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>> Councilmember Nguyen: I'd like to call the Public Safety, Finance and Strategic Support Committee to order. And we will start with item B, review of the work plan.

>> So under item B for review of the work plan we have two items that require a sunshine waiver to be heard today as a result of the Thursday holiday where the items needed to be distributed, items C 1 and D 1 and just to orient us to today's calendar, we have item D 1 and D 6 to hear those under the consent calendar and a number of the items are going to go to the full council or heard in December as noted on your agenda.

>> Councilmember Constant: So Madam Chair, I'll make a motion that we provide the sunshine waiver, on those two items, and that we move item D 3 and D 6 to the consent calendar and approve the work plan.

>> Second.

>> Councilmember Nguyen: We have a motion and second. All those in favor, hearing none motion carries. We'll move right along to the committee reports. D 1, City Manager's use of force advisory group. Welcome, City Manager.

>> City Manager Figone: Thank you, Madam Chair, members of the committee, pleasure to be with you here this morning. I'm going to set this up and then turn it over to Deanna and the staff is certainly here to answer questions. Really today what we wanted to do is to present to you a verbal status report on the continuing work of the City Manager's use of force advisory group. And today I think Deanna if I'm not mistaken completes the response to question number 3, we had already responded to question number 2 and we'll talk about that in a moment. And so in that regard, the questions which require statistical review of data, I believe at today's -- the conclusion of today's presentation would be answered. What would remain then is a response to question 4, that the mayor had posed in his memo of November 16th, 2009, which is, to give the group the working group the opportunity to make any recommendations that they would deem appropriate. And quite frankly, given the focus on the statistical analysis that's gone on, the group has not been able to conclude that part of the work. But will be getting back together after the first of the year and so I will give you a bit of a preview of some of what we're

considering at this point in time. So last November, the council issued recommendations to have me, with the assistance of an advisory group, review calendar year 2009 use of force incident reports where the only charge was resisting arrest under penal code 148. And that is resisting arrest or interfering with a police officer. So the task of this review was to help me to respond to the questions of the mayor's November 2009 memo and then also I think even more importantly to provide input towards opportunities to strengthen the department's training, procedures and policies. The advisory group has put in a significant amount of time. We received about 50 sole penal code 148 incident reports that were originally generated from the RMS system and part of the story here this morning is to share with you how what started as a seemingly simple task has gotten very, very complicated because of the limitations of our data systems. Additionally, the advisory group reviewed the police department's philosophy and standards, policies, in-field procedures, documentation protocols and outside materials information and training curriculum. The members of the task force just to remind you included of course myself but more importantly the real working members were, are the City Auditor, Sharon Erickson, Shivaun Nurre who was then acting independent police auditor, and Judge Cordell felt it was important that Shivaun continue to be a member of the task force in her role as Assistant IPA. Deanna Santana, Deputy City Manager, and Gary Kirby, Police Captain of our police department. We've also had staff support from our risk manager, John Dam, and the city manager's office staff of Alexandra Orogas and Vilcia Rodriguez. And then as our legal advisor from the City Attorney's office, a really tremendous support to the team has been Steve Dippell. And let me just say I know that our work isn't completed, but I want to thank all members of the advisory group for their time, effort and commitment to the project to date including all of the other city staff who were in support. So again, we've been working on this effort since December of 2009. We've had numerous meetings and again, as I mentioned, reviewed 50 police reports and other materials. And so through our presentation today, I really do hope that you walk away with an appreciation and an understanding of the complexity of this work and the due diligence that we've been through in order to respond to the statistical part of the questions that were posed. And let me just say, I don't think that -- let's move to slide 5. Just to recap, the mayor's memo contained two key questions. Questions 2 and 3, and again I believe that those have been responded to today. I'm going to hand it over to Deanna here in a moment. Let me just say that I have developed quite an appreciation through my time with the task force on the amount of effort and work entailed in completing our review of these incident reports, as well as the work that goes into the incident reports by the San José PD, our officers who complete them. While

they are written from the officer's perspective, they do cover a considerable amount of detail, and require a substantial amount of police officer capacity to complete the reports. The effort has also shown that there is a tremendous need for improved technology to respond to the basic statistical questions that help the chief and the command staff and others to effectively manage the department. The manual nature of documenting incident reports and retrieving data that we've had to retrieve has taken a tremendous amount of capacity. And I can only imagine responding to these two questions given the amount of time, what capacity could be freed up with better technology for the department as they go about doing their work on a day-to-day basis. As I mentioned, we have not responded to question 4 yet which is, are there any areas that the working group would make recommendations in. We are still working there, but I will tell you we are looking at areas of infield procedures, training, documentation, protocols and other departmental changes. So with that, I will turn it over to Deanna to take you through some of the substance of our report.

>> Deanna Santana: Thank you, Deb. Next slide. The mayor's November memo contained two questions with multiple sub-questions that required statistical response and was noted for questions 2 and 3. In an effort to answer these questions a query was initially done of the police department's records management system or what we call RMS. It identified 50 incident reports where a sole violation of section 148 was described. As stated in March, in the course of the group's review of these cases we discover that the RMS system was designed -- was not able to yield all of the statistical information needed to completely respond to the referrals. The RMS system is an internal incident tracking system used to track arrest incident data, among other things, to meet the state -- and particularly to meet state and federal reporting requirements. Specifically, we learned that the department's RMS does not collect data about in-field booking charges as stated in our verbal report in March. The RMS system is not designed to track booking data which is in part the information needed to answer the mayor's questions. Because of the limitations with the RMS we decided then to inform the committee and also to seek additional information from the department of corrections. In working with the Department of Corrections, we also then received that data and supplemented that with the incident reports available from the RMS. With that we noticed that there were some constraints and limits to our report which we'll go over later. With that let's move on to the next slide. As part of our effort, we ended up having to compile all of this information from the DOC as well as from the RMS onto a spreadsheet and perform manual calculations to respond to these questions. Here were

some of the major research limits that we want to identify for disclosure in the statistical review. All conclusions that have been made are based on manual calculations of the data and as a result may contain human error. The analysis only examines adult arrests where penal code section 148 was the sole charge. No analysis is provided regarding how the data compares to state or national law enforcement trends and averages. To our knowledge no comparable data is known to exist. No analysis is provided regarding the context of the situations where police officers, the context of the situation where police officers were faced in that situation, such an analysis was beyond the scope of our review and would have required a substantial amount of additional information and expertise to undergo such an effort. The booking data provided by the Department of Corrections did not include information on whether the arrest employed any reportable use of force. As I said we pulled the incident reports later to find out that information and logged it onto the Excel spreadsheet. In incidents where sole penal code section 148 occurred, there may have been other individuals cited for arrest and other charges. And the responses regarding use of force are based on the content of the reportable use of force forms included in the reports that were reviewed. However there may have been incidences where a reportable use of force was required but not completed, and we did find incidents where the reportable use of force form was completed but not required, and so our review made no adjustments for those occurrences. So let's refresh our memory on the questions that we were referred. And I'll just read them out loud quickly and then we'll go into responding to them. The five part question contained different elements of data review. And the first was: The question was are a small number of officers involved in a high percentage of use of force in those incidents, are there officers who appear to repeatedly engage in use of force when involved in those cases, should there be any changes to the duty manual or other policies regarding using of force? Should the working group review additional use of force reports and should the work group review other SJ PD records? If we move on to the next slide, this is the basis for which we respond to those questions fully in the report under attachment C and this is just some high level data that we should cover today. The data show that in calendar year 2009 there were 25,968 arrests, of those total arrests, 180 were for violation of penal code section 148, as a sole arrest charge. The data indicate that the - that sole penal code section 148 arrests represent less than 1% of the total arrests for calendar year 2009. In order to better understand the chart in front of you I would like to point out a couple of key data points. In 2009, there were 170 incidents that included a person arrested for sole 148. In this case, an incident should be viewed as an event that might have one or more suspects. Of those 170 incidents, there were 180 total individual arrests

for sole penal code 148. In answering the question 2B, so for question 2A, I'll -- let's just go back, our small number involved, what we have is 170 incidents with 85 officers involved. Going to question 2B, are the officers who appear to be repeatedly engaged in use of force when involved in these cases, what we found is that staff's manual calculation of the data revealed that 85 officers employed some form of reportable use of force in 72 arrests where penal code section 148 was the sole charge. Of those 85 officers, who used force, 15 police officers employed a use of force in two arrests, and one police officer employed use of force in three arrests. Three arrests was the highest frequency that the officer employed some sort of reportable use of force. And the remaining 69 force was used one time throughout the year by those officers. Let's go on to the next slide. The second task of the advisory committee was to identify potential improvements that could be made to currently police departments policies, practices, procedures and or change as part of an ongoing effort to employ best practices. As a starting point, a presentation of policies, procedures, guidelines and applicable laws was made to the advisory group to help in its review of the police reports. In addition, members had also been provided with information on training that had been delivered to the police department over the past nine years. The training fell into two areas. Verbal communication skills development and handling difficult encounters as well as web-based training in the area of use of force. On their own time members of the advisory group also reviewed post-use of force videos used by law enforcement agencies as a staff training tool to reinforce the law and case decision related to peace officers' use of force. At this time, as Deb mentioned, the advisory group has not convened a meeting to assess the statistical information and surface recommendations to make for the City Manager's consideration which will occur early next year. So that concludes our report. We are able to take questions and respond to our methodology or any additional statistical information.

>> Councilmember Nguyen: Thank you. Thank you very much for the presentation. Questions, comments from my colleagues before I start? Councilmember Constant.

>> Councilmember Constant: A quick question on the chart that shows I think it's table 1 in the attachment that has the summary of data. It lists the 405,000 plus 911 or emergency calls. I assume that doesn't include self-initiate events.

>> Deanna Santana: Right. Those are just calls.

>> Councilmember Constant: So given that these type of arrests could happen in self-initiated situations I think it would help give a clearer context of the volume of contacts that the police department has in relation to the very small number arrests. If we had that number as well.

>> Councilmember Nguyen: Other questions or comments. Councilmember Oliverio. Captain Kirby.

>> Could I make a correction on that? It does include all police contacts, whether generated by call-in telephone, cell phone, or self-initiated activity. Sorry, Deanna.

>> Deanna Santana: Okay, I was thinking it was more in-field self-initiated contacts.

>> It's all CAD events that we were able to capture that from.

>> Deanna Santana: So that's important, all CAD events.

>> Councilmember Nguyen: Councilmember Oliverio.

>> Councilmember Oliverio: Thank you. Is there someone keeping track of like how many hours have been spent by all individuals involved in this exercise?

>> City Manager Figone: It's been innumerable.

>> Councilmember Oliverio: My point being that I was not one to make this a major issue in this city. I think the amount of time we've spent with all resources involved could have gone towards implementing a new technology system. Because outside of cost, there is a bandwidth issue in actually implementing a new RMS or database system to track all this information. I kind of view it as, we gave it a shot but we don't have the data and do you

really want us to go spend another thousand hours to try to get information? From my standpoint, I don't think so. I think you know, if you're a police officer deployed in the downtown, you were much more likely to be involved in a 148 than if you were in Silver Creek, just the incidents of the downtown. You know, and as someone who's -- I can clearly say as a former bartender in my life of ten years all through college and all through grad school and in my career. When people drink they become irresponsible and frankly I'm not surprised we had those issues in the downtown with the way the clubs were managing their marketing efforts. I know this is a council referral, I know this came from questions that the council asked but I think it just really shows that we have not had the ability to invest the money we should have in our I.T. systems citywide, police department specifically. And to be able to get information, is difficult. And you know, next month, or next -- a year from now we'll have some other issue that comes in the city and we'll still have manual systems and we'll still spend hours and hours trying to figure out the data when we don't have a way to do it. So I think from my standpoint, I think staff has done a good job in managing, trying to capture the information that we do have. A lot of it's been manual, but I don't want to see -- I think we have other things to be doing.

>> City Manager Figone: If I could, Madam Chair. I appreciate, councilmember, those comments. I think that what the presentation hasn't emphasized is, there are not a small number of officers disproportionately you know using 148s. And so I do think we've answered that question, with certainty, with what we've been able to do and we do not need more reports. So I would recommend that we conclude our work by taking a look at the policies and procedures that the committee might want to offer some recommendations to me and ultimately the police department on and then I think we should be done and move forward.

>> Councilmember Nguyen: Anybody else? Okay. I have a couple of questions. Let's just start with on slide 6, I believe. If staff can just clarify for me, I'm looking at the number incidents, actually under the penal code 148 data, the number of incidents that include an arrest for penal code 148 as a sole arrest charge and that's 170 then below that it's the number arrests where the penal code 148 is the arrest charge and that's arrests, 180. Why is there a difference in that number? Go ahead?

>> Deanna Santana: There could have been an incident where the committee was involved in that resulted in three arrests. It would count as one incident but three arrests. Or --

>> Councilmember Nguyen: I'm still a little confused. If the number of incidents that included 148 as the sole arrest was 170 and below that it's ten more I would assume that the number of incidents would be a whole lot more and then from that you extract the number of you know resist arrest, wouldn't that number be a lot more than 170?

>> City Manager Figone: I think maybe captain Kirby can explain. Because we worked through that.

>> I can give you a quick scenario. If there was a disturbance in the room today that would include one arrest number. But if three or four or five were arrested for resisting arrest or delaying the police officer's response, several people would be arrested, thus increasing more arrests for one incident.

>> City Manager Figone: Recorded under one incident umbrella.

>> Councilmember Nguyen: Thank you. Can you talk more about this proposed pilot program, the multi-tier internal incident review? I believe L.A. is doing that right now and we're looking to implement this program for our city. Can you talk a little bit more about that and what's the implementation process going to be like, how is this going to be helpful in terms of moving forward?

>> Sure. I made a draft proposal to the group I think in January of this year. As to what our research from it looked like when we went down to look at the Los Angeles police department's policy that actually had been codified under federal scrutiny. So we looked at that as a validation process for something that could be implemented here. In working with lieutenant Sims in the audience today with research and development to look at implementing a greater oversight that would provide trends and patterns that we could look at that would indicate to us, is our training being implemented the way we are being delivered? Are our policies being reviewed and implemented the way we have them written and anticipated to be implemented? And a review of this process

showed us that we didn't have enough oversight and review of our existing reports. So what we plan on doing the recommendation will be to the new chief when they're selected and seated is to consider a program that involves more of a supervisory oversight in the field to review the incident as it's occurring. So that supervisor can put resources forward such as more officers to gain more information or more witnesses. As that supervisor or sergeant concludes their portion of the investigation, they move it to the lieutenant. From the lieutenant's viewpoint they look at trends and patterns and make recommendations to the captain for changes in policy and procedures that would be brought forward to a committee on a quarterly basis. On that committee would be the review panel captains of the department, member of the research and development for policy and procedure review and a member of the training unit for training implementation, both immediately and ongoing annual training. That's the missing link that we don't have right now, that based on the resources and the temperament for the new chief, a degree of integration of that recommendation, we're looking for them to make that input. But whatever it is we'll add a lot more oversight, review and hopefully, get to a point where we can meet one of the requirements were under the Sunshine Reform Task Force, that we report out regularly on our use of force in reportable form. This time the reportable form will include trends and patterns in what we have been able to look at for policies and procedures as well.

>> Councilmember Nguyen: Thank you, captain Kirby. Would it be upon to also get for this committee to get a quarterly update since you're presenting this to your team, you know, on a quarterly basis, would it be possible to bring it to this committee so we're in tune in terms of what's going on and if the prior program is working?

>> Since I'm on a committee for the City Manager, I would defer to her response.

>> City Manager Figone: Why don't we conclude all of the recommendations that come out of question 4 and then any of the new programs undertaken such as captain Kirby described could be fold into the quarterly report that comes to this committee on Public Safety.

>> Deanna Santana: There is the recently added quarterly report that starts today, the police department's report on operations and performance. That's the opportunity we can to report out on that.

>> Councilmember Nguyen: Thank you, I'd like to make a few comments. Councilmember Oliverio's point on the more effective use of time amongst staff on this issue is well taken. But I have to disagree. I think that given the -- some of the major incidents that happened in 2009, you know, incident involving the shooting on mother's day, the incident on shooting at San José State, the incident of a couple of females around City Hall or downtown, I think these incidents created an uproar in the community, in the ethnic community. So for us to create this task force and get these experts to do the work, and give us the report in terms of what we can do to reduce the use of force among our police officers is something that is critical, and it's necessary and I think that given the work that has been done, and what has been presented today, I think staff did an excellent job of doing that. But without dining that we wouldn't know and we wouldn't be able to decrease the amount of criticism that we've been hearing from community members. So all in all, I think staff did an exceptional job. I think it's good to have this information available, if the community wants to see it and I think the fact that we brought CPLE often boards and their continuing to do the work and research necessary to provide more transparency, in terms of what we're trying to address, the ongoing issues, I think that's very helpful in the past 18 months or so. So thank you very much for the work. I also want to thank the mayor for providing those foundation questions. I think without those questions you know we wouldn't be able to help us to get to where we're today and so thank you very much for the presentation and all the wonderful work that has gone into this.

>> City Manager Figone: Thank you. Again I would agree, councilmember. It's been worth the effort but I think we've answered the questions at this point in time.

>> Councilmember Nguyen: Great. So I guess it's just a acceptance of the report then?

>> Deanna Santana: Accept, right.

>> Councilmember Constant: I'll make the motion to accept the report.

>> Second.

>> Councilmember Nguyen: We have a motion and second to accept the report, all those in favor? Motion carries. Move down to item D 2, the comprehensive data debt report.

>> Councilmember Constant: That was deferred.

>> Councilmember Nguyen: Sorry.

>> We're on to D-4.

>> Councilmember Nguyen: I'm sorry, that was deferred. So we'll move down to D 4, the police department's report on operations and performance of the metro unit.

>> Madam Chair, members of the committee, thank you very much. Chris Moore, acting Chief of Police. With our tough budget times the police department's found itself as with every other department in a position where we're having to contract our workforce and therefore that affects our level of service. In the last fiscal year we had the opportunity to take an examination of our metro unit to determine -- excuse me our special operations division which comprises a number of non-patrol but specialized positions within the bureau of field operations to determine what is the best way to either consolidate units within that division, to provide the best service possible for the City of San José. We also realize that moving forward we're going to find ourselves in a position as a department to do this even further with other units within the department. So we'd like to have the opportunity on a quarterly basis to come back to you with any current changes and any metrics we have to show what the efforts or the impacts of those consolidations might be both numerically and anecdotally. We'll take the opportunity to report out on things that maybe contemplated moving forward as we continue this period of contraction. At this time what I'd like to do is turn this part of the presentation over to Deputy Chief Dave Cavallero from the Bureau of Field Operations. And also like to introduce to his left is Lieutenant James Randall who is the commander of the Metro Unit. And Thomas Sims from research and development down at the end of the table. David.

>> Obviously we would like you to accept the police department's report today, on the operation and performance of the new metro unit and next slide please Tom. This is what the reorganization looks like. As you may recall, on September 22nd, the City Manager received an inquiry from Mayor Reed and Councilmembers Nguyen, Liccardo, Herrera and Constant regarding the organizational changes. And this is what we ended up doing as a result of that. This presentation today is to provide an update on the police department's admin reorganization, that was implemented at the September 2010 shift change. As chief Moore said this reorganization was necessary for the police department to implement changes based on council direction in the fiscal year 2010-2011 adopted budget. And we wanted to also let you know that while previous budgetary reductions focused mostly on reducing sworn in every other sector other than patrol or special operations the recent cuts forced the department to find new ways to reorganize operationally to maintain its core services in the field operations sector. An administrative reorganization was implemented as I said on the 19th of September to manage the increased demand for police services and maintain the department's response to calls for service. So as you can see, from -- I'm looking at the other slide, Tom. Yes, thank you. As you can see from this slide we moved the supervision of the graffiti officers to the juvenile units which allowed us to redeploy one sergeant back to patrol. Our merge unit was reduced by one team which allowed us to return seven officers to the patrol unit. The canine unit, while it was a special operations unit within patrol, is now assigned to a team of beat officers, which allowed us to have those ten officers deployed as well. Traffic enforcement, two officers were reassigned to patrol. We eliminated commercial enforcement and put more officers on motorcycles as it's more effective deployment to address the traffic issues within our high crash locations as well as in the neighborhoods. The violent crime enforcement team, Vcet, was combined with the metro unit, which allowed us to redeploy 21 back to patrol. Overall this allowed us to put 40 sworn positions back in the patrol structure, so that we're able to respond to 911 calls which is our primary core service. Obviously in BOI they're focusing primarily or more so on person crimes more than property crimes just because of the cuts we've been -- absorbed. So obviously what we need to make sure that everyone understands that some things will fall off the table as a result of the cuts the department is taking. Calls for service are going to be number one, gang enforcement number 2 critical response number 3 and narcotics enforcement number 4. Many of you councilmembers are aware already that street level prostitution, the homeless encampment cleanups and some lower level drug trafficking we're not going to be able to respond as quickly to those as we have in the past. We have however put the homeless encampment cleanups we've come up with an alternative service delivery

method for those folks who need those services within their districts, and so far my understanding is it's working out quite well. The -- we're forcing or focusing the responsibility on the Water District, the railroads, and those folks who have responsibility for those lands. And if it's city owned lands then obviously we'll be working with the departments to deal with those issues. Okay. Next slide please Tom, thank you. Performance measures for the metro unit, obviously we're going to be tracking this information going forward as we have in the past. Includes gang-related arrests and searches, narcotics arrests and narcotics search warrants. There's really -- it's so early on in our shift change from September to now that we can't really give a significant report on what the impact is going to be. But I can tell you this, that each divisional captain now has a metro team at its disposal to do whatever needs to be done. If there's a flareup in gang violence within a division that captain has a metro team and a sergeant and officers to deal with that. They work hand in hand with PRNS as well as the mayor's gang prevention task force to address those issues. It's what we have seen other departments do where division after captains have the ability to place resources where they're needed within their particular divisions. And I think on that slide also is the 38 case since September 19 through October 26th which shows the type of activity that's been done on the very far right-hand column as a comparison to the previous quarter. Next slide, please. Okay, one of the other things that the new metro unit has assumed is the critical response team. Since we have shrunk our merge unit down which is our tactical unit, the metro unit has assumed those critical response duties as well. So any time there's a call-out for say a hostage barricade or something along those lines the metro unit will also be responding to assist with merge. Metro also as I said assists patrol division any time that there's a gang related issue when they're working, they're available 24 hours a day seven days a week currently on both sides of the week so we think it's a very effective use of resources at the current time. We -- the metro also assists the bureau of investigations with high risk search warrants or arrest warrants and also does some surveillance for folks that we're looking for to arrest for a variety of different crimes. One of the other things, next slide, I think we have that one. One of the other things that was asked of us is what other additional gang suppression efforts we've been doing since the reorg. Obviously, we still have a school liaison unit which is also now assigned via the divisional captains, so they're working hand in hand with a school campus initiative, PRNS and our other partners within the school climates. So ultimately, the other thing that we've been doing divisionally is if a certain division, say western division, is having a spike in gang violence, we're able to deploy gang cars within the divisions as these crimes occur and these spikes in violence to also try and impact the gang crimes. Next one Tom.

>> We're going to just change gears for a minute based on a request from Madam Chair, I think she wanted an update on what we had done with the Axon officer mounted camera system and then Chief Cavallero will finish up when I'm finished with this presentation. Basically the department had participated in a pilot program with Taser International for the use of an audio-visual capture device worn by an officer called the axon. The purpose of this technological was to ensure an accurate record of police contact with residents. And we initially had 17 officers, that were spread out through patrol division as well as special operations. This pilot began back in December of 2009. It was meant to be a six-month pilot. It was extended by taser at no cost to the city for an additional four months and we've just recently wrapped it up. What we did find is that there wasn't, because of the limited number of people that we had who have volunteered for this pilot there really wasn't a great way to measure the impact but we did notice some -- that the camera's presence did have an overall positive influence on both the police professionalism and citizen behavior. And during the pilot, some of the recordings were used as an investigative tool for court proceedings, internal investigations, and as well as civil liability cases. Now, although the department is very interested in utilizing this type of technology, the priority is to fund technology such as AFR, RMS, insight devices, mobile I.D. that will enhance the efficiencies of a patrol officer as we continue to cut staffing. Although this is kind of the direction we're moving, we will continue to seek grant funding opportunities for this type of technology in the future, and will return to council with request for appropriation and procurement once funding is identified.

>> Madam Chair, if I may add onto that, our thanks to Taser for them at no cost to us, providing us with that equipment. We were sort of at the front end of this, the leading edge, if you will. Their concept is a good one, but in the intervening year there have been a number of other companies that have come forward with body-mounted cameras that aren't necessarily part of an evidence, electronic evidence-collection system which acts on its part to make it a little more expensive. A good product, they learned a lot from our experience, they were able to change their product based on our experience, and we learned a lot from them. They have recently removed the equipment as you may have heard ostensibly because they needed to update it, but the reality is that they would like us to pay for it. And the reality for us is right now we don't have the funds to do that. I will say this though. Moving forward in the next five to ten years body-mounted cameras are going to be part of major city law

enforcement, period, and that means everybody. And that is a reality that we're all going to face, and I think it's just a matter of planning for it. The technology isn't quite there yet where it is going to be affordable and fit into our model just yet. But once we get AFR, RMS in there, we see continued development of body-mounted cameras and the cost come down a little bit, I think you're going to see us wearing them on a day-to-day basis and that's at least department or at least patrol wide.

>> Thank you. This will be our last slide but essentially there were a number of other questions raised during the budget study sessions with the council but we -- and we're going to continue to work obviously with the City Manager's office to evaluate a variety of different things that impact our organization and our ability to deliver services. We have to be very mindful that our primary goal as a police department is to respond to 911 calls. When people call 911 they should expect someone, two officers to show up in a very short period of time to make sure they get what they need and make them safe. As Councilmember Constant is probably aware our next big crush is going to come in January when we're going to be facing a number retirements. We believe that by reorganization that we did at the September shift change that we'll get through that in pretty good shape. However, one must recall that we had a 62 positions that were restored on a one-time basis as a result of a labor agreement with the POA. Those positions will expire on June 30th, 2011. Our attrition is tracking lower than we initially anticipated and so we're going to continue to look at our organization from top to bottom, to reorganize wherever we need to, to make sure that we can provide quality services at all levels to the communities. And that will conclude our presentation. We'll answer any questions that you might have.

>> Councilmember Nguyen: Thank you very much, chief for the presentation. Questions or comments? Okay, Councilmember Oliverio.

>> Councilmember Oliverio: Thank you for the presentation. You had listed out four priorities for police during this time, you mentioned 911, gang calls and narcotics, and there was a fourth.

>> Yes, our critical response team.

>> Councilmember Oliverio: And how would you categorize that for the layperson?

>> Any time there's a significant tactical situation that calls for our merge, our swat unit to respond, they'll be going out to assist them. Because remember we reduced our merge our swat team from 20 to 12. So it gives us the additional resource. And those things don't happen often but when they do you need have the right people there.

>> Councilmember Oliverio: Fair enough. And then on TEU, traffic enforcement, so you mentioned that some of the officers that are used to being in cars will be on motorcycles that aren't even part of TEU?

>> No, they are going to be a part of TEU.

>> Councilmember Oliverio: Okay. And then today, when we roll out traffic enforcement do we still do it with four officers in a group, or what is the -- can you do it with two or one or how does that work statistically?

>> It depends on the type enforcement.

>> Councilmember Oliverio: Neighborhood enforcement for example.

>> It can be two or four typically.

>> Councilmember Oliverio: Is it more bandwidth by obviously a large, expansive city, does it make more sense to no longer do the four, and only do it in twos?

>> I think if lieutenant Monahan, our current TEU commander, could probably answer that better than I could. The best answer I could give you is we have been very successful using the SNE as well as deploying at high crash locations so I'm sure that there's room on certain days for certain enforcement efforts that two would be appropriate. As you're very well aware, probably one of the number one complaints that we all get is about

traffic. And so we just felt this commercial enforcement that I referred to CHP does a lot of that, that's trucks and that type of thing. And the radar cars we have the ability to have patrol officers do that as well. So we're looking at a mix of different things to kind of stretch the resources.

>> Councilmember Oliverio: Okay, that's good. I think when we can do two, to cover two neighborhoods, whether -- wherever it is in the city is a good deal. And then on the other side, if I remember from my past typically the police officers in cars were not really ones to give out tickets, it was really more the ones on motorcycles. Is that -- I mean some -- what I'm trying to say is will those tickets really be given out?

>> Are you talking about general patrol officers in cars not giving out tickets or the police officers assigned to traffic enforcement units?

>> Councilmember Oliverio: I guess I'd say generally on the patrol officer's side, and I know it's not their imperative to do patrol and to be responsive in that way, from all the meetings and working with captain Jeff Smith that was really the officers on motorcycles that gave out tickets.

>> Absolutely, that's absolutely correct.

>> Councilmember Oliverio: Okay and obviously we're in this constrained resource time and we haven't done a police academy in a while and not looking too probably. Do we do one for other cities so we maintain certification of the academy?

>> Does our police academy?

>> Councilmember Oliverio: I was under the impression and what I heard and you can tell me if this is valid or not, but if we don't hold an academy in X amount of time you lose some certification from whatever agency oversees us. And if that is true, then do we hold an academy as a charge for the other cities that may or may not be doing any additional hiring?

>> Let me address that, if I may, councilmember. Part of it is, it takes a number of officers to actually, because we have an in-house academy, to staff that academy and keep and maintain those training courses. The reality for us is we're not going to have an academy any time soon and lot of other departments aren't hiring either. There are few and far between. South Bay has their own academy and people are able to move into that. Right now it is not really cost effective for us to hang onto that academy, and we're going to be looking, as we go into next year's cuts, perhaps even in taking those bodies back from our academy. And then redeploying those back to patrol. And until such time as we are going to need those bodies back to train when we do get the opportunity to hire again.

>> Councilmember Oliverio: And then on the notion of decertification, is that a true statement, or is that someone that just said something to me that is not accurate, or is it accurate?

>> I was going to say that, we do have post is the one that suffice the academy. So I would have to check a little bit further to find out if there's a time limit, I mean if you have the same instructors, the same curriculum that it would still be certified. It might take something if we haven't run one for a while. But possibly along the same vein we've been looking at the South Bay regional academy as sort of our farm team. So if we can't have an academy but we do need to do some hiring, we would look to those regional academies to hire folks who meet our backgrounds and our standards. So there is still an opportunity for us if we were to need to hire folks and put them directly into an FTO program that is another option we have because we currently don't have the ability to support our own academy because we're not doing any hiring.

>> Councilmember Oliverio: I guess the post is dealing with all the cities that are having these types of issues, so it probably would be very understanding if anything. Then when it comes to the narcotics, would -- and how would you lay it out that we are spending our time, is it on really hard drugs like methamphetamines and heroin, or where is it being spent?

>> I think I'll defer to lieutenant Randall for that.

>> I think methamphetamine is probably the most predominant drug that is seen throughout our unit, but we do deal with some of the others, but methamphetamine is pervasive in the city if you want to pick one drug.

>> Councilmember Oliverio: Is that worse than it was one year three years ago et cetera?

>> I couldn't quantify it for you.

>> Councilmember Oliverio: Appreciate that. Fair enough. Obviously the council continuing with you know state law and medical marijuana and clearly a difference between those items and methamphetamines and destruction of causes, with that said though we still -- you know it has to be under state law and be done properly and another council will tackle that on December 13th. Thank you very much and thanks for trying to manage under difficult circumstances that we passed to you.

>> Councilmember Nguyen: Councilmember Constant.

>> Councilmember Constant: Yeah, I'd like to go back to kind of how we got here and that was the memo that came out on the 21st. I know I've talked to chief Moore directly about this and also the City Manager. What concerned me about the whole process is not that the consolidations occurred. Because I think we all knew going into the budget that there were a lot of things that needed to be done and quite frankly the actions that were taken were very prudent and I think they were a good idea. My concern, and I think I can speak for the others who signed on to the memorandum with me, is the manner in which it happened, after we spent months going through a budget process in excruciating detail, far more detail than I think the council should necessarily have to, but given the 9 plus years of continual budget deficits and service reductions and really no hope in the near sight of any change in that predicament, in fact getting significantly worse I think by the day, where we had study sessions with the chief and the staff and everyone coming to us telling us what they were going to do, and you put a chart up there that showed all the changes, we knew about all of those except for the metro Vcet and it seemed like we went through this whole process of budget negotiations and going through position by position throughout the

entire city which involves thousands of people, and then to get blind sided by a change that we weren't even notified of. And the accusations that were made by the Police Officers Association which I know is completely outside of your control and some of our own colleagues on the council, that we intentionally did this to make the city less safe, I can tell you was a very aggravating experience. And that's why this memo came out. And I don't want to belabor the point. I think everybody understands if we're going to go through process, we might as well go through all the details of the process, and there may be something changed, at least the notifications are going to be changed. I just wanted to kind of put on the table how we got here. It's not a matter of what we did, it's a matter of how we did it. Because I do believe we are serving the residents as well if not better in these particular areas of this budget cycle. I think that's one of the reasons we have the audit that's being -- it's in process right now with our City Auditor's department continuing to look at what other things make sense to consolidate and make sense. It is a fact of life. We don't want to have \$92 million less in services next year but we know that's the fact. Next year we're going to have \$92 million less to provide services than we have at this very moment. So I just hope as we go forward there's a lot more interchange of information before things happen and surprises don't come out. Because like I say the full page ad's in the mercury and surprise press conferences and having particular people, particularly our mayor who was singled out for doing this sneaky thing, that -- and I know he had no idea that it was happening. And so --

>> Councilmember, I first of all want to say thank you very much for bringing up that issue. That lack of communication we -- that's clearly not on the manager's part or anybody else, the police department in messaging. I think what you found is we were in a period of contraction as you and I talked about and clearly we didn't do a very good job. And that's part of why we're here, and we'd like to be here before this committee moving forward to make sure that that constant evolution as we move towards different scenarios that everybody's kept informed of what our thinking is at the time, knowing full well again without nothing what our number is going to be, what our target reduction is going to be, it is going to change. But we would like to offer a range so that that discussion and the council can be fully informed for that discussion. So I do appreciate that and you have our commitment that we'll continue to communicate even better than we did.

>> Councilmember Constant: Thank you.

>> Councilmember Nguyen: Thank you, and I appreciate Councilmember Constant's comments. I pretty much said everything I wanted to say. But just moving forward chief I would appreciate even if it's just a simple memo you know regarding some of the anticipated issues that could be a bit controversial, a bit sensitive so that we can get the heads-up before we actually read in the media, give us more time to be responsive, respond in a way that I think will provide more transparency to the community. I have just two questions. First of all, I really appreciate the presentation, the accident, the axon, I think that I'm really glad to hear moving forward we'll be able to anticipate that, you know, officers will be equipping themselves with the body-mount camera. If anything, I think -- I was really happy to hear that this small, minor effort is bringing more positive you know feedback especially regarding police professionalism while they're conducting with members of the community. And so any time we're given the opportunity to be, you know, more effective with community members I think that's something that the police department will also look forward to as well as the administration. And then homeless encampments. I continue to hear so many complaints from residents, especially in my council district, because we have the Coyote creek, that area behind central road, it's just posing a lot of problems for us. I know there's a lack of resources moving forward with the merging of the two units. But if there are specific areas in the city that needs a little bit more attention I think that that's something that I hope that the police department will pay a little bit of attention to. Because at the end of the day we're the ones that are getting all the complaints and it's getting really hard, I don't want to micromanage and having to call down to your station and say is there any way you can address this issue on behalf of my council office to help the residents out? And then also we have EHC also in council district 7. When you, when a police officer encountered a homeless person do you provide resources and forecast in terms of where they should go, where he they should get the help, a list of all the different places in the city where they might be able to go seek assistance? Do you do that or is that someone else that's doing that?

>> There have been, we have enough calls (inaudible) they do have cards made up. Whether or not we're currently handing them out as far as resources available, as far as shelters, food banks things of that nature but specifically for the patrol structure I couldn't speak to it but now that I'm in metro we don't have that issue to deal with us anymore. We used to carry them with us anymore but we're doing a different service delivery model. But they are available and I can look into it.

>> Madam Chair, just one comment with respect to the encampment cleanups first, and then the cards issue. We will make sure we have some cards that we'll be able to at least inform those that may be displaced where alternate resources will be available. For a number of years our department has provided that service to the land owners, specifically the Water District, and some others that more appropriately are the ones that are responsible for that operation. So we've done is provide them with an opportunity that they wanted to fund those activities we could actually do that on overtime. So we're in constant conversations with them where you have problem areas and if you have some that you'd like to share with our metro department we'll be happy to address those oops make sure that if there are cards whatever resources that we can hand out that we will do that.

>> Councilmember Nguyen: Thank you, appreciate that. Okay do we have anyone in the audience that wish to speak on this issue? Okay.

>> Councilmember Constant: Motion to accept the report.

>> Councilmember Oliverio: Second.

>> Councilmember Nguyen: We have a motion and second to accept the report. All those in favor? Opposed, hearing none motion carries. Okay. We'll move down to our last item. D 5, status report on the fire department's strategic plan.

>> Madam Chair, members of the committee, I'm Willie McDonald, I'm the city's fire chief. And I'm here today to talk about the department strategic plan, the progress on the strategic plan, and then ask for support from this committee on modifying our approach to how we would actually develop a what I would see as a more comprehensive strategic plan to help guide the organization for the next five years. This document, and what I'd be asking the committee's support for was to evaluate or actually fold this document into what I would consider to be a much more comprehensive strategic plan, that would include all the components of the department, and help subscribe the entire organization into the future. It is my opinion, after having the opportunity to review the

document which I think is very well done is that it does not include the entire organization and all the critical areas that we should be focused on as a department. The original purpose for the document or the original use of the document has been to evaluate our deployment system in the field, look at where fire stations should be located, or relocated, to provide better service and coverage for the community but it does not speak to many other areas. And so I distributed it to you by now, and would ask that or would suggest that it's a near final document, in terms of its current state. I think that it does need to be updated, and the updates that I think that would be important really relate to the areas of the city and how they're evaluated for their level of fire hazard and severity. The document depends on census tracks which are very irregular in size and could encompass very densely populated areas as well as somewhat sparsely populated areas. It is recommended that we would modify that approach and we would break the city up into more uniform sizes of areas of geography, and that would allow for us to evaluate those zones and probably provide a much more specific and realistic depiction of the level of hazards within the different part of the city so we could base further recommendations as to where fire stations should go, what kinds of equipment should be in those buildings and the level of staffing that should be in each one of those facilities going into the future. So that is my recommendation for this document is to fold it into a full, complete, comprehensive strategic plan, make that modification, in terms of how the baseline of the city is developed, and then the recommendations that would come from that. And then, initiate within the department a strategic planning process. The approach that we would use would be to develop a small core group that would actually manage the process for the organization. We would actually be looking then to enlist the segment, a cross segment of our organization or department to provide input to the organization on what we should be focused on going forward. We would also do a review of trend and industry information, as well as we'd like to reach out to our community, and this committee as well, to provide input for what you'd like to see from your department, the services you think are most important and how we would prioritize those, how we could better serve our community and incorporate that into a comprehensive document. Our interest would be to include as much of our department as we possibly could either through direct contact or providing them with some opportunity to provide input through surveys. So -- and also, we have had the benefit of being involved in a recent document that I don't think is completely finalized, but it's the local area formation commission's report on regional fire protection here in the County of Santa Clara. That's good information for us to utilize and incorporate into our document as well and it's provided us as well with two major recommendations that I think are the basis of the

committee's report. One of those is, is that there should be more consideration by the departments to consider sharing resources for functions that some departments might be able to provide for others. So there might be some interest in considering those kinds of things. The second recommendation that comes from the report is that there should be more integration between the departments. And those are things that the county chiefs are working on right now. Also it should be part of the components or one of the components that should be included in our future strategic plan. So what I'm asking from the committee is support for moving forward with the strategic planning process. The dynamics of the department, the budget process that's going on right now may cause us to take a little more time, than I think we'd like to take but we think that we'd be able to complete the process in about a one year period of time. We'd like to come back to this committee with that report and then move it forward to the council for consideration and approval.

>> Councilmember Nguyen: Thank you very much Chief. Councilmember Constant.

>> Councilmember Constant: A few things, some for the chief and some for the City Manager. Configuration you mentioned the census track data and looking for alternative methods of calculating. The two questions I have for that is one, given that we're about, what, six months away or so from receiving the new census data, from the federal government through the state to us, I'm assuming we'd be working with more current, that we'd be holding off anything that might be affected by those numbers, is that correct?

>> Madam Chair, members of the committee, it is my opinion that we should use a different -- a different foundation for our report. I think that more regular sized areas that we could break the city up in, geography wise, may be one mile by one mile squares, that we could lay out as an underlayer or a layer for the entire city. And that would help us really more pinpoint where the hazards are, I wouldn't recommend that we continue to use census track. That assumes we have the technology to be able to do that. But I think more regular sized squares that we could use to identify where the hazards actually are would provide for a more specific and I think a more practical depiction of the level of hazards that we have in the community. The problem with the census tracks that we currently use is some of them are very large. And given the evaluation process that we go through, when we're trying to assign a level of hazard in that track, really is based on the major hazards that are in that track. If there

are one or two high rises in that very large area, that creates that whole area as a major risk when it probably isn't. So if we had smaller more uniform sizes I think we'd have a better understanding of the level of hazard within the city.

>> Councilmember Constant: Okay, given that and I appreciate the clarity there, whenever we're looking to kind of create something, often wonder you know how we might be able to leverage resources we already have. So and I don't know if you know this yet or maybe just something, some food for thought. But I know at the police department they have BBB, beat building blocks that are already configured not only throughout the entire city but are already programmed into CAD. If your department hasn't looked at that they are able to take calls for service within very small geographic areas and use those building blocks to build beats around to make logical boundaries and use efficient resources which seems very similar.

>> Right.

>> Councilmember Constant: I know they're very small. I don't know if they're as uniform as one square mile like you've brought up. I think it's something we should look at just for efficiency and that we're not reinventing wheels.

>> Okay.

>> Councilmember Constant: The other is for the City Manager, we have lots of strategic plans, we have the police staffing plan, fire staffing plan OTS staffing plan, all these things that relate to staffing and all of them state that we need more resources and more people. Since each of those have been built we've shrunk significantly. And I know in my review of each of those none of them had contingency plans for contraction or reduction. When we look at all of those different strategic plans, I don't even know how many we have or staffing plans, are we looking at those to see when does it make sense for us to really revisit them in depth, like do we wait so we know we've hit rock bottom so that we're not creating documents that say we need all these resources when we know we're going to be cutting them anyway? Or do we have a plan for how we're going to visit each

one of those in logical sequence so that as we hopefully move our way out of this deep gully we find ourselves in, that we have a plan for assessing everything? Because my concern is that we're going to have assessments and strategic plans that are going to be destroyed before we even have a chance to start building on them. That's the first part of my question. The second part of my question is does it make sense as we develop strategic plans, to within those strategic plans have contingency plans for reductions, in case things don't go in the direction? Because we see our police staffing plan, I'll use that as an example, that had great detail on what we were going to do as we grow, yet every time we talk about reductions we start all over again looking at those services. It would kind of make sense I think or potentially could make sense when you're looking at needs and resources and opportunities you would be looking into the pluses and minuses and that sort of thing.

>> Deanna Santana: That's a great question. One of the things we tried to do is lay out the council priorities and initiatives in last week's study session, to begin looking at how to align capacity as well as organizational expectations with the current set of resources that we have. In discussion on the police department management audit we've already started talking about not just taking a review of the police department strategic plan by just adding adding adding, because we know a couple of years ago when the five-year staffing plan was added, was approved by council, it contemplated adding hundreds of police officers which have never come to be. The same with the fire department strategic plan, about a year ago when we started looking at the draft one of my observations was that it was missing areas and categories around resource development, succession planning as well as just a section, a what if section that contemplated different scenarios to manage the department with either less restrictions on staffing, or deployment models or just new alternative service delivery approaches. And so that type of thinking has been, Willie and I have had an opportunity to talk about it, but that's what we want to infuse into the report as well as into the police department strategic plan. In response to your second part of the question, I think we would want to bring back to the council as part of the larger effort to manage resources and capacity how to sequence out the strategic plans. You're right we do have a lot of strategic plans. They're all at different phases in terms of completion or just whether they're current or no longer current. And that would be a discussion to bring to the council to better manage priorities, as well as resources, and strategies around how to implement them.

>> Councilmember Constant: And the other thing, and kind of in preparation for the meeting here, I tried to find a lot of the strategic plans. And I don't think unless I couldn't find it I don't think there's a resource that shows where all of our plans are in one spot. And I don't expect anyone to allocate resources to figure this out right now, given the time we have, but I think as we go forward, we should, as time allows and resources allow, create a resource, page, whether it's on Website or whatever, where we can find these types of things. I went to each individual department and went through their resources trying to research these types of things and it just goes time. Just going in the future. Back to the chief because I forgot to ask you a question. As you go through this next phase of strategic planning, at this point, and this kind of folds into what I was saying, about looking at potential contractions, does it make sense to at the same time fold in evaluations of how brownouts work in other departments and how they could be applied if necessary and evaluation of dynamic deployment and how that has worked or not worked or as well as the auto-mutual aid, the different ways mutual aid works. I know sometimes it's triggered by alarm levels and sometimes it's triggered by someone picking up the phone and saying, hey, we need help. Having all that kind of reviewed at one time so that we can, for those of us who don't understand it to the depth that your staff does, that we could use that as an ongoing resource in the future.

>> Madam Chair, members of the committee, let me start with dynamic deployment and our deployment system. I think you're absolutely right when it comes to evaluating what we've done, and in fact our assistant chief is going to take a project in January where we're not going to stop doing everything, but stop moving everything, and we're going to evaluate how our system works. But what we plan to do in advance of that is to develop some objective criteria of what we're trying to accomplish with our emergency response system so that we have those measurements first and then we measure against how we're doing. And in doing that I think we won't jump to the solutions before we actually know what we're looking at. Our intent in doing that is to make sure that we've taken a comprehensive review of the entire city, and where our engines and truck companies are assigned. And if they make the most sense where they're at and if not recommend some changes. And so we plan to do that in January. We're starting to develop the criteria right now. So that we can measure our system, and then we'll -- not sure how long that will take but hopefully we'll be able to start to implement those changes and improve the system from there. That will also provide us with a component of the work that we're doing with Santa Clara County fire, or the Cambrian 36 annexation, it's provided us a good opportunity to have conversation not with just

that fire department but with others about really integrating our resources and partnering in terms of providing boundary drops where it makes the most sense. And we're going to use the Cambrian 36 area as a pilot to test out boundary drops in that area to see how effective it is for us. We have some challenges in that there are two dispatch centers that are involved, even though they link their CADs, we want to make sure that there's not a delay in the processing time that you would have by having to ask each other if certain resources are available, because that kind of defeats the purpose of trying to get a faster response. But we're going to try it in that area first and if it works then we're going to move around station 14 and 15 as well and look at there some opportunities to do it there as well and that should also by the way provide us with input as to what kinds of impacts we would expect if we were to brown out a station or otherwise have to reduce the resources in those areas.

>> Councilmember Constant: Great and then finally you mentioned the Lafco service review. I was on the work committee that produced that document. I didn't produce anything but I talked a lot about it. Somebody else produced it. I was really shocked to see the cost per apparatus. And I know you were in the audience the other day when I brought it up at the council meeting and you know I had heard for years about our different staffing methodologies here compared to other places. But it really to me became very clear that that's something that we need to revisit and I'm not looking for any commitment from you at all right now. I understand that it's a complex issue and you know a lot more about trucks and engines and people that go on them than we do. I just encourage you to really, really look at that going forward. And knowing that there are some areas of our city that are very much like our neighboring cities and other parts of our city that are nothing like those cities. I hope going forward given our constraints that we have the ability to change some of those staffing levels as you deem appropriate not as we deem appropriate or the fire union deem appropriate but you as a professional because you know what we're doing.

>> Thank you.

>> Councilmember Constant: To move forward in a more efficient deployment of staff to the resources we have.

>> In I might comment on that and in fact I brought the table if you all would like to see it that you were talking about the other day. If I could pass this out to you. I think the report, this is the table I think that you were referring to. I think the report's really important in a lot of perspectives. Clearly the cost per company is the highest, we have the highest. I think though that what this report suggests to me is yes, there are probably lots of opportunities we have here in the City of San José to modify how we staff some of our pieces of equipment. I want to go on record saying to you that I do think four person engine companies for us is a real critical part of our system. Because I think given the area that we cover as a fire department and the area that each one of our fire stations covers and the call volume of our fire stations, that that level of staffing is about the minimum that we think we can be successful in having a positive outcome to some of our emergencies that we respond to. I think the two other areas that are very telling on this report are the ones that talk about the number of firefighter that we have per thousand population. We are almost the lowest in the county. Sunnyvale is the only city that's lower than us, and as you know they have two-person companies, but they also back those folks up with the patrol officers during some of the emergencies. And I think the other one that's really telling as well, is the cost per capita for fire protection in Santa Clara County. And we are the lowest in that case. So the report says that to me, two things. One is, is that yes, a cost of our companies are the highest. And that they're covering the most area and they also are responding to the most incidents. But there may be some opportunities that we have to spread those out even a little more to help provide more coverage for the community. But I think that you all know that we're providing excellent service with not a lot of resources and I think the report really points that out.

>> Councilmember Constant: Thank you.

>> Councilmember Nguyen: Thank you. Other comments or questions? Councilmember Oliverio.

>> Councilmember Oliverio: Thank you, fire chief McDonald. I think planning is appropriate for population growth as we do our general plan 2040 and where we're going to grow and I'm not sure if we'll grow at the time that people expect with the current housing recession/glut. I just want to make sure that the report's done realistically on what we can afford versus what we want. I mean again there's been a lot of strategic plans done where we have the experts in the field would like us to have certain things. If it was a perfect world. But we're not operating

in that world and I don't think that world's coming any time soon and clearly not in the next five years so I just want to make sure that it has either contingencies or what ifs, because I don't want a document that's meant to bash elected officials over the head to be a political contest that says he see this is what it says. There are a lot of national standards and cities cannot afford those national standards. The question I have, since you brought out the chart, and it's about budgetary issues, but in the end, fire departments all over have to come up with cuts. Do you think it's more effective to completely close a station or reduce the staffing at a few stations to make sure you don't close that one station?

>> I would never suggest closing a fire station as a good idea. You know, a few nearby firefighters is better than really good firefighters that are much further away. There's just no argument for that. And so I think the last resort for me is closing fire stations.

>> Councilmember Oliverio: Appreciate the feedback chief and all the hard work.

>> Thank you.

>> Councilmember Oliverio: Welcome to San José times.

>> Councilmember Nguyen: Any questions or comments? Anyone in the audience that wish to speak on this item?

>> Councilmember Constant: Move to accept the report.

>> Councilmember Oliverio: Second.

>> Councilmember Nguyen: We have a motion and second to accept the report. All those in favor, please say aye. Opposed, hearing none, motion carries. Thank you very much. And we are done. Meeting is adjourned. Thank you very much, everyone.