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[--AUDIO DIFFICULTIES--]

.... I'd just like to note for the council committee here that item C-1 and C-2 were distributed separately on Friday, so we would need a sunshine waiver on those. And when we get to item D-1 I'll be asking for a one-week turn around for action on the June 21st agenda.

>> Councilmember Nguyen: Anything else? All right, then we'll move to item C, the consent calendar. (inaudible) Anybody in the audience who wish to speak on this item? Can I get a motion? Oh, I've got a motion, sorry, it's been a long day. Motion to accept the consent calendar. All those in favor, opposed, hearing none, motion carries. We'll move down to item D, the committee reports. Item D-1, report on the B.E.S.T. programs and mayor's gang prevention task force efforts.

>> Good afternoon, Angel Rios, deputy director of Parks, Recreation, and Neighborhood Services. Joined here by Mario Macias, recreation superintendent overseeing seeing the mayor's gang prevention task force. Before we get started I would like to say that there was an error in the memo. On page 2, there was an incorrect document associated with the link. This issue has been corrected. I do want to stress though, however, that the memo and the PowerPoint presentation do reflect the data from the final evaluation report. So our hope is that it should not have created any problems. We do apologize for that error and request that the item still be heard. We're here today to ask that you accept the report. The 2009-2010 San José B.E.S.T. evaluation report, we also ask that you approve the mayor's gang prevention task force, strategic work plan update, 2011-2013 as well as ask that you approve the resource allocation for San José B.E.S.T. for fiscal year 2011-2012. Here to walk us through the report is Mario Macias.

>> Good afternoon, and thank you for the opportunity. Just to give some brief background of which I'm pretty sure no one on this committee needs, but as we all know the City of San José works from a strategic work plan. It's been by design that we feel we've been one of the safest large cities in the nation. We're currently working under the guise of the action collaboration transformation 2011-13 strategic work plan, which our policy team just recently adopted in April 22nd of this year. I'll be going into that a bit further in the presentation. Obviously, as you

all know, San José B.E.S.T. is our funding arm within our mayor's gang task force, which provides the funding to our public and nonprofits to implement the work we need to do to keep our community as safe as possible. Moving into the gist of today, if I may start with item number 1, which is the evaluation report for 9-10. And these are some of the notable findings that you would be able to glean from this large report. Sorry we had to kill a tree to give each one of you this report. What you had initially received was the interim report. The final report was even more positive, and I almost feel awkward talking about all this good news in hindsight of what's currently happening. But please bear with me as we talk about last year's success for a while. And that really is that last year within San José B.E.S.T. we reached about 5700 unduplicated youth. 49% were validated gang impacted. 52% were considered at risk, high risk youth, and 88% of those youth that came and received our services were extremely pleased with it. I'd like to note that 806 youth that were arrested previously were not arrested during this cycle, that about 658 youth who came back in, and I don't want to bore you with each one of these stats, but I think that graphic up in the top right really speaks about the continued trend that we had accomplished for that course of about four years. And 2009-2010 showed 638 gang incidents which over the course of from 2006 on, it was nearly a 50% reduction and was a tremendous effort, obviously, by San José PD, our prevention and our intervention strategies as well. That, in a nutshell, as well as presenting y'all with this report that you can read at your convenience, I'd like to move forward and talk about our strategic work plan, the new iteration of it. Because as I'd mentioned in the prior slide, we have now adopted the 2011-2013 strategic work plan, and it looks something like this. And I believe you have a black-and-white copy. Again, after full council adoption, we'll bind it and make it look real presentable. But at this point, until we get final adoption and approval of you all it's in this format. It smells and tastes a lot like the original 2008 to 2011 act work plan. What the mayor and the policy work team had directed the work was not done with the original five strategic goals. Coinciding with that, San José had been selected to be part of the national forum on youth violence prevention by attorney general Eric Holder himself, in which they had taken a look at our existing work plan and said, are you perfect? And the reality of it is, we recognize we've never had the silver bullet to this, and we said no, we believe we can update our strategic work plan, which resulted in these two additional strategic goals. But again, holding on and holding on to the work that the original five strategic goals. So this work plan in essence is an update that enhances itself by incorporating two new strategic goals. And I'd like to spend a moment talking about them. And that really is goal 6, which is to partner, coordinate, and support the County of Santa Clara re-entry model.

There's a slide here in our continuum of care that shows we do a great job with prevention, intervening with those kids that slip through our safety net, and when needed, having suppression come and take care of business. The problem has been that when you incarcerate a youth, sooner or later he or she gets released back into our community. Strategic goal number 6 is going to look at that reentry, the recidivism, the fact that that 90% of our youth that get re-incarcerated end up right back in because we have no true connection to resources the day they come out of the correction facilities. We hope to be able to work with the probation department, our District Attorney's office, and make a serious dent on that recidivism rate. And then lastly, strategic goal number 7, which is obvious to all of us. Obviously, we are all dealing with this reality, but we must forge public-private partnerships. We believe the mayor's gang prevention task force has afforded many of the lucrative businesses in the Silicon Valley to prosper and flourish because they have had a safe environment to bring their staff and labor forces. And we've done it at the expense of the city coffers and redevelopment dollars for 19 years. Now that those sources of funding have disappeared, we really want to reach out and start -- and it should have been done a long time ago when we didn't need the private sector. But I will allude to the fact that with intentionality, we will be nourishing, fostering, and maintaining new relationships with the private sector to see if we can close that gap that is inevitably going to be coming our way as far as funding for the gang task force. That in a nutshell would be our update to the strategic work plan for 2011-13. You all have a copy of it, as well as the B.E.S.T. evaluation report, which will take me to the third and final item of our report today, and that really is to talk about the allocation plan for 2011 and 2012. And before I do that, I -- just in case anyone needs a refresher, San José B.E.S.T. has always asked on a triennial process, which means if you are a qualified agency, you are the only listed -- only that list of agencies can be entered into contracts and negotiations list for a three-year window. We are just finishing year 1 and will be entering year 2 in 11-12, and so that is what I will be talking about. We will be talking about this via priority areas, our hot spots that are identified via the mayor's gang task force technical team and our gang investigations unit. We'll be talking about our allocation committee and a contract development and -- yes. After we do the hot spots, we utilize an allocation committee that is a robust committee of both probation, the D.A.'s office, community leaders, some of our major activists, and the major departments within our city to make sure we are coming together to really cast as best a safety net as we can across all ten districts in our city. Knowing that there are areas of propensity that may receive higher levels of service, but that's the role of the committee, and finally we enter into contract development and evaluation. Like I'm going to lean into what exactly

we're funding, and it's basically ten eligible services that have been adopted by both the policy team and city council in years past. I'll also talk about those priority service areas which are our hot spots and then give you a breakdown of the budget that's proposed for this coming year, by category, so that you can see it. The ten eligible services changed about two years ago. But these are the same that were adopted and approved by you all last year. And this is all that we can fund. If a proposal were to come forth with any service outside of this, it's just not eligible. We've obviously found a real creative way to open that door, and that's number 10, unique service delivery. And that usually allows us so that if there's some innovative and something that's proving itself to be effectively, we are still able to reach out and capture it. The hot spots, the citywide hot spots, after concurring -- and I'm going to go district by district. This is just a look at it across the ten districts. Each police division being foothill, central, southern, and western, all have a minimum of four hot spots. With the exception of the foothill division which encompasses council districts 4, 5 and 8, there are six hot spots in that particular police division. In the central division you'll see that the hot spots were calculated to be Roosevelt park, the McKinley area, Bequesto Park, and Williams to 8th Street. And Western, it was the Santee, Yerba Buena, Summerside, the Washington Gardner Alma, the Cadillac Boynton and Del Mar areas. Within Southern, Davis school area, the round table area, the Monterey Senter Road corridor area, and the Hoffman Via Monte small community. And again, Foothill having 6, had the Overfelt area which included the Poca Way Welch Park area, the James Lick Pella Road Nancy Lane area, the Independence, Avalon area, the Colmar Apartments, Rocky Mountains, Mt. Pleasant area, and finally the Valley Palms area. On May 11th, last month, the technical team convened, broke out into their four geographical divisions, along with their San José respective captains for those divisions, and concurred, as well as with the gang investigations units, that these hot spots truly do coincide with the calls for incidents that we are dealing with out in our communities, so those have been designated as the areas of interest for this coming year in the 11-12 allocation. By category, looking at a total -- grand total budget of \$2.5 -- \$2,559,000, before I go any further I do want to allude that \$300,000 were brought back into the city direct intervention services, which would actually take this grand total and that's recently -- that's a new and something that just recently happened, so it's not reflected. It really should be \$2.8 million now. But even that, compared to years past that 4.7 and 5 million is a considerable cut. Community-based organizations, that funding pool for those 26 I based -- community-based contracts we currently have out in our communities, they'll be \$1.3 million, or \$1.4 million approximately. The city direct intervention services will rise 300,000 to the tune of \$1,090,000. The

emergency fund will remain at 100,000. The B.E.S.T. administrative support is \$224,000, program evaluation down to 45, and I got to say that all those comparatively to last year's funds are considerably lower, to the tune of about \$1.2 million lower. Next steps for us will be to complete contract negotiations which will begin in the coming months, so that we can be ready and launch our services come September 1st. It's important that we do that and have our safety net recasted out there. It's obviously going to be recalibrated and impacted to some degree. But we strongly believe that we will be able to be effective in this city. And lastly, our final program evaluation for the report year of 2010-11 will be brought forward in 2012 to all of you. If there are any questions?

>> Councilmember Nguyen: Thank you, Mario. Let me just start by saying how grateful I am for all the wonderful work that's gone into this. You know I was just over at the Seven Trees community center, celebrating Juneteenth with the (inaudible) folks and we also have teenagers who were also there, and I received a bunch of questions about what's been happening with the soaring homicides that's been happening in our city and we had one I believe this early this week in the Seven Trees area. So the questions that was asked to me since I couldn't answer, since we're having this meeting today, I thought I'd ask perhaps the police officers in the council chambers today, the questions were, are there any specific factors that contribute to the homicide rates that's been soaring so rapidly, and if there are, is there anything that we can do?

>> I'm (inaudible) with the metro unit. My intention was to go over the citywide climate and address that specific situation with the during my presentation.

>> Councilmember Nguyen: If you can come to the podium so we can hear you. I think it's.

>> Good afternoon I'm Lieutenant Reno with metro. During my presentation I'll go over the climate of what's occurring in the city and how we're responding to it. If you would like to --

>> Madam Chair, the next is the police department's report on operations and performance. We were going to cover that --

>> Councilmember Nguyen: We'll wait to then if you don't mind.

>> No problem.

>> Councilmember Nguyen: The other questions I had, Mario, was I know that we have guidelines and criteria for the B.E.S.T. funding, but given this is a unique situation, again, contributing to the homicide rate, is there any possibility that we can look towards changing our criteria to fund organizations that actually have effective programs that addresses gang intervention, gang prevention, gang suppression activities, will we be giving more focus or more emphasis to those organizations (inaudible) with the B.E.S.T. funding?

>> Vice Mayor, in terms of the recent trend that we're seeing, the recent spike, I shouldn't say trend, recent spike of events that we've seen we're really taking a close look at where are some of the triggers where are the cause and effect issues going on in contribution to these. What kind of additional resources we need to bring to the table. We do have a \$100,000 emergency fund where we have some latitude to do funding based on an emerging trend or need. We do have that option. We also have been very aggressive in recent weeks and months around fund development. Case in point is our safe summer initiative funding for example was eliminated. Last year we distributed \$500,000 in safe summer initiative funds that went to non-- many of which were non-san José B.E.S.T. funded agencies to provide safe and fun alternatives for kids. Along with the mayor's office and many CBO partners we've done a real aggressive fund development campaign and I'm pleased to announce we're a little under \$400,000 in new revenue, we're basically in contract negotiations literally as we speak with about 36 community based organizations the majority of which are non-San José B.E.S.T. funded agencies so we're hoping that's going to help out with that effort.

>> Councilmember Nguyen: That's wonderful. Then just a last question and I know that a lot of the homicides under investigation now so we're not going to go into that. But I know that the one that happened on Lundy back in March, and then I guess the most recent one which happened earlier this week which took place in my council district involved Vietnamese Americans. So I was just wondering, do we have -- are we placing any kind of focus or emphasis on reaching out to the ethnic gangs or the ethnic community in regards to what's been happening?

>> Absolutely. One of the things that we have assessed in the last year and a half is that we really need to grow capacity, especially in the area of outreaching to Asian American gangs. We have built some of that capacity with about three of our organizations to date and our intent is to continue to build that capacity, yes.

>> Councilmember Nguyen: Thank you, angel. Other questions? Councilmember Oliverio.

>> Councilmember Oliverio: Thank you. Thanks for all the work that you're doing, with the San José police department. I'm curious, on we've used it from time to time when it comes to the aquatics program but we have the unique services clause when it comes to procurement. Does your group have that today and or would that provide any flexibility in delivering more service for fewer dollars?

>> Councilmember, you know, in the list of our ten eligible services, really, that eligible service number 10, the unique services provision, really is kind of modeled after that provision in the municipal code. And what we found is in the last three years it had given us some latitude to really fund some -- kind of some nontraditional creative ideas that maybe weren't thought of during the formal RFP process. What's helped us also fund those ideas are for example federal earmarks and other federal grants that we've landed in previous years. What you'll find is in addition to the money provided by the General Fund, we in the past we've had about close to \$1.2 million in funds that we were able to then fund those types of ideas. The challenge we have is that those funds expired this fiscal year and so now, Mario spoke a little bit about the public-private partnership, that's really the main catalyst for that is let's build that fund so that we can fund those types of efforts.

>> Councilmember Oliverio: Thank you for the explanation. I would just say that going forward, as you're looking at the public-private partnership, should you feel you need that ability or flexibility, then you need to come to council because this councilmember would be happy to them to you. Because we see these things again and again that the unique services clause in the procurement policy we're able to provide more for less. And obviously with a smaller budget it would make more sense, and I would find it hard to believe that any councilmember would stand in the way of that. Thank you.

>> Councilmember Nguyen: Anyone else? Councilmember Chu.

>> Councilmember Chu: Thank you, Madam Chair. I want to thank the PRNS for doing a great job. You're definitely doing more for less. And also like to thank the public. Dr. Martin Luther King association of Santa Clara and my office we have hosted a series of crime prevention and public safety forum and last night, I want to thank Mario there and Chief Cavallero for participating in a very, very well attended meeting, a dialogue of those. So thank you very much, keep up the good work.

>> Councilmember Nguyen: We have a few folks who are here to speak on this item. Michelle Lew and Myra Nelba.

>> Good afternoon, my name is Michelle Lew, I'm president and CEO of Asian Americans for Community Involvement, AACI. And I also wanted to add my thanks to the city staff for working so closely with us to make San José safer, both the PRNS staff and the San José police department. We're here today because we are deeply concerned about the recent homicides in San José especially those impacting the Asian community. One of the teenagers in one of AACI's programs, B.E.S.T. funded program was stabbed and killed over the Memorial Day weekend and our staff have been working with the family and the community and it's just a terrible tragedy that we don't want to see happen in the future. We're hoping that as a committee you could make it a stated priority to maintain or even increase funding for the CBOs that are working with the Asian community on gang intervention and gang prevention work. Our community may be lower profiled than other communities when it comes to gang violence but there are serious issues that are happening now and we need culturally competent providers on the ground who can work with the youth. Thank you.

>> Councilmember Nguyen: Thank you, Myra Nava.

>> Good afternoon, my name is Myra Nava and I'm the director of community relations of Asian American Center of Santa Clara County. In our community we're known as AACSC, and I want to thank Mario and Angel for

blessing us with the grant for the B.E.S.T. funding. I'm just going to get straight to the point like Michelle said. If they can just please increase or maintain the level of funding that they gave to us you know we've been working in the Asian community and there's such a grade need out there. The Latino community is very vocal but the Asian community, they're very, very humble and most importantly, they're in a lot of denial. As you know, Michelle and AACI has been working with the family and we're really happy because she's taking care of most of the financial part. On the other hand we're working with the family as well what we can do for the future. But the families are in very denial that their children are even involved in any gang. It is brought to our attention that when we do speak to us they tell us our kids are -- they hang out with good kids and they don't hang out with these other kids, are talking about their own Vietnamese. Well, there's no more dragging the lobster. Now it's to my shock I've been work in the community for over 30 years that these Vietnamese are teaming up where the African Americans, which is the Crips. And so right now as us working in the community we hear and we see that it's brewing. And our concern is the matter of time that it's going to explode in retaliation. Right now what we're doing we have collaborated with numerous community based organizations and businesses, along with our B.E.S.T. funded CBOs, to do a peace rally that's going to be targeted specifically to the Asian American community.

>> Councilmember Nguyen: Sorry your time is up. Karen Anton and Michael Pritchard.

>> Thank you, dear councilmembers and members of the public safety committee. My name is Karen Anton and I'm the program director at Asian American recovery services and our crossroads program is made possible because of B.E.S.T. funding. We're also proud members of the mayor's gang prevention task force. As you know to say we're in a crisis mode as a community is an understatement and we're already at an astounding 27 homicides this year, it's only June and we have six months left. Just to name a few, Melanie O, 20 years old, gunned down in front of a pizza parlor on May 23rd, Kim Vallis, 22, shot to death on May 25th. Ley, who was referenced earlier by Michelle Lew, stabbed to death May 28th, a few days after his 18th birthday. Later that same day, Ross, 35, mother of five, shot to death in her car two blocks from home. And just two days ago a 19-year-old Vietnamese male referenced earlier was shot just a couple of hundred yards away from my agency at Tully and McLaughlin. These are just a few of the recent victims whose tragic deaths have made us cry out and join the community in our collective grief in concern for who else is going to lose their life to violence this year. In each of

these incidents our staff along with AACI staff and city staff and really really caring members of this community were on the phone mobilizing within hours of these crises, rallying around families and trying our best to temper the palpable anger and trauma following these incidents. I understand that we are also in a citation is mode fiscally at all levels of government and we are all in the same boat watching for the vehicle license fee and the tax extensions that will hopefully go through. Ours just to break this down ours has one staff assigned to this program and after a 20% reduction in an already shoestring budget he is only working in the community addressing these needs 16 hours a week. So it's great to hear about capacity building for API intervention services because we desperately need them. We cannot begin to address this heightened imminent reality of gang violence and alcohol. Further cuts are not even conceivable, fiscally or morally.

>> Councilmember Nguyen: I'm sorry Karen but your time is up.

>> Thank you for your time.

>> Councilmember Nguyen: Michael Pritchard.

>> Good afternoon, committee members. My name is Michael Pritchard, executive director for pathway society and I thank you for the opportunity to speak before you today. As you know, pathway has bin providing substance abuse treatment services to thousands and thousands of youth in Santa Clara County and San José since actually B.E.S.T. inception. From the recent national institute for drug abuse which is NIDA, comes this report, teenage marijuana use is on the rise, ecstasy use is on the rise, in fact illegal drug use among teenagers has increased overall in the past three years. As I have said to you before substance abuse is the spider web that threads its way through all state, county and city systems, not the least being our school districts. And the NIDA report absolutely reflects what we are seeing in our local school-based programs. Simple equation: Substance abuse increases, plus gang activity increases, equals youth violence increases, leading to the community feeling unsafe. Does in sound familiar? I think this resonates with all of us. I'm asking that you seriously consider keeping the B.E.S.T. funding at last year's level so that the equation above can begin decreasing. For over 20 years that B.E.S.T. has been providing services we have been one of the biggest, safest cities in America. So please

consider all this when you are deciding the funding amount for next year's San José B.E.S.T. allocation. Let's not regress because I feel the end result will be very very tragic. Thank you very much.

>> Councilmember Nguyen: Thank you. Any further questions by committee members?

>> Councilmember Oliverio: I thank the speakers, and I just hope you'll be with us in all steps when we try to do fiscal reform at the city. Because with no money you're not going to have anything to help residents. Thank you.

>> Councilmember Nguyen: Can I get a motion? Do we need to cross reference this?

>> Cross reference to June 21st.

>> So moved.

>> Second.

>> Councilmember Nguyen: We have a motion to accept the report and cross reference for full council consideration for June 21st. All in favor, post office hearing none the motion hears. At this time we are going to hear the audit of the supplemental military pay and benefits. I heard a special request to be heard at 2:00.

>> I don't see Kay Winer yet. But Sharon is here. OER asked for the item to be heard no earlier than 2:00. So we had estimated that the other items would be completed by 2:00. But Kay, I don't see here.

>> Councilmember Nguyen: So should we just follow the agenda then? Can we do that?

>> Sure. Thank you Sharon.

>> Councilmember Nguyen: So we will hear item 2, the police department's report on operations and performance.

>> Thank you, members of the committee. Dave Cavallero, deputy chief of police, bureau of field operations. Lieutenant Randall has a short presentation, after which we will answer any questions that you might have.

>> Good afternoon, councilmembers. Thank you for this opportunity to report on the performance of the metro unit. My name is James Randall. I'm the commander of the metro unit, and just as a reminder, back in September metro merged with Vset to form the new metro unit. Combined personnel as far as staffing, we were 52 officers, down to 33 officers. We're nine sergeants, we're down to five sergeants and there were two lieutenants running both units. Currently we have eight person teams working seven days a week, day shifts, swing shift hours. So from 7:00 a.m. till midnight. The mission of metro was four fold. Basically our primary mission is gang enforcement and suppression. We have also adopted the old metro mission of narcotic enforcement, but we place the emphasis on gang cases. However we're going to probably see a drop off of that due to the recent spike in gang activities. The third thing that we assumed is September was allowing the response of the team, meaning we support our merged unit with tactical events with weapons and tactics, high-risk search warrant service, and callouts as they occur in the city. And the last thing which has been traditional with metro, police officer special events. This council is very familiar with those: Cinco de Mayo, Mardi Gras and things of that nature. Today I'm going to update the committee on the operation of metro by discussing some of our recent work activity. I'm going to do this by explaining our new gang enforcement zone program that we developed in consultation with deputy chief Cavallaro and the patrol captains. I'm also going to highlight some of the cases and events that typify the work of the metro unit. Lastly I'm going to provide this committee with an overview of how metro is responding to the recent spike in gang homicides. The point I want to make is the bottom line is we're getting pulled in several directions. I just want to make it clear to the committee that our number one priority is gang enforcement. Our philosophy in the unit has become: All gangs, all the time. So some background on this gang enforcement zone program we developed. It was developed after several of our patrol captains expressed a desire to have a more specific approach to solving the gang problems in their respective divisions. We want to target the most violent

and active gangs in those divisions. Historically the San José police department has had an exceptional success with proactive enforcement strategies, and this program is no different. It's modeled in part after a program that captain Gama's developed in the Santee Franklin McKinley children's zone area and it's very similar to the traffic enforcement unit's neighborhood enforcement zone. The idea behind the plan is metro's going to provide focused enforcement to a problem area, for 30 days, and then we'll rotate to another area in the city. Depending on several factors. Primarily being where the gang crimes are occurring. So now you have an understanding of this new program we've developed let me just kind of give you an update of what we've done so far this year. We've completed three gang enforcement zone projects and we're currently deployed in our fourth project out in the foothill division. This is a very flexible program and we direct resources to the hot spots like Mario referred to in his presentation where the gang crimes are occurring. Generally speaking whenever metro begins a gang enforcement zone project we assign two of our four teams to that area for focused enforcement. Because of this staffing model we still have the two other teams that can direct their attention to the other areas of the city. I just want to point out the success of this project we did recently in western division. That occurred from March 21st to April 21st. We had the captain of that division identify the enforcement zones in this case captain Gama has identified the Washington school area Santee neighborhood. To show the effectiveness of this program you'll see while in that division we made 38 arrests, 28 in the small specific neighborhoods that are affected. And we conducted 23 probation and parole searches, again emphasizing the fact that we have the other teams still working on the street policing the city we made an additional 64 arrests for a total of 102. 67% of those arrests were of gang members, very proactive approach to contacting gang members and making sure we can put them into custody if there's a warrant or a want on them. On this next slide let me point out to the committee some of the exceptional work that the metro officers are doing on a daily basis. And I know this committee is very aware of that but I just want to bring it to your attention. Our officers are typically on the street in uniform, providing support to patrol and conducting proactive enforcement and quite frankly the call will come off on the radio where an incident occurs in the city. On March 22nd, 2011 a robbery came out of story and McLaughlin. Two gang members went up to the victim and hit him over the head with the pipe. Our officers responded to that, coordinated the investigation with patrol and followed up on leads. Once he identified the suspect, positively identified by the victim, we arrested two gangsters that were in that area. In this neighborhood I will note it's directly adjacent to the impact area we were policing at the time. The second incident and it speaks to my point of

having the flexibility, we're doing a western division gang project but a homicide occurs on Lundy area in front of a store. The person is shot, our officers hear the call, they go to it, right away there's gang undertone, so we get involved in the investigation. There's leads, they are followed up on and a possible suspect is identified. Because of the flexibility of our unit we were able to go up to that location and set up a surveillance and transition from a uniform mode to a surveillance mode. My officers were able to maintain surveillance from late in the evening on the 23rd to the next morning on the 24th. They handed the surveillance off to the other metro team that was coming in the morning and they maintained surveillance until noon the next day after the homicide detectives obtained warrants on two of the murder suspects. Those two murder suspects were subsequently taken into custody by merge and metro. Again, making the point that metro transitions at this point from a covert mode back to a CRT mode so we wear many hats in this unit and I just want to point this out to the flexibility of our unit. And real quickly I bring other two cases up. The first one was an incident that happened pretty much in broad daylight at Capitol and Snell, to another person and shot him point blank. It wasn't a gang crime but it was a violent dangerous incident that happened on our city streets. One of our metro officers got involved and took it from point A to point Z. Eventually hunted down the suspect, located him that night, took him into custody, recovered the weapon, recovered the car completed the entire investigation on the front end. Packaged up the case that was ready for prosecution. And lastly, just recently, we participated in two arrests from a homicide that occurred on May 4th. A stabbing on Flintcris avenue. Those arrests, although occurring recently the work that went into these arrests has been going on for quite some time. In the last few weeks we have been out in the foothill division providing support to our homicide units. Switching gears a little bit to show you another hat we wear special events. I want to give you an appreciation how we're getting pulled in several directions, want to make this point by saying what we did on Cinco de Mayo. Cinco de Mayo requires four days of our attention with the full special ops commitment but the metro unit was committed on uniformed bicycle patrol mostly in foothill division and some for three days, mostly downtown and some in foothill division and finally on Thursday the Cinco de Mayo itself we were all downtown. The second was Amgen bike race which occurred on May 18th. We provided security, man traffic diversion points. The third thing was Mexican president Felipe Calderon was in town last Saturday, we provided security at the request of the secret service. We had a last minute request by secret service regarding a visit by Eric Holder, we attended that and participated in that. Now that I've given you an update on our performance and operations, I'd like to transition and get you up to speed on the recent surge in gang activity. To

date we've had 25 homicides and according to the homicide unit 12 of those homicides have been classified as gang related. The 25th homicide that occurred two days ago is yet to be classified. Since the beginning of May seven of the homicides have been classified as gang related and of these six involve firearms and two were double stabbings. Look like that. Four of the homicides occurred inside house where there was a party occurring, there wasn't much we could do to prevent those, however there are patterns that present themselves to us and we take an action once we -- we've noted that four homicides occurred in the foothill division and two occurred within a couple of days of each other in Shulte and checkers area. Obviously we can't go into the details of the cases but we coordinate with our homicide unit and we are actively involved in those neighborhoods. On this next slide I'm going to tell what you our response has been to this surge in gang violence. Again our motto, is, has become all gangs all the time. And as a result of the violence in foothill division, we took our gang enforcement zone policy and we've modified it and we've put three teams out in foothill division, leaving a fourth team on reserve and they're devoting some time in western division and they're available to respond to any other incidents that occur within the city. We do this by high visibility patrol, uniform, a method that has worked previously with the Vset unit it's commented under the metro unit. We don't do this blindly. We coordinate our efforts with our homicide unit, our gang unit our probation and parole resources, and of course we have patrol gang cars. That concludes my presentation, I'd be happy to answer any questions if you have any.

>> Councilmember Nguyen: Thank you very much, lieutenant. So back to the question I asked earlier, before the presentation. Are there any specific factors that contribute to these homicides?

>> Again, without getting into the motive, they're gang related, these cases are under investigation and any specifics regarding the motivations of how they occurred or why they occurred I can't go into. I can talk about the patterns though, there's homicides occurring within two days of each other, those could be related and I'm sure it's being investigated that way but other than that I can't go into much detail.

>> Councilmember Nguyen: Okay, fair enough. Other questions, Councilmember Oliverio.

>> Councilmember Oliverio: Chief, captain, thank you. Curiosity on, you know, we have a series of events that happened with a murder suicide, we have a gang related where a gang member is out to kill a specific person, or a relationship there, and you mentioned a party that's sort of hard to manage. So it seems as though having more police officers on the street leads to a higher probability of catching the person that's committed the crime. In those cases where it's personal, right, someone is intent to kill a specific person by name, it doesn't seem that a police officer you know will be there every time to avoid a situation in a city of our size. So is it really -- can you just comment on some of that?

>> I guess you really never know the answer to that. Part of being proactive enforcement is when you make a stop on somebody and he's got a gun, my guys got into foot pursuit with guys recently where they're throwing guns as they're running down the street. You don't know what's going to happen. I can't predict that but the whole point of having a very important part of the mayor's gang prevention task force is you enforce the law. I just can't predict those type of events.

>> Councilmember Oliverio: Absolutely. I think one thing that we do know for sure with gang-involved youth, I mean, if you look at the times these things are occurring and where they're occurring they're urge three four, two three four five in the morning. They're typically house parties in garages or in driveways as you may recall some of these things and so again, your point is well taken. If someone is targeted, we're not going to know about that but if it's a house party that goes bad and say two perhaps gang members of the same sex get into a beef over somebody else and they want to take it outside or whatever, one brings a gun and one brings a knife we're certainly not going to be able to prevent that. However as we told the community as Councilmember Chu's meeting we need them to call we need them to be involved and give specific information. I think everyone realizes that with the staffing that we're going to have after July 1st those lower priority calls which are typically your noise complaints and party calls we are not going to be able to respond as robustly as we have in the past. However if our community gives us specific information that you know these are gang members or that they've seen weapons or heard gun shots or whatever, that changes the whole perspective and then we can certainly make that a higher priority and respond to that. But the reality is I think everybody is undergoing the same thing. The folks in the mayor's gang prevention task, PRNS and everybody is experiencing the same as we are. You

reached the point where I think was mentioned the tipping point and I think we are there already in a lot of different respects. Our commitment to you and the council and the community is, for whatever resources we have we will focus them as best we can to try and stamp out this gang issue and get a better handle on it because it certainly concerns it greatly now.

>> Councilmember Oliverio: Thank you for the comments. Certainly visibility outside of the investigation after the event but certainly visibility prior, has some value-add right? Because the visibility is going to deter someone from being deviant. And I think that's always the -- I think the push in mind is that the physical presence of police officer does influence behavior whether it's speeding or anything else. When you package these together and give them to the court are you satisfied that the court is prosecuting these to the level they deserve, or are they -- I'm never -  
- I hear about we arrest them but I never hear about what the actual penalty is. In your opinion do they get arrested go to the courts and get out in a short amount of time or is it going to a fair amount based on the --

>> I can answer that, from the beat detective and robbery detective, the relationship with the District Attorney's office is very about. When there are gang crimes that are occurring they are very aggressive in enforcing and getting the convictions so I would say yes.

>> Councilmember Oliverio: But as long as the convictions are still financial issues of being able to house prisoners. Are you seeing them back on the street does this surprise you or you find that once they're arrested for a serious crime they're gone for a while?

>> My opinion and my opinion is especially with the gang enhancement they're gone for a long time. But it doesn't again preclude them from still being within the prison system and being able to do their shot-calling if that's what the term we're using to let their other folks out in the gang who are still out in the street carry out whatever ill deeds they want to carry out.

>> Councilmember Oliverio: And then when you discussed focused enforcement for 30 days in certain areas and you mentioned being in the Washington neighborhood and having 102 arrests this may be politically arrests but on curiosity, 102 arrests, all U.S. citizens, anything Mexican national? That neighborhood is very diverse.

>> We don't capture that statistic. We don't even --

>> Councilmember Oliverio: That's a policy of the city right essentially or is that?

>> I'll take it 87. So essentially what happens is as we've said many times the San José police department is generally not concerned about someone's immigration status. Where it does come into play obviously is if a national or an illegal alien, whatever the appropriate term that you want to use is arrested for a significant crime, we book them into the county jail and the county jail from there will contact the appropriate INS or one of those services to see if this is a person who might merit deportation. But our focus obviously is trying to arrest the perpetrators of the crime. And one other thing regarding that. It's very essential for us to clear these homicides as quickly as possible because the longer they go unsolved what that essentially means is that the victim gang if you will they'll be out looking for retribution to the gang who caused the death or injury of one of their fellow I think Mario likes the term homies. So that's why it's so critical that we have the appropriate staff to deal with those.

>> Councilmember Oliverio: Okay, I thank you for the clarification. And so I understand, so we just arrest them regardless, which is fine, they've committed a crime, broken the law, give them to the court system, jail system and they're going to deal with the other item I brought up earlier. I just remember last year that we had a murder in the City of San José and it was a Mexican national and he was caught right at the border. So I'm curious on, we are a city dealing with sort of nationality issues but obviously they -- there is a again we trudge into waters that some people don't want to talk about but I got to ask that question because I grew up in that neighborhood near sacred heart church so I'm actually familiar with it. So thank you.

>> Councilmember Nguyen: Anyone else? I think that's it. Get a motion to accept the report?

>> So moved.

>> Councilmember Nguyen: All right we have a motion to accept the report. All those in favor, opposed hearing none, motion carries. Thank you. Deanna do you want to hear item 4 now?

>> Deanna Santana: I see Sharon waving so yes, that's fine.

>> Councilmember Nguyen: At this time we will hear the audit of supplemental military pay and benefits.

>> Sharon Erickson: I'm sorry, did you want number 4 or number 3?

>> Councilmember Nguyen: I just thought there was a request to hear number 4 because of --

>> Sharon Erickson: Number 4 correct.

>> Councilmember Nguyen: If not then you can --

>> Sharon Erickson: Will do. So the audit of supplemental military pay and benefits. Our conclusion on the program was that reexamination and simplification are needed. Since 2001 and during previous shorter national mobilizations, the city has offered supplemental pay and benefits for city employees who serve active duty tours as reservists. These benefits provide employees with income to bridge the gap between their city and their military pay, as well as medical insurance premiums, vacations, sick leave accruals and retirement. The cost of this program is actually shown on page 7 of the report. We looked at the last three and a half years. It cost about \$1.2 million, an average cost of about \$356,000 a year. What I found interesting about this is that only about 58,000 of that amount, on an annual basis, or 200,000 over the three-year period, was supplemental salary. Much of the rest of it was in benefit cost. You can see that in the bottom on that table on exhibit 2 where the first reservist, about 30% of supplemental benefit was actual -- was salary, the only about 30% of it was salary. For others it was even less, one -- for one reservist it was about 40%. But much of the value of this benefit is in the

supplemental benefits, rather than in pay. Now, what we found was that although this benefit was created as a short term benefit, namely in cases of national emergency the City of San José as I understand it was showing support for the national effort by allowing reservists to serve overseas or as part of a national call-up, that the current benefit is now in its 10th year in part because of the length of the current overseas activities and the call-up after 9/11. But also, because the city council, in 2007, made the program indefinite. So the problems that could have been overlooked for a short-term program have become more oppressing and really need reform. In part, it's also because the City's cost of the benefits associated with this. So that would be employee medical and retirement contributions, has also grown. In addition, we have found that both reservists and administrative staff in the city find the program frustrating complex and time consuming. There are many issues associated with how earnings are determined and the administrative cost we found actually exceeds the cost of the supplemental earnings themselves. We estimate it cost about \$54,000 a year to provide this program, or to provide administrative support for this program, that it only administers about \$57,000 in cash benefits, while there is substantial additional other benefits associated. We also found that in a time of major cuts to city staffing with almost 200 fewer police positions, the city has about eight people including about six police officers at any given time on military leave. The permanent nature of this current program puts additional pressure on already stretched reservists. In fact we found that 34 out of 47 reservists who took leaves in the last three years were in the San José police department. The first recommendation that we have is shown on page 11 and I won't read the recommendation in its entirety. But it really is that the city council revisit the purpose of the supplemental military pay and benefits program and codify the provisions of that program. Including when will the program apply, how long will the supplemental pay and benefits be provided, will retirement credits accrue and should vacation and sick leave continue to accrue? Should reservists be obliged to disclose any supplemental differential pay they get from the Department of Defense and we also continue -- we recommend paying military leave only for the first 30 days of a tour rather than once per fiscal year. In addition, I'd like to point out that streamlining of this program is possible in our opinion, but it will depend on the city council clarifying the program's intent. If the city council wishes to continue to offer supplemental pay, we recommend it be updated and streamlined. For example, the current process is cumbersome in part because of the multiple reconciliations that are required. If the city were to implement a flat-rate supplemental pay scheme, based on the city and military salaries at the commencement of the leave rather than having to true it up continually throughout the leave, it would reduce the administrative cost

of the program and provide reservists with some certainty about their income, which is something the reservists we talked to expressed as a concern. The second recommendation of our report is shown on page 20 and again I won't read the entire thing but it does recommend that the administration establish a supplemental military pay policy based on a fixed monthly amount rather than a reconciliation throughout the tour. That we simplify the military leave contract and consider aspects of the program, which aspects really need require signed commitments. Part C of that recommendation is to consider incorporating reserve status military relief income release forms into HR's outside employment so the outside and the police department's work permit forms as a way of streamlining documentation and allowing the city to know who the reservists are and to get out front with any communications with those reservists. We recommending appointing a military reservist liaison to promote better communication with reservists regarding benefits and upcoming military leaves to maintain contact with reservists while they're on tour and finally the city really needs to prepare written procedures for calculating all these amounts. I want to thank the finance department, payroll division, the HR department, and the office of employee relations were all involved in administering different parts of this program, and their cooperation during the audit process. We want to thank the military reservists 92nd only for their service but for sharing their thoughts with us about the program. With that we're happy to answer any questions. The city administration has reviewed the report and is in general agreement with the recommendations.

>> Councilmember Nguyen: Thank you very much, Sharon, excellent work, again. Really appreciate the report. We have talked about this issue a while back and I think that's what's led to this report but any time you have a program where you are asking people to actually pay back what they have earned you have an imperfect program to begin with. I think this report really speaks to that. I just have one brief question. Since the administration is in general agreement with the recommendation that has been laid out in this report I was just wondering when will we see this again and how will we know that the administration is undertaking some of the recommendations and will it be brought back to this committee so we know that they are actually doing the work?

>> Deanna Santana: Let me just lay out the first step on this is, this item will first go for cross referencing to the city council. It's scheduled to go I believe the first week in August. So with the council's approval of the recommendations and staff's acceptance of them we will begin implementation of the recommendations.

>> Councilmember Nguyen: And perhaps at the council meeting if the council directs staff to bring it back within a year or so, would that come back to this committee?

>> Deanna Santana: If the -- as part of the motion we could do that. And add it to the future work plan.

>> Councilmember Nguyen: Okay, thank you.

>> Deanna Santana: The other item also, the other issue is that as part of the semiannual recommendation reports that the City Auditor puts together we do reflect the input and progress made on each recommendation made by the City Auditor.

>> Councilmember Nguyen: Yes.

>> And I think that -- Kay Winer, acting HR director, Alex was going to be here but he was called to do some other things. Let me just say it is time to revisit this program because I was here when it really continued to grow. And now we're stepping back to say let's really revisit the intent of this program. And make sure that everybody agrees with it. So looking at simplifying it, looking at the recommendation for how we can make more certain what the reservist expects in terms of income, and eliminating a lot of the I think very painful, time intensive work that the departments have to engage the reservist would be a real help all the way around. Because I think by -- at that time then you will have the reservist with a certainty about how much money they are going to receive. The council will know what it is that they are trying to actually present and actually have as a guiding principle for this program. And so will the staff. Because as it grew over, I think starting in about 2003, to 2004, and then when it ended up in 2007 being a permanent program, it had grown so large, and so complex, that it is really time to pull this thing back. And the administration, the departments, finance and HR and whoever else needs -- and OER obviously will work with the auditor's office so that we can bring something back at the appropriate time that lays out the revisited program if you will that meets the recommendations of this this city audit.

>> Councilmember Nguyen: Thank you. Any comments? I don't have any cards so I guess we can just accept this cross-reference. Okay, thank you. We have a motion to accept the report and cross reference for the August 2nd council meeting. All those in favor? Opposed, hearing none motion carries. Thank you, staff. And we'll move down to our last item on the agenda, the monthly report of activities.

>> Sharon Erickson: Sharon Erickson City Auditor again. The city charter requires knee submit a monthly report and that's why I pain you with this. The audit reports we issued during the modify may included the audit of employee compensation and then during the modify June of course the report that you've just heard on supplemental military pay. The report also gives you the status of other projects underway. I wanted to note that the proposed work plan for 2011-12 is on the Rules Committee agenda for next week. On June 22nd. So you'll be seeing that and we'll be reporting on the status of that work plan in the coming year. I'm happy to answer any questions.

>> Councilmember Nguyen: Thank you, Sharon. I don't have any questions. Committee members have any questions or comments? Can I get a motion?

>> So moved.

>> Second.

>> Councilmember Nguyen: Okay we have a motion to accept the report. All those in favor, opposed, that carries. I believe we have open forum next. Does anyone wish to speak to the committee? Okay, meeting is adjourned. Thank you everyone.