Juvenile:** Reduced by two sworn positions. One officer position was eliminated from the Juvenile Unit at the September 2010 shift change. Changes in the Bureau of Investigations (BOI) (described earlier in this report) have changed the staffing in Assaults.
- **Training Unit:** Reduced by two sworn positions. These changes were effective at the September 2010 shift change.
- **Special Investigations Unit:** Reduced by two sworn positions. These changes were effective at the September 2010 shift change.
- **Secondary Employment Unit:** Reduce by one sworn position. This change was effective at the March 2010 shift change.
- **Permits Unit:** Reduce by one sworn position. This change was effective July 1, 2010.
- **Field Operations Management:** Reduced by one sworn positions. This change was effective at the September 2010 shift change.
- **Airport Canine:** Reduce by one sworn position. This change was effective July 1, 2010.
- **Information Technology Administrative Support:** Reduced by one civilian position. This change was effective August 1, 2010.
- **School Safety Unit:** Reduced by 1.21 FTE Crossing Guards. These positions were vacant and cut effective July 1, 2010.