



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Christopher M. Moore

SUBJECT: Operations and Performance
Changes in the Police Department

DATE: August 11, 2011

Approved

Date

8/11/11

INFORMATION

The Police Department presents this report on Operations and Performance Changes in response to the City of San Jose's budget for FY 2011-2012.

BACKGROUND

As part of the FY 2011-2012 budget process, the Police Department identified numerous operational restructuring opportunities in service areas to realize additional efficiencies and to proactively prepare for staff reductions in the Police Department. The following changes were implemented between March and July 2011, and approved by the City Council with the adoption of the 2011-2012 Operating Budget:

- Air Support- Helicopter Program suspended in March 2011
- Bureau of Investigations- several investigative functions consolidated in March 2011; staffing reduced and reorganized in June 2011
- Police Administration Building Main Lobby Hours- new staffing model and reduced hours of operation in March 2011; further reduction of staffing and hours in June 2011
- School Liaison Unit- eliminated in June 2011
- School Safety Unit- reduced the School Crossing Guard Program in June 2011
- Special Investigations Unit- restructured and reduced in June 2011
- Patrol Services- staffing reduced in July 2011

ANALYSIS

The Department acknowledges the budget condition and the many variables that may impact the reductions approved by City Council. The Department has continued to evaluate the impact of approved budget reductions to ensure resources are allocated based on activity and demands for services. As part of this analysis, the Department surveyed major cities and large California agencies to learn how they are prioritizing services with diminishing resources. The survey

focused specifically on reductions associated to citizens' requests for non-emergency police services.

School Violence and Gangs

Through this analysis, it became apparent that dedicated staff is still needed to coordinate incidents of violence and threats of violence at schools. This is especially important at the beginning of the school year, when gangs typically attempt to exert influence in schools. The Department will assign four Patrol Officers (one per each patrol division) for critical coordination with the schools and the Mayor's Gang Prevention Task Force (MGPTF) effective August 2011, to be in place for the new school year. As already reported through an Information Memorandum dated August 3, 2011, this operational change will allow coordination between the schools, the Police Department, and the MGPTF; provide information to the Gang Investigation Unit; maintain the Emergency Response Protocol; attend school climate meetings; conduct Code Red presentations; train school pay job officers on new laws and procedures; and maintain the School Officer Manual. The impact to Patrol is expected to be minimal and the proactive work of the four assigned Police Officers is expected to reduce the calls for patrol services.

In order to maximize response to priority calls for service with diminished resources within the Police Department, staff has examined delivery of core services to see if there are some areas that can be modified to ensure that emergency calls receive prompt service. The result of this examination has been a modified Response Policy for certain non-emergency types of calls. These changes include:

Excessive Noise Complaints

When a resident has a party, loud music or other loud noise complaint which is disturbing the neighborhood they are violating state law. Unfortunately, the reporting party must be willing to be contacted in order for the Police Department to take enforcement action. In the past, officers would respond and ask the resident to turn the music down or to stop the activity responsible for the loud noises.

In 2010, 4.3% of the calls for service in San Jose were the result of music complaints. The Department responded to 9,655 music disturbance calls: 8,041 (83%) of which resulted in a disposition of "N"- no action taken; 17 resulted in an on-view non-traffic citation or arrest.

Due to a lack of resources, the new Response Policy is to make the District Sergeant aware of the call for service. The Sergeant will decide if the call warrants response based on the details provided, but typically it will be closed and no unit will be dispatched.

Fruit Vendors

Citizens that sell fruit at street corners typically do not have the proper permits for their activities. When a resident calls to report the presence of a fruit vendor, the District Sergeant will be notified that the activity is occurring. The event will be closed with no units dispatched for response.

Recyclable Thefts

Currently, it is a violation of the Municipal Code to steal recycling materials from bins placed out for collection. When residents call reporting these thefts, they will be given the telephone number for or transferred to Code Enforcement who will track the reports. No event or officer response will occur.

Parking Violations

All parking violations will be dispatched to on-duty Department of Transportation (DOT) Parking Enforcement personnel. If DOT enforcement personnel are not on-duty, the citizen will be informed that there will be no response. If a vehicle is blocking a driveway, a call for service will be created for Police response.

Alarms

The last Department study on alarm responses was conducted in 2008 and found that 99.1% of alarm activations were false. Of the 24,603 alarm activations received, 221 or 0.9% resulted in a burglary or burglary attempt. \$662,204 is spent annually on false alarm activations not related to any crime.

In 2010, the Department responded to 12,450 audible alarm calls throughout the City. While this represented approximately 6% of all calls for service, it was the second largest percentile category of all call types. Only two arrests resulted from these alarm calls, and only 113 resulted in reports of some type being generated. While fines are levied for repeated false alarm calls, the Department does not realize actual cost recovery from these revenues. In 2010, \$466,633 was collected in fine revenue.

The survey specifically elicited information on how other agencies handle burglar alarms. Some agencies (about 50% of neighboring agencies) only respond after a property owner obtained an alarm license and the validity of this license is listed in the premise information associated to that location. In these cases, license-holders were penalized for multiple false alarms and those failing to obtain licenses faced stiff fines.

Many agencies indicated that they do not respond to audible alarms solely on the advice of alarm monitoring companies. Agencies such as Fremont PD, Salt Lake City PD, Phoenix PD, Toronto Police Services, and Las Vegas PD have gone to a "Verified Response Protocol." These agencies require the existence of additional circumstances, such as corroborating observations by witnesses or direct observations of a break-in. Such examples include audible/visible glass

breakage (noted by witness or alarm company), or when a property owner is on-scene and requesting police assistance to secure their premises. In almost all cases, those agencies following non-response practices still make an advisory broadcast to units in the area and allow nearby units to respond if they deem it appropriate. Some agencies indicated that a history of break-ins at a particular site will result in a response to an unverified alarm call.

The Fremont Police Department has practiced their Verified Alarm Procedure since 2005. Essentially, the basis for this program focuses around the prioritization of resource allocation:

“The Fremont Police Department will use its limited resources to address high priorities.

The alarm industry will be responsible to manage the response element of their business practices.” (Chief Craig T. Steckler-Fremont PD, 2005)

The Department is currently studying this issue. The value of responding to the calls is questionable and a balanced approach to the issue is being considered.

Traffic Accidents

The Department responds to approximately 5,000 property damage-only accidents annually which accounts for about 2% of all calls for service and slightly more than half of all accidents. This figure does not include misdemeanor hit and run property damage-only accidents. An additional 2,601 calls involve non-injury hit and run reports. A policy change completely eliminating responses to these two accident categories would result in a 3.45 % reduction in police responses.

A number of agencies have discontinued the practice of dispatching sworn officers to the scene of “Property Damage Only” accidents. In cases where non-sworn community service workers are deployed, agencies dispatched these members exclusively unless other aggravating circumstances were present such as a disturbance or pronounced traffic hazard. Several other agencies such as Long Beach, Sacramento, Nashville, Portland, and San Antonio no longer respond to non-injury traffic collisions. Among this group, a number reported that non-injury hit and runs were not categorized differently than accidents where both parties remained, and thus received no police response. Some agencies respond to accidents only when an injured party is transported to the hospital and treat reports of complaints of pain in the same way as non-injury accidents, and do not respond.

Still, other agencies continue the practice of police responses to non-injury accidents and offer varying versions of the same essential public service theory. These agencies will allow a non-injury traffic collision to remain pending and will place them as a low priority, but they reason that failure to respond will result in ill-will to the Department. Like other non-violent, non-emergency calls for service discussed, the delayed presence of an officer who ultimately explains the reason for his/her delay is more favorable than no response at all. Some respondents pointed out that in jurisdictions practicing non-response to accidents, the communities expectation that officers will not respond has increased hit and run rates as well as disturbances developing between involved parties. The latter may likely necessitate an emergent response to keep the peace or to investigate a violent crime.

Typically, most non-injury accidents do not require a report. In the past, the Department has responded to these calls. However, the Department is currently reviewing its policy in light of the information solicited from other agencies.

EVALUATION AND FOLLOW-UP

No additional City Council action is needed.

PUBLIC OUTREACH/INTEREST

- Criterion 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
- Criterion 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- Criterion 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

This action does not meet the above criteria, but will be posted on the City's website with agenda for the August 18, 2011 Public Safety, Finance and Strategic Support Committee meeting.

COORDINATION

This report was coordinated with the City Attorney's Office and the City Manager's Budget Office.

CEQA

Not a Project, File No. PP10-066 (e), Services that involve no physical changes to the environment.

/s/
CHRISTOPHER M. MOORE
Chief of Police

For questions please contact Deputy Chief David Cavallaro, at 277-4715.

CMM: LP/ mmj