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>> Vice Mayor Nguyen: Good afternoon. I'd like to call the Public Safety, Finance and Strategic Support Committee to order. Since Councilmember Chu is running a little late, we are not allowed to take action, but we're allowed to listen to presentation. So we will start with Item D, D-1 and D-2, we will combine those two actions, and when it's time to take action, we'll need a sunshine waiver for item 2. So chief.

>> Madam Vice Mayor, members of the committee, Chris Moore, Chief of Police. Thank you very much for your indulgence in combining these two items. The first item would ordinarily be our verbal report on operational issues affecting the police department. And the second is a referral from the rules committee on behalf of Councilmember Herrera on specifically the status of burglaries and other part 1 crimes, major crimes occurring within our city, and to give you an update. What we have done is go ahead and done a combination. And with me in the well here is my assistant chief Ricki Goede and deputy chief Eddie Garcia from the bureau of administration. So we're going to talk today about patrol staffing, particularly now and as we approach our September shift change, and in light of some of the reduced staffing issues we have faced, that are well documented, we are going to talk about redeployment of officers from the investigative bureau back to patrol and also redivisioning. As you recall, one of the recommendations that have been made several times within the last couple of years is shrinking from four patrol divisions to three, which we have done effective with this current upcoming shift change. I'm going to talk a little bit about staffing and recruitment, which has been a hot topic for this committee, as well as the full council, on where we are with recruiting for our academy classes starting next month. It's good news. We have a lot of really well qualified candidates that we have extended employment offers to. And then lastly, we will go on to what would have been D-2, which is the burglary and major crimes, part 1 crimes for the City of San José. Next slide okay. Our September shift change we bid every year, September and March, for patrol staffing. We -- the bid process itself starts actually in July with identifying where people are going to be, who's transferring from one bureau back to patrol, and vice versa. And then the shift that is actually occurring now for both sergeants and then for officers, and then within the next few weeks we'll have that shift established and then we will actually have, the third week in September, the actual shift change. Our authorized staffing for patrol as it is today, and that's authorized staffing, not actually actual, is 548 officers and 91 sergeants. And that is a low number compared to what we have seen in past years, but that is what we have authorized. Unfortunately with the number of people that are on disability or otherwise unavailable for service, our

March bid, this is the one we have currently that is out on the street, is 492 officers instead of 548, and 86 sergeants. Currently available, we're going into our shift bid with 460 officers and 81 sergeants. Again, we see a diminution of that number, in part primarily because we are losing folks through resignation and retirements that have occurred. This has presented a challenge for us, because we just do not have enough people to work the streets. So when you're faced with that scenario, and we did this when we had to go through layoffs, is where do you pull people from the rest of the department to put them in patrol cars to answer the 911 calls where the majority of our true crime fighting occurs. Very difficult scenario for us. We've done it before last year with realignment, our department's realignment, and we put together our chief officers, and they're all seated here with us today. Deputy chief David Hober from the bureau of technical services, Deputy Chief Fontaineau from bureau of investigations, and deputy chief Larry Escoval from the bureau of field operations, along with Chief Garcia and chief Goede, to go over every position in the police department to see what in our best professional judgment we could move people on a temporary basis back to patrol. And recognizing we were going to need at least 30 bodies to go back, we identified 27 positions, 27 officer positions and four sergeants, and the locations we took them from we have two traffic teams that we are going to redeploy to patrol. Our financial crimes unit, which consists of our fraud and burglary unit detectives, we will move some of those functions, the ministerial functions of paperwork for in custodies to our court liaison unit which we will now rename the investigative support unit. We are going to take the one remaining graffiti officer that we have and redeploy that position. And I could read through these all, you can see them up there. But the FBI task force, which clearly has an impact on gangs. Again, our horse-mounted unit, which we have desperately tried to hang onto over a period of time, but you reach a point where you just need to have these bodies back, those two remaining positions. Our taps officers, the full-time officers assigned to the truancy abatement program, we are still going to have the overtime because that is necessary during the school year to bring those kids out on the street potentially -- first of all, they need to be in school, and the schools lose ADA, so it's helpful to have those taps officers, but also, those might be potential burglars that we are able to take off the street. The RCFL position, which is the regional computer forensic lab, it's basically an FBI lab that we have had a very substantial participation in helping design it and staff it, but it's one position. And now that they're up and running, they're able to do that without us. My personal adjutant, who I appreciate very much, for those who know sergeant Tabaldi, she's been demoted once already, got her stripes back, but she's been very helpful to me in getting me to where I need to be and in providing

support at a very difficult time. Our human trafficking task force, we are going to redeploy one officer, and then certainly our family violence unit. Backing up to redivisioning. Again, we have reduced our number of lieutenants, which is the mid-management rank from basically 52 a couple of years ago down to the point we're now at 34. And the vast majority of those came out of the field operations division the BFO and what we realized we cannot have four divisions if you don't have a support structure for it. So after a lot of consideration, a lot of conversation, it was best that we just reduce back to where we were a dozen years ago and that was have three divisions, and same geographic area, reduced number of officers but the teams will be larger. So what we did is we took the downtown or the central division that it exists today and split up and we now have three divisions effective September and that's foothill southern and western. I just want to talk a little bit about the records management system and automated field reporting. This is a major investment that the city and the police department have made and very much appreciate council's support on this. It is absolutely necessary for us to move forward to be able to compile data to utilize it to be more efficient. We've had a couple of false starts over the years but now we have a great vendor, we have a good team that's appropriately staff and I know we have beat this thing to death but it's really important. We understand it's a long term commitment. We went operational with the new records management system July 1st, we're using the new database now, inputting our reports in there but the officers will start doing field reporting effective March shift change. Because it really takes a long time to get everybody, make sure the system is stable, make sure the people who are using it on the back end know how to use it, all the functionality then train all the officers how to use it and deploy it in the field. I'm very confident with the staff we have here led by deputy chief Hober, that this one is going to be a resounding success with a lot of effort, and appreciate everybody's patience with that. I'm going to now turn the presentation over to deputy chief -- or excuse me, assistant chief Goede to talk about our current sworn staffing levels.

>> Okay, for right now we're authorized staffing at 1109. What our current net sworn staffing right now is 1055, and that includes three over-strength positions that we have. So a lot of this has to do with, we -- it's you know been pretty widely said that we have a retention issue right now with some of our officers. We've had resignations already since the 1st of this year are at 27. We know there is probably two pending as we speak right now. Retirements for 2012 are at 21 and again we also know there's at least two or three more that have already put in their papers as the months come up before the end of the year they'll be retiring as well. And like I say we

have pending resignations at five pending retirements at three. And currently, this is the part that fluctuates a lot with regard to patrol staffing, has to do with disability and modified duty when they're injured. And as everybody knows, we had eight officers injured last week in different incidents. Three or four of them were injured pretty significantly, broken bones, some back injuries and it's going to require them fob off duty for a while. And that number fluctuates, but it's generally 35 and 50 at a time and that's unavailable for patrol which also affects our patrol staffing. So what I'm going to do right now is let Chief Garcia talk about what we have done so far with recruiting what we have coming on board and some of the issues we've had up with that.

>> Good afternoon, eight just want to go over some of the recruiting numbers and what we're looking for, for our September 12 academy as well as we look forward to our March 13 academy. So as we go back for this current academy that's coming up in September we had 842 total applications. Now that number speaks volumes for the work that our officers are doing as far as recruiting but it doesn't really mean a lot for the last number, because we have to start then narrowing down who is qualified and who is not. People who fill out an application and have an interest that has -- that we don't know -- and that's what that number based on. The 579 number is based on people that actually filled out the application correctly and did everything we require them to do prior to applying. From that number gets whittled down through PHQs and some initial psychological testing to 221. They were then backgrounded. Those backgrounds through that process, it gets whittled down even more, and we had 104 that were presented before the hiring board a couple of weeks ago. We were able to -- we selected 66 individuals. There were 14 direct entries and one lateral. So I'm going to explain that real fast. So what a direct entry is someone who's put themselves through the academy and then we hire. They're not -- as opposed to a lateral where a lateral was a police officer from someplace and then was hired here. Our lateral came from the University of Pacific. We then had 51 recruits that were selected, unfortunately, two of them advised us yesterday that one took a job with Cheyenne, Wyoming and the other took a job with Concord. So we're down to 49 officers at this point. For the March, 2013 cycle so far we have over 1400 total application. 697 of them were qualified, and we have well over 300 now that are ready to be backgrounded. So the numbers are even better than they were for September. So I just wanted to break down the candidates for the September academy. And just you know the qualifications that they had. Of our 14 direct entries and one lateral seven possessed their four year degrees, another percentage, 47%. Another 7% possessed foreign language skills. And they have an average

Wonderlic of 30. Now, to explain the Wonderlic, the Wonderlic is similar to an I.Q. test. The average Wonderlic in speaking to our psychological services for law enforcement in general is anywhere between 22 to 25. That's the average. So you can see, our direct entry and laterals are well above the average for the Wonderlic. Of our academy recruits, 51 were selected for the September 2012 academy, 32 possess their four-year degrees, as you can see 52%, 16 possess foreign language skills, which is at 31%, ten are former military, and their average Wonderlic was 26. Again, above the national average for law enforcement. This was one of the most fascinating things about the class assistant chief Goede and myself sat on. And the languages spoken, as you can see up there, Spanish, Tagalog, Mandarin, Hmong, Hindu, Urdu, Russian, Dutch, Cantonese and German. So we have a very diverse group, and we're proud of the selections, and right now we're hoping that they take our conditional offers.

>> So before we continue, just to comment on that. It was very difficult during the layoffs, because you typically use the most junior people, and that was our most diverse group of officers with a large set of language skills that walked out the door, unfortunately we did not get them back. Very heartened with this particular cycle we got such a diverse group with such great language skills so important for us to provide service here in San José. So we're always looking forward to that, and I know it was a concern of Councilmember Constant, if he happens to be watching this from wherever he might be, that we've taken to heart all those recruiting issues. And also, the mayor had asked us to check into how many of those were veterans, and I think did we talk about what the -- ten were former military. So we have a number of folks that do have former military service and we will continue to recruit those are coming out of the military, because they do provide a great, great base for us. Just one other side note on the recruiting of those 66, now 64 persons that we offered conditional employment. They still have to pass a medical, but we're confident at this point after everything that they've been through that all of them will at least make it to that level, and we will get them into the program. Our field training program will have the first 15, the 14 direct entry and the one lateral, in our field training program shortly, and we anticipate having them, hopefully if they make it through, available for street duty sometime towards close to the end of the year in December, which will be helpful. So at this point I'd like to turn to the last portion of our presentation, and this speaks to the burglary issues and other part 1 crimes as they relate to the City of San José, and quite frankly, regionally, because we are seeing increases across the board. It's not just San José, contrary to what people

might say, it really is a regional issue. The way we calculate our crimes, we divvy up the city into police districts, and they are, contrary to some people's belief that they are not aligned to council districts. And I think that's a good thing, it really is. It just shows how we operationally deploy our personnel across the city. And in your packages there is a map here that I would -- if you could hit to the next slide, we have printed versions for everybody we would be happy and will be sending the rest of the council sort of for their reference where your council district is and where the police districts are. We have seen an overall increase in part one crimes across the city and we have deployed a number of specialized teams and some operational strategies to address each of those ones. We've all heard about them. It's the burglary issue, it's the gang issue, it's prostitution, it's homeless issues, a number of quality of life crimes and issues that we do not necessarily have full-time resources that we may have had in the past, but we are using overtime to address them in hot spots. It's not a long term solution but it certainly provides us with some coverage and some ways to address it. We're going to speak in the end of some other potential steps we are contemplating always invite feedback from the community and certainly from councilmembers. Among all of the things that we can do though and the thing I've tried to impress upon the community is now more than ever we need their help in reporting crime. It's frustrating because some of the members of the community hear all the news about us not responding and not being available to respond to crimes and the question is asked, why should I report it if they're not going to bother to come? While it is a fair question it is one we all have to combat and say listen the information you provide us now we may not be able to act on right away but it may be critical to solving a crime or string of crimes, violent or property crimes in the weeks and months ahead. So we ask our residents when they see something that they know is out of the ordinary somebody that is knocking on the door or trespassing in the backyard of somebody's home call us and those types of scenarios we will do our best of to get there but even though we don't a great description a license plate even a vehicle description would be very helpful in us putting a case against an individual for burglary. Talk a little bit about numbers. The UCR which references the uniform crime reporting is what the FBI collects from the states and the states collect from their individual departments. It used to be done once a year but since crime reporting has changed the FBI was behind and they really wanted the states to give them more up to date information and the states wanted to get more up to date information from the departments. While it is a challenge to provide the data in a timely fashion, we have always made it, and we will always do so. The latest data we have that is UCR available is for the first six months of this year. So it's January 1 through the end of June. And our best

comparison is to compare us that same period from 2011, January 1 through June 30th. And this is what we have found. That burglaries citywide are up roughly 34%. Now, each of you is provided with each councilmember was provided last week by me a list of all the police districts and you will see it's not uniform throughout the city 34%. There are a number of districts throughout the city that actually have seen double-digit declines percentage-wise in burglaries, but we have seen a number of specific districts that have gone up triple digits when it comes to burglaries and that's always a problem and that is where we have deployed these specialized enforcement cars. Aggravated assaults up 8.7%. A comment on that is we're seeing even though an increase 8% is not necessarily a large number. It's where those assaults, those aggravated assaults are occurring, the shootings and stabbings, typically in gang related neighborhoods, and that's what concerns us. But overall numbers-wise it is not a large increase, but it is still an increase, unacceptably high. Auto theft, up by 38.9%. 40% citywide, not a surprise there, as we've no longer -- we don't have an auto theft unit in the police department. With some of the technology tracking that's available through Onstar and others, some of the higher-end cars that have that service, we are able to recover those. It's typically the lower end cars older cars where we're seeing that increase. Homicide again first six months, I have to emphasize that, first six months, we're down 9.5%. We historically as a city have a very low homicide rate for our population. We're not Detroit, we're not Memphis, you've heard me say this before we are a very safe city. If you oar family member of one of those numbers, that is unacceptably high. Those numbers are going to change, we are pretty much on par where we were last year based on the three that we just -- we had another one that passed away, another victim who died as a result of Monday's incidents. Rapes, again, citywide, up 23%. Robbery up 18%, and theft up 17%. Again numbers, percentage wise, are -- seemed large double digit. Again, numbers-wise compared to other big cities, it still, for context, is not anywhere near, what a place like Oakland or San Francisco are or other large cities, but it's still, for our -- for six months it was not what we would like to see. With respect to burglaries in particular and other, the operational strategies, we've tried employ in the last six months, we have maintained our arrest numbers for burglars even throw the numbers are going up. And the way you catch burglars most effectively is that you have people in the field who are available to respond to suspicious person calls to in-progress burglary calls, to get people there to detain people, identify them, put -- collect evidence be it fingerprints, photographs, you know, tools that are left at the scene, those types of things. And it really requires to have bodies on the street to do that. Hence our desire to have not only more officers out on the street for regular patrol, but also adding overtime

cars. And we have done that in each of the divisions where we've had problems, we have authorized the division captains overtime to place very targeted, strategic police resources to -- in other words, pay cars, officers on overtime, to work those areas to try and catch those burglars. We've had a number of successful cases where we've caught people in the act. And when you look backwards, you find that these same burglars are usually good for at least half a dozen or more, usually in the same neighborhood, but sometimes in other parts of the city. You may be able to execute a search warrant on these suspects' homes, and you'll find property from a number of different burglaries, not only here in San José but elsewhere. We also started a pilot program called contact to completion, when you don't have backup investigative resources to do follow up investigation which we really do not we've charged our beat officers in southern division to take a case from literal inception where you're the responding officer collecting evidence yourself doing follow up yourself and then literally taking it through the case to its logical conclusion and that may be two weeks later that you are out reinterviewing people. Although a lot of departments smaller departments use this concept of contact to completion it really is a resource drain for those officers that may be trying to do follow up on a burglary for two weeks ago for that two hour period that they are doing follow up investigation they're not available to answer calls for service so you have to weigh that back and forth but we'd like to trite to see what the results are and then after a six month period which we're coming up to see if there's any difference at all. If you recall, we also implemented the verified response protocol for alarms and one of the things we were very, very cautious of and I was before I made this decision was to make sure we didn't have a huge increase in burglaries that were related to alarm calls. And that's not what we've seen. Still a great deterrent to have an alarm sign have an alarm that's operational that make noise. Burglars are typically cowards, they don't want to be seen, they don't want to be discovered. So our best, we are cautious to make sure that we are not seeing upticks in those types of burglaries where the houses are alarmed. We're not seeing that, to reassure you. We are seeing cases where we've decided to respond to alarms even though it's outside of policy for a short period of time in a specific neighborhood where we've had a lot of burglars because we may end up catching one where we didn't know there was an alarm and they've tripped it so we will go to those areas where we've had a problem and respond to those calls. Again we talked about overtime suppression cars specifically for burglary but we've also used them for prostitution and for gang crimes. We have spent a lot of time in community meetings, both myself and Chief Goede, as well as all the deputy chiefs and captains. Whenever invited we take the opportunity to inform members of the public. Sometimes it's painful because they're not happy with some of

the response -- our inability to respond. I know we hear that through your offices because we hear it from your offices. But we do our best to explain what I've just mentioned here, is our assets, our officers on the street are the best deterrent. But they can't do it without getting help from the public, and that means getting information in a timely fashion and not being afraid to report things just because they think it's insignificant. It's always significant. If you think there's something wrong in your neighborhood it's significant. Let's talk a little bit about additional potential steps. We have used a lot of suppression cars and we spent a significant amount of money in overtime to the point where we've had to slow it down. We're concerned about burning out our officers. They're working a lot of hours. They're able to make up some of the -- it's good for the officers in the sense they're making some additional money that they've lost perhaps in pay cuts but that's not healthy long term because working when you're tired and tend to make mistakes and perhaps get injured and we don't want to see that happen either. Working with our crime analysis unit with the new RMS system to see what kind of data we are getting out of that to help us pinpoint where we might be able to deploy our resources. We have also revisited with those who are involved in -- many of you have heard about this -- this predictive policing. There is some software algorithm that talks about how do you -- taking 10 years worth of data and seeing where you might be able to predict where some of these crimes might occur. We've talked about it. I remember at this particular committee and also at council during the budget hearing, was that a good idea, it came up in the IBM discussion. I've had conversations with the chief personally, with chief Beck in Los Angeles, because they're trying this out. And I wanted them to be the pilot for us to see if it worked. And the initial analysis is that it appears to do a little bit better in predicting where they're able to drive down crime by getting the prediction and putting officers in those areas and making arrests. They have done it, they had one pilot division in Los Angeles and now they're moving it to four before they go citywide. So we're still watching it, but we've engaged in conversations with our research and development unit to see if perhaps they would want to come back here and see if we could take our data with our new RMS and see if we could participate in that particular pilot. We have as part of our restoration plan, that quite frankly is on hold but we've identified a number of additional positions if we were to grow back the department like we'd like to, a lot of non-sworn or civilian positions would be critical to us. And I know you've heard this before but our crime prevention specialists whom each of you have worked with and know how valuable they are, we would like to double the size of that staff basically from three or four to six or eight based on our new division structure to provide additional coverage, more neighborhood watch. We are also looking -- we are having difficulty recruiting

fingerprint examiners for the burglaries. We would like to implement a community service officers program to respond to a lot of these burglaries. This has been a -- will be a challenge. It's a meet-and-confer issue but it is one that both myself and Chief Goede really would like to push. It's part of the restoration plan, it's the highest priority to take literally eight crime or community service officers who could respond to burglaries, take prints and help us with this crime problem. And then certainly more officers. I'll leave it at that but I know that we are down at a place right now that we think we're dangerous, we would like to grow the police department recognizing we don't have the resources to do it. Another issue is the realignment. When the county Board of Supervisors had a joint session with this council last year, I expressed my real concern about not having any funds dedicated from the state for all these prisoners that were coming back to our community. They were designated non-non-non, nonviolent, nonsexual, and nonserious, for their last commitment offense. So we've had a lot of people return to our community which is not necessarily a bad thing unless you give them services to keep them otherwise engaged and otherwise away from crime. It's not coincidental in my mind that where we're seeing these burglary problems arise throughout the city, it's very similar to the patterns of where we're seeing some of these folks coming back from prison, back into our community where those are. So we are working to try to get a correlation and working with the county probation department to see if we can isolate some individuals that are causing us the most problem. With that, just again about community awareness, before we go to questions, it is critical for all of us in city government, and particularly councilmembers and your staff, when we have a member of the community call in frustration, that now we need them more than ever. And it's a hard sell sometimes, but I would really like to employ the use of our community to help us report crime. It will, with the resources we do have, we'll do our best to get there and work with them. We'll continue to work with the City Manager's office to look for other ways to engage the community, very much appreciate the managers office staff in supporting the police department in this effort and certainly any additional crime prevention resources we could get would be very helpful. And with that long presentation longer than I think we've ever done open to any questions.

>> Vice Mayor Nguyen: Thank you very much chief. I believe we have questions from community members and Councilmember Herrera is also here she and the mayor also has a memo out late July but at this time I'm just going to turn the mic over to Councilmember Oliverio who has some questions.

>> Councilmember Oliverio: Thank you chief and all the deputy chiefs. On the RMS system did we import legacy data or did we just import -- how did that work out?

>> I can tell you the answer but I'd like to have deputy chief Hober tell you, because he's in the weeds on this one.

>> Thank you. Deputy chief Dave Hober in charge of the bureau of technology. No we did not import legacy data into this system and the reason for that is there is new technology in the way we have names and those kinds of things. Before, in the legacy system, where you might put Dave Hober in there 15 different times, in the new system, we can put Dave Hober in there and there's a way that we can check to make sure it's the same Dave Hober. So we wanted to go in there with information that was pristine and clean. So we did not import that data. However we are keeping that other system up so if we need to look about back at that information we can look back at that information.

>> Councilmember Oliverio: Okay, and so obviously, all things being perfect, ten years from now RMS would then be about to give us 10 years of clean data, clean reports, and you're just going to have this legacy system sit on the side, pray it's still alive, and then we'll run reports per your comparisons of this time versus ten years past or nine years past?

>> One of the things we explored the option of trying to get that data mapped and brought into the new system. It was very expensive and quite frankly the integrity of that data once made the transfer as you know was not worth the effort.

>> Councilmember Oliverio: I concur with you, it would have been very error-prone and it would have cost a lot more if you tried to do the legacy data. Quick question on RMS today part of the presentation of the council was that RMS was going to have direct integrate to federal by I suppose the 9. Is that the case today?

>> We have a couple of systems. That our RMS data base is commingled with other RMS systems, that's called cop link which I think we've talked about before and then there's another system called index. So we're working through connecting to those different systems so we can share our RMS data with other agencies.

>> Councilmember Oliverio: And so at that point in time will that enable FBI to just pull the data themselves, or are we still going to shepherd the data and hand it over to them?

>> If the FBI had access to that data which in index they would, and they would be able to have anything that we have allowed to be entered into there.

>> Councilmember Oliverio: Okay, great. And then from the legacy system of data, so we know the crime statistics from all the major recessions? So I mean, if you look back in 1982, when there was a deep recession and burglaries were up, or is it difficult to compare because we're a larger population now and --

>> We actually because we report to the FBI and the FBI keeps that data if you look on our Website we have crime data part 1 data going back 20 years.

>> Councilmember Oliverio: Okay and then do you think it makes sense on homicides or on aggravated assaults to list out totals and then affiliated by gangs vs -- because there's -- it's a tragedy when we have homicide but I think there's a distinction when it's a gang member and an innocent person, could you comment on that?

>> Two things. Number one, I don't think it's a good idea necessarily to call out specific gangs. I mean, I think that invites more problems than it solves.

>> Councilmember Oliverio: Not by gang name, but I mean gang related or something.

>> Yeah, we do keep that data in terms of we don't necessarily publish it through UCR, because that's not what they asked for. But we do have that data internally and we do use that data. The numbers are relatively small. Let

me just make one comment on it, though, because it is important. Our number of gang related homicides before Monday, because that added, I think -- we're still investigating sort of the gang ties on a couple of those cases.

But before that we had nine, which was a decrease as a percentage of the whole, which is a trend we are seeing. But alarmingly and disturbingly, we are seeing an increase in the number of domestic violence related homicides that we have not seen in many years, and that's another thing that we're looking at.

>> Councilmember Oliverio: And then when you actually catch a burglar and we give them to the judicial system, are we seeing a level of punishment that is appropriate? Because it sounds to me, again and again, a lot of time they're minors, it's a slap on the wrist, and they're out. Or even if adults, there's not enough room, so they kind of go back out, and then here they are back again. Would you comment on that, chief, or anyone in the group?

>> I'm happy to start, and then chief Goede may also have some thought on this. With realignment, a lot of the crimes moving forward, again, they brought some people back to the community, but they're considered lower level property crime, burglary being one of those. Those would be the ones more like to be returned or housed in local jails, and then come out on the street on a lesser form of supervision in the community supervision piece. So if you are looking at incarceration time as punishment, you're going to see less of that moving forward, just because the costs are so high at the state prison system and they are trying to reduce that. Again, I'm a fan of community collections. I think it's valuable, it's better for the community. The problem is, you have to take those same resources you were spending with the state and putting them -- it's more effective at the community level. The problem is, I'm not sure it's answering our problem. It is not addressing our problem. We're just going to have more people out, and if you're asking me, are the judges too lenient? I can't speak to an individual case --

>> Councilmember Oliverio: In general?

>> In general, we're going to see people spending more time out in the street and less time in custody for these types of cases.

>> Councilmember Oliverio: So in general you are saying the judges are lenient?

>> I am not saying that, I'm clearly not saying that. What I am saying is this: That the corrections model that we're moving towards, which again in concept is a great one, it just has to be resourced. And I don't think any of us in in this room are foolish enough to believe that it's going get resourced at the level it should be. And with that, who's going to get whatever money there is, and for those of us who don't, we're going to end up with bigger crime problems, which is why I think you're seeing this larger increase in burglaries.

>> Councilmember Oliverio: And then with the GPS in the police cars, are we utilizing that technology to make sure that the patrol cars are out and about?

>> We do, and that's one of the things -- we're one of the early adopters of GPS technology. We use it for our response, our emergency response will send the closest car, even if they're not assigned, and we've been doing that for at least six years. And it has helped us reduce our priority 1 response times. And when you don't have as many officers, it's better to have a -- it's more efficient, and a lot of departments still aren't using that technology, so we're far ahead in that. What I would like to see us use on the GPS side, though, is getting from probation or from the state those who are wearing ankle bracelets, otherwise being tracks by GPS, some of these criminals. If you can imagine, if you have a lot of these people that are out, take the worst of the worst, put bracelets on them and then we can track them as a layer on our screens in the patrol cars. So if you have a burglary come out, and all of a sudden you're able to identify three or four people, you may end up going to those people first and see if they match the descriptions. I think we'll see some great advances in that, hopefully in the next year or so.

>> Councilmember Oliverio: So is that been done anywhere today or is that somewhere you would like to go?

>> That's somewhere we would like to go.

>> Councilmember Oliverio: And then when you said, on the alarm calls, the calls for burglary weren't related to alarm calls, how do you separate that so it's accurate?

>> So when we take the reports, and we do go to a burglary, determine whether it was an alarm or not, whether it was activated, whether it was on, that type of thing. But again, it was a concern of mine when we first went to the verified response policy, we had a lot of experience in other cities, big and small, that have not seen any increases in burglary related to houses that had alarms, we are seeing the same thing.

>> Councilmember Oliverio: And will that be released as a number?

>> As far as how many --

>> Councilmember Oliverio: 100 burglaries, only three were alarm.

>> We can definitely do that.

>> Councilmember Oliverio: Okay, I think that would help just to know.

>> The plan had been, remember, when we started --

>> Councilmember Oliverio: One year. That's right, that's right. And then on community meetings I appreciate those I always think it should be just the facts rather than opinion but --

>> Think I have heard that from you.

>> Councilmember Oliverio: Fair enough. On community service officers can they be used to manage quality of life issues? So as the patrol has pulled back from quality of life crimes, could the community service officers engage in that? I know it's a meet and confer issue but would you see that as an opportunity?

>> With regard to the community service officers, it would be a little hard to do what you're saying, councilmember, only because you're talking about having to actually take police action and putting them in a

situation where they're dealing with somebody who could be committing a crime, and they wouldn't be law enforcement officers per se. So the community service officers would be more to supplement to take cold crime and then the officers don't have to respond to that and you have the officers free to be able to handle some of those quality of life issues the prostitution, the homeless issues, the graffiti, things of that nature. So that's really what the community service officers would be doing more of the cold crime fingerprinting that type of thing.

>> Councilmember Oliverio: Which would be a resource well needed but do you think a community service officer stopping someone who doesn't have a seller's permit selling something on the corner is a direct engagement that is risky?

>> I think that would be problematic, yes.

>> Councilmember Oliverio: Okay, being done by neighbors today, so I just figured --

>> Well, and the other thing is, you would be putting somebody who doesn't have the training in the academy, and for arrest and control techniques, and you don't know if somebody's armed or not. It would be very risky.

>> Councilmember Oliverio: And the final question chief if money is available and you know your ramp up time obviously looks like the recruitment efforts are going well, but it obviously takes time. And if there's money available does it make any sense to utilize other agencies' services or paroles to manage something that you would be comfortable with like traffic enforcement or something like that allowing then more patrol to do other things?

>> Councilmember I'm not sure I understand your question completely. I don't want to go off in the wrong direction.

>> Councilmember Oliverio: I could be more specific if you like.

>> Yes.

>> Councilmember Oliverio: So there's an additional pot of money, you have a lag time about getting patrol officers in the street. You have needs in the city for example a jurisdiction of another city that has a police department or your sheriff's department. Would it be something that you could put in reality a thinking, should we then I have this money I'd like to do something let's hire them on a short term basis to manage something you feel obviously couldn't be done by community officer, but it's not the other thing, so you know, my example is traffic enforcement. I feel equally that I'm sure any police officer in any jurisdiction is well qualified to do that. Would that be something in the realm of possibilities?

>> So my concern with that is first of all you're bringing in another jurisdiction with other policies, and then you'd have to have the indemnity. They're not operating under our rules, difficult to supervise. You can do it. I would not recommend it, I think for the short term that we're talking about the overtime option is away we have been doing and will work. It would be rare that you will see other departments sort of absent an emergencies a Katrina scenario where you absolutely need to have those bodies or an occupy Oakland or something where you are bringing in resources on an emergency mutual aid basis. But if you know you have a need, for a specific type of crime, and you know, you are willing to hire people, it's just a time issue of getting people out on the street I would rather see the funds go towards the hiring of those -- hiring training of the new people and quite frankly to retention and this is an issue we've talked about before. We don't have a recruiting problem. We're getting good quality candidates. My concern is what happens if the marketplace doesn't clear, we're not competitive with our bottom line wage and I think everybody acknowledges that. It is just a reality we face. We risk losing, continue to lose people who find it more advantageous to go you know mid career lose a lot of experience, we're seeing mid career people that we've never seen leave before and again it's a money issue if I had all the answers I don't think I'd be sitting here I think we'd all be happier but it truly is where do you put your resources and contracting out for law enforcement services introduces more problems than I think it does I think solve.

>> Councilmember Oliverio: Well hopefully we wouldn't be able to be in that situation because of the recruitments and all the good work that is going on, and I appreciate all the work that is being done by officers. And it will be contingent on the council prioritizing what funding we do have for law and police. Thank you.

>> Vice Mayor Nguyen: Thank you, Kansen.

>> Councilmember Chu: Thank you, madam chair. I was under the impression that our PD requires a four year degree.

>> We've never required a four-year degree, although a large number or large percentage of our personnel do have their four-year degree and many have advance degrees. But the entry-level requirement basically is 60 units. And even then because they get unit credit for being in the academy I think you can come in actually apply with I think it's 45 and then if you successfully complete it by the time you become a police officer you have to have 60 units.

>> Councilmember Chu: Okay, and I'm glad that you're trying to put some more effort or attention to the crime prevention unit. You're talking about doubling the size from 3 to 4 people to 6 to 8. The -- does it have to wait until our next budget cycle or you be able to kind of double the crime prevention unit before we even have to worry about those new sworn positions graduated from the training class?

>> Councilmember appreciate that question. I think if you look at the restoration plan our top priority of all the things we'd asked for with restoration money weren't available were the crime prevention specialists because we think they bring that much value to us particularly at this point in history those in the CSOs but particularly the crime prevention specialists. Without restoration services it would require civilianization, definitely a meet and confer which has caused us on a number of fronts an ability to do it quickly.

>> Councilmember Chu: You touch a little bit about the retention issue or the problem. And that's really a big concern of mine. How can we make sure that our San José PD you know would not become a training ground for

all the neighboring police department, I guess, you just stated that we don't really have an answer to it. But if follow up councilmember Pierluigi's question, if you have a chunk of money coming to your way, would you be rather giving your current sworn officer a raise or salary increase, or would you want to hire more officers at a lower pay scale?

>> Councilmember first of all appreciate the concern. It is as many of you know my major concern that we not lose anybody else. Because they're highly trained and we've invested roughly \$170,000 per employee that walks out the door. I would like to see our officers have more money in their bottom-line pay. I think we all would. It's a question how you do it and it is truly a question of priorities. And that would be my preference rather than hiring additional I'd rather hang on to the ones I have that are already trained and that makes getting more money into their pockets.

>> Councilmember Chu: Thank you very much.

>> Vice Mayor Nguyen: Councilmember Rose Herrera do you want to speak to your memo?

>> Councilmember Herrera: Thank you. First of all I want to thank the chief and his staff for preparing the memo that they submitted in response to questions the mayor and I raised in our memo dated July 25th, 2012. Chief, there's been a lot of -- and I appreciate that I came in as you were presenting. And it's very heartening to hear about some of the advances and the technology that is going to be in our future in terms of RSS and the other things you discussed. There's been a lot of discussion in news reports about crime, increases in crime, especially burglaries in the Bay Area. As a councilmember and a city leader, I'm very concerned about crime rates not only the crime rates but the perception of crime in our community. I want to make sure that we're doing everything we can to protect the public, prevent crimes when possible and solve them when they occur. The public has a right to expect accurate information from the city. San José's been a safe city and continues to be a safe city, by and large because of its residents. The great neighborhoods we enjoy, the willingness of our residents to work together, to know each other, to get involved and to cooperate with the police department, to prevent crime and again to solve crime also. If our residents weren't mostly law abiding you couldn't hire enough police to protect us

and I'm sure chief you would agree with that. As has been pointed out in the San José Mercury News article the reasons for increases in home burglaries and this was region wide, decreased staffing and crimes of opportunity such as leaving doors unlocked and windows. The mercury refers to its ease of stealing from a home. Soft target communities, in crime prevention we try to make neighborhoods harder targets, it's what I've always heard. Even though we've seen increases in some crime in San José, we've also seen decreases, as you pointed out. So chief, I'm here today to just ask you as the expert. You're our expert, you're our public safety leader who we depend on for accurate information and maintaining the public trust in our police department. It is critical not only for the safety of the public, but for the safety of our police officers, that we maintain that trust. And we are hearing, I'm hearing from residents that they are worried about rising crime rates. When residents report burglaries they often hear that there's not enough officers to respond to lower priorities, as you have already indicated. But here's where I get concerned. When I hear neighborhood -- leaders of neighborhood associations who stop requesting an officer to come to their meetings because when the officer attends they continually hear, they need to hire more officers. I worry about continuing that collaboration. The police, the good community relationship police and community in San José that has been forged over many years is built on trust and we do not want to jeopardize it. And so what I am asking in part here is not in that particular situation is that we need to not send that mixed message. I think yes, the message has to be sent that we have limitations, and we cannot respond to everything. But somehow, I think we also have to ensure in that message that we still want the community's cooperation and I think there needs to be a little redoubling of efforts in terms of that outreach to these associations. This particular memo today that you responded to is written after a council meeting at the end of our period in June when we learned for the first time I was sitting up there on the dais, that some crime rates had risen in San José. In an area in council district 8 was singled out as having a 200% jump in burglaries. I notice in your report to me, and I did ask it by council district. I'm not a member of the police department so the council district is usually my kind of area of definition and so I can appreciate that you could not respond to me by council district as to how much burglaries had increased. Down to that -- down to a council district area. But I'm curious to know why, at that meeting, we knew specifically that that area had a 200% jump in burglaries?

>> Councilmember, first of all thank you for your presence here and also for raising the issue. Because as you know, I had this conversation with you, and I was asked by a different councilmember, it was Councilmember

Rocha, who had a problem in his neighborhood, in his district. And assistant chief Goede was actually present for that community watch group herself to talk about it. We ended up pulling data for that period of time which again predates the report we have before you, is we had to date. We saw an alarming increase, and I shared that with him, and my mistake as I mentioned to you there was sharing it with him at his request, and not getting it to the rest of council. And I immediately, after I realized that was the case and you pointed out to me, that we relayed that information to everybody, and it was a significant increase. So for that again I apologize that anything that comes out in the way of crime data should go to every councilmember at the same time. Which is why last week you guys everybody on the council and the mayor got that same report. I will endeavor that nobody gets anything ahead of anybody else because it's a sensitive topic. With respect to the community piece, you're absolutely right.

In redoubling our efforts, my community advisory board that I've spent the last year and a half working with has done a great job in reaching out to individual communities to get that message. We have to have people report. It concerns me greatly that we have people in the community that don't want to invite us even to a meeting because they don't think that we're going to be helpful. But with respect to more officers, that message although not necessarily constructive, in that context, even the mayor has said it and I've said it, we do need more officers and wish we could have them but we don't. And the message is, lost sometimes in the attitude that goes with it. And I do appreciate it and we are working on that internally to make sure people know it's not an excuse to say that we don't have enough officers but it is a reality. And sometimes we won't be able to get the calls that we wish we could but we need to do our best efforts. In order to make sure with what we do have that we do the best job we can and be professional about it.

>> Councilmember Herrera: So thank you chief. The other part of my question though was how did we know that we had a 200% jump in that specific area of council district and my question to you in the memo you couldn't tell me what had risen in my district because you did not report it that way. Again how do we get to that level of accuracy?

>> As a result of that meeting in district 9, chief Goede requested a year-to-date number for each police district citywide to see what it was. And that information was fresh. It was literally within a matter of a day or two, and

happened to have it and was requested by Councilmember Rocha, which I then provided to him, which again did not go to everybody, and that's what I think caused the concern.

>> Councilmember Herrera: And my next question is what's been done to address the increased rates if that -- and I never was sure about because we are talking again kind of apples and oranges in a way. Police districts cover more than one council district and so there was some reference to council district 8 but I believe we were also talking about a police district. So it was never clear to me exactly what that hot spot was and what's being done to reduce the rate in that area. Since you are talking about you are deploying specific tools to address hot spots, and that seemed to be such a great hot spot that it was actually mentioned in a council meeting, I want to know what you're doing to address that.

>> Sure. I wish I could control councilmember comments. I can't do that. But what I can say is we have never reported out by council district. We always report by police district. And what we do do is, District Charles is the one police district -- could you pull up the presentation? Back up there, you could see the area of where it occurs. It is partially in Vice Mayor Nguyen's district, it's partially in district 8, and I think there may even be a piece of -- let me look at this map.

>> Councilmember Herrera: It's in District 5, too, is that right?

>> There may be a piece of District 5 in that thing, so it covers a lot of different areas. It may very well be.

>> Councilmember Herrera: So it's three council districts, so it wouldn't have been -- so was it accurate then to talk about 200% in one council district, then, is that accurate?

>> No, and we would never have said that. It's the data that reports out of police district, not council district.

>> Councilmember Herrera: Okay, so that was inaccurate, the way that was described at that council meeting?

>> I was not present, but based on your description, that it would be inaccurate.

>> Councilmember Herrera: Okay, that's good to know. Again, some people actually watch our council meetings, amazingly enough. And if they hear that, and they're living in the district, they might become very concerned about hearing about those numbers. And we have to make sure as leaders of this community that we give out the accurate information. So and I really appreciate your acknowledgment chief and that we're going to get that information ahead of time because I am your partner, I and the rest of these councilmembers and the people in the community want to work closely with you. I know you've already mentioned that -- you've talked about I think part 1 crime offenses in San José, and in looking at that we have an increase year over year in this first six months of 2012, and the Mercury News attributed it to the decreased staffing and crimes of opportunity. Would you agree with that for San José or would you characterize that differently?

>> It depends which part 1 crime you're talking about. If you are talking about burglary specifically, or theft, those are crimes of opportunity. But I also, and again I wish I could prove the causation better than I can. The realignment piece is just more than a coincidence. It's not a coincidence. We have people coming back to our community that have a high likelihood of re-offending, over 70% do, and that's been proven time and time again. So it's a tie that I think exists, it's just being able to prove it, and then getting some resources from the state to help address it. With respect to some of the other crimes again aggravated assault is probably along the same way. But homicide you really can't. Opportunity is the poor term some plus it's difficult to predict where those are going to be. But to answer your question, staffing is a piece, but it is not the only piece. It is also realignment, and on the property crime side, it's people not -- they are not locking their doors. And this is a message we want to get out. There are certain things you can do, as you mentioned, to harden the target. That is absolutely critical, if you lock your door, you're going to reduce your chance for burglary significantly. If you are able to put even a radio on or somebody that will indicate somebody's home in the house you're less likely to have your house broken into.

>> Councilmember Herrera: I noted also, the Mercury News seems to be a source of a lot of this recently. In Contra Costa County, they've lost officers because of budget, but burglaries are down by 13%. Any idea if there's anything we can learn from that, or --

>> You know, I have colleagues in those counties. I'd have to look and see where those are, if they're talking specifically county wide, is there any pockets that are higher or lower than others. Because again in San José even in our city, we have seen double digit declines in certain police districts. It's just a matter of how you calculate it across the whole. But the sheriff of Contra Costa County is a friend of mine, and I'll certainly ask him.

>> Councilmember Herrera: If you learn anything, we'd certainly like to know. I'd also like to add another request from you, chief, if we could get the number of burglaries solved ten years ago versus current burglary crime solved today. I would like to see that.

>> Okay, we can provide that for you if we can.

>> Councilmember Herrera: And so we've already talked about the fact that we have many fewer officers and that we need to hire more officers and that we need to do something about the pay, and I totally agree on that. And I hope that as time moves on we will be able to work on those things. Had we not, had the POA not agreed to 10% cuts in total compensation a year ago, I think it was, which we asked our entire work force, including the mayor and council, we would have 150 fewer officers right now. I've heard between 100, 150 fewer officers. I applauded them then. I applaud them now for their willingness to step up and help the city in our time of need. Chief, by taking those budget actions, we prevented these layoffs. How much worse would it be now if we had 150 fewer officers?

>> It would have been significantly worse, councilmember, and again, I cannot thank all of the city employees, not just the police department, but for that cut allowed us all to maintain level of services that were better than they would have been. My concern is this: Again, as folks leave, we're approaching that territory when we're almost at that number where we were with tier two. And that's what's concerning me. And I want to make sure we hang on

to as many people as we possibly can, and that goes to this issue of retention. But you are absolutely correct. We are getting into territory that we've never seen before. And crime is not going down, it's going up. And it is something that I hope we all pay attention to.

>> Councilmember Herrera: And are there -- we've talked about officers coming into the academy and hiring new officers. Are there any barriers that we need to know about, from getting these officers on board?

>> Actually, no.

>> Councilmember Herrera: That you are facing?

>> I tell you what I couldn't be happier with the recruiting effort, I know that was a concern of Councilmember Constant, that we weren't recruiting enough or going to the right places. We have a great recruiting team, outstanding work. We do have an issue with respect to backgrounds. We -- in order to background each candidate, it's a minimum 40-hour post required background. But there's also additional work to handle the applications, get them before the hiring board. We've had to pull literally 17, 18 people off the streets in the last four months to do backgrounds, and those officers otherwise would have been out on the street. We are looking to -- I apologize. We're looking to outsource that to retired police officers. And we're having some difficulties there, as Alex Gurza will tell you. It is something that I wish that we could get the POA to concur with us on, and we're just not able to do that. So we'll end up having to proceed down a different path. But we have to get the work done, we have to get those backgrounds done for the March academy, as well as our civilian vacancies that we have to have backgrounded as well and that's a barrier for us.

>> Councilmember Herrera: So the 17, you're saying 17 people that could be doing patrol are doing background investigation?

>> Correct.

>> Councilmember Herrera: And is that commonplace in other, other -- other police jurisdictions?

>> In years past we've been doing this for a long time and we've always used on duty officers. We just don't have the resources to do that anymore. Many police organizations use outside contractors to do this work. Those outside contractors are retired police officers often from their police department themselves. We have a barrier there because there is a city ordinance that doesn't allow us in the current system to do that on the Police and Fire side, or at least on the police side. But I know that we are working through a couple of options there, but generally speaking we are in the minority.

>> Alex Gurza: If I could add a little bit to that, as the chief indicated, currently to do backgrounds, the police department has to pull officers off patrol to do that function. It's a very time-consuming function, and in order to preserve the officers on patrol we have been exploring the use of outside contractors or rehired retirees. Unfortunately the POA will not agree with that and we are in an unfortunate dispute about that. We have proposed two options either to use an outside contractor or to allow us to rehire retired police officers to do so and again we are working through that with the POA but thus far they are not agreeing to allow us to do that.

>> Councilmember Herrera: So again if the POA would agree then we could have 17 more officers available for patrol or whatever needs the police department has?

>> Alex Gurza: Yes, absolutely that's the idea which is to avoid needing to pull additional officers off patrol to do that function. And again, as the chief indicated, even if we were to hire an outside company, many of those people are retired law enforcement and many retired San José police officers. So we're look at anything we could do to perform the backgrounding and avoid having to pull police officers off patrol in order to do that.

>> Okay.

>> Councilmember Herrera: Okay. I'm moving to section B now on staffing and I have a few questions. I understand you don't track staffing by council district but I was disappointed that you didn't provide the data by

police district because it was obvious that I was trying to get information that would give you more detail on what's going on in my district because my residents need the information. We need the information. And I'd like to get a more detailed answer than the citywide patrol numbers.

>> Councilmember I'd be happy to provide you the numbers. If you are looking specifically for just how many are working again we do it by police district.

>> Councilmember Herrera: Right P and C Paul and Charles are in my council district I believe.

>> We certainly can provide you, that's not difficult to do. Days of the week, different shifts, how many officers we have working or at least slated to work in those districts.

>> Councilmember Herrera: Exactly, so what I want is planned staffing and what's the actual staffing been across the city by police district or beat.

>> We'll be happy to provide that.

>> Councilmember Herrera: I have to be completely frank with you. I've received information via officers that when the city's short-staffed on patrol for the west side of San José, officers are pulled from our beats to fill on the other side of town.

>> Councilmember, we have a number of -- if we were to have, for example, a number of officers that call in sick in one part of town, we try and even out the workload distribution with the officers we have working at present. So to say that we're pulling it from one side specifically to benefit a different part of the city I would say would be incorrect. Sometimes it works out that way. If for whatever reason a team is off in training and we have to replace them in one part of the city we'll pull from other parts of the city to provide that minimum level of service for the other part of the city but it's not designed for -- I hope that's not --

>> Councilmember Herrera: I'm hearing from police officers that's why I'm addressing it. If that's a mistake in notion. Sometimes it's perception, it's rumors we need to couch that on all sides I think.

>> I think you're absolutely correct.

>> Councilmember Herrera: Since we're so short staffed have we had to utilize mutual aid at all yet, and when would that come about?

>> We have not used mutual aid. Again, mutual aid is reserved for those incidents where you have unplanned events that require resources that outstrip your ability to provide a minimum level of service. We have not had that we're a fairly large city it's rare that you're going to see an incident that takes up that much resources that we can't handle. Let me give you an example on Monday as close as we have come from day to day we had three turn out to be homicides plus every other you know routine calls for service. We basically stripped out all our resources so we had delayed delays in our response to priority calls throughout the city. Even then we would not necessarily be calling for mutual aid. We would go to calling off-duty officers back to work which in fact we did that. We called back a couple of traffic teams to work perimeters on these homicides. Let's take in occupy, what happened in Oakland, where they knew they had a planned march or demonstration where you're going to require the response of hundreds of officers, when you know you don't have it. That's when you reach and activate the mutual aid system contact the sheriffs department they will reach out to other organizations within your county first and then after that they will go outside the county to get committed resources to help you with the problem. It's never designed to be something to supplant day-to-day activity or day-to-day needs. And that was a concern that Oakland had or we had with Oakland. They were calling mutual aid time and time again for planned marches. Rather than using their own resources, they ended up using others. And again, while I understand their predicament, that's not what mutual aid was for. So we have not yet needed it, to answer your question. There is a procedure, and I hope there's a day when we're going to need it.

>> Councilmember Herrera: I agree I hope there isn't. The additional steps you noted all great ideas I just wanted to focus on one you mentioned the impacts of realignment, and you mention that to me in your office, and

I'm glad you addressed it in a memo. And specifically you said that prisoners who may be associate with staff related crimes, if you're concerned about it, I'm concerned about it. And I guess I want to understand how you're going to monitor these folks and can you get any data that would inform us about where people are landing in various parts of the city to see if there's any correlation with our rising crime rates?

>> Councilmember it's a very good question, it's one I raised when we had the joint city county Board of Supervisors meeting to get the information where these people were being released in the community. It took a while but the probation department does provide us with a monthly report where locations people are saying they are returning to the community. I turned it over to lieutenant Monahan in research and development to try and correlate neighborhoods where these people are going. The problem is that's not necessarily where they stay or where they're maybe engaged in criminal activity. So it's hard to make that hard core correlation. I don't think anybody has the answer to it but we are seeing that across California not just San José.

>> Councilmember Herrera: Lastly I just want to address the crime prevention side of things, I think that's very important, that's why I spend time in neighborhoods, talking to neighbors about neighborhood watches and holding meetings. I want to thank the members of the community who are helping us out by reporting crime, informing neighborhood watch groups, last spring I hosted a town hall meeting in district 8 where we had a huge attendance by concerned residents and an expert panel of Public Safety professionals including the assistant chief, Ricki Goede. On September 19th we're planning another one. In fact, Chief, I think you're going to be there, focused on public safety. So my concern today is for the public safety of the city and I look forward to getting answers to my questions. I appreciate the answers that I've already been given and to work with San José police department and our community to keep San José one of the safest big cities and I want to thank the public safety committee Madam Chair for allowing me to come here today.

>> Vice Mayor Nguyen: Thank you, Councilmember Herrera. I just have two quick questions. Since a lot of questions have been asked already. But chief you'd mentioned that you are giving a couple of good recommendations in terms of what residents should do to prevent burglaries or robbery from happening. What about on the police side, what are we doing proactively to prevent that, I think we had community meetings on this

particular issue a lot of the things that have been said or shared by can we have more patrol during peak hour whatever the police department deemed to be peak hours that these incidents happened and I know resources are scarce and we don't have many officers on patrol as it is. But that question comes up all the time. Is there any way can have more patrol you know driving around for a couple of hours during those peak times so that hopefully it will prevent these incidents from happening?

>> Councilmember, that's precisely why we've had to redeploy those 27 officers four sergeants back. It's not something that we -- it's a good things because we're having to pull it from another place, but that's our highest responsibility, responding to these calls for service. And allowing enough free patrol time -- remember officers are out responding to calls and they've got to have that free patrol time to do exactly what you've described, and that just requires more staff in the field, and we're pulling them from other places to make sure we have at least a minimal level of that. When we can't do it or we know we have a hot spot, that's when we use those overtime pay cars, a sergeant with a team of officers to go attack that problem. And again, we may catch one or two burglars which will solve probably 20 or 30 cases. But there are others that are out there coming back in the community that will do that. So I sphere that we're going to say I hate to say it more as more people come out of the prison system in realignment with an inability on our part to be able to maintain our staffing levels it's going to be difficult. That's why I want to hang on to as many people as I have, can.

>> Vice Mayor Nguyen: Then a final question. My office is getting calls and I'm sure Councilmember Liccardo probably got more. But there was a story that came out sometime in mid July about the increase of prostitution at a downtown motel so we've been getting calls about some of the massage parlors that are in district 7 and so I just wanted to since you are here to ask you are you seeing an increase in prostitution and if there is are we doing anything proactively or are we doing anything about it?

>> We are. Actually I'm on a couple of different fronts on enforcement side. I'm going to let deputy chief Garcia talk about an operation we did, we had a couple of (inaudible) along with Councilmember Liccardo, we've heard a lot and we put a lot of resources in overtime to address the hotels that allow I won't say encourage but allow the prostitutes to operate on a short term basis. The word did get out though when we had cut a lot of our staff that

quality of life crimes would be there, the word got out that we weren't enforcing prostitution laws. And we clearly are, and it became a real issue. And the community stepped up in a big way to come in and do the operation starvation falling around the prostitutes. I don't necessarily encourage that, because it can be dangerous, but it really does work, and it shows the community solidarity. But again, we invested some money and time and I'm going to have deputy chief Garcia talk about operation bee sting.

>> Thank you chief. A few months back we had a dual operation. We utilized bureau of investigations personnel along with deputy chief Escoval, special operations personnel and we basically, on one given day, we on two fronts we hit undercover operations where we were targeting individuals. And then we also did operations out in the street with our special operations people in uniform. And basically that netted many I can't remember the number offhand but it was in the 20s in the high 20s of individuals that we arrested for either soliciting, we also arrested the prostitutes themselves and it was a very successful operation.

>> Vice Mayor Nguyen: Are you getting -- is your department getting complaints from people about these types of activities, in massage parlors, throughout the city?

>> I missed the question. I was listening to assistant chief Goede. Could you repeat that question?

>> Vice Mayor Nguyen: Yes, is your department or has your department been receiving complaints from residents about prostitution or these type of activities happening in massage parlors?

>> We receive periodically from usually the businesses along the corridors where we see it, that's certainly on First Street, it's 33rd and Alum Rock, it's out on the Alameda. We actually receive more through the council offices referrals. Because that's where a lot of those calls come to, as opposed to us, but we do get calls from the business owners who see it right in front of their doors, and that's the real problem.

>> Vice Mayor Nguyen: And what are we doing to address that?

>> Again, we have targeted a number of overtime cars. When we saw a particular hot spot and I've named some of those places specifically, what we'll do is we'll have teams that actually go out and actively work make cases, and sometimes it's, you know, if you can't make the case because they see you're there you starve them. And you sit there and you engage -- and I've done this in the past before. You go and say hi, and you introduce yourself in your uniform. It's bad for business. Get them to the point where they don't need to be there, we don't want them there, it's time to leave.

>> Vice Mayor Nguyen: Thank you. Is there any other -- councilmember Chu.

>> Councilmember Chu: Thank you, madam chair. I just have a follow-up question I guess towards Alex, when Councilmember Herrera was asking and the chief responded that we're pulling some patrol officers to do background checks. And we're trying to ask either to you, contract that piece out, or ask the retired police to come in and do the background check. And Alex your comment is, say, the POA, they -- they don't agree with either one of the options. My question is, do they have any legal ground to say well, I don't agree, or they have to agree, or --

>> Alex Gurza: Councilmember Chu, it is subject to meet and confer, so we have attempted to meet and confer with the POA on either of those options. They would have not -- won't agree to either one. And unfortunately, we are in a dispute because they're indicating that the city doesn't even have the right to meet and confer at this time, until their contract expires next year. We unfortunately disagree with that, we again are open to either of the solutions, if they have a preference that we rehire San José police officers that are retired we would make the appropriate changes in the municipal code to make that happen as quickly as possible. Alternatively if they would allow us to use these outside backgrounders we would do that as well. But again they are indicating that they won't agree with either and now it's unfortunately up to the attorneys to try resolve that dispute. Their attorneys and unfortunately we have had to involve attorneys to see if we could resolve it and still proceed.

>> Councilmember Chu: Can our attorney chime in to see whether it is -- at this point to say that it is legal for the POA to turn down those two offers or --

>> Alex Gurza: We have consulted and there are if anybody's interested we have exchange of letters between the POA and us on this subject on our Website. And we've been essentially asking the, please consider allowing us to do this so we can avoid pulling officers off of patrol, and unfortunately they are saying no. We believe we have the right to meet and confer with them about it to negotiate with it but we are unfortunately going to have to resort to have our attorneys try resolve it.

>> Councilmember if I may it is my position we need to have either sworn or retired sworn, somebody who has been a police officer to do those backgrounds. I'm not in favor of having somebody who has never done this before but it is cheaper to hire retirees do this work, even if they're working for another company and you can do that through an RFP. But I absolutely agree, and I know that's been a contention of the POA. It is not my intent to have unqualified people do these, these are some of our own. They just happen to be retired.

>> Alex Gurza: Yeah, absolutely, and the police department, to expedite matters, has already gone through an RFP process. If we can pursue it, we have already identified companies that can perform this function and again they would be qualified people to do that. And also, it is important to point out that these backgrounds are not only for sworn personnel but for non-sworn personnel in the police department that are also very important to get hired, communications dispatchers for example.

>> Councilmember Chu: So they already have an RFP out there before we actually meet and confer with the POA?

>> Alex Gurza: Yes we actually informed the POA that we understood that we had an obligation to meet and confer with them, but that we would be proceeding with the RFP to save time, but that we would not execute a contract until we resolved this dispute.

>> Councilmember Chu: The RFP specified that we would prefer or we actually want the retired sworn officers or would the RFP, just to any company that can provide the qualified people to be on this interview board?

>> Alex Gurza: Councilmember Chu, I will defer to the chief to answer that, but before I wanted to clarify what I indicated earlier, what we told the POA was that we would hold off on executing the contract until we were able to meet and confer with them. Chief maybe you can describe the requirements in the RFP process.

>> Actually I'm going to give it to deputy chief Garcia, who is part of that process, I've not read it, but we do know it did require previous law enforcement experience, sworn experience, is that correct?

>> Yes.

>> Vice Mayor Nguyen: Great. Are there any other questions or comments? Motion?

>> Councilmember Oliverio: Motion to accept the report, and since there's -- I believe it needs a sunshine waiver to be heard at committee today, so that's a motion.

>> Councilmember Chu: Second.

>> Councilmember Herrera: Can I ask?

>> Vice Mayor Nguyen: Councilmember Herrera.

>> Councilmember Herrera: And I had questions I wanted answered, so I'm hoping you guys will include that in whatever you moved and seconded and approve that there.

>> Vice Mayor Nguyen: Yes, I believe -- yeah, the chief is going to come back with answers in the form of memos --

>> Our follow-up items for Councilmember Herrera is staffing all days and weeks current and projected for next shift as we go into shift change for her council district which would be district Charles and district Paul.

>> Councilmember Herrera: All burglary rates 10 years ago and current.

>> All burglary rates, yep.

>> Vice Mayor Nguyen: And that will come back in the form of a memo, right?

>> If that's your pleasure.

>> Vice Mayor Nguyen: Anything else, Councilmember Herrera?

>> Councilmember Herrera: I'd have to go back and look through my notes. I think that covers it.

>> Vice Mayor Nguyen: All right, all those in favor? Aye, motion carries, thank you very much. Just for the members in the audience, governor Brown will be here at 3:15. We will take a recess probably a couple of minutes before 3:00 for half an hour and then we'll be back here. We'll move through the agenda as fast as we can we have to excuse ourself just so you all know. I think we have to go back to the consent calendar.

>> Councilmember Oliverio: Motion to approve.

>> Vice Mayor Nguyen: No actually there's a request to defer the item.

>> Councilmember Oliverio: We'll defer that item, okay, fine defer item 1 on the consent calendar.

>> Vice Mayor Nguyen: Okay.

>> Councilmember Oliverio: Motion.

>> Councilmember Chu: Second.

>> Vice Mayor Nguyen: We have a motion for the item. All those in favor, opposed, hearing none, the motion carries. We will now move down to item 3, the monthly report on public safety communications initiatives.

>> Good morning Madam Chair, members of the committee, I'm Chris Godley, director of emergency services. Very briefly for the monthly verbal report, only one piece of information, that is, the federal communications commission has declined the City's application for a waiver in the 700 megahertz frequency spectrum to be used by the Bay Area regional interoperable communications system. This was designed to support the B top or broadband technology opportunity grant administered by the Motorola Corporation, and they have vacated all other waivers declined the City's application for a waiver in favor of clearing the board or clearing the decks if you would for the first net, first responder network federal initiative which will be rolling out very soon.

>> Vice Mayor Nguyen: Thank you. Questions? Okay, can I get a motion?

>> Councilmember Oliverio: Is a motion required?

>> Vice Mayor Nguyen: To accept the report?

>> Councilmember Oliverio: Yes.

>> Vice Mayor Nguyen: We have a motion to accept the report. All in favor, motion carries. We'll move down to number 4, the interoperability report on Public Safety projects.

>> Good afternoon, again, I'll brief very quickly the highlights of the report presented to you in memo format. Interoperable communications is essentially defined as the ability for public safety emergency responders

to communicate with who they need to when they need to for both voice around data. In reviewing our current efforts there are three major areas we'd highlight for you. The first is the Silicon Valley regional interoperable authority. The second is the Bay Area regional interoperable communications systems. And the final is the federal first responder network authority. I'm joined by assistant police chief Dave Hober who will brief you very quickly on the SVRIA issues.

>> Actually, deputy chief Dave Hober in charge of the bureau of technical services. The Silicon Valley Regional Interoperable Agency or SVRIA that Councilmember Oliverio and Constant sit on is a group of every law enforcement and fire agency in the county with the exception of Los Altos Hills. And the primary mission is this was set up so we could have interoperable communications both voice and data. Some of the things we were going to talk about today there is a difference between what is voice and what is data. Quickly, the major project at SVRIA is currently working on is the Silicon Valley radio communications system. This is the 700 megahertz trunk system new technology that gives us the ability to use the radio frequencies that we have. Currently, we are working on that. The first stage is in Santa Clara and Sunnyvale. We've used primarily UASI funding and Sishgap funding, national security funding to fund that, and that would be the first phase. The second phase would be three additional towers. We are currently looking at areas that that might be, so that the system will expand eventually throughout the entire region, the whole county, where everybody could talk to each other. We are looking at different ways to fund that. It is between 30 and \$60 million is the anticipated guess as what that would cost. Obviously that's a large amount of money. We're looking at different ideas such as bond measures things like that that we could bring forward in the future to try to fund that and I'll turn it back over -- that's our county board that we're looking at and then Chris is going to get into the bigger boards where we look regional in the Bay Area and then across the country.

>> Originally formed as a advisory group to the Urban Area Security Initiative, BayRICS was established as the JPA in 2011 and San José as a member along with ten area Bay Area counties, plus the cities of Oakland and San Francisco. There are currently 19 members on the board of directors and I serve as the San José representative at this point. BayRICS is currently almost entirely focused on the establishment of the Bay Web regional wireless enhanced broadband system. A footprint would cover most of the Bay Area although we expect

a final buildout to be much smaller. Motorola was awarded \$50.6 million in 2010 from the federal government to build this as essentially a pilot project along with other efforts elsewhere in the nation. With the dismissal of the waiver by the FCC its future remains unclear at this point. We hope to gain guidance and understanding from the first net board when it is seated next week as to the future of where we might proceed regionally. For the First Net system that the federal government is instituting as part of the 2012 payroll tax cut, the first net was established essentially to provide a unified national approach to a developing 700 megahertz broadband data systems for Public Safety agencies around the country. That scope of may expand now to include non-public safety agencies as well as other city governments and may include partnerships with private agencies. The states do have the ability to opt out. They may develop their own system but will be provided with less funding from the federal government. The first net board of directors will be named next week on August 20th. And city staff are currently reviewing the potential for establishing a full-time interoperable communications system manager position here in city government to better coordinate and lead the efforts on behalf of the residents of City of San José. This concludes our highlights pending your questions.

>> Vice Mayor Nguyen: Any additional comments, Councilmember Oliverio?

>> Councilmember Oliverio: No Vice Mayor.

>> Vice Mayor Nguyen: Can I get a motion?

>> Councilmember Oliverio: Motion to approve the report.

>> Councilmember Chu: Second.

>> Vice Mayor Nguyen: We have a motion to accept the report. All those in favor, opposed, hearing none, motion carries. It's probably a good time for us to take a recess now. Again, we will be back in about a half an hour. We have a major announcement that's going to be made by governor Brown in the rotunda. I believe the press conference is open to the public so if you wish to join us, you can. We'll be back. Thank you. [ Recess ]

>> Vice Mayor Nguyen: Welcome back. We are now on item 5, fourth quarter financial reports for fiscal year 2011-2012.

>> Good afternoon, members of the committee, hope to make this pretty brief right now. We have before you the fourth quarter investment report. And pursuant to the -- let's see -- let's see Lisa are you getting it up? Okay. The investment policy requires that this -- that we make an oral presentation to the committee twice a year. So we do it at the second and fourth quarter investment reports. The slides we have here actually start on page 13. In the presentation that was posted to the -- with the committee agenda. We also are available to answer any questions on the debt management and revenue management side of the report. Just kind of as a reference we know we have two outstanding council referrals for developing a short-term policy for -- a policy for short-term debt, and then also to do a comparison or benchmarking for San José against other agencies in terms of their outstanding debt and we plan to bring at a back in the fall when we bring the comprehensive annual debt report to the committee so you have a comprehensive understanding. So you'll see that later on this fall. So I have with me Wendy Solazi is our division manager for revenue management and Lisa Titan who is our interim investment officer. We continue to do some placements of people into growth opportunities as we backfill vacant position while we're working through our senior management system coming together. So on the slide up there we have just a refresher on the investment policy objectives in terms of safety, liquidity and yield, our quarterly reports are placed online and also are brought before you on the committee agenda, and as I mentioned, we also make these semi annual presentations. For the quarter ending June 30, 2012 the size of our portfolio was \$1.1 billion. Our earned interest yield was .632% and our weighted average days to maturity was 387 days. Or fiscal year to date net interest earnings was just about 6.4 million. We had no sales of securities prior to maturity dates and so therefore we didn't have any recognized gains or losses. And there are no exceptions to the policy during this reporting period. This graph right here just shows you the composition of the portfolio as of June 30. And you can see, the bulk of the investments almost 80% are held in U.S. government agencies. The General Fund fund balance increased by 92 million to 166 million in the fourth quarter which is primarily due to the receipt of property tax distributions in April and June. And the projected investment maturities and revenues are sufficient to cover our anticipated expenditures for the next six months. That's a statement that we need to do every quarter,

pursuant to California government code and our investment policy. This next graph right here shows the monthly balances of selected city funds over a two-year period. So as you can see it shows the peaks during the month of January and June on the General Fund side and the blue line that is disappearing essentially to zero is essentially the Redevelopment Agency balances. So they are now, as of June 30, at zero as we transfer the remaining amounts to the SARA, the successor agency, so they are no longer in our portfolio. In terms of looking at our benchmarking, we benchmark to LAIF, which is the local agency investment fund and two year government agencies. And as you can see we are trending above both of those benchmarks. Our investment strategy is to continue to invest in the 18 to 36 month range to provide income and structure to the portfolio. We're matching maturities to our known expenditures and we continue to focus on our main safety, liquidity and yield. The Fed funds target as you know still remains between zero and 25 basis points and we think that these levels are going to stay there through late 2014. So we don't see any real improvement in our portfolio yield over that period of time. So -- and then just to maybe help you a little bit, move your agenda along, number 6 on the agenda is the investment policy. So the next slide there we have just an overview. We completed our annual review as required by the policy. We have one proposed revision which is just updating the primary dealers list. And it submitted to you for review and approval prior to placement on a future council meeting agenda. So we believe it will go on the 28th of August agenda and can probably be added to the consent calendar agenda due to there's no changes of substance. Recommend the acceptance of the report and to put the investment policy on the August 28th council meeting.

>> Motion.

>> Vice Mayor Nguyen: Second, okay we have a motion to accept the -- no?

>> Technically you're not able to make a motion. But the -- the report you have received the reports on the investment policy so the policy has been complied with. The other reports can just be referred to the full council for their consideration, if they want to. They can be on the consent calendar.

>> Vice Mayor Nguyen: Can we recommend that it goes on the consent calendar?

>> I think technically you're referring.

>> Vice Mayor Nguyen: Okay. We will refer that it goes on the consent calendar for August 28th.

>> Councilmember Oliverio: Great.

>> Vice Mayor Nguyen: Thank you. Okay. We will move right along down to number 7 monthly reports, report of activities.

>> If we could just clarify the referral to council is both for the reports in number 5 as well as number 6.

>> Vice Mayor Nguyen: That is correct.

>> So this is item number 7 the monthly report and if we could just proceed through this one very briefly. You have our monthly report.

>> Vice Mayor Nguyen: Actually Sharon I don't think we can take -- the action here to accept the Macias, Gini monthly report we can't take any actions today so would you like to come back next month?

>> Sharon Erickson: Oh, yeah, we can do that, will do.

>> Vice Mayor Nguyen: So that goes for the environmental services department audit as well as the workers compensation reform report. And Team San José report, is that correct?

>> Yes, what we could do, Madam Chair, is refer number 8 which is the environmental services department audit as well as number 10 the Team San José quarterly performance report to the full council. And then number 9, the workers compensation reform report, would simply come back at next month's committee meeting.

>> Vice Mayor Nguyen: We will do what Alex just stated.

>> Councilmember Oliverio: Then Alex that ESD report, the committee would decide when that would appear on the agenda?

>> I think it comes out on the 28th.

>> Councilmember Oliverio: Thank you.

>> Vice Mayor Nguyen: Did we leave out anything else?

>> Alex Gurza: No I think those are all the items on your agenda today.

>> Vice Mayor Nguyen: I guess that's it, meeting is adjourned unless we have members of the audience that want to speak to the committee. We see nobody. Thank you very much. Meeting adjourned.