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Office of the City Auditor

Report to the City Council
City of San José

POLICE STAFFING, EXPENDITURES, AND WORKLOAD: STAFFING REDUCTIONS HAVE IMPACTED RESPONSE TIMES AND LED TO HIGH OVERTIME COSTS

Report 21-01
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March 5, 2021

Honorable Mayor and Members
Of the City Council
200 East Santa Clara Street
San José, CA 95113

Police Staffing, Expenditures, and Workload: Staffing Reductions Have Impacted Response Times and Led to High Overtime Costs

The City of San José Police Department (SJPD) has more than 1,700 sworn and non-sworn staff who provide public safety services to San José's residents, including responding to calls for police services, investigative efforts, crime prevention and education, and regulatory services. The largest number of sworn officers is dedicated to supporting patrol efforts across the city and responding to calls for service. Civilian staff, which accounts for about one-third of SJPD's staff, provide administrative support, perform crime prevention analysis, staff the Police Communications Center, and assist patrol staff through the Community Service Officer program. In total, the Department's Adopted Operating Budget for FY 2020-21 was $471.5 million.

The objective of this audit was to review and compare SJPD staffing, spending, and calls for service over time, including an allocation of staff by bureau or division, vacancies, and use of overtime. This audit was requested by multiple Councilmembers. As the City undergoes its reimagining community safety process, the information and recommendations in this report can provide insight into the Department's staffing history, expenditures, and workload as it moves forward.

Finding 1: Reductions in Sworn Staffing Over 20 Years Present Challenges for SJPD. Over the last two decades, SJPD has experienced major staffing reductions in sworn officers. Layoffs and reductions in budgeted staffing during the Great Recession, along with high numbers of resignations and retirements in subsequent years, resulted in a decline in the number of active sworn officers. The Department continues to fill vacancies through recruitment and has begun to add budgeted sworn officer positions in recent years. We found:

- In FY 2000-01, the Department was budgeted for 1,358 sworn staff; in FY 2020-21, that number had decreased to 1,157. Staffing reached its lowest point in FY 2016-17 when there were 1,107 budgeted positions; more than 200 of these budgeted positions were vacant that year.

- SJPD has been actively recruiting to fill sworn vacancies, adding nearly 200 recruits in the past two years. Although the Department has begun to grow again, the Department's police force is overall less experienced than it was ten years ago.

- While there are different factors that may contribute to staffing decisions, San José primarily uses a budget-based model to determine its overall staffing from year to year.

Finding 2: Increases in SJPD Expenditures Have Outweighed Staffing Changes. Despite having less staff, SJPD expenditures have increased over time. In FY 2020-21, SJPD's adopted budget was $471.5 million, more than double its adopted budget in FY 2001-02. We found:

- The largest increase in expenditures has been in retirement and fringe benefit costs, growing from $65 million in FY 2008-09 to $168 million in FY 2019-20.

- Overtime costs grew by over 300 percent in the past decade and accounted for 10 percent of total expenditures in FY 2019-20.

- Personal services account for 92 percent of the Department's budget. However, overall spending on salaries declined beginning in FY 2008-09 and did not fully recover until FY 2018-19. This decrease was due to vacancies, fewer budgeted staff, and a 10 percent pay cut in FY 2010-11.

- Other costs, including computer software expenses, professional services, vehicle costs, workers' compensation, travel and training, and supplies and materials (including ballistic equipment, ammunition, and other police supplies) accounted for the remaining 8 percent of expenditures in FY 2019-20.

Finding 3: SJPD's Workload Has Increased as It Has Struggled to Meet its Response Time Goals. Officers respond to incidents dispatched through the Police Communications Center and initiate calls if they observe a need for police service or conduct a vehicle or pedestrian stop. The Department categorizes each response into one of six priorities, depending on the nature of the incident. We found:

- In FY 2019-20, the Police Communications Center received over 1.2 million calls for emergency and non-emergency service. This resulted in 331,000 officer responses, up from 274,000 responses in FY 2016-17.

- SJPD did not meet its response time target in FY 2019-20 for the highest priority incidents, with SJPD only meeting the Priority 1 response time target in one district (District D at the Airport).

- Queuing time, or the amount of time a call waits for an officer to be dispatched, was a major driver for SJPD for not hitting its Priority 2 response time target indicating not enough staff were available to respond.

> **RECOMMENDATION**
>
> To better meet Priority 1 and 2 response time goals and address past staffing reductions, SJPD should:
>
> - Add sworn officers to field patrol in the context of the overall budget

Finding 4: Reorganizing San José's Patrol Districts and Reviewing Shift Schedules Could Optimize Workload and Available Staffing. SJPD deploys staff across three shifts and 16 patrol districts, in addition to the Airport District. Several studies have concluded that SJPD should review how it organizes its patrol districts and shifts. We found:

- Police district boundaries have not changed since 1999 and shift schedules have remained the same since the early 2000s. Past studies have concluded that current shift schedules may not be optimized to most effectively manage workload.

- The FY 2020-21 budget allocated $350,000 for SJPD to redefine its geographic patrol boundaries. This review has not yet begun.

- SJPD currently does not track certain workload factors which may enhance its response. Tracking these additional factors, such as number of incidents relating to individuals experiencing homelessness or individuals with disabilities, can help the Department determine how best to respond, including coordinating responses with other departments or outside agencies.

> **RECOMMENDATIONS**
>
> To optimize deployment of patrol staff, SJPD should:
>
> - Analyze alternative schedules and report on the results of that analysis
>
> - Track different types of workload and determine whether those calls can be diverted to non-sworn staff or coordinated with other departments
>
> - Develop a long-term strategy and identify consistent funding to meet priority community policing goals

- SJPD developed a community policing plan in 2002. Updating this strategy could help the Department meet Council and community priorities for community policing and foot patrol.

Finding 5: SJPD Has Relied on Overtime to Staff the Department. The reduction in staffing, vacancies within SJPD, and an increased workload have contributed to an increased reliance on overtime to staff the Department. However, while the number of vacancies has decreased, overtime has not declined at the same rate. In FY 2019-20, overtime expenditures totaled $47 million, or 10 percent of overall SJPD spending. We found:

- Overtime hours and costs have increased from less than 200,000 hours in FY 2010-11 to more than 450,000 in FY 2019-20, and many staff far exceed allowable work hour limits.

- In FY 2019-20, the amount of overtime used by field patrol corresponded with officer-initiated activities.

- Overtime for activities historically not considered mandatory—such as report writing and follow up—have been growing faster than mandatory overtime activities, such as for maintaining minimum staffing.

- Increased reliance on overtime for compensatory time (rather than for pay) has led sworn staff to maintain high balances of compensatory time.

- As individuals reach the 480-hour accrual limit for compensatory time, the City pays for any additional overtime hours worked in their next paycheck. In FY 2019-20 there were $16 million in excess compensatory time pay outs. The overall

> **RECOMMENDATIONS**
>
> To manage use of overtime and limit the risk of fatigue, SJPD should:
>
> - Enforce limits on total overtime hours and update corresponding policies and systems
>
> - Reassess which types of overtime should be considered discretionary versus mandatory
>
> - Work with the Budget Office to develop a reserve for future compensatory time liability, regularly report on compensatory time balances and costs, and/or assess options to prioritize compensatory time over vacation leave

compensatory time liability, as of November 2020, was more than $21 million and there were 449 individuals with maximum compensatory time balances.

Finding 6: Additional Opportunities Exist for Civilianization to Address Sworn Workload.
Civilianization enables a police organization to focus its sworn staffing on sworn duties by hiring civilians to assist with a department's workload. Increasing workload, limited sworn staffing, and budgetary constraints indicate that SJPD may benefit from expanding its use of civilians. We found:

- Since the 2010 *Audit of Civilianization Opportunities*, SJPD has added civilian positions, including those in the Community Service Officer (CSO) program.

- CSOs responded to 60 percent of all CSO-dispatchable incidents during their shifts in FY 2019-20, indicating opportunities to grow the program to better focus sworn officers on higher priority incidents.

- Districts varied significantly in responses to CSO-dispatchable incidents, contributing to disparities in individual workload.

- CSOs respond to incidents that are not listed in the Duty Manual and are not consistently involved in community policing, as dictated by the Manual.

> **RECOMMENDATIONS**
>
> To better supplement sworn police services and manage overall workload challenges in the Department, SJPD should:
>
> - Add more CSOs in context of the City's overall budget, and develop guidelines to more equitably distribute CSO workload across districts
>
> - Reassess the priority list of CSO-dispatchable calls and develop a strategy for CSO involvement in community policing

This report has 10 recommendations. We plan to present this report at the March 16, 2021 City Council Meeting. We would like to thank the Police Department, the City Manager's Office, and the City Attorney's Office for their time and insight during the audit process. The Administration has reviewed the information in this report, and their response is shown on the yellow pages.

Respectfully submitted,

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City Auditor

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This report is also available online at www.sanjoseca.gov/audits

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Background

The San José City Charter §807 establishes a Police Department for the City of San José (City). Additionally, the Municipal Code §2.04.4020 sets out the functions, powers, and duties of the Chief of Police. The Municipal Code gives the Chief of Police the responsibility to:

1. *Administer the operation of the police department.*

2. *Prevent crime and maintain law and order in the city by enforcing the laws of the United States, the state of California, and the ordinances of the city, except where law enforcement is exclusively vested in another office or officer.*

3. *Perform services and functions relating to crime prevention and crime investigation, the apprehension and prosecution of criminals, and other law enforcement duties as the city manager may direct.*

4. *Perform such other programs or functions related to law enforcement investigation and crime prevention that the city council or the city manager may, from time to time, authorize or request.*

The mission of the San José Police Department (SJPD or Department) is to:

Create safe places to live, work, and learn through community partnerships.

SJPD's core services are:

- **Crime Prevention and Community Education:** To provide programs and services through community education and partnerships to reduce criminal activity and enhance public safety.

- **Investigative Services**: To provide for the objective examination of events through the collection of evidence, interviewing of witnesses, the interrogation of suspects, and other activities, to arrive at resolutions or successful prosecutions.

- **Regulatory Services:** To provide for the mandated regulation of businesses and activities and the issuance of mandated permits that are in the public interest.

- **Respond to Calls for Service and Patrol Support:** To provide for 24-hour emergency and non-emergency police calls, which include, but are not limited to, crimes against persons and property, disturbances, traffic accidents, disasters, and medical emergencies.

SJPD's Strategic Support section includes Department management, public information, fiscal integrity, systems availability, recruiting, training, facilities and vehicle management, workforce wellness, and safety.

Department Organization

SJPD is administered by a command staff that includes the Chief of Police, along with an Assistant Chief, four Deputy Chiefs and a civilian Deputy Director. Command staff manage an Operations Command divided into four bureaus and the Office of the Executive Officer. Department employees are assigned to one of four bureaus comprised of 11 divisions and more than 50 specialized units and assignments.

Exhibit 1: San José Police Department Organization Chart
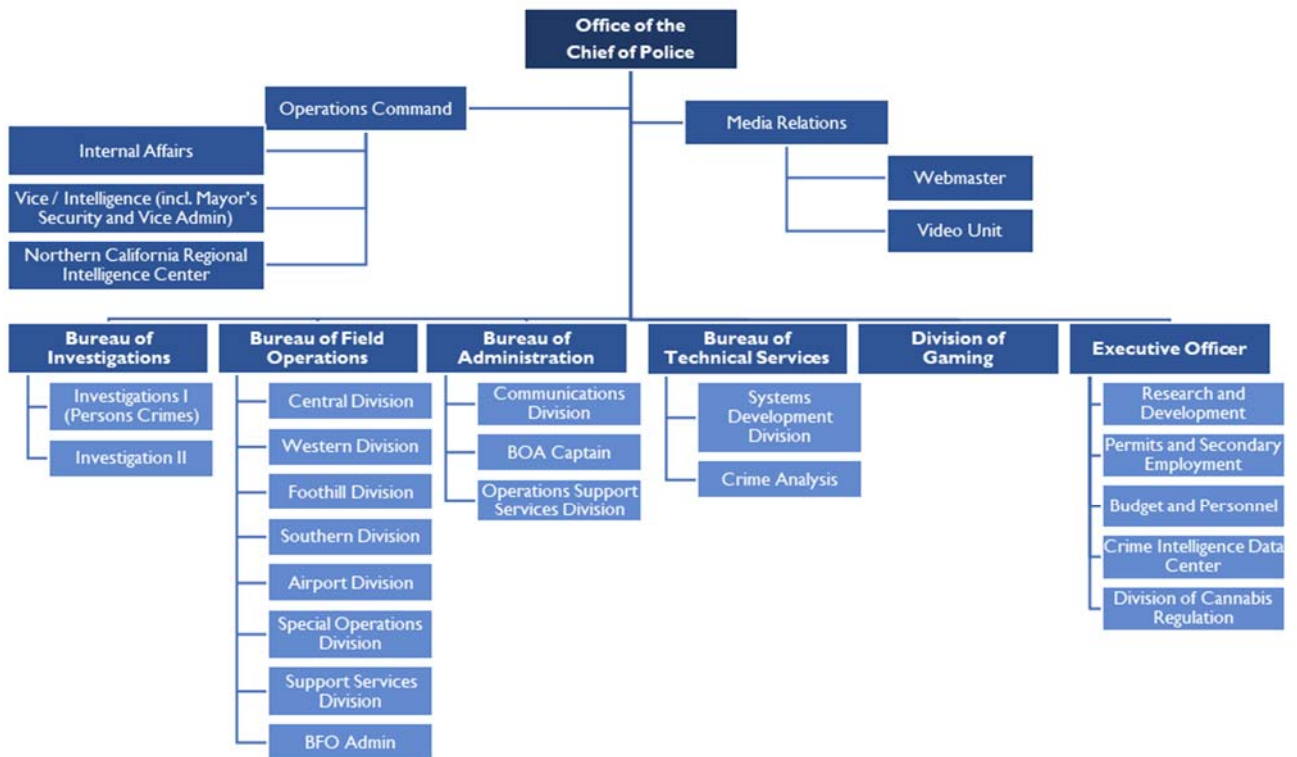
Source: Auditor illustration based on https://www.sjpd.org/about-us/inside-sjpd/department-information/organization-chart effective November 2020.

The Office of the Chief of Police provides Departmental leadership and administration and consists of units that are designated by the Chief of Police to provide assistance to and ensure cooperation with subdivisions of the Department, other agencies, members of the community, and the City administration.

The Assistant Chief of Police leads the Operations Command and provides leadership and administrative direction to the Bureaus of Administration, Field Operations, Investigations, and Technical Services.

The Bureau of Field Operations (BFO) is SJPD's Patrol Division. Most sworn officers are within this bureau, which is tasked with responding to calls for service throughout San José. Exhibit 2 illustrates the sworn command structure of the Department.

Exhibit 2: Sworn Structure
(Budgeted FTE, FY 2020-21)

Police Chief (1)

Assistant Chief (1)

Deputy Chief (4)

Captain (9)

Lieutenant (41)

Sergeant (191)

Officer (912)
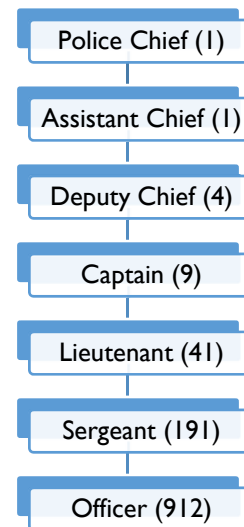
Source: MOA and Adopted Budget (includes an officer and sergeant in the City Attorney's Office, not included elsewhere).

Another resource for the Department is the SJPD Reserves, a volunteer organization of over 100 reserve officers that assist with Department functions and community events.[1] Reserve officers assist with patrol duties, school presentations, academy graduations, and community policing events, among other activities.[2]

In addition to sworn positions, the Department has several civilian positions which augment the Department's police services. A civilian deputy director heads the Bureau of Technical Services, which includes the Crime Analysis Unit (CAU). CAU provides crime data and analysis to help captains make patrol staffing and strategy decisions. CAU also maintains the crime data dashboard to enable patrol staff to view crime statistics in real time.

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[1] There were 106 reserve officers as of January 25, 2021. The total number can fluctuate by month.

[2] A 2017 POA Side Letter stated that the Reserves Program was to "take out / take over" the Department's ride-along program. However, currently the Reserves Program only processes the administration of the program; ride-alongs are still scheduled with sworn officers.

Other civilian staff include Community Service Officers (CSO), the Department's fiscal and information technology staff, crime prevention analysts, and communications staff tasked with the management and operations of the Police Communications Center.

Budget and Staffing

In FY 2020-21, SJPD consisted of 1,715 authorized full-time equivalent (FTE) positions. Sixty-seven percent (1,157) of all Department positions were occupied by sworn staff, with civilians making up the remaining 33 percent. The Department's FY 2020-21 Adopted Budget was roughly $471.5 million. Additional detail on the Department's budget and staffing is in Findings 1 and 2.

At any point in the year, actual staffing allocations across the Department's Bureaus, Divisions, Units, and Details are subject to change. The Department may adjust staffing to address shifting needs and priorities, community response, and the sworn staffing rotation policy, to name a few factors.

Field Patrol and Patrol Support Staffing Comprises a Majority of Police Staffing Operations

Out of all authorized sworn and civilian staffing in FY 2020-21, 64 percent was directly related to Field Operations and the support of patrol staff in responding to calls for service. There are four geographical patrol divisions across the city—Central, Western, Foothill, and Southern. Within these divisions, the city is divided into 16 patrol districts with an additional district dedicated to the Airport. Patrol districts are divided further into smaller units of 83 beats across San José.

Exhibit 3: Distribution of Beats by Police Districts
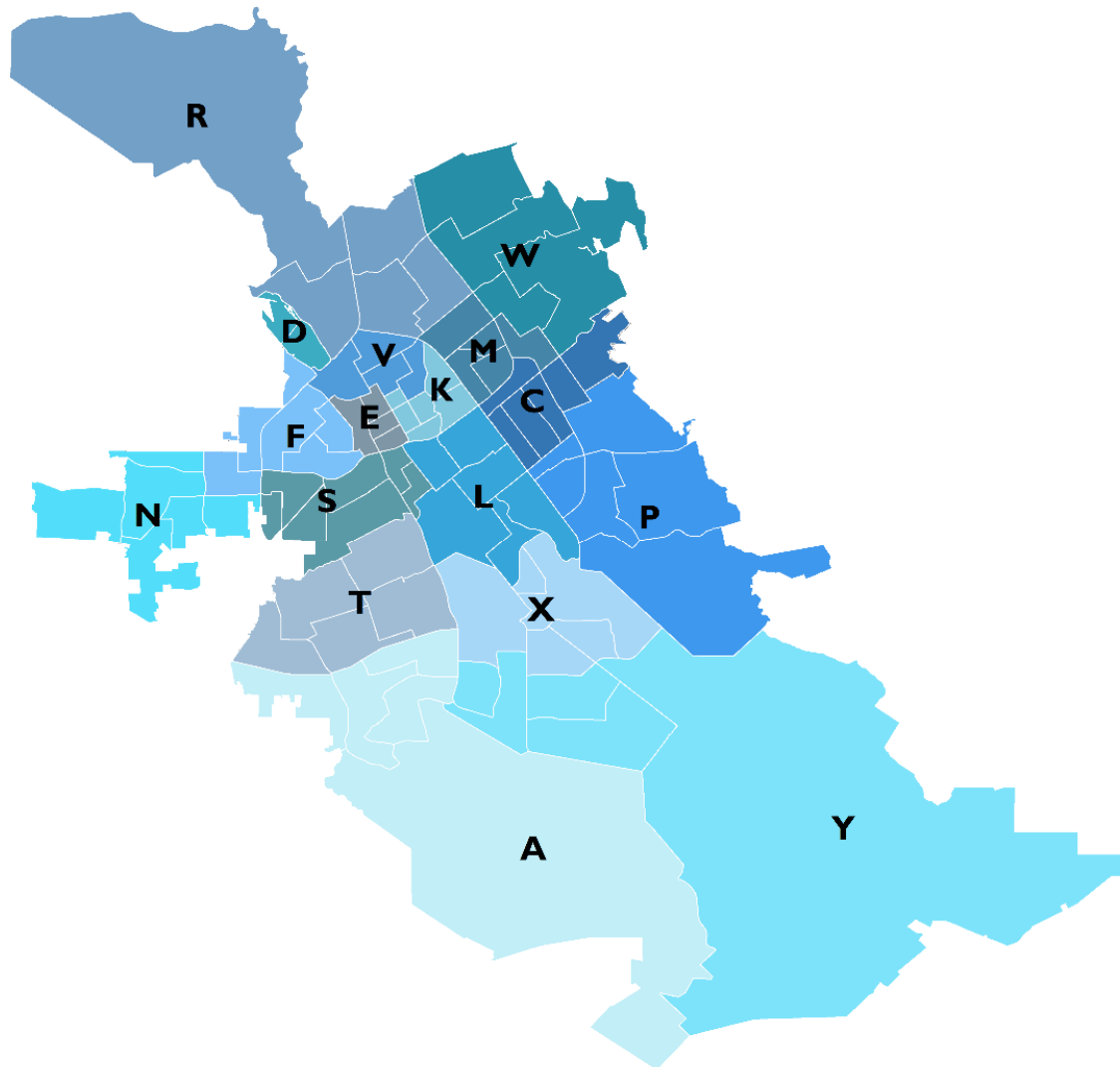
Source: Auditor illustration of SJPD geographic boundaries.

Assignments and Shift Schedules

The Department deploys sworn staff through shift bids and assignments. Patrol officers and sergeants in the bidding process request shift schedules and where they will be placed in the city. The Chief directly assigns patrol captains and lieutenants. Sworn personnel in non-patrol divisions are assigned as well. Assignments can occur through either: (1) commanders selecting staff from a list of those who have submitted letters of interest; or (2) direct assignment by the Chief.

The Department assigns patrol officers and sergeants to one of three main shift schedules (watches): day shift, swing shift, and night shift. Civilian Community Service Officers (CSOs), assist patrol staff and have two shifts each day. A day

shift that begins half an hour before the sworn day shift and a swing shift that begins two hours before the sworn swing shift.

Exhibit 4: Patrol Shift Schedule
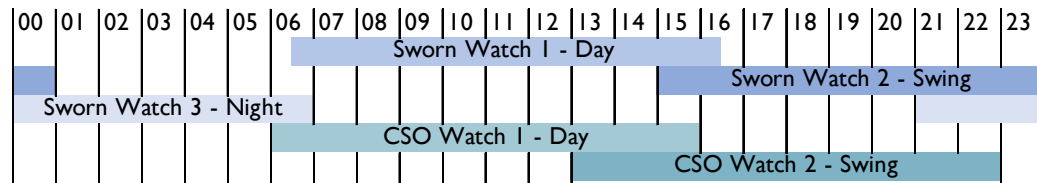
Source: Auditor created based on internal documents for watches/shifts of sworn and community service officers (CSOs).

The Community Service Officer Program Has Been Used to Support Police Services

In 2014, the Department established the Community Service Officer (CSO) program to "assist in allowing patrol officers to remain in service and available to respond to higher priority and emergency calls." CSOs respond to calls during the Day and Swing shifts seven days a week. They are assigned only to calls in which the suspect is not present and that do not pose an immediate safety risk, such as abandoned vehicles and burglary reports.[3]

The CSO program consists of a CSO Supervisor, Senior CSOs, and CSO I's and II's. CSOs undergo a specialized academy training (separate from sworn academies) and do not carry weapons. The CSO Supervisor serves as the civilian head of the CSO program and reports to a sworn Division Captain. Generally, one CSO is assigned per shift per patrol district during day and swing shifts.[4]

In FY 2020-21, in response to a General Fund shortfall, the City reduced the total CSO budgeted positions from 73 to 68 FTE. As of January 1, 2021, there were 62 CSOs out of a budgeted 68 positions for FY 2020-21. CSO staffing has increased each year through FY 2019-20 since City Council approved the program in 2014.

Crime in San José

In 2019, there were 4,561 major violent crimes reported and 25,164 property crimes reported, as defined by the Federal Bureau of Investigation's (FBI) Uniform Crime Reporting (UCR) program. Reported violent crimes consist of aggravated assault (2,517), robbery (1,339), rape (671), and homicide (32). Reported property

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[3] See Appendix E for a list of types of incidents in which a CSO may be dispatched to.

[4] District R has two CSOs assigned and District D (the Airport) does not have any dedicated CSOs. CSOs covering neighboring Districts R and V respond to calls in District D. In addition, some districts may not have CSOs for certain shifts due to vacancies.

crimes include larceny-thefts (14,924), motor vehicle theft (6,126), and burglary (4,114).

The number of reported aggravated assaults, rapes, and robberies has grown in recent years, though robberies dropped between 2018 and 2019. In reported property crimes, larceny-thefts has increased since 2014 while motor vehicle thefts dropped significantly from 2017-2019; in 2019 the number of motor vehicle thefts reached its lowest level since 2011.

Exhibit 5: Historical Trends of Major Violent and Property Crimes in San José
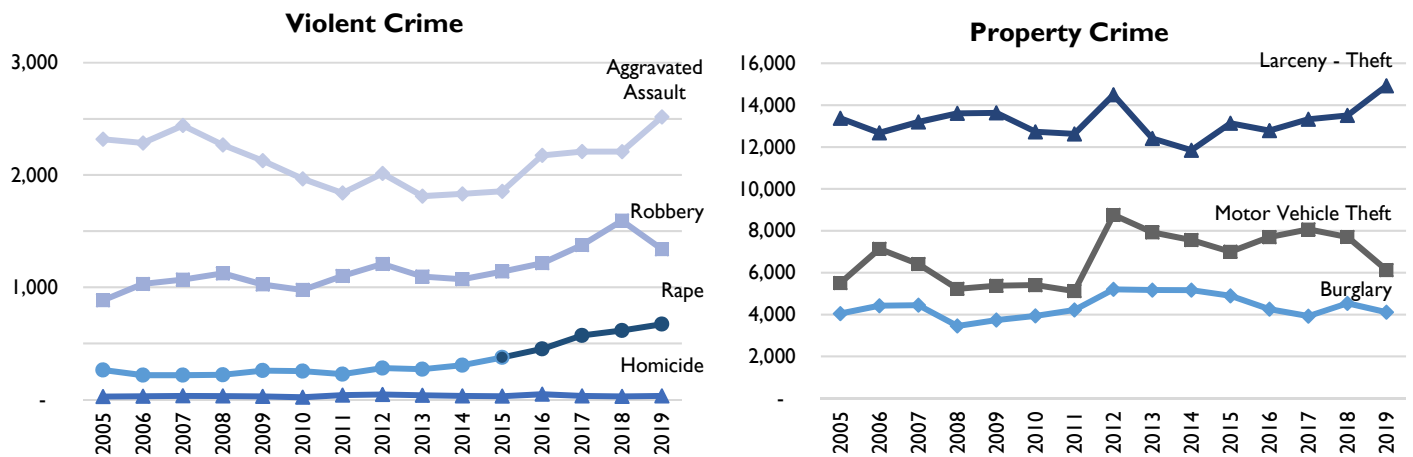
Source: FBI Uniform Crime Reporting data.

Note: The FBI changed the definition of reported rape in their UCR reports in 2013. Numbers reported by SJPD before 2015 relied on the former definition.

The City of San José's violent and property crime rate per capita is lower than several other California jurisdictions (Exhibit 6). In 2019, San José's violent crimes per capita equaled 2,833 crimes per 100,000, whereas California overall had approximately 2,772 crimes per 100,000 residents.

Exhibit 6: San José's Violent and Property Crimes Per Capita Is Lower Than Several Other Large California Jurisdictions
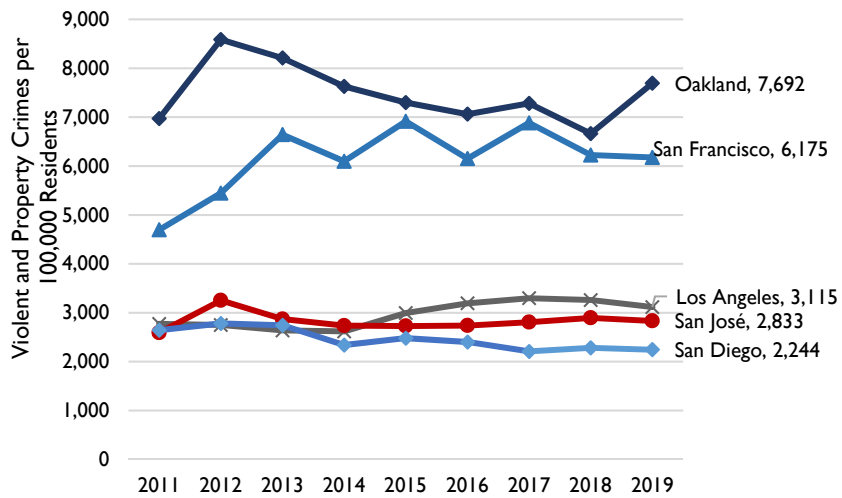
Source: FBI Uniform Crime Reporting program data.

Prior Department Staffing Studies

There have been many previous staffing studies conducted by the Department and its consultants. These include:

2002: **The Neighborhood Policing Operations Plan**, which among other things, described the Department's philosophy and service delivery approach, and described how community policing values were to be integrated across all ranks and bureaus.

2006: **Proposed Five-year Staffing Plan: 2007-2012**, which described various factors to inform staffing decisions including calls for service, officer-initiated activity, crime rates, population growth, and training needs. It also considered state and federal mandates and other policy decisions that would affect staffing through 2012. See Finding 1 for additional information about this plan.

2010: **Patrol Deployment Alternatives** by Corona Solutions, which discussed, among other recommendations, changing shifts from a four-day to a five-day work week to better match staffing to workload, as measured through calls for service, officers required to handle each call, and the amount of time required.

2017: **Final Report on the Staffing and Deployment Review** by Matrix Consulting Group, which recommended changing the number of police districts and implementing an alternative

staffing plan to enhance staffing in certain beats, along with other recommendations.

2019: **Manager's Budget Addendum (MBA) 21,** released in response to the Mayor's request in his FY 2019-20 March Budget Message to develop a staffing plan should additional resources become available. Among other staffing-related items, the MBA outlined the Department's staffing needs and stated that "identified staffing needs call for an additional 249 sworn positions at various ranks, and 25 civilian personnel between 2020 and 2025."

Prior Audits Related to Police Staffing

This Office has conducted multiple audits related to the SJPD's staffing in the past twenty years.

2000: *Audit of the Police Department – Bureau of Field Operations Patrol Division Staffing and Deployment* recommended changes to shift start times and the addition of a fourth watch, among other recommendations.

2010: *Audit of Civilianization Opportunities in the San José Police Department* recommended the Department establish a plan to civilianize positions that did not need to be staffed by a sworn individual and to consider how Community Service Officers and Investigative Aides could be utilized instead of sworn staff.

2010: *Audit of Police Staffing: Opportunities to Maximize the Number of Police Officers on Patrol* analyzed four budget documents presented by SJPD to change staffing and resource allocation due to the economic downturn. The audit made recommendations to address shift schedules, span of control, and redistricting.

2012: *Audit of Secondary Employment: Urgent Reform and a Cultural Change Needed to Gain Control of Off-Duty Police Work* recommended changes to strengthen oversight on secondary employment, reduce officer fatigue, and address potential conflicts of interest, among other objectives. As of December 2020, there were a number of open audit recommendations from this report.

2015: *Audit of Police Hiring* made recommendations to facilitate the hiring process to reduce vacancies in the police force. As of December 2020, there was one open audit recommendation.

2016: *Audit of Police Overtime: The San José Police Department Relies on Overtime to Patrol the City Due to Unprecedented Vacancies* highlighted opportunities to address potential issues resulting from the increasing amount of overtime used to maintain service levels. There remained several open audit recommendations as of December 2020.

Reimagining Community Safety

At the end of May 2020, protests and civil unrest broke out in San José and across the country in response to the death of George Floyd in Minneapolis, Minnesota. Calls for police reform prompted the San José City Council to discuss potential measures to address community concerns.

In June 2020, the Mayor released a nine-point plan, which included expanding the authority of the Independent Police Auditor, considering how the City could use civilians to respond to calls for service, and promoting independent investigations of police misconduct.

The City Administration in response produced a Police Reforms Workplan, which includes engaging the community to "reimagine community safety." Through this engagement, the City intends to review use of force policies and envision how police responses to non-criminal incidents may be supplanted with civilian response.

One way the Police Department has explored alternative police responses is the City's mental health response program, a one-year pilot which began in October 2020. This program combines Santa Clara County's Mobile Crisis Response Team with sworn officers at the SJPD. According to the Department, five sergeants and eight officers currently participate in the program on overtime.

Similarly, other California jurisdictions are exploring and implementing alternative responses to traditional police responses.

- **San Francisco** is considering a proposal to re-route calls relating to panhandling, encampments, and unhoused individuals to a civilian homeless response unit.

- **Long Beach** civilianized 34 positions in its FY 2020-21 budget, including converting 16 police officers to 16 Community Services Assistants to respond to non-violent 9-1-1 calls.

- **Oakland** created a Reimagining Public Safety Taskforce to explore alternative responses to calls for service and investments in programs aimed at the root causes of violence and crime.

- **Bay Area Rapid Transit** recently announced plans to expand its team of Crisis Intervention Specialists, civilians trained in social work to respond to calls involving individuals with suspected mental health issues.

- **Berkeley** is developing a pilot program to dispatch non-criminal calls for service to a Specialized Care Unit.

As the City continues its process to reimagine community safety, the information and recommendations in this report can provide insight into the Department's staffing history, expenditures, and workload as it moves forward with these initiatives.

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Finding 1   Reductions in Sworn Staffing Over 20 Years Presents Challenges for SJPD

Summary

For FY 2020-21, SJPD has 1,157 budgeted sworn officers; in FY 2000-01 the Department was budgeted for more than 1,350. Layoffs during the Great Recession followed by multiple years with a high number of resignations and retirements resulted in a steep decline in the number of active sworn officers. This reached its lowest point in FY 2016-17 when there were 1,107 budgeted positions but more than 200 vacancies during the year. Since that time, SJPD has actively been working on recruitment to fill their vacancies; there have been nearly 200 recruits added in the past two years. As a result, SJPD staffing has begun to grow, however it has more staff with fewer than five years' experience than it did eleven years ago. While there are different factors that may contribute to staffing decisions, San José primarily uses a budget-based model to determine its staffing from year to year.

SJPD Has Less Sworn Staffing Now Than 20 Years Ago

In 2006, SJPD prepared a five-year staffing plan, considering various factors that would affect staffing through 2012. These factors included calls for service, provisions of the Memorandum of Agreement (MOA) with the Police Officers' Association (POA), past practices (such as schedules and shifts), officer proactivity, response time targets, and increases in population. The plan proposed 597.5 additional personnel, of which 478 were sworn and 119.5 were non-sworn. Under the plan, the Department would have grown from 1,342 sworn staff in FY 2005-06 to 1,820 sworn staff at the end of the five-year period.

Implementation of this plan coincided with the peak of the financial crisis that began in FY 2007-08, resulting in massive budget deficits in the City. As a result, SJPD had to reduce overall staffing. During this time, budgeted staffing decreased from 1,815 budgeted FTE (1,363 PD sworn) in FY 2007-08 to 1,511 FTE (1,085 PD sworn)[5] in FY 2011-12—a reduction of over 300 budgeted FTE (see Exhibit 7 for a chart of budgeted staffing).

The largest cuts to the Department occurred in FY 2011-12. The FY 2011-12 Adopted Operating Budget reduced sworn staffing by 116 FTE, among other positions, this included 41 positions at the Airport, 15 net positions in field patrol, 11 at the pre-processing center, 19 positions in the Bureau of Investigations (e.g., homicide and traffic investigations, vehicular crimes, and financial crimes), and 9

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[5] The SJPD budgeted staffing does not include 2-3 regularly budgeted sworn positions in the City Attorney's Office.

officers from the School Liaison Unit. This resulted in an unprecedented number of layoffs, 64 in total, during that year.

Exhibit 7: San José Police Department Budgeted Staffing
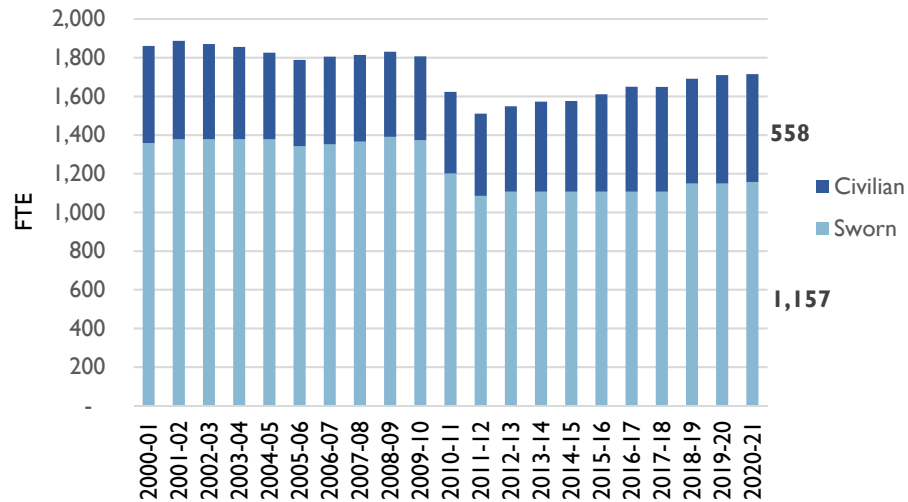
Source: Adopted Operating Budgets. This chart does not include the sworn staff in the City Attorney's Office, which in FY 2020-21, included one police sergeant and police officer.

The Number of Sworn Officers Steadily Declined Through FY 2016-17

As budgeted staffing levels declined, the number of active sworn staff declined even further. Between FY 2010-11 and FY 2014-15, 547 sworn staff retired or resigned, leaving many positions vacant. The number of resignations peaked in FY 2012-13 when 73 officers resigned from service. In FY 2019-20, there were 24 resignations and 50 retirements.

Exhibit 8: Separations of Sworn Personnel
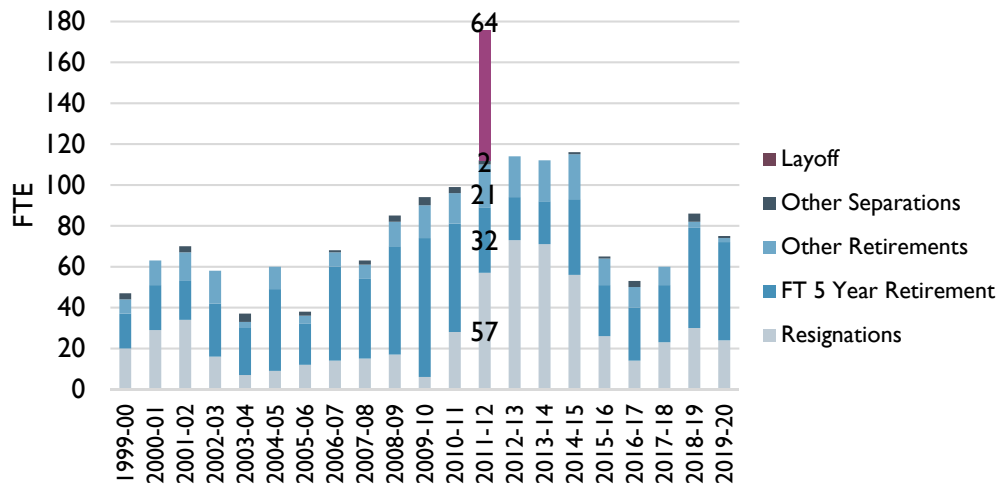
Source: PeopleSoft termination report by fiscal year.[6]

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[6] This data includes turnover among sworn personnel and does not include recruits. Additionally, resignations represent both voluntary and involuntary turnover. "Other Separations" include death, failed conditions of employment, and failed probation. "Other Retirements" include disability retirements and early retirements.

Because of the reduction in budgeted sworn staff and vacancies from retirements and resignations, the number of active sworn staff declined between 2010 and 2017. Vacancies among officer, sergeant, lieutenant, and captain positions rose from 37 in 2012 to 112 the following year, reaching a high of 234 FTE in 2017.

As of January 1, 2021, SJPD had 1,151 officers, sergeants, lieutenants, and captains budgeted for FY 2020-21. For these positions, there were 98 vacancies indicating 1,053 active sworn officers, sergeants, lieutenants, and captains.[7] However, of the total number of active sworn staff, not all are considered "street-ready".[8]

Exhibit 9: Active Sworn Staffing Declined From 2010 Until Its Low in 2017 But Has Since Increased
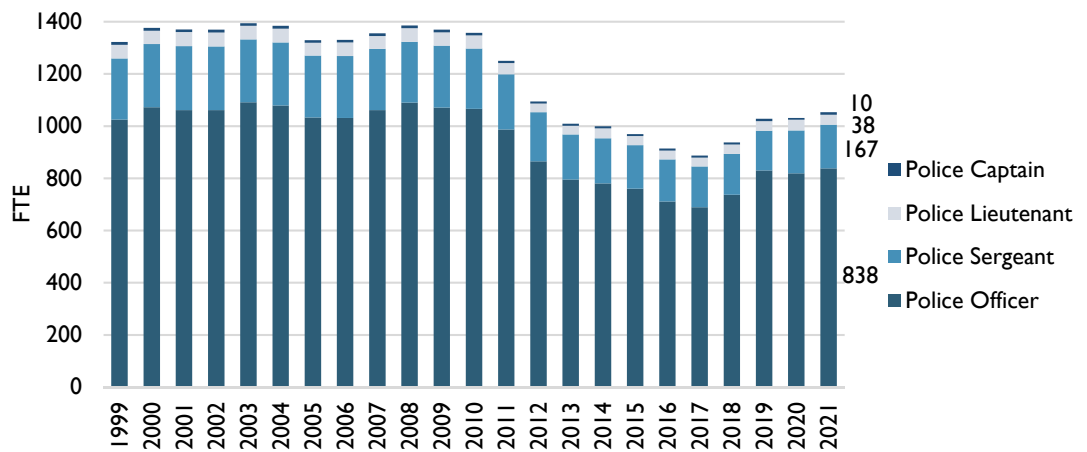
Source: PeopleSoft active staffing report by January 1 each year. This includes all officers, sergeants, lieutenants, and captains across the Department and does not include the Chief, Assistant Chief, or Deputy Chiefs.

Exhibit 10 provides detail on actual sworn officers, sergeants, lieutenants, and captains by bureau and budget program for January 1 of each year for 2013-2021 and data from July 1, 2008. We should note that in some cases, positions previously held by a sworn officer were converted to civilian positions. For more details on civilianization, see finding 6.

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[7] These 1,151 positions do not include 6 command staff positions, including the Police Chief, Assistant Police Chief and 4 Deputy Chiefs.

[8] For example, "street-ready officers" are the number of sworn individuals who can conduct regular patrol duties. This figure is calculated from the number of active sworn employees eligible for work less individuals who are on modified duty, typically due to injury. According to the MOA, officers on modified duty are governed by a 2005 Consent Decree. As of October 2011, this limit was set to 10 exempt officer positions. Separately, total sworn officers include officers on the "Brady list". Officers on the Brady list are sworn officers who are not considered credible in the court of law.

Exhibit 10: Active Sworn Personnel (Officers, Sergeants, Lieutenants, and Captains) by Program and Bureau

Bureau and Budget Program	2008*		2013	2014	2015	2016	2017	2018	2019	2020	2021
Bureau of Field Operations	**1,031**		**790**	**778**	**747**	**713**	**700**	**743**	**800**	**789**	**804**
Field Patrol	787		673	655	631	615	621	656	693	672	683
Special Operations***	36		26	27	27	26	17	17	27	31	35
Metro	36		38	30	29	20	13	13	21	21	22
Traffic Enforcement	48		31	25	20	13	13	10	10	15	16
Violent Crimes Enforcement	19			14	14	14	12	12	15	15	14
Airport Division	50		11	11	11	10	10	10	10	9	10
Air Support	4		1	5	5	5	5	5	5	7	7
Field Operations Administration	5		2	2	2	2	2	8	6	6	6
Downtown Services	8							5	5	5	5
Crime Prevention	10		5	6	5	5	4	3	3	3	3
Reserves/Volunteers	1		3	3	3	3	3	3	4	4	2
School Liaison / Truancy Abatement / School Safety	12							1	1	1	1
Other	15										
Bureau of Investigations	**232**		**157**	**155**	**155**	**142**	**126**	**127**	**152**	**166**	**167**
Sexual Assaults	31		34	32	32	29	27	29	33	39	40
Homicide/Crime Scene	38		27	27	29	28	26	27	28	27	29
Special Investigations***	25		26	26	29	24	20	19	30	32	33
Family Violence	18		13	13	13	13	10	10	11	13	13
Gang Investigations	18		23	21	21	17	14	12	12	12	13
Robbery	15		20	20	18	12	10	10	11	12	11
Assaults	21					7	8	8	8	11	10
Financial Crimes/Burglary	26		6	7	6	6	6	6	11	11	9
Juvenile/Missing Persons								3	3	4	4
Investigations Administration	7		3	5	3	2	2	2	3	3	3
Court Liaison	17		5	4	4	4	3	1	2	2	2
Other	16										
Bureau of Administration	**47**		**27**	**30**	**33**	**28**	**32**	**36**	**40**	**40**	**43**
Police Training and Academy	25		18	20	23	20	23	26	28	31	31
Police Human Resources	20		9	10	10	8	9	10	12	9	11
Police Department Management and Administration	1										1
Investigations Administration	1										
Management	**62**		**33**	**34**	**33**	**30**	**28**	**24**	**28**	**28**	**31**
Internal Affairs	11		14	15	15	13	14	13	15	15	16
Police Research and Development	11		3	4	3	2	2	2	3	3	5
Special Investigations***	19		6	6	6	6	3	3	3	3	4
Permits	10		5	4	5	5	5	2	3	3	3
Medical Marijuana								1	1	1	1
Special Operations***	2							2	2	2	1
Police Department Management and Administration	5		5	5	4	4	4	1	1	1	1
Gaming	4										
Bureau of Technical Services	**6**								**5**	**5**	**5**	**5**
Police Information Technology	4							5	5	5	5
9-1-1 Call Taking and Police Dispatch	2										
Other	**3**		**2**	**2**	**1**	**1**	**1**	**1**	**1**	**1**	**1**
Grand Total	**1,381**		**1,009**	**999**	**969**	**914**	**887**	**937**	**1,028**	**1,031**	**1,053**

Source: Auditor analysis based on PeopleSoft data and Department data for active officers, sergeants, lieutenants, and captains for 2013-2021. Data does not include the Chief, Assistant Chief, and Deputy Chiefs. Detailed data unavailable for 2010-2012.
* Reconciled data for 2008 provided by SJPD as of July 1, 2008. All other data in this chart is point-in-time data, as of January 1 of each year.
**This data is based on actual active employees as reported in the City's human resource management system (PeopleSoft) and does not include vacant positions. Active staffing differs from total authorized staffing presented in the City's Adopted Operating Budget.
***Special Investigations is divided into two areas (management and BOA), and Special Operations is in both management and BFO.

SJPD Has Increased Its Recruiting Efforts

In the past nine years, the Department has worked to fill its vacancies by recruiting more than 450 individuals into the Police Academy, nearly 200 of whom were added in the past two fiscal years. Additionally, the Department is implementing a Sworn Hire Ahead program, that will allow the Department to hire "police officers in advance of future vacancies to providing [sic] street-ready officers as vacancies occur." The FY 2020-21 budget added $6.75 million for the Sworn Hire Ahead program. Additionally, the budget reserved another $7 million for this program for FY 2021-22.

However, the process to hire police officers and train them to be "street ready" takes time. This includes 26 weeks in the Police Academy and 16-20 weeks in the Field Training and Evaluation Program where recruits receive on the job experience.

SJPD Is a Less Experienced Department in 2021 Than in Past Years

As of January 1, 2021, 35 percent of SJPD's sworn staffing had fewer than five years of service in San José whereas, in 2011 only 17 percent of sworn staff had fewer than five years of service.

Exhibit 11: San José's Sworn Staffing Is Less Experienced in 2021 Than in 2011
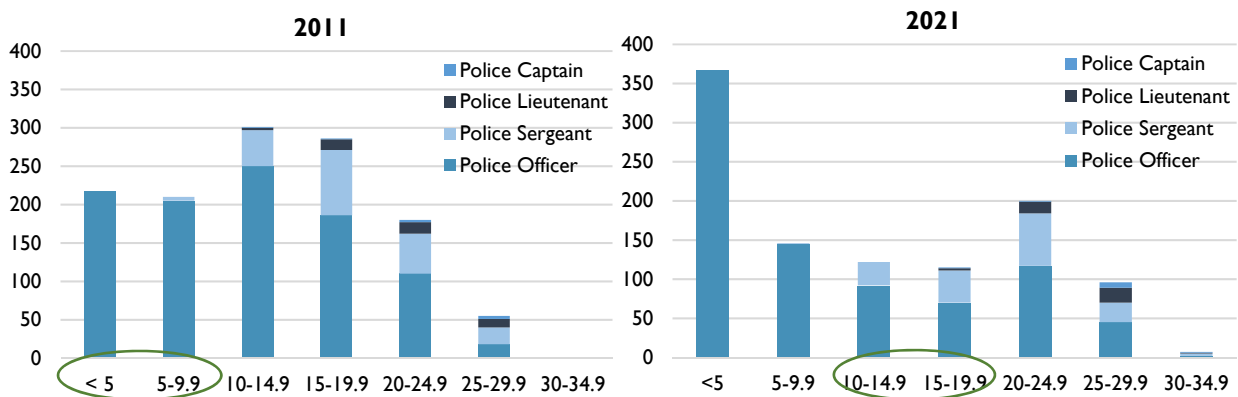
Source: Auditor analysis of PeopleSoft active employee data, as of January 1 each year.

Note: In 2011 there were 1,250 individuals, and in 2021, there were 1,053 individuals.

One of the reasons for this change in experience levels is the 2011 layoffs shown earlier in Exhibit 8. Most of the individuals laid off were in the 0-10 years of service category. Had these individuals remained in City service they would have had 10-20 years of service by 2021.

We should note that as of January 1, 2021, there were 103 individuals with more than 25 years of service at SJPD. Historically, sworn staff have retired from City

service with an average of 25 years of service. This may present further challenges as additional sworn staff retire from City service.

Police Staffing Levels Are Primarily Driven by Available Budget

The primary determining factor for SJPD staffing is the availability of funding within the City's budget. This approach uses available budget resources to determine initial staffing for the Department. Once the staffing level is established, SJPD may allocate staffing across the organization based on other factors, such as workload or Department priorities.

The 2006 SJPD staffing plan used various factors, as described earlier, to project the Department's staffing needs. The plan addressed an expected need to increase patrol, investigations, training and recruitment, communications, support to patrol, and other strategic support positions. However, as described earlier, because of the financial crisis and subsequent budget deficits, adding the proposed Police personnel identified in the 2006 plan was not realistic.

As funding has become available, SJPD has been able to staff specific priorities. However, this has typically been through overtime or one-time funding. For instance, foot patrol and community policing have been annually budgeted with one-time funding since FY 2013-14. Additionally, state and federal grant programs have allowed officers to spend more dedicated time in given areas, including traffic enforcement to address drivers under the influence, internet crimes against children, and human trafficking crimes.

In May 2019, a Manager's Budget Addendum (MBA) outlined a staffing plan describing "how an incremental increase in sworn officers would be prioritized, should any additional resources become available in the future." This MBA noted that "identified staffing needs call for an additional 249 sworn position[s] at various ranks, and 25 civilian personnel between 2020 and 2025."

The City again was faced with financial constraints in 2020 resulting from the coronavirus (COVID-19) pandemic. While there was a slight increase of 8 net sworn positions in FY 2020-21,[9] this was largely due to the Department being awarded a contract with Bay Area Rapid Transit (BART) for Berryessa BART Station staffing (an increase of 7 positions).

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[9] Including sworn and non-sworn staffing, SJPD saw a net increase of 5 positions.

A Variety of Factors Can Influence Staffing and Deployment Strategies

In addition to budget, there are other factors that may be used to determine appropriate staffing for a Police agency. Some of the most common factors that play a role in determining police staffing and deployment strategies include:

- Minimum staffing

- Per-capita and city growth

- Workload

According to a 2016 report conducted by the San Francisco Budget and Legislative Analyst,[10] each strategy has benefits and drawbacks when projecting potential staffing needs. The various factors are described in more detail below.

Minimum Staffing

Some jurisdictions have minimum staffing requirements, either established in its charter or other mandate. In a 2014 research paper titled "Police Staffing Allocation and Managing Workload Demand: A Critical Assessment of Existing Practices," from Michigan State University's School of Criminal Justice, minimum staffing establishes "a sufficient number of patrol officers that must be deployed at any one time to maintain officer safety and provide an adequate level of protection to the public." It calculates staffing levels within collective bargaining constraints but with less flexibility for police agencies to adjust staffing to respond to community priorities, crime trends, and neighborhood needs. San Francisco, for example, outlines minimum staffing requirements in its charter and requires the city/county to maintain at least 1,971 full duty sworn officers.

While San José does not have a mandatory minimum staffing level, the Department has an internal goal of a preferred staffing level for operational purposes. For example, the field patrol staffing goal is typically one officer per beat per shift and one sergeant per district.[11] When the staffing drops below a certain number at any given time, the Department relies on having staff stay from one shift to the other, also referred to as *holdovers,* as well as mandatory overtime to staff these positions.

Per Capita and City Growth

Per-capita based staffing estimates staffing needs based on the total number of residents in a jurisdiction using officer-to-population ratios. While straightforward, this approach oversimplifies the complexity of police staffing needs, which varies with population characteristics, crime statistics, growth

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[10] https://sfbos.org/sites/default/files/FileCenter/Documents/54867-012616%20Police%20Staffing%20Methodology.pdf

[11] In San José there are 83 beats and 16 districts across the four geographical divisions in addition to the Airport.

patterns, community expectations, department structure, scope of services, and other factors. According to the International Association of Chiefs of Police:

> *Ready-made, universally applicable patrol staffing standards do not exist. Ratios, such as officers-per-thousand population, are totally inappropriate as a basis for staffing decisions.*

In FY 2010-11, SJPD had 132 sworn officers per 100,000 residents. In FY 2019-20, the ratio was 110 sworn officers per 100,000 residents. However, as noted above, this approach does not account for other factors and may oversimplify staffing demands.

In addition to overall population growth, where such growth occurs in the city may affect service delivery demands. For example, the City of San José's General Plan provides goals to promote community safety.[12] Per the General Plan, the City should:

> *Ensure that development of police and fire service facilities and delivery of services keeps pace with development and growth in the city.*

One of the General Plan's actions to help the City achieve its long-term vision is to:

> *Create long-range funding and deployment strategies for expanding and maintaining police and fire facilities and operations to address service delivery demands from new population growth.*

Because historical data may not accurately predict future trends, considering anticipated growth patterns can help gauge expectations on future service delivery. Doing so can encourage a more proactive stance in planning staffing needs over longer-term horizons.

Workload

Workload factors can guide decisions on where and when officers need to be made available. Some key workload factors include calls for service, response times, activities initiated by sworn staff, and policy variables. Analyzing workload can help an agency determine appropriate staffing levels based on actual demands for service, though calculations may be complex. The International City/County Management Association favors this approach.

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[12] The Envision San José 2040 General Plan was passed by City Council in 2011 and "represents the official policy regarding the future character and quality of development and assesses the amount, type, and phasing of development needed to achieve its social, economic, and environmental goals." The City is currently in its second four-year review cycle of the General Plan. For more information, see:
https://www.sanjoseca.gov/your-government/departments/planning-building-code-enforcement/planning-division/citywide-planning/envision-san-jos-2040-general-plan.

SJPD adapts its staff deployment based upon crime and other issues that arise in different areas of the city. Police captains can monitor crime patterns in their divisions to determine if additional staffing is needed to address certain district level issues. For example, if there is a location which is experiencing a higher rate of crime associated with burglaries, a captain may be able to assign officers to monitor burglary specifically in that area.

The City's Staffing Levels Are Generally Lower Than Other Large Agencies

Exhibit 12 shows a comparison of different police agencies highlighting commonly considered factors that agencies may use to determine staffing and deployment strategies. These factors may differ based on each jurisdiction's priorities and unique characteristics.

Exhibit 12: Staffing, Budget, Reported Crimes, and Population in Other Jurisdictions

Jurisdiction	Budgeted Staffing and Budget			Reported Crime FBI UCR 2019		American Census Data
	Sworn PD Staff	Total PD Staff	Department Budget	Violent Crime per 100,000	Property Crime per 100,000	Estimated Population in 2019
Los Angeles	10,701	14,005	$1,857,330,549	739	2,405	3,979,576
San Francisco	2,466	3,059	$675,774,373	673	5,533	881,549
San Diego	2,039	2,632	$580,707,839	366	1,906	1,423,851
Seattle	1,400	1,865	$359,751,039	627	4,555	753,675
San José	**1,157**	**1,715**	**$471,530,192**	**446**	**2,463**	**1,021,795**
Portland	916	1,218	$229,526,742	594	5,272	654,741
Fresno	836	1,133	$209,999,700	462	2,747	531,576
Oakland	792	1,271	$330,118,936	1,275	6,436	433,031
Sacramento	751	1,098	$157,502,833	628	3,184	513,624

Source: Adopted Budgets of various jurisdictions for FY 2020-21, crime data from the FBI's Uniform Crime Reporting (UCR) Program, and the American Community Survey data.

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Finding 2 Increases in SJPD Expenditures Have Outweighed Staffing Changes

Summary

SJPD's budget has increased despite having fewer staff. In FY 2020-21, SJPD's adopted budget was $471.5 million. This is more than double the Department's budget from twenty years ago. Because of the decline in active sworn staff as well as a 10 percent pay cut that all City staff took during the Great Recession, expenditures toward salaries declined beginning in FY 2008-09 and did not recover until FY 2018-19. The largest increase in expenditures has been in retirement and fringe benefit costs, growing from $65 million to $168 million since FY 2008-09. Overtime costs have also grown significantly in the past decade and now account for about 10 percent of SJPD expenditures. Overall, overtime costs have grown by about 300 percent in the past decade. Other costs, including computer software expenses, professional services, vehicle costs, and supplies and materials (including ballistic equipment, ammunition, and other police supplies) accounted for 8 percent of expenditures.

SJPD's Budget Has Increased Despite Having Fewer Staff

For FY 2020-21, SJPD's budget totaled $471.5 million, including $423 million in personal services, $34 million in non-personal services, and $14.6 million in other costs. The total budget was a $7 million increase from FY 2019-20 and is more than double the adopted budget in FY 2001-02. However, over that same period, budgeted staffing has declined across the Department from 1,887 FTE in FY 2001-02 to 1,715 FTE in FY 2020-21.

Exhibit 13: SJPD's Adopted Budget* Has Grown Over the Past 20 Years While Department-Wide Staffing Has Decreased Since FY 2001-02
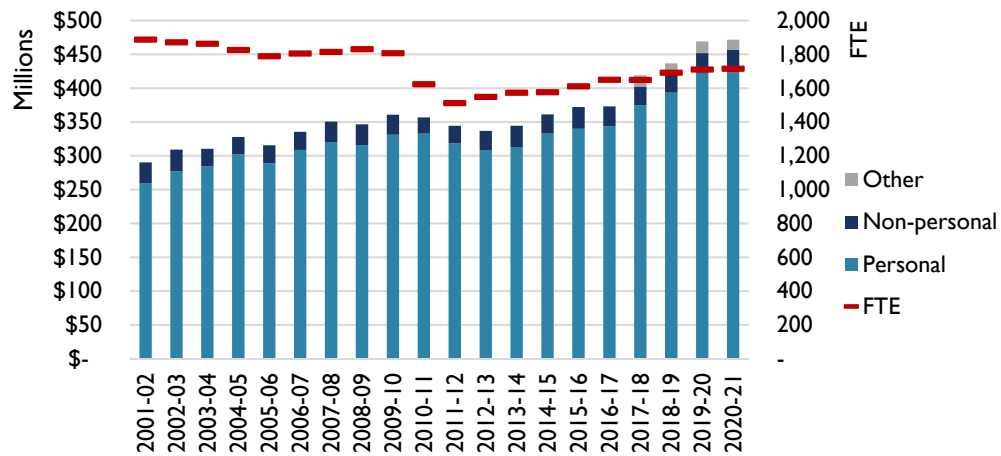
Source: Adopted Operating Budgets.[13]

*These figures are adjusted using on the Consumer Price Index (CPI) based on November 2020.

SJPD's Budget Accounts for 30 Percent of the City's General Fund

In total, SJPD's budget accounted for 30 percent of the General Fund and 14 percent of the City Net Operating Budget for FY 2020-21. The General Fund is the primary source of funding for the Police Department's budget. Some of the General Fund's larger revenue sources include property taxes, sales taxes, business taxes, utility taxes, licenses, and permits. Many of these revenue sources are dependent upon broad economic trends, meaning that SJPD's budget is similarly shaped by those trends.

Exhibit 14: SJPD's Budget Accounts for 30 percent of the General Fund
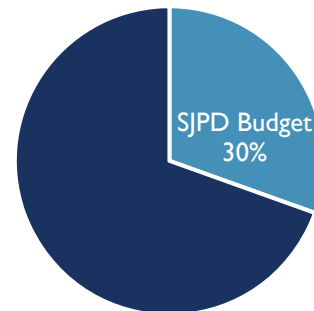
Source: Adopted operating budget for FY 2020-21.

Personal Expenditures Make Up a Majority of Overall SJPD Expenditures

The majority of SJPD's expenditures are personal services, including salaries, overtime for pay, retirement, and other benefits. Personal services expenditures accounted for 92 percent of SJPD's overall spending in FY 2019-20. The

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[13] In FY 2017-18, the City began to separate out other costs from personal and non-personal costs. These other costs include Citywide expenses, workers' compensation, overhead costs, gifts, and capital expenses.

Department's flexibility to adjust staffing levels is therefore limited by the City's overall budget situation.

Exhibit 15 shows the breakdown of actual expenditures and the trend over 12 years.

Exhibit 15: Personal Services Expenditures Account for More Than 90 Percent of Overall Expenditures
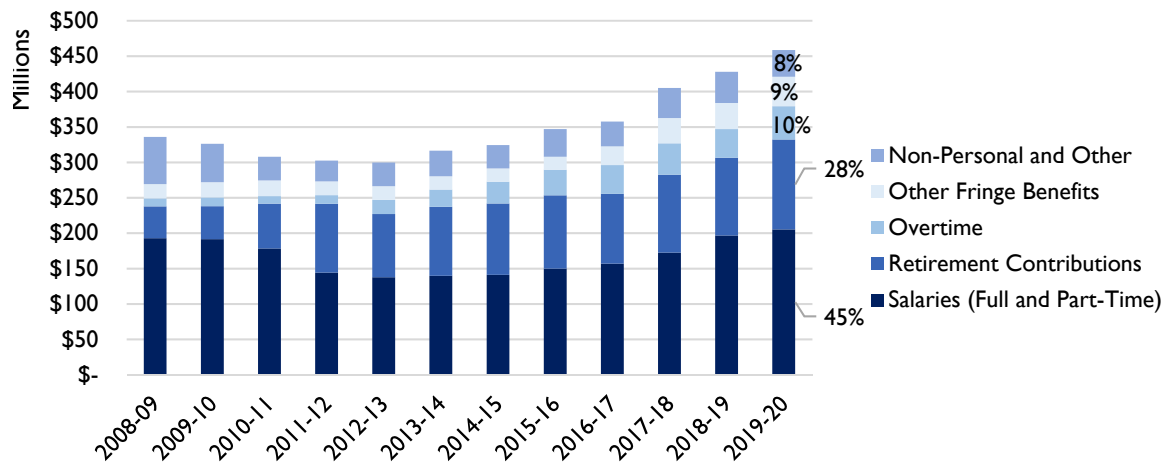
Source: Financial Management System expenditure data (FY 2008-09 through FY 2019-20).[14]

The Department's Expenditures on Salaries Have Only Recently Reached the Spending Levels From 12 Years Ago

In FY 2008-09, the City spent around $193 million on salaries in SJPD. These expenditures began declining until FY 2012-13, when they reached a low of $138 million due to layoffs, resignations, and retirements.[15] It wasn't until FY 2018-19 that SJPD finally reached its FY 2008-09 salary expenditure levels.

Salary Changes

After multiple years of salary increases, significant budget deficits in FY 2010-11 led the City to institute a 10 percent salary decrease for all employees. Salary increases resumed in 2013. In 2017, the City and the Police Officers' Association (POA) agreed to a 16.3 percent increase over three years. Additionally, the 2017-2020 Memorandum of Agreement (MOA) with the POA resulted in a 4 percent "ongoing

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[14] "Non-personal and Other" includes expenditures for supplies and materials, vehicle replacement and operating expenses, professional and consultant services, data processing, some capital expenses, and workers' compensation. The FY 2008-09 expenditures did not allocate workers' compensation expenditures to the Police Department. These were added beginning in FY 2009-10.

[15] The Department saw more than 170 separations in its sworn staff, 64 of which were layoffs. Active sworn staffing continued to decline until its low in 2017, when the Department had 892 sworn active officers, sergeants, lieutenants, and captains.

retention premium pay" (non-pensionable) and crisis intervention training premium pay.[16]

Exhibit 16 shows the salary increases agreed to by the City and the POA over the past twenty years. There were multiple years of 6 percent salary increases in the early 2000s, followed by more modest salary increases in the late 2000s. The 10 percent salary decrease in June 2011 was followed by limited wage growth for several years before a 10 percent wage increase in June 2017.

Exhibit 16: Historical Salary Rate Changes for Sworn Staff From 2000 to 2019
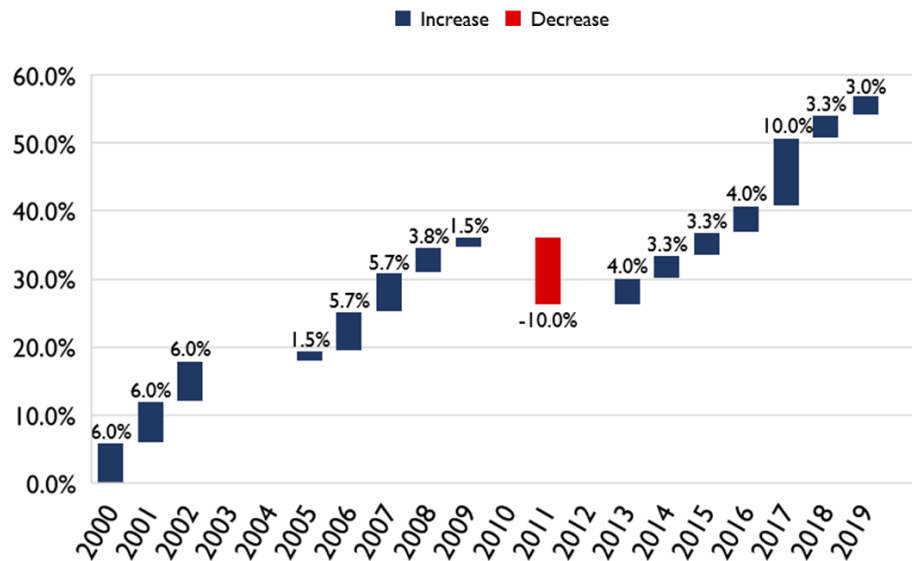
Source: Auditor analysis based on Memorandum of Agreements with the Police Officers Association from 2000-2020, based on the date that the increase took effect. There were no salary changes in 2003, 2004, 2010, or 2012.

Retirement Costs Have Grown From $45 Million in FY 2008-09 to $127 Million in FY 2019-20

The largest growth in expenditures has been in retirement costs. From FY 2008-09 to FY 2019-20, retirement costs grew from $45 million to $127 million. Retirement and other fringe benefit costs together totaled $168 million in FY 2019-20 and accounted for almost 40 percent of overall SJPD expenditures. As a comparison, in FY 2008-09, retirement and other fringe benefit costs totaled $65 million, or just 20 percent of total SJPD expenditures.

The reason for the increase in expenditures on retirement costs has been the City's efforts to pay down the unfunded liability in the City's retirement plans. According

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[16] For retention premium pay, the MOA reads that "payment of the one-time, non-pensionable lump sum retention bonus is contingent on the employee being continuously employed in a POA represented position through June 27, 2020." If the employee leaves before this date, they must reimburse the City of this amount.

to the most recent actuarial valuation for the Police and Fire Department Retirement Plan, the plan had set aside just 74 percent of the funding necessary for retirement benefits that have been promised to members of the plan (this is also known as a plan's funded ratio). As of June 30, 2020, the unfunded liability for retirement costs totaled $1.4 billion.

The valuation also noted that more than half of the total annual contributions to the plan are intended to pay down the unfunded liability or pay for interest on the unfunded portion. Retirement costs for the Police and Fire Plan are expected to continue to be significant over the next decade and not until the 2030s are annual retirement contributions expected to begin to decline.[17] As a result, these costs will continue to constrain the Department's budget.

The Department's non-sworn benefitted employees are members of the Federated City Employees' Retirement System. Rising retirement costs in this plan have similarly impacted the Department's budget. As of June 30, 2020, this plan was 52 percent funded, with an unfunded liability of $2.1 billion.

Retiree health benefits are similarly underfunded. The most recent actuarial valuation showed a funded ratio of 31 percent for the Police and Fire health benefits plan, with an unfunded liability of $472 million as of June 30, 2020.

The City Has Taken Steps to Address Growing Retirement Costs

To address retirement costs, two retirement reform measures were passed. Measure B, passed in 2012, established parameters for a new pension benefit structure for new City employees (Tier 2). Pension benefits were reduced for Tier 2 members and associated costs were reduced as well. Measure F, passed in 2016, superseded some of Measure B's provisions to address concerns and legal challenges. Among other changes, its improved Tier 2 benefits but closed retiree healthcare to new members. As of June 30, 2020, there were 473 sworn staff in Tier 2 and 622 sworn staff in Tier 1.

Overtime Costs Have Increased Over 300 Percent in the Past Ten Years

The largest percent growth in expenditures has occurred in overtime costs, which increased to over 300 percent in the past ten years. In FY 2010-11, overtime expenditures were $10.7 million. By FY 2019-20, overtime costs had grown to $47 million. At the same time, salary expenditures experienced a modest increase over the same time period—about 14 percent.

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[17] It should be noted that high retirement costs are not solely an issue for the Police Department. Overall Citywide retirement contributions have similarly grown from about $100 million in FY 2005-06 to over $400 million in FY 2019-20.

Overall, overtime accounts for about 10 percent of SJPD's expenditures. The Department has used overtime to compensate for its vacancies and to address workload priorities. For example, staffing at the Airport relies significantly on overtime. Finding 5 discusses overtime further.

Non-Personal Expenditures Constitute a Small Portion of Overall Costs

Compared to personal expenditures, non-personal expenditures comprise a much smaller portion of SJPD's overall budget. In FY 2019-20, these expenditures (which include expenses relating to supplies and materials, travel, training, computers, vehicles, and workers' compensation) were about $36 million of the $459 million in overall expenditures, or 8 percent. Significant expenditures in this category included:

- $10.6 million for vehicle operating costs and replacement

- $7 million for professional and consulting services (the most significant expenditures in this category included $2.3 million to Santa Clara County related to their crime lab and $1.1 million for services related to body worn cameras)

- $3.7 million for computer-related services (including expenditures for telecommunications and computer equipment)

- $3.8 million for supplies and materials (including $800,000 for ammunition, ballistic weapons, protective equipment and other police supplies)

The Department maintains agreements and purchase orders with over 150 vendors for various supplies and materials.

Finding 3   SJPD's Workload Has Increased as It Has Struggled to Meet Its Response Time Goals

Summary

SJPD received over 1.2 million calls for emergency or non-emergency services in FY 2019-20. This resulted in 331,000 officer responses, which was up from 274,000 responses in FY 2016-17. In FY 2019-20, average Police response times did not meet their targets for the highest priority incidents, and SJPD only met the Priority 1 response time target in one district, District D at the Airport. No districts achieved the Priority 2 response time target. While call processing times for Priority 1 and 2 calls were under the target of 1.5 minutes, the Department's queuing and drive times were above their targets for both priorities. Queuing time was particularly long for Priority 2 calls. This may signify that officers are not immediately available for dispatch because they are responding to another call. To meet its targets for Priority 1 and 2 calls the Department should continue adding staff as the City's budget allows while continuing to review staffing efficiencies.

SJPD Received 1.2 Million Emergency and Non-Emergency Calls, Resulting in About 331,000 Responses by Officers

SJPD is responsible for providing 24-hour services for emergency and non-emergency calls requiring police response. Calls for service represent the number of calls received by the Police Communications Center. In FY 2019-20, there were 1.2 million emergency and non-emergency calls for service.

Not every call for service requires a police response. The Police Communications Center initially processes emergency 9-1-1 calls for police, fire, and ambulance services. Police call takers answer calls and categorize events by priority based on the information they receive. They then relay information to police dispatchers, who assign calls to patrol staff. Police call takers also take some crime reports over the phone.[18]

Some calls may not require a sworn response. For example, some non-emergency calls can be handled by non-sworn staff. The Police Communications Center transfers calls for service that require fire or medical response to Fire Communications. In other cases, the call may be transferred to an outside

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[18] Beginning in 2020, the City began transferring some non-emergency (or 3-1-1 calls) to the City's Customer Contact Center. See our *Audit of 9-1-1 and 3-1-1: Changes to Call Handling and Increased Hiring Efforts Could Improve Call Answering Times* on our website: https://www.sanjoseca.gov/home/showdocument?id=38067.

organization, such as the California Highway Patrol (CHP). There may be multiple calls for a single event.

In total, officers responded to about 331,000 incidents, of which 134,000 were field events which include officer-initiated incidents. Exhibit 17 shows the breakdown of calls for service received by the Police Communications Center.

Exhibit 17: Breakdown of Calls for Service Requesting Police Response Received by the Police Communications Center, FY 2019-20

1.2 Million
Calls For Service

604,000
Emergency Calls
(e.g., 911)

503,000
Non-emergency Calls

197,000
Events Dispatched to
Officers

134,000
Field events, including
officer-initiated incidents
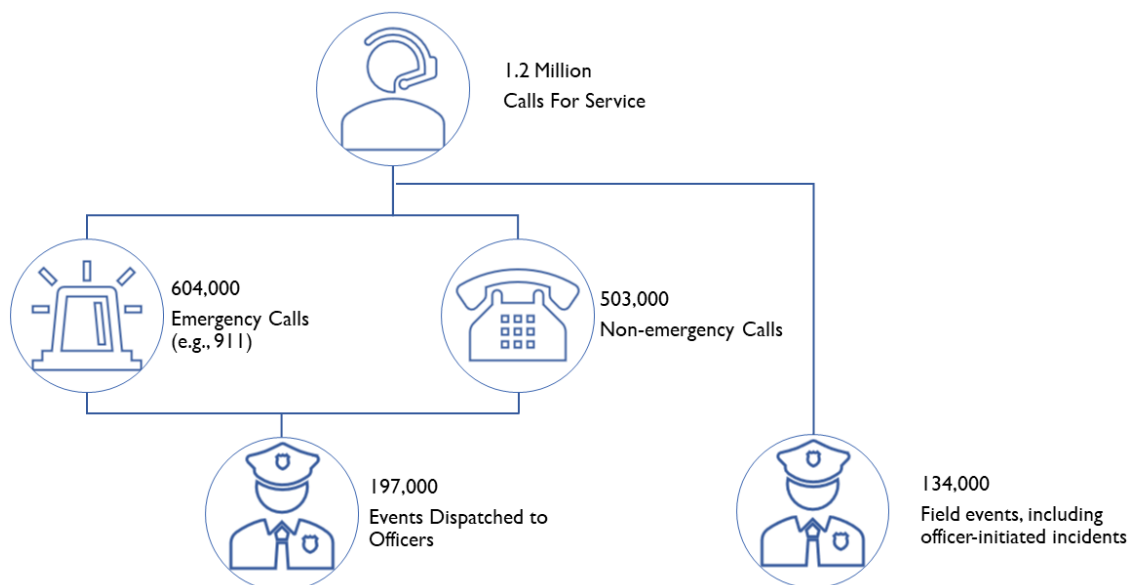
Source: Analysis of CAD data and interviews with SJPD Staff. In addition to what is shown, there were an additional 25,000 online reports submitted to SJPD in FY 2019-20.

Note: The remaining emergency and non-emergency calls may be handled over the phone, transferred to other departments or organizations, and/or may be duplicates for a single event.

Officer Responses to Incidents Have Grown in Recent Years

SJPD categorizes its responses based on priority, with 1 being the most urgent and 5 and 6 primarily representing officer-initiated activity. An event's priority is determined by factors such as the type of incident and the degree of threat to safety or property.

- **Priority 1 responses**: Present or imminent danger to life or there is major damage to/loss of property (i.e., large-scale incident or cases where there is an in-progress or just occurred major felony).

- **Priority 2 responses:** Injury or property damage or potential for either to occur or the suspect is still present in the area. Includes all missing person reports for children under the age of 12, or at-risk missing persons.

- **Priority 3 responses:** There is property damage or the potential for it to occur or the suspect has most likely left the area. It includes situations

where the suspect is in custody for a non-violent crime and is cooperative, or when a prior crime against the person occurred and there are no injuries to the victim necessitating immediate medical care and the suspect is not present.

- **Priority 4 responses:** There is no present or potential danger to life/property and the suspect is no longer in the area.

Officer-Initiated Responses

- **Priority 5 responses:** Automatically assigned to events to officers "on-view"; for example, if an officer views a crime in process.

- **Priority 6 responses:** Automatically assigned to all car and pedestrian stops.

Total officer responses have increased in the past four years, from about 274,000 responses in FY 2016-17 to 331,000 in FY 2019-20. Of the total calls SJPD responded to in FY 2019-20, 218,000 were Priority 1-4 responses and 113,000 were officer-initiated Priority 5-6 responses.

Exhibit 18: Police Responses to Calls for Service Have Increased in the Past Three Years
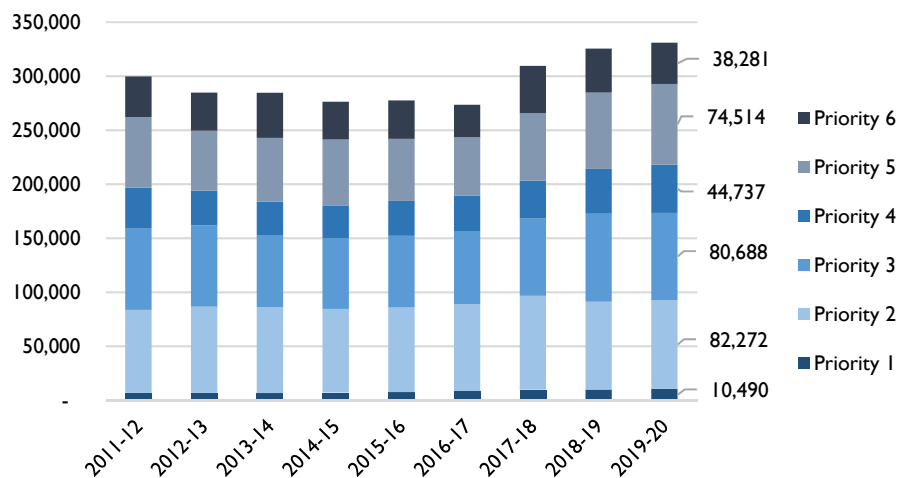
Source: Analysis of CAD data provided by SJPD based on calls' final priorities.

While the total number of responses in FY 2019-20 is larger than in FY 2011-12, the rate of change for each priority has varied. In the past four years, officer-initiated activity (Priority 5 and 6) grew at a greater rate than Priority 1-4 incidents. Specifically,

- **Priority 1 and 2** responses to incidents decreased between FY 2012-13 (86,715 incidents) and FY 2014-15 (84,600 incidents) until it began

increasing again. The greatest number of Priority 1 and 2 responses in the years reviewed was in FY 2017-18 at 96,763 incidents. In FY 2019-20 the total number of Priority 1 and 2 incidents was 92,762.

- **Priority 3 and 4** responses to incidents decreased from FY 2011-12 (113,128 incidents) to FY 2014-15 (95,811 incidents). Since then, this has increased with 125,425 responses to incidents in FY 2019-20.

- **Priority 5 and 6** responses to incidents are officer initiated. These incidents fluctuated between FY 2011-12 (102,884 incidents) until its low in FY 2016-17 (84,272 incidents). In the past four years, responses to these incidents has grown to a high of 112,795 incidents in FY 2019-20.

SJPD Uses Various Systems to Track Workload and Crime Data

The Department uses various systems to dispatch officers, track workload, display crime data, and log reports of incidents. The Department's Bureau of Technical Services is responsible for maintaining these systems, including:

- The **Computer Aided Dispatch (CAD)** system contains data on call processing times, wait times, drive times, and on scene times. Communications and Patrol staff use it to dispatch officers or create self-initiated events (such as a traffic stop).

- The **Records Management System (RMS)** contains officer written reports and other documentation on incidents.

- The **CrimeView Dashboard** allows patrol staff to view real-time crime data across the city to help inform strategic and staffing decisions.

The CAD system contains detailed information on incidents requiring a police response. It codes each event by type of incident or crime. In FY 2019-20 the most frequently coded events were disturbances, vehicle stops, community policing, welfare checks, and responding to alarms. Officers spent most of their time on follow-ups (e.g., collecting evidence), disturbances, stakeouts, community policing, and trespassing.[19] Exhibit 19 shows the breakdown of the top 50 types of incidents sorted by time spent on scene.

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[19] Some crime codes have a default priority in the CAD system. As an incident evolves, SJPD may adjust the priority of an event or the event incident type. As such, an event's final priority may differ from its initial priority. There are more than 450 different crime codes used in the CAD system.

Exhibit 19: Top 50 Types of Incidents by Time Spent On Scene in FY 2019-20

	Hours	Incidents	Average Hours per Incidents	Percent of Hours	Percent of Incidents
FOLLOW UP	24,739	6,599	3.75	7%	2%
DISTURBANCE	24,483	44,092	0.56	7%	13%
STAKEOUT	15,774	1,967	8.02	5%	1%
INFORMATION ONLY EVENT	14,371	3,879	3.70	4%	1%
COMMUNITY POLICING	13,459	21,922	0.61	4%	7%
TRESPASSING	11,453	4,892	2.34	3%	1%
VEHICLE STOP	11,368	31,582	0.36	3%	10%
WELFARE CHECK	11,220	18,231	0.62	3%	6%
VEHICLE ACCIDENTS	10,242	7,102	1.44	3%	2%
BURGLARY AND BURGLARY REPORT	9,578	6,196	1.55	3%	2%
DOMESTIC VIOLENCE	8,868	2,557	3.47	3%	1%
RECOVERED STOLEN VEHICLE	8,562	4,960	1.73	3%	2%
REGIONAL AUTO THEFT TASK FORCE (RATTF) CODE 5	8,433	184	45.83	3%	<1%
MENTALLY DISTURBED PERSON	6,054	3,205	1.89	2%	1%
STOLEN VEHICLE	6,018	6,510	0.92	2%	2%
SUSPICIOUS ACTIVITY/CIRCUMSTANCE	5,495	5,764	0.95	2%	2%
PARKING VIOLATION	5,326	14,314	0.37	2%	4%
PATROL CHECK	5,093	11,323	0.45	2%	3%
ALARM	4,911	16,545	0.30	1%	5%
SUSPICIOUS VEHICLE	4,676	10,660	0.44	1%	3%
MEET THE CITIZEN	4,562	6,791	0.67	1%	2%
PEDESTRIAN STOP	4,417	6,851	0.64	1%	2%
SPECIAL ASSIGNMENT	4,082	637	6.41	1%	<1%
ASSAULT WITH DEADLY WEAPON	4,012	1,002	4.00	1%	<1%
TRAFFIC HAZARD	3,984	3,073	1.30	1%	1%
BATTERY	3,813	2,345	1.63	1%	1%
MISDEMEANOR DUI	3,646	1,029	3.54	1%	<1%
SUSPICIOUS PERSON	3,439	7,298	0.47	1%	2%
NARCOTICS	3,431	1,865	1.84	1%	1%
THEFT	3,360	2,946	1.14	1%	1%
MISDEMEANOR HIT AND RUN	3,217	2,678	1.20	1%	1%
PREMISE CHECK	3,014	6,823	0.44	1%	2%
MISDEMEANOR WANT	2,993	1,809	1.65	1%	1%
FELONY WANT	2,922	945	3.09	1%	<1%
VIOLATION OF PROTECTIVE ORDER	2,862	1,446	1.98	1%	<1%
MALICIOUS MISCHIEF	2,849	2,420	1.18	1%	1%
RECKLESS DRIVING	2,800	3,937	0.71	1%	1%
CORONERS CASE	2,792	839	3.33	1%	<1%
POSSESSION OF CONTROLLED SUBSTANCE, NARCOTIC, OR MARIJUANA	2,436	1,062	2.29	1%	<1%
RESISTING ARREST	2,259	491	4.60	1%	<1%
TRAFFIC HAZARD - CHP JURISDICTION	2,194	2,166	1.01	1%	1%
MISSING PERSON	1,934	874	2.21	1%	<1%
RAPE	1,864	342	5.45	1%	<1%
CITIZEN FLAGDOWN	1,837	4,162	0.44	1%	1%
ATTEMPT TO LOCATE/CONTACT	1,820	2,150	0.85	1%	1%
ILLEGAL WEAPONS	1,754	416	4.22	1%	<1%
SEARCH WARRANT	1,635	137	11.94	<1%	<1%
CRIMINAL THREATS	1,573	831	1.89	<1%	<1%
CIVIL STANDBY	1,500	2,023	0.74	<1%	1%
FIRE DEPARTMENT REQUEST FOR PD	1,498	1,405	1.07	<1%	<1%

Source: Auditor analysis of CAD data for FY 2019-20. Similar incident types were combined into categories.

SJPD Did Not Meet Its Response Time Goals

Response times measure the time it takes from an individual calling for service until an officer arrives on scene. These measures are among SJPD's key performance indicators for field patrol.

SJPD sets targets for the most critical types of calls (Priority 1 and Priority 2 calls). Its target for overall Priority 1 response time is 6 minutes, while its target for Priority 2 incidents is 11 minutes. In FY 2019-20:

- The average response time for Priority 1 incidents was 7 minutes, and the Department met the 6-minute target 58 percent of the time. The Department's goal is to meet that goal 70 percent of the time.

- The average response time for Priority 2 incidents was 21 minutes and the Department met the 11-minute target 46 percent of the time (the goal is also 70 percent).

- The Department's overall Priority 1 and Priority 2 response times have historically remained above target times since FY 2010-11.

Exhibit 20: Average Response Times for Priority 1 and 2 Incidents

Average Priority 1 Police Response Time (minutes)

Average Priority 2 Police Response Time (minutes)
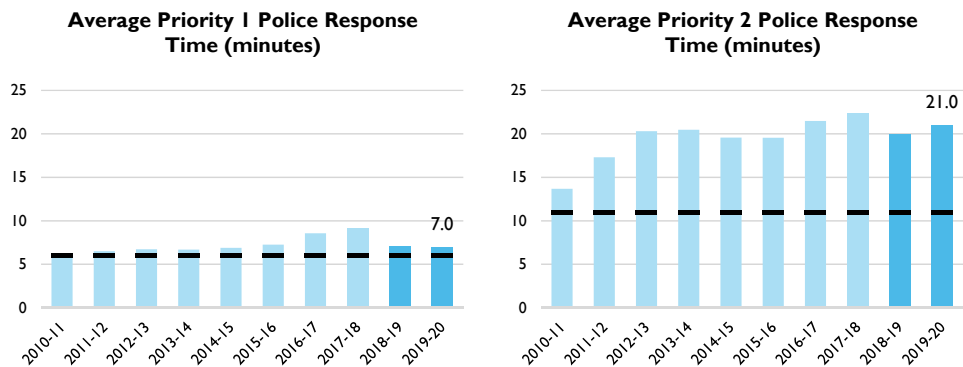
Source: Auditor illustration of response time data provided by SJPD.

Note: In 2018-19, SJPD revised their reporting of police response times to be based on how incidents are initially coded into their system. In prior years, SJPD had measured response times based on updated coding of incidents as determined throughout the response.

Total response times have three main components: call processing, queuing, and drive times. Call processing time involves the time in which the call taker receives the call and enters the event into CAD. Queuing time measures the amount of time the call waits until an officer is dispatched. Drive time is the amount of time an officer takes to travel to the scene after being dispatched.

While call processing times for Priority 1 and 2 calls were under the target of 1.5 minutes in FY 2019-20, the Department's queuing and drive times were above their targets for both priorities. Queuing time was particularly long for Priority 2 calls.

This may signify that officers are not immediately available for dispatch because they are responding to another call.

Exhibit 21: Breakdown of Response Times by Priority

Priority 1 Response Time Breakdown (minutes)

■ 2018-19 ■ 2019-20

- Processing (Target: <1.5 min): 1.2
- Queuing (Target: <0.5 min): 0.8
- Driving (Target: <4 min): 5.0

Priority 2 Response Time Breakdown (minutes)

■ 2018-19 ■ 2019-20

- Processing (Target: <1.5 min): 1.48
- Queuing (Target: <3.5 min): 10.6
- Driving (Target: <6 min): 9.0
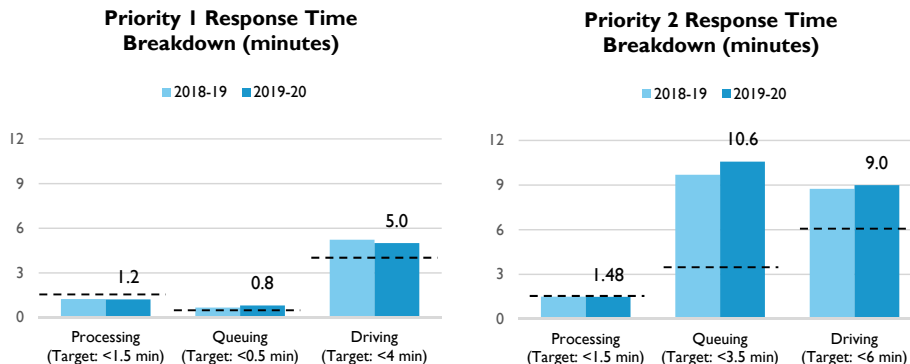
Source: Auditor illustration of response time data provided by SJPD.

In FY 2019-20, the Airport (District D) was the only police district that had an average response time below the Priority 1 response time target.[20] No districts achieved the Priority 2 response time target.

Exhibit 22: Most Districts Did Not Meet the Priority 1 Response Time Target in FY 2019-20

■ 2018-19 ■ 2019-20

District	2019-20 value
A	6.9
C	7.0
D	5.0
E	6.2
F	6.5
K	6.01
L	6.6
M	6.3
N	8.3
P	6.6
R	9.2
S	6.9
T	7.1
V	6.5
W	6.6
X	7.8
Y	7.4
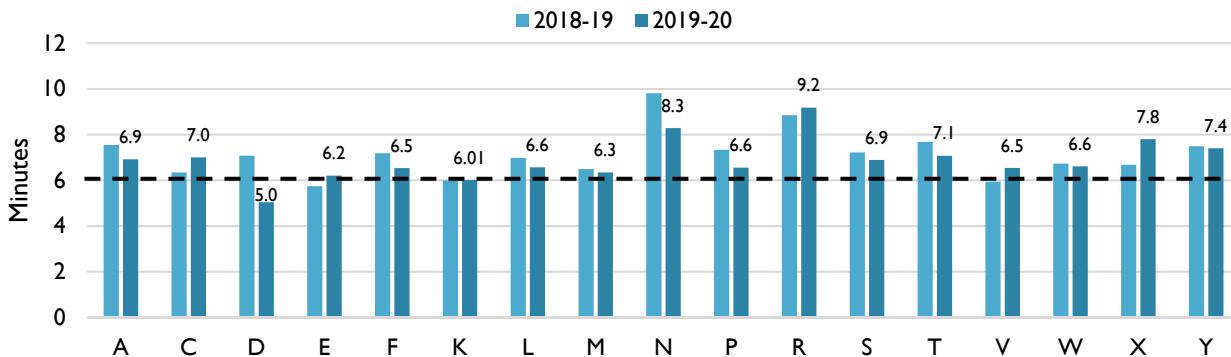
Source: Auditor illustration of response time data provided by the Department. Chart originally appeared in Auditor's Annual Services Report (FY 2020).[21]

A greater number of sworn officers could help the Department achieve its response time targets. However, even as it adds officers, the Department should continue to ensure that it is most efficiently using its staff. It can do this through

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[20] It should be noted that the number of individuals at the Airport decreased significantly due to COVID-19. From March 2020 through June 2020, there were only 818,000 passengers passing through the San José Mineta Airport.

[21] For more detail on performance measures for SJPD, see the City Auditor's Annual Report on City Services: https://www.sanjoseca.gov/your-government/appointees/city-auditor/services-report.

implementing other recommendations throughout this report, which involve optimizing shift schedules, exploring alternatives to sworn police responses, and managing overtime.

Recommendation #1: To better meet Priority 1 and 2 response times goals and address past staffing reductions, the Police Department should add sworn officers to field patrol in the context of the Department's and City's overall budget.

Finding 4 Reorganizing San José's Patrol Districts and Reviewing Shift Schedules Could Optimize Workload and Available Staffing

Summary

The Department has had the same geographical distribution of patrol since 1999 and has maintained the same shift schedules since the early 2000s. Several studies have concluded that the Department should rethink how the City's patrol divisions are organized. This has included reviewing the current district structure and using alternative shift schedules to optimize and more effectively manage workload given the current staffing challenges. SJPD is in the beginning stages of preparing for redistricting San José's patrol distribution. As the Department pursues redistricting the city, it should also consider adjusting the shift schedules. Additional tracking of workload factors, such as calls related to individuals experiencing homelessness or individuals with disabilities, can also help the Department determine how best to respond, or coordinate responses with other City departments or agencies for different types of incidents. In addition, updating its long-term strategy for community policing and foot patrol will help address long-standing Department and Council priorities.

Previous Staffing Studies Have Recommended Geographic Redistribution and Shift Schedule Changes to More Efficiently Deploy Police Staff

SJPD's district and beat structure have remained unchanged for 22 years. Additionally, previous studies, including a report by this office in 2000 and another in 2010, have made recommendations to review and modify the department's shift schedules and supervisory span of control. The City underwent redistricting four times between 1986 and 1999. The current distribution of district and beat boundaries was determined in 1999 and was primarily based on the distribution of calls for service across the city at that time. See Appendix B for the historical changes in patrol structure.

In 2010, the Department's consultant (Corona Solutions) prepared a report which analyzed SJPD's district structure by examining officer time spent on calls for service, time spent on officer-initiated events, and land area and street lengths across districts. The report recommended SJPD change from 16 districts to 12 larger districts.

This report also compared SJPD's shift schedule model to six other common patrol schedules. According to the report, all of those schedules would require fewer police officers than the Department's current one.

Later in 2010, our audit of Police Department staffing reiterated those recommendations to modify patrol districts and alter shift schedules. In light of severe budget cuts, this audit analyzed four budget documents that presented potential staffing and resource allocation in the Department. It identified further opportunities for efficiencies to help mitigate the impact of budget reductions and to better match Department staffing to workload.[22] Recommendations included:

1. increasing the number of shift start times to improve efficient use of officers,

2. decreasing the number of divisions to reduce supervisory costs up to $2.9 million, and/or

3. changing patrol schedules to a more efficient schedule than the 4 days a week - 10 hours a day schedule. In addition, modifying investigative schedules could provide greater coverage on weekends and nights for investigations and free day detectives for redeployment.

SJPD hired another consultant (Matrix Consulting Group) in 2016 to review the Department's staffing and deployment. This study began just after the City declared a "staffing emergency" in field patrol and sought to:

1. "Identify the best use of resources into the near future given the severe budget constraints on the Department."

2. "Provide a plan for the Department to organize and allocate staff to services in the medium- and long-term future as resources improve."

In its analysis, Matrix Consulting Group made the following observations, which are still applicable today:

- The Department uses significant amounts of overtime, including the use of "pay car" positions (overtime and "pay car" positions are described in Finding 5).

- Full-time staffing Levels are insufficient to cover the current district and beat structure.

- The Department could benefit from an alternative shift schedule which modifies watch start times and redistributes officers across districts.

- In the current patrol structure, workload inequality is an issue. Moreover, according to the report, "there are too many districts and beats to be able to staff consistently without the use of pay cars and mandatory overtime."

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[22] The *Audit of Police Department Staffing: Opportunities to Maximize the Number of Police Officers on Patrol* can be found on our website: https://www.sanjoseca.gov/Home/ShowDocument?id=33744.

- Along with other overtime positions, almost ten percent of patrol positions were staffed entirely through voluntary overtime. The report noted that this model was not sustainable.

This consultant report made recommendations to implement an alternative geographic deployment structure of 12 districts and 73 beats, after a comprehensive process of review and revisions.

The Department Is in the Beginning Stages of Redistricting

In FY 2019-20, incidents requiring a police response varied across districts. District L, for instance, had 31,800 responses (the highest across all districts), while District W had 15,400 responses (the lowest across all districts, except for the Airport).[23] Exhibit 23 contains two maps that display the total numbers of Priority 1-4 responses and officer-initiated Priority 5-6 responses.

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[23] These incidents include calls of all priorities.

Exhibit 23: Distribution of Responses to Incidents Varies by Police District

Priority 5 and 6 Responses, FY 2019-20

Council District

Incidents
- 0 - 1200
- 1201 - 6000
- 6001 - 7500
- 7501 - 9000
- 9001 - 11000
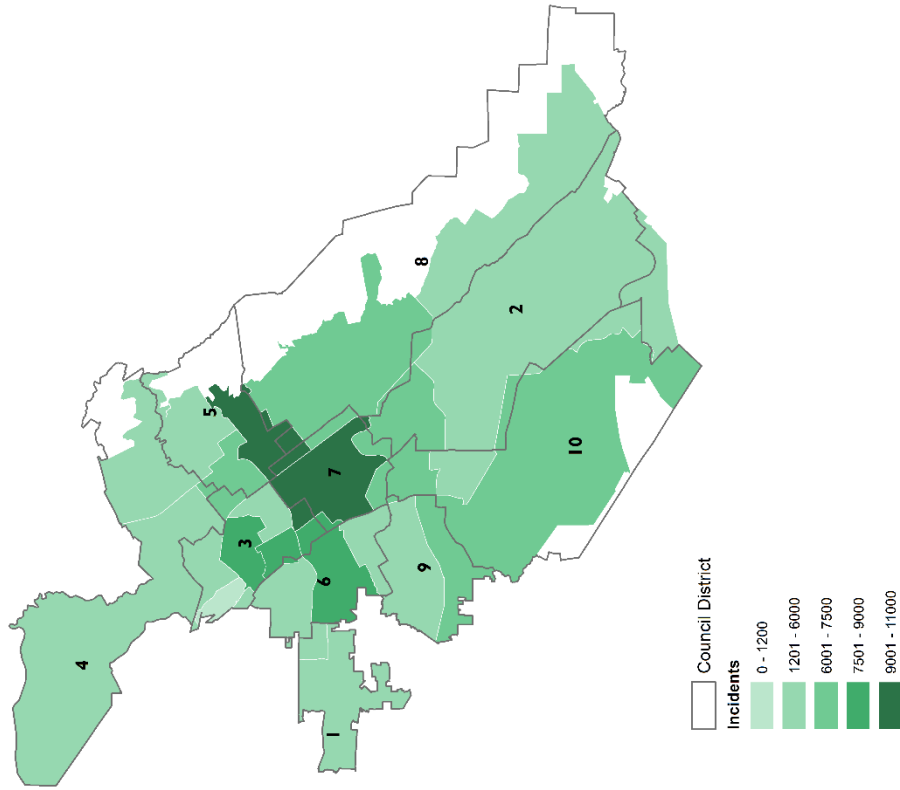
Priority 1-4 Responses, FY 2019-20

Council District

Incidents
- 0 - 5000
- 5001 - 11000
- 11001 - 13000
- 13001 - 20000
- 20001 - 25000
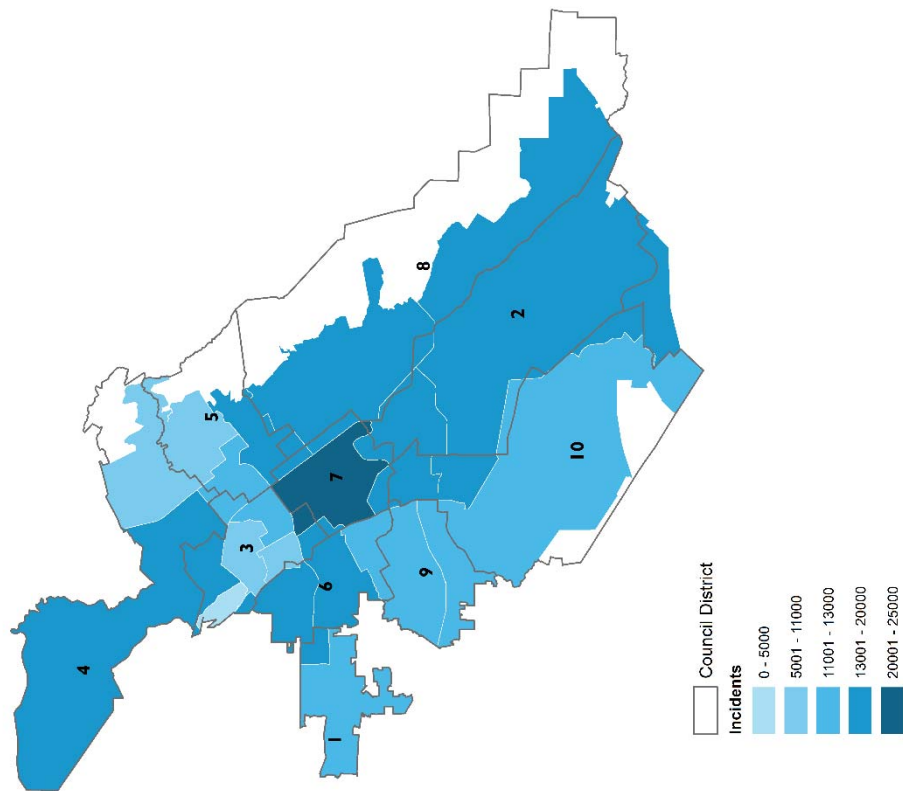
Source: Auditor illustration of CAD data for FY 2019-20, removing duplicates where appropriate. Data is based on initial call priorities.

Note: Police districts are shaded according to the number of responses. Council districts are numbered and outlined in black.

The Department Has Developed Protocols to Help Officers Respond to High Need Calls to Address Disparities Across Districts

In response to the different needs across the police districts, the Department has implemented protocols to ensure that staff are able to duly respond to Priority 1 and Priority 2 incidents.

- **Priority 1** calls are expected to be immediately dispatched. For these calls, the system automatically notifies all channels within the city. The call may also warrant a need to notify additional radio channels and/or adjacent agencies.

- **Priority 2** calls are expected to be dispatched within five minutes of being in a dispatcher channel. For these calls, the system initiates a district wide and/or a channel-wide response. A channel-wide response involves units from two districts sharing a radio channel.

However, despite these protocols, the Department has not been able to meet its response time targets as noted earlier. While the average amount of time it took for Priority 1 calls to be assigned to available patrol staff ("queuing time") was close to the Department's target of 0.5 minutes during FY 2018-19 and FY 2019-20, the average queuing time for Priority 2 calls was over 9 minutes for both years, much higher than the Department's goal of 3.5 minutes.

The goal of redistricting would be to more effectively distribute police resources accounting for future population growth, economic development, and community needs. The City's FY 2020-21 Adopted Budget added one-time funding of $350,000 for redistricting to realign SJPD's division, district, and beat boundaries.

According to the Department, redistricting will require significant changes to its communications system, Computer Aided Dispatch, and other systems. Finally, the Department advises that its redistricting effort has been delayed due to the COVID-19 pandemic and other Department priorities.

Potential Changes to the Shift Schedule

As previously noted, several prior analyses have identified the need for the Department to rethink the current shift schedule of field patrol officers. The 2010 Corona Solutions report reviewed the deployment of officers and assessed the flexibility of their schedules. It found that "modifications to the shift schedule would help reduce the impact of staff reductions with a better match between the demand profile and the on-duty staffing." However, it warned that those improvements would not be sufficient to fully compensate for major staffing reductions.

The 2017 Matrix consultant report analyzed the percentage of proactive patrol time as well as the distribution of calls for service at different hours of the day. This report recommended "an alternative shift schedule that reallocates personnel
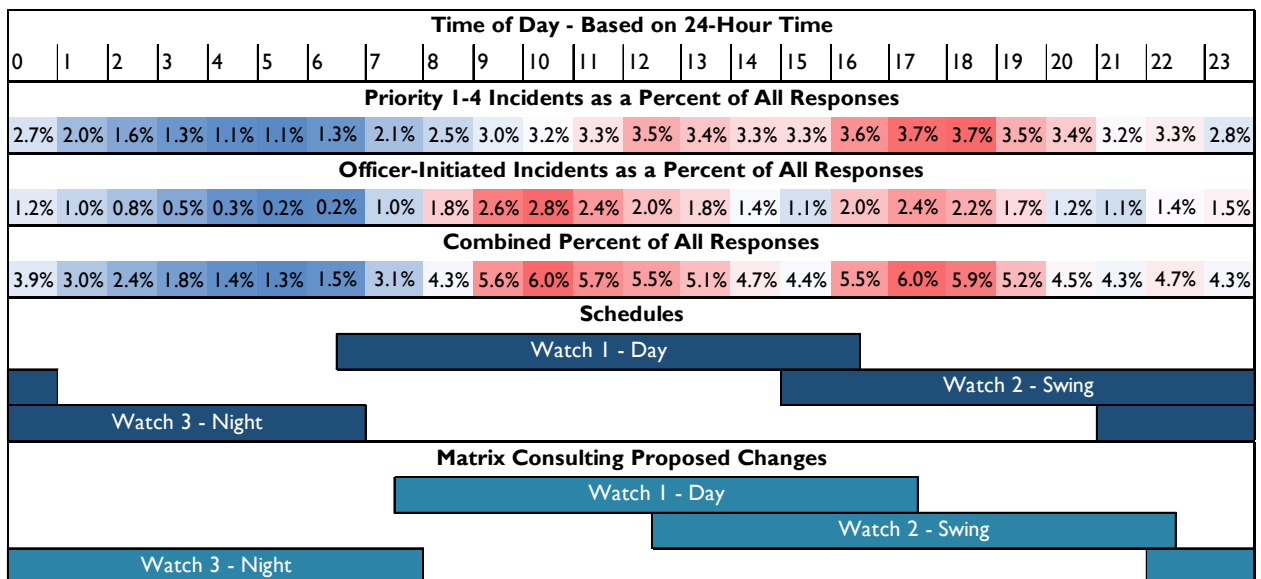
and modifies the start and end times." The revised three watches, as follows, were intended to improve proactive capabilities:

Watch 1 (Day): 0730 – 1730
Watch 2 (Swing): 1230 – 2230
Watch 3 (Night): 2200 – 0800

These proposed changes in watch schedules would provide a longer overlap in shifts during the daytime instead of the evening. There would be two sets of officers responding to incidents from 12:30 p.m. until 5:30 p.m., when the day shift would finish.[24]

Exhibit 24 illustrates the distribution of Priority 1-4 incidents, officer-initiated incidents, and total events at various times during the day (represented by the percent of total incidents for each category).

Exhibit 24: Busiest Hours for Police Responses Occur Between 0900 and 2000

Time of Day - Based on 24-Hour Time																							
0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
Priority 1-4 Incidents as a Percent of All Responses																							
2.7%	2.0%	1.6%	1.3%	1.1%	1.1%	1.3%	2.1%	2.5%	3.0%	3.2%	3.3%	3.5%	3.4%	3.3%	3.3%	3.6%	3.7%	3.7%	3.5%	3.4%	3.2%	3.3%	2.8%
Officer-Initiated Incidents as a Percent of All Responses																							
1.2%	1.0%	0.8%	0.5%	0.3%	0.2%	0.2%	1.0%	1.8%	2.6%	2.8%	2.4%	2.0%	1.8%	1.4%	1.1%	2.0%	2.4%	2.2%	1.7%	1.2%	1.1%	1.4%	1.5%
Combined Percent of All Responses																							
3.9%	3.0%	2.4%	1.8%	1.4%	1.3%	1.5%	3.1%	4.3%	5.6%	6.0%	5.7%	5.5%	5.1%	4.7%	4.4%	5.5%	6.0%	5.9%	5.2%	4.5%	4.3%	4.7%	4.3%
Schedules																							
Watch 1 - Day																							
Watch 2 - Swing																							
Watch 3 - Night																							
Matrix Consulting Proposed Changes																							
Watch 1 - Day																							
Watch 2 - Swing																							
Watch 3 - Night																							

Source: Auditor analysis of CAD data in FY 2019-20, prior audits, and the 2017 Matrix Consulting report.

In revisiting shift schedules, the Department could also consider aligning CSO shifts more closely with sworn shifts. Currently, CSO day and swing shifts do not align with sworn day and swing shifts. The CSO day shift begins half an hour before the sworn day shift and the CSO swing shift begins two hours before the sworn swing

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[24] The Department has taken steps to address issues in patrolling, including adding more staff to high-needs districts. For example, SJPD implemented a fourth watch on four days of the week, to address the increased number of calls. This was subsequently eliminated in November 2001. SJPD cited "significant problems with the proper supervision of patrol officers" for this elimination.

shift. According to staff, aligning shift schedules may help increase cohesion within patrol teams.

As the Department begins its redistricting review, it should also consider reviewing its shift schedule as part of this analysis. However, it should be noted that although redistricting and changing shift schedules could help optimize current staffing resources, it would not completely alleviate the impacts of reducing overall staffing that has occurred since FY 2000-01.

> **Recommendation #2: To optimize police staffing, the Police Department should include an analysis of alternative schedules either in its current redistricting work or in a separate study, and report to the City Council on the results of the studies.**

SJPD Adjusts Deployment Strategies to Address Changes in Workload or Priorities

SJPD has made changes to how staffing is deployed in reaction to increases or decreases in various types of crimes, as well as to address Council or Department priorities. For example, the Department added more staff to sexual assaults as the City witnessed an increase in reported incidents. Some of these staffing decisions were based on available one-time funding, or through federal and state grants, while the Department staffed others with overtime using budgetary savings from vacant positions.

Improved Tracking of Specific Types of Incidents Can Inform Service Needs

In addition to the crime codes based on laws (e.g., the California Penal Code), the Department also tracks different incident characteristics. For example, if a gang member is involved in an incident, the Department will tag it with the letter "G" in CAD denoting gang. Similarly, tracking other types of incident characteristics may help the Department determine how to appropriately address those responses, potentially in coordination with other City departments or outside groups. For instance, the City's mental health response program pilot, described in the Background, is an example of a partnership between SJPD and an outside agency (Santa Clara County) to respond to events.

Additional Incident Tracking May Help Identify Alternative Responses

According to SJPD, many calls in certain districts are related to individuals experiencing homelessness. Many of these responses may not result in arrests because the individuals may not have committed a crime. However, even though the Department acknowledges that officers respond to calls involving individuals experiencing homelessness, SJPD do not currently track these calls separately.

In contrast the Fire Department has begun tracking the workload impacts of such calls. Since June 1, 2018, personnel are now required to answer the following three questions:

1. Did this incident involve a person or persons suspected or confirmed to be homeless?

2. Did this incident involve a geographic area occupied by homeless persons (example: encampment along a highway)?

3. Was there a delay in accessing the patient or hazard due to location?[25]

In another example, a 2020 report released by the City's Human Services Commission indicates SJPD does not have data regarding incidents involving individuals with disabilities. It suggested that tracking such encounters could improve awareness and support for youth with disabilities in the juvenile justice system.

Other jurisdictions have similar initiatives. For example, San Francisco partners with other agencies and programs to assist with responses to concerns about individuals experiencing homelessness. Additionally, Seattle has a crisis response team to work with individuals experiencing mental and physical health needs.

Collecting such data can inform SJPD's decisions about how to distribute workload and address larger community concerns.

Recommendation #3: To determine the most suitable approaches for responding to certain types of calls, the Police Department should:

   a. **Begin tracking calls that may benefit from an alternative response, such as incidents involving individuals experiencing homelessness or individuals with disabilities.**

   b. **Determine whether some of the responses can be diverted to non-sworn staff or coordinated with other City departments or agencies.**

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[25] The goal of the Fire Department in collecting this data is to "understand response system impacts and guide decisions toward improving emergency response and safety of our homeless population and the safety of […] responders. The data gathered aids understanding of: resident service needs; resource and response time challenges; workload impacts; and working conditions. This information will also inform actions related to the City Manager's second Enterprise Priority: Creating Housing and Preventing Homelessness." The Fire Department reported that in FY 2018-19, about 9 percent of its calls were related to individuals experiencing homelessness.

Community Policing and Foot Patrol Have Been Council and Department Priorities

Community policing has been a priority of the Council and community in recent years. Council's expressed desire has been to use community policing to "deter and reduce criminal activity," "proactively and constructively engage with residents and businesses," and "keep our residents safe while earning their confidence and trust." Community policing activities include foot patrols, attending community meetings, assisting citizens, and school-related efforts. Community policing constituted four percent of total hours logged into CAD in FY 2019-20 (13,459 of more than 350,000 hours).

The Department has set targets for "# of patrol hours spent on proactive community policing." The target for FY 2019-20 was 13,600 hours; in FY 2020-21, the target was reduced to 13,000 hours.

In the past, the Department established a community policing strategy, embodied in the 2002 *Neighborhood Policing Operations Plan*. The plan's purpose was to "chart a formal course for [the Department's] community policing efforts." In developing the Plan, SJPD integrated feedback from personnel and community members to create a comprehensive strategy to address key community issues through 2007, as identified by the City, Council, community, and employees.

The Plan noted that upper-level command staff stated that to further community policing efforts, "The Office of the Chief should provide a clear definition of what constitutes community policing." Another theme expressed was that "The Department's senior staff needs to provide clear direction concerning community policing to Department employees and members of the community." Having such direction could help the Department articulate its community policing goals and approaches to Council and the community.

Current Methods for Funding Foot Patrol Do Not Result in Consistent Staffing

About 90 percent of community policing hours were conducted through foot patrol positions. SJPD uses foot patrol to make officers visible in the community and to address crime trends and gang activity. The City has consistently funded community policing foot patrol on a one-time basis through the budget process since the program began in FY 2013-14.

In his June 2019 Budget Message, the Mayor highlighted the need for foot patrol in "High-Need Neighborhoods" and directed the City Manager to allocate $750,000 in one-time funding for such foot patrol positions in FY 2019-20. This was in addition to the $600,000 allocated to Downtown Foot Patrol on a one-time basis.

The FY 2020-21 budget included another one-time allocation of $750,000 to continue funding for foot patrol in "High-Need Neighborhoods" and an additional $250,000 for Downtown Foot Patrol. The Mayor's June 2020 Budget Message highlighted the value of community policing foot patrol in San José:

> *Studies have repeatedly demonstrated that sustained presence of foot patrol within a defined geography can substantially deter and reduce criminal activity and build more positive communication between police and residents, at a time when community policing is sorely needed.*[26]

President Obama's Taskforce on 21st Century Policing notes how assigning officers to consistent geographical areas can promote "the active building of positive relationships with members of the community." However, foot patrol positions are currently staffed through overtime. Because of the way overtime positions are assigned, there is no guarantee that officers in foot patrol will be consistently assigned to the same neighborhoods.

Recommendation #4: To ensure that targets for community policing address Council and community priorities, the Police Department should develop a long-term community policing strategy that describes how performance targets address those priorities and work with the City Administration to identify consistent sources of funding for priority community policing positions, such as foot patrol.

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[26] The Department has acknowledged the Mayor and Council's desire to staff Downtown Foot Patrol as a routine, non-voluntary shift. However, in a November 2020 memo, the Department stated that "sufficient street-ready positions are not currently available to make foot patrols a routinely assigned function" but that it would assess feasibility as the Hire Ahead program is implemented.

Finding 5 SJPD Has Relied on Overtime to Staff the Department

Summary

For several years, SJPD has relied on overtime to complete required patrol duties and to account for vacancies in the Department. In FY 2019-20, overtime costs totaled $47 million. However, as the number of vacancies has decreased, overtime has not declined at the same rate and many staff exceed allowable work hour limits. Overtime for activities that have historically been considered discretionary (such as follow up, report writing, and training) have been growing at higher rates than overtime for mandatory activities such as minimum staffing. Additional controls over discretionary overtime can help control costs and help the Department's overall budget situation. As the Department's overall use of overtime has grown, the use of overtime for compensatory time (rather than for pay) has grown even more. This has created a future liability for the Department because remaining compensatory time is paid out when employees leave, typically at a higher salary rate than when it was earned. Also, as individuals reach the accrual limit for compensatory time, the City pays them for any additional overtime hours worked in their next paycheck. In FY 2019-20, this was $16 million in excess compensatory time payouts. The overall compensatory time liability, as of November 2020 was more than $21 million and 449 individuals had reached the maximum compensatory time accrual limit.

SJPD Reliance on Overtime Has Grown and Costs Totaled $47 Million in FY 2019-20

SJPD relies on overtime to complete some of its required tasks and address policing priorities. The Department staffs some assignments primarily with overtime, some for multiple years. Examples of these assignments are community foot patrol positions, which have been funded on overtime since FY 2013-14, and officer positions at the Airport, which have been funded on overtime since 41 Airport positions were cut in FY 2011-12. In addition to ongoing positions, there are also one-time assignments or priorities the Department staffs on overtime, including temporary positions that address gang activities, prostitution, burglaries, and other crime trends.

The City's Memorandum of Agreement Provides Guidance on Overtime Use

The City's Memorandum of Agreement (MOA) with the Police Officers' Association (POA) provides guidance for the use of overtime:

> *An employee authorized or required to work overtime who works in excess of eight (8) hours per day, or ten (10) hours per day if assigned to a work schedule of four/ten-hour work days, or in*

excess of forty (40) hours per workweek, shall be compensated at the rate of time and one-half the employee's base hourly rate, except when such excess hours result from a change in such employee's workweek or shift or from the requirement that such employee fulfill his/her workweek requirement.

In general, the MOA permits employees to choose between overtime for pay and overtime for compensatory (comp) time, with the exception of certain assignments. These exceptions include grant-funded programs and specific suppression details, which must be worked for pay (not for comp time).

A Previous Audit Raised Concerns About Overtime Usage

The 2016 *Audit of Police Overtime Usage* identified many issues regarding the use of overtime in the Department that we continue to observe today. The audit noted the significant use of overtime by staff, leading to concerns of officer fatigue and the increased use of comp time. It made 12 recommendations, including:

- Defining circumstances under which overtime is exempt from work limits listed in the Duty Manual and enforcing work limits for scheduled City overtime and secondary employment;

- Centralizing tracking of secondary employment to facilitate supervisory review of time worked;

- Allowing more types of overtime to be for pay rather than for comp;

- Reducing the liability associated with high comp time balances by lowering the allowable comp time balance from 480 hours, exploring a comp time buy-out program, and considering a mandatory buy-out upon promotion between sworn ranks; and

- Enforcing the requirement for employees to lower their comp time balance to 240 hours by the end of the year.

Many of the recommendations from this audit remained outstanding as of December 2020. Since the 2016 audit, the use of overtime and comp time has continued to increase, even as the Department has decreased vacancies and added more staff.

Overtime Usage and Costs Have Grown Significantly

Between FY 2010-11 and FY 2019-20, the number of overtime hours and the associated costs have increased dramatically, from less than 200,000 hours in FY 2010-11 to more than 450,000 hours in FY 2019-20. As a result, total overtime costs have increased over 300 percent, from $10.7 million in FY 2010-11 to $47 million in FY 2019-20, and now account for 10 percent of the Department's overall budget.

As noted earlier, overtime may be paid in the next paycheck or through comp time. Employees generally earn comp time at a rate of 1.5 times the number of hours worked, and balances are banked until (1) the individual uses comp time hours for time off, (2) the individual receives a monetary, comp time buy-out from the Department, or (3) the total balance is paid out upon retirement or separation from the City. Comp time defers overtime expenditures to a later date, sometimes costing more than it would have been if paid out within the next paycheck upon accrual.[27]

As shown in Exhibit 25, the amount of overtime for comp time has been growing, contributing to the overall increase in overtime.

Exhibit 25: Overtime Costs and Hours Worked Have Increased
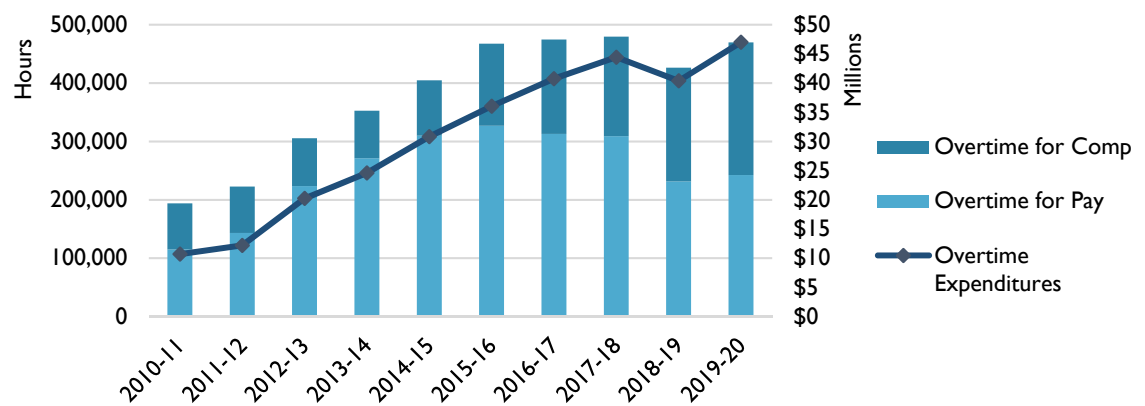
Source: Auditor analysis of PeopleSoft data. This graph includes overtime codes for overtime for pay and comp time, standby for pay and comp time, as well as call back for pay and comp time.

Note: Overtime expenditures are based on the entire department, while the number of overtime hours are those worked by officers, sergeants, lieutenants, and captains.

The Department uses specific overtime assignments, referred to as pay cars, to staff specific functions. Examples of these assignments, as listed in the MOA, include the Downtown Services detail and the Truancy Abatement and Burglary Suppression program.

Some workload initially completed on overtime has since transitioned into regular work; for example, the City Hall campus security detail began as overtime positions until FY 2018-19, when the City Council added two budgeted Police Officer positions.[28] When the City Council highlighted sexual assaults as a priority in April 2020, the Department responded by adding more resources and training to this

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[27] Comp time balances cannot exceed 480 hours. If an individual works beyond the 480-hour comp time limit, the City will pay for excess hours in the next paycheck.

[28] Since patrol shifts are four days a week (ten hours a day), the Department uses overtime for the fifth day to ensure coverage for when City Hall is open during the week.

area.[29] Staffing for this program increased from 41 FTE in FY 2018-19 to 51 FTE in FY 2020-21.

Even though the Department has converted overtime positions into regular roles, it continues to use overtime for activities in the course of regular duties, such as report writing, follow-up, and training.

Overtime Usage Mirrors Officer-Initiated Activities

Priority 5 and 6 calls are officer-initiated activities. These include instances in which an officer encounters a potential crime occurring or when they initiate a vehicle or pedestrian stop.

Exhibit 26 shows how in FY 2019-20, officer-initiated activities appeared to track with overtime use. The exception was in May and June 2020 during the period of civil unrest. Throughout the year, the number of officer-initiated activities appears to be moderately correlated with the amount of overtime used.[30] In other words, as the number of officer-initiated activities increases, the overtime hours increase.

While officer-initiated activities may be driven by proactive policing, the Department should ensure that there is appropriate oversight of such overtime usage.

Exhibit 26: Officer-Initiated Activities Appear to Closely Track with Overtime Usage
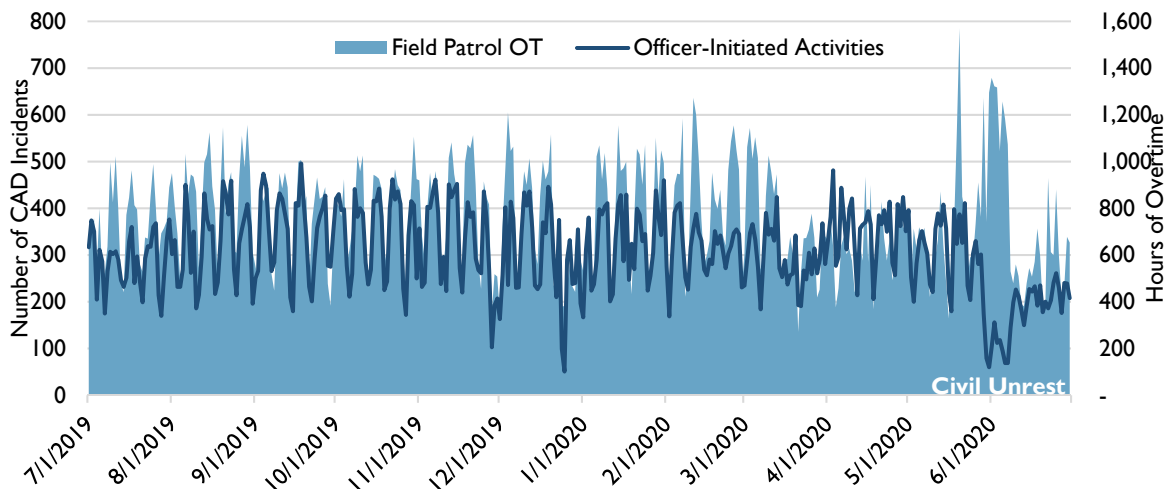
Source: Auditor analysis of CAD data for number of incidents, and PeopleSoft data for hours of overtime.

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[29] Prior to the addition of full-time positions, 13,800 hours of work addressing sexual assaults were completed on overtime in FY 2018-19, over twice as much as in FY 2010-11.

[30] The Pearson's R for this relationship during FY 2019-20 through April was 0.66. This trend did not appear to track in the same way when comparing overtime to Priority 1-4 incidents, which are typically driven by calls for service.

Use of Overtime Among Some Staff Is Excessive

The Duty Manual restricts the amount of time worked in any given 24-hour period to 16 hours, including overtime and regular time:

> *To address the overall health and safety of officers and to ensure that the City receives efficient performance of the officer's duties in City employment, department members shall not work in excess of sixteen (16) hours in a twenty-four (24) period.*

However, some individuals work a substantial amount of overtime. In many cases the overtime worked was after working a full 10-hour shift. In one instance an individual worked 25.5 continuous hours of overtime. The work that staff are conducting when completing these overtime assignments included activities such as homicide investigations, mandatory staffing, administrative work, and report writing.

> **There were 181 incidents where an officer worked more than 16 hours of overtime in a 24-hour period in FY 2019-20.**

In addition to these instances of overtime worked in a 24-hour period, some individuals are working a substantial amount of overtime year-round. In FY 2019-20, there were 60 sworn staff that worked more than 1,000 hours of overtime (or roughly half of an FTE's annual workload). This is down from FY 2017-18, when 89 individuals worked more than 1,000 hours of overtime, including one individual who worked 2,854 hours of overtime in one year.

Excessive Work Can Lead to Fatigue

Extensive research has demonstrated the potential consequences of fatigue, including irritability and impaired judgment. We previously reported, in our *Audit of Police Department Secondary Employment* and our *Audit of Police Overtime Usage*,[31] that the safety of police officers and the public are potentially at risk due to fatigue and the lack of limits on officers' working long days. We continue to be concerned about these risks and urge the Department to consider revising its limits on total hours officers are allowed to work.

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[31] The *Audit of Police Overtime: The San José Police Department Relies on Overtime to Patrol The City Due to Unprecedented Vacancies* is available on our website: https://www.sanjoseca.gov/Home/ShowDocument?id=33884. *The Audit of Police Department Secondary Employment: Urgent Reform And A Cultural Change Needed To Gain Control Of Off-Duty Police Work* is available on our website: https://www.sanjoseca.gov/Home/ShowDocument?id=33768.

SJPD Has a System to Prioritize Overtime Assignments; However, It Does Not Capture All Overtime Worked

The Department uses its electronic staffing system (eResource) for officers to bid on overtime assignments. Granting assignments is specific to rules the Department has defined including:

1. **Overtime hour totals for the workweek** – this limits officers from seeing jobs if they have more than 30 hours of overtime in a work week, more than 16 hours in the workday, or jobs that are within 30 minutes of their scheduled workday.

2. **Overall overtime total hours** – hours worked within the last 45 days and total hours worked for the year in eResource

3. **Seniority** – For example, if a senior officer has 20 hours of overtime in the last 45 days, and a junior officer has zero hours, eResource offers the overtime slot to the junior officer. If both the senior officer and junior officer have 20 hours, overtime will be awarded to the senior officer.

While eResource has rules built into its system with the goal of ensuring officers are not working excessive amounts of overtime in a day or week, this system does not include every overtime assignment currently worked. For example, a captain may assign an individual to an overtime assignment to address gang activity without going through eResource.

The Department reports it is working on updating eResource to track some of these assignments in the system.

Recommendation #5: To limit the risk of fatigue and more evenly distribute overtime hours across the department, the Police Department should:

   a. **Enforce existing limits on total overtime hours worked in a day, week, and year, including which types of overtime can be worked beyond these limits.**

   b. **Update eResource to ensure all prescheduled and biddable overtime assignments are captured in the system.**

   c. **Develop a policy to address frequent violations of Duty Manual specified overtime weekly limits.**

Additional Controls Can Help the Department Better Manage Its Overtime Costs

As described earlier, the cost of overtime has grown over 300 percent over the past decade and now accounts for 10 percent of the Department's overall spending. For several years, when sworn vacancies were at their highest, overtime was used to fill those vacancies. However, though vacancies have decreased, overtime usage

has not decreased at the same rate. For example, in FY 2016-17, overtime hours worked translated to about 249 FTE, a year when there were 234 vacancies. In FY 2019-20, overtime hours worked translated to about 247 FTE, whereas there were 160 vacancies.

Exhibit 27: Overtime Is Used at a Higher Rate Than the Department's Vacancy Rate Warrants
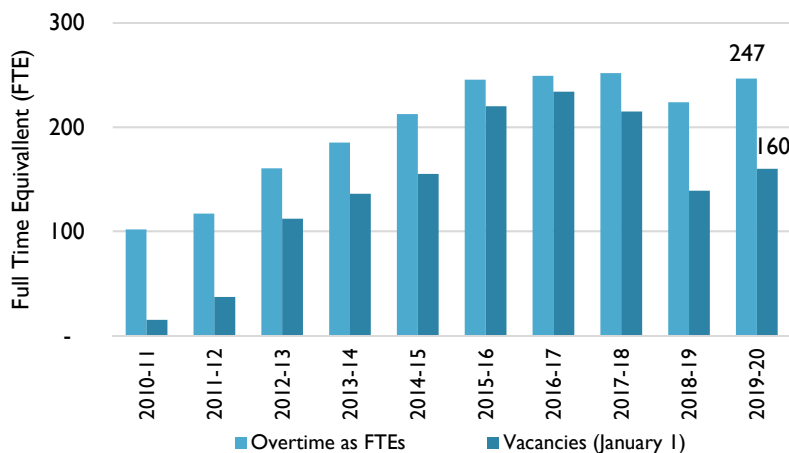
Source: Auditor analysis of PeopleSoft data. Overtime as FTEs is calculated based on 1,904 hours (2080 available hours, less allowable sick time and vacation time employees may earn in a year). Vacancy data is based on January 1 of each year.

Moreover, while calls for service have increased by 10 percent since FY 2011-12, overtime hours have increased by 111 percent. This may indicate a need for more controls over the use of overtime.

Overtime Is Classified as Either Mandatory or Discretionary

Overtime is used for a variety of activities and to satisfy staffing needs. The Department issued an internal General Order categorizing overtime in two overarching types:[32]

- **Mandatory overtime** is overtime required by the Duty Manual, the MOA, or when deemed mandatory by the Department, such as court appearances, late calls for service, and late arrests. Additionally, minimum staffing (e.g., staffing the Airport required police positions) is also considered mandatory by the Department.

- **Discretionary overtime** is defined as overtime which is not immediately necessary for providing police services to the community. This includes completion of reports at end of shift, administrative work, backlog work,

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[32] According to the SJPD's Duty Manual, "General Orders have reference to the entire organization, define policy, direct procedures, and result in a change in or addition to the Police Duty Manual."

and training. The General Order outlines that the use of discretionary overtime must be approved by a captain, division manager, or higher.[33]

Over the past several years, activities that could be considered discretionary overtime have been increasing with overall overtime, as shown in Exhibit 28. These include report writing and follow-up activities. Our analysis showed that report writing and follow up together have more than doubled since FY 2014-15. In comparison, overall responses to incidents have increased by 20 percent.

Exhibit 28: Some Discretionary Overtime Such as Report Writing and Follow Up Have Increased at a Greater Rate Than Mandatory Overtime
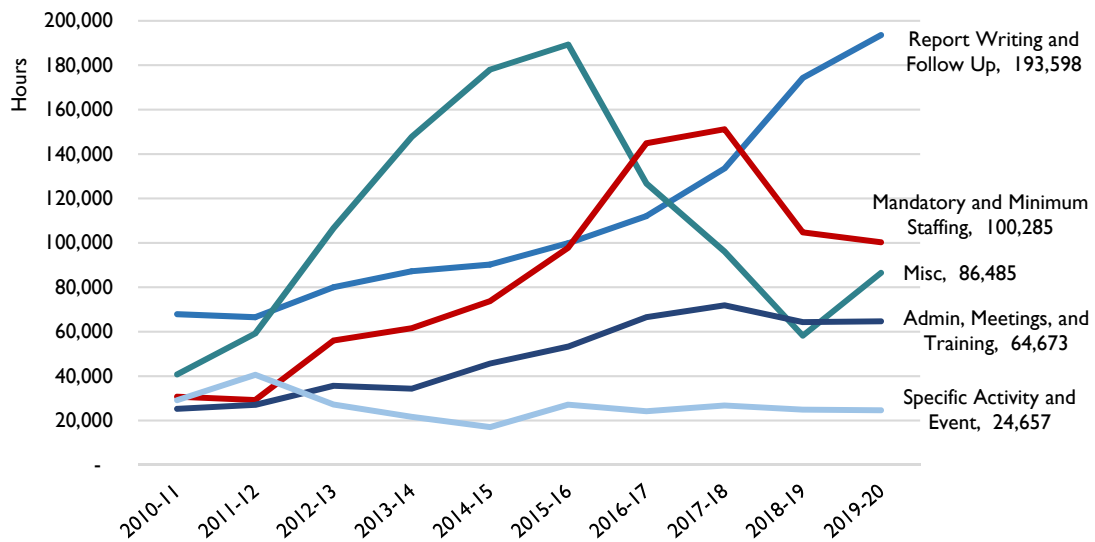
Source: Auditor analysis of PeopleSoft data for overtime by type. This graph includes overtime for comp time or for pay as well as standby and call back time for compensatory time or pay.

Note:

- *Report writing and follow up* includes time where officers categorized their work to report writing or follow up. These span the different areas an officer may work. This overtime may be considered discretionary overtime unless approved by supervisors.

- *Mandatory and minimum staffing* includes time where officers coded their work as mandatory, minimum staffing, holdovers, and court.

- *Misc.* is time where officers coded their time as miscellaneous or blank. This category has been used as a catch all for several types of overtime. According to an analysis of the charge codes, the largest contributing groups to this category include BFO backfill, field patrol, airport security, and Foothill suppression pay cars. This category is used by sworn staff regardless of whether the overtime would be considered mandatory or discretionary.

- *Admin, meetings, and training* includes time where officers code their overtime to meetings, pre-briefings, administration, recruiting, and training. This is generally discretionary overtime.

- *Specific activity or event* includes instances officers are working special events or are working on specific crime/activities. Examples of these include gang-related activities, sexual assaults, etc.

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[33] According to a 2017 General Order "As a general rule, NO DISCRETIONARY overtime will be approved. Instances may arise requiring the use of DISCRETIONARY overtime. In these cases, DISCRETIONARY overtime will only be approved under extenuating circumstances and MUST be approved by a Captain/Division Manager or higher rank. DISCRETIONARY overtime will also be subject to management review." (Capitalization in original).

Distinctions Between Mandatory and Discretionary Overtime Should Be Clearer

According to the Department, some activities that it previously considered discretionary are now becoming more necessary because of staffing challenges. For example, training is considered discretionary overtime in the General Order. However, the Department reports that lower numbers of sworn staffing mean that officers must complete training requirements on overtime outside of their regular shifts to maintain minimum levels of field patrol staffing.

There are also additional reporting requirements that may contribute to more overtime. For example, in 2019 the State of California passed legislation requiring a minimum standard for policies and reporting procedures regarding use of force. Furthermore, as mentioned in Finding 1, the Department reports that less experienced staff may take longer to finish their reports, sometimes staying past their regular shifts.

Mandatory overtime can be worked on a voluntary basis or be required if there are not enough individuals who volunteer. This distinction is important in how officers may be paid for their work. According to the Department's overtime staffing plan, if an officer volunteers for these overtime slots, it will be worked for pay, whereas if the individual is mandated to work the shift, it may be for pay or comp time. However, the City's time reporting system does not always distinguish between these types of codes. Tracking this distinction would make it easier for timekeepers and supervisors to ensure officers are being paid appropriately.

Documented Approvals for Overtime

As described earlier, overtime for report writing and follow up has tripled in the past 10 years. In FY 2019-20, these overtime hours represented 41 percent of all overtime activity (see Exhibit 29). According to the 2012 General Order, certain types of report writing and other administrative activities fall within the discretionary overtime category.

While this General Order requires sworn staff above the rank of captains to approve discretionary overtime worked, this order does not require such documented approvals. In many of the timecard comments we reviewed, officers would note that the overtime was approved by a sergeant, and not a captain.

With the substantial growth in these areas of overtime, and the correlation between overtime worked by field patrol and number of officer-initiated activities the Department should ensure there are appropriate controls over overtime usage to address the overtime growth.

> **Recommendation #6: To ensure that supervisory staff can better assess the purpose and appropriateness of overtime use, the Police Department should:**
>
> a. **Clearly define types of overtime considered mandatory and discretionary, including when follow up and report writing should be conducted on overtime.**
>
> b. **Develop guidelines for documenting Captain approval of discretionary overtime.**
>
> c. **Update internal procedures and train staff on how to log discretionary, mandatory, or voluntary overtime type codes in their timecards.**

Pay Car Assignment Usage Has Grown

Pay car assignments are specific overtime assignments that the Department has relied upon as it has faced staffing and workload challenges.[34] According to the Department, these are typically regular assignments and are bid on using the Department's staffing management system.

The City's MOA with the Police Officers' Association lists five types of assignments in addition to programs with specific funding sources (i.e., grant-funded or fee-supported programs):

  a. Entertainment Zone

  b. Downtown Services Detail

  c. Truancy Abatement and Burglary Suppression Program

  d. Project Crackdown

  e. Hazardous Escorts

In this audit we observed at least 14 additional pay car assignments that SJPD's fiscal unit tracks in addition to those in the MOA.

Typically, sworn staff are given the option of working overtime assignments for pay or earning comp time. However, the pay cars assignments listed in the MOA can only be worked for pay and not comp time. Additional assignments may be identified in the City's Adopted Operating Budget as funding becomes available.

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[34] It should be noted that the 2017 Matrix Consulting report cited concerns with the consistent use of pay cars to staff the Department, including concerns about fatigue and recommended the elimination of all patrol slots that are filled regularly by pay cars.

> **Recommendation #7: To ensure transparency, the Police Department should clarify which overtime assignments can be worked for pay or compensatory time and review and update the Memorandum of Agreement and/or General Orders, as appropriate**.

The Expanded Use of Overtime for Compensatory Time Could Benefit From Budget Controls

As mentioned earlier, employees may receive compensatory (comp) time in place of immediate payment for the overtime worked. This comp time accumulates until it is used to take time off from work or paid out to the employee. Comp time balances have specific limits. According to the MOA: "The outstanding amount of accrued compensatory time owed to an employee shall not exceed 240 hours by the end of each calendar year." The Fair Labor Standards Act (FLSA) limits the maximum total hours a sworn employee can accrue to 480 hours.

As individuals reach the 480-hour accrual limit for compensatory time, the City pays them for any additional overtime hours worked in their next paycheck. In the past twelve years, this excess comp time payout has increased significantly, growing more than sixteen times its size.[35] In FY 2007-08, excess comp time payout was only $260,000. In FY 2019-20, this grew to $16.1 million.

Exhibit 29: Excess Comp Time Payout Continues to Significantly Grow
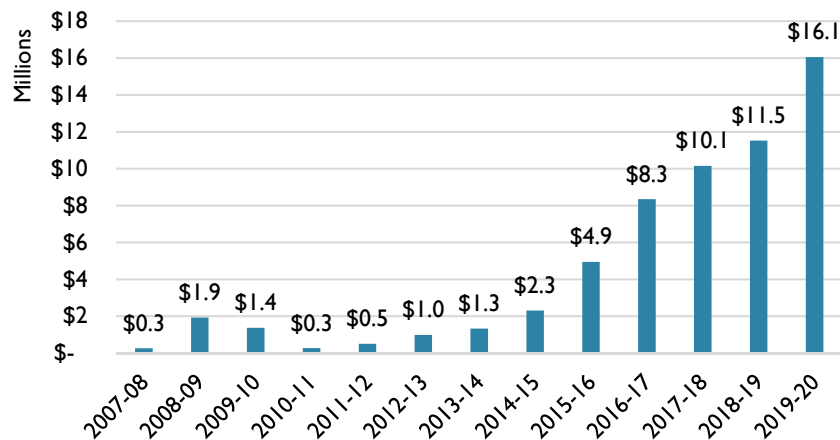
Source: Auditor analysis of PeopleSoft data for the earning code excess comp time payout.

Note: Excess comp time payout refers to overtime costs for officers that had reached the comp time balance limit of 480 hours. They could not accrue additional comp time so their overtime was paid out directly.

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[35] There was no excess comp time payout prior to FY 2007-08.

The City's Liability From Comp Time Payments Upon Separation Has Also Increased

As mentioned above, an employee's comp time balance remains until the individual uses their comp time to take time off from work, or until their balances are paid to the employee (typically upon retirement). The comp time balances create a liability to the City that will be paid out at the employee's final rate of pay at the time it is paid, not the rate that it was earned. As of November 2020, the overall comp time liability was over $21 million and the number of individuals who had maxed out their comp time balances had increased to 449 individuals (42 percent) with 480-hour balances (where they stop accruing comp time hours), and an additional 264 (25 percent) individuals had more than the MOA's annual 240-hour comp time accrual limit.

In December 2020, the Department outlined its expectations for staff with balances over 240 hours and required these individuals to submit a request for extension to reduce comp balances or submit plans on how they would reduce these balances, as outlined in the MOA. However, this exempted staff working in field patrol. More than half of the individuals with more than 240 hours of comp time balances are with field patrol, as of November 2020.

As described earlier, there are several outstanding recommendations regarding comp time in the 2016 *Audit of Police Overtime Usage*. Recommendations from this audit address comp time usage, reducing balances, and/or implementing a buy-out program which will help the department address the growing comp time liabilities.

Compensatory Time Payouts Have Exceeded $1 Million in Each of the Past Two Fiscal Years

Comp time payouts increased from about $200,000 in FY 2000-01 to $1.2 million in FY 2019-20. In the past 10 years, comp time payouts have ranged from $714,000 to $1.8 million annually.

Exhibit 30: Compensatory Time Payouts on Retirement and Buy-Outs Since FY 2000-01
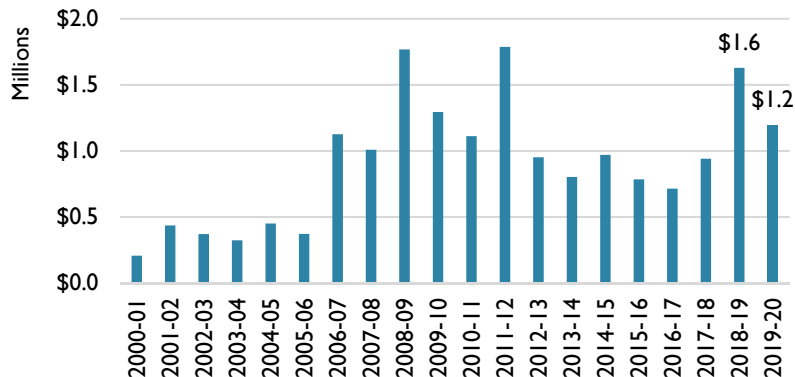
Source: PeopleSoft report on comp time payouts by fiscal year.

Note: This chart includes comp time payouts upon retirement and other payouts that the City made to reduce balances.

Compensatory time is not a budgeted expense. This means that estimated payouts are not specifically identified in the City's Adopted Budget. These costs are included in the overall personal services costs for the Department, which is reviewed on a monthly basis with the Budget Office.

The Department has stated that overtime for comp time allows more flexibility; however, this type of overtime simply defers the cost of current activities to future years. It also reduces transparency about true overtime costs.

The City tracks sick leave payments upon retirement in the budget. This budgeted expense is separately identified in the City's operating budget. Given the substantial increase in compensatory time payouts and the potential liability for the City, it would be responsible to track and report these payouts.

Prioritizing Use of Compensatory Time Off

SJPD has in recent years, issued guidance on reducing the comp time balances. Specifically, in 2017, the Department issued a memo acknowledging the increase in the comp time balances and the need to reduce those balances. SJPD exempted staff in the Bureau of Field Operations from this requirement.

Several staff who reached comp time limits more often took vacation time instead using their comp time balances. For instance, 48 individuals with comp time balances at 480 hours by November 2020 did not use comp time and only used vacation time for their time off. An additional 140 individuals used more vacation leave than used comp time in FY 2019-20.

Because of the increasing budgetary impacts of high comp time balances, it is important that the Department review opportunities to stem this growth. Along with other improvements suggested by this audit, assessing whether comp time use should be prioritized prior to vacation leave will be an additional step towards controlling the growth of comp time.

Recommendation #8: To enhance budgetary transparency and increase the controls surrounding compensatory time liability, the Police Department should pursue at least one or a combination of the following:

    a. **Work with the Budget Office to develop a reserve for future compensatory time liability, similar to sick leave pay out liability.**

    b. **Regularly report in the bimonthly financial reports to the Public Safety Finance and Strategic Support Committee, the Mid-Year Budget Review, and/or the City Manager's Annual Report: (1) the amount of overtime expenses attributable to staff that have reached the 480-hour compensatory accrual limit, (2) number of individuals who have reached both the 480-hour and 240-hour limits, and (3) the total compensatory time liability.**

    c. **Assess options to prioritize the use of compensatory time over vacation leave.**

Finding 6   Additional Opportunities Exist for Civilianization to Address Sworn Workload

Summary

With an increasing workload, limited sworn staffing, and budgetary constraints, SJPD may benefit from expanding its use of civilians. Civilianization enables police departments to focus its sworn staffing on sworn duties by hiring civilians to assist with a department's workload. Since the 2010 *Audit of Civilianization Opportunities in the San José Police Department*, the Department has added several civilian positions, including the Department's Community Service Officer (CSO) program. As part of the Bureau of Field Patrol, CSOs respond to lower priority calls for service, freeing sworn officer time to focus on higher priority calls. CSOs currently respond to about 60 percent of all CSO-dispatchable calls during their shifts, indicating a further opportunity to expand the program. In addition, SJPD can better distribute CSO workload across districts, update its Duty Manual to better reflect the calls CSOs respond to, and develop a strategy for CSO involvement in community policing activities.

The Department Has Added Civilians to Supplement Sworn Staff

In 2010, the *Audit of Civilianization Opportunities in the San José Police Department* resulted in recommendations to civilianize 88 sworn positions in the Department. Civilianization is intended to refocus sworn resources on sworn duties at a lower cost.[36] As a result, the Department eliminated 63 sworn positions and added 128 civilian positions. This resulted in a net add of 65 positions to the Department.

The Department added civilians in several areas, including in the Bureau of Technical Services and the Crime Analysis, Crime Prevention, Crisis Management, Permits, Personnel, Research and Development, Robbery, and Systems units. As described in the Background, civilians assist with several aspects of departmental operations to support sworn staff.

Civilians in the Department's Bureau of Technical Services directly support the Bureaus of Field Patrol and Investigation. The Crime Analysis Unit (CAU), for instance, creates crime statistics and performance measure reports. CAU uses technology systems to analyze trends and make real-time incident data accessible to patrol, such as through the CrimeView dashboard. Moreover, CAU assists

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[36] This audit can be found on our website: https://www.sanjoseca.gov/Home/ShowDocument?id=33700.

investigations staff with tasks, such as collecting evidence from residential security cameras registered with the City.

Additionally, in FY 2013-14 the Department established its civilian patrol unit, the Community Service Officer program. This program began with 21 Community Service Officer positions.

Some recommended positions were not civilianized. These included positions in BFO Administration, the Secondary Employment Unit, Pre-Processing, the Range, the Information Desk, and Training. Moving forward, the Department may benefit from re-evaluating opportunities for civilianization to further enhance police services and better focus sworn staffing on sworn duties.
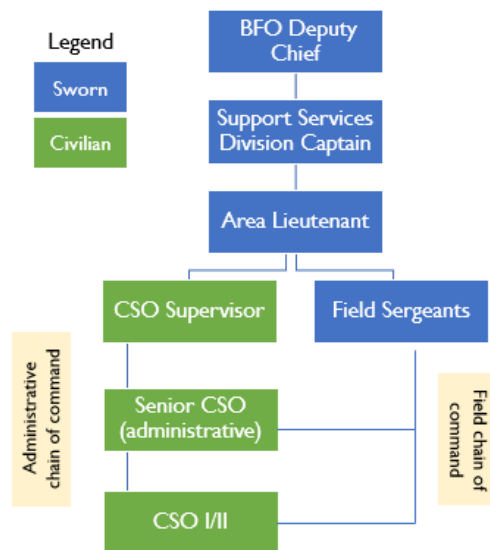
Opportunities Exist to Expand the Use of Community Service Officers to Respond to Lower Priority Incidents

The Department uses Community Service Officers (CSOs) to respond to lower priority incidents. It deploys CSOs during their day and swing shifts seven days a week. CSOs do not staff a night shift. For FY 2020-21, there are 68 budgeted CSO positions; as of January 1, 2021, 62 positions were filled.

Exhibit 31: CSO Organization Chart

Source: Auditor illustration of CSO program organization.

Before September 2019, the CSO program operated on a division-based model, with CSOs responding to incidents throughout their assigned division and reporting to a senior CSO. The Department later transitioned to a district-based model to integrate CSOs into district patrol teams. As described in the Background, the Department generally assigns 1 CSO per shift per district during day and swing shifts throughout the week. CSOs report to the sergeant in their district.

With current staffing levels, the Department reports that there are not enough CSOs to consistently cover all districts during day and swing shifts.

Sworn Staff Respond to Many Incidents That CSOs Could Respond to

In FY 2019-20, CSOs responded to 22,235 incidents.[37] The types of incidents CSOs responded to the most frequently included stolen vehicles (30 percent), burglary reports (9 percent), meet the citizen (7 percent), and expired registration (7 percent).[38]

CSOs responded to about 60 percent of CSO-dispatchable incidents that occurred during CSO day and swing shifts, with many of the remaining incidents addressed by sworn staff.[39] The proportion of CSO response varies by call type. For example, CSOs responded to approximately 80 percent of 7,177 stolen vehicle incidents, 53 percent of 2,107 theft incidents, and 25 percent of 2,410 traffic hazards incidents. The proportion of CSO response for different call types can be seen in Exhibit 32. This exhibit indicates potential opportunities for the CSO program to respond to additional calls.

Exhibit 32: CSOs Responded to About 60 Percent of Total CSO-Dispatchable Incidents
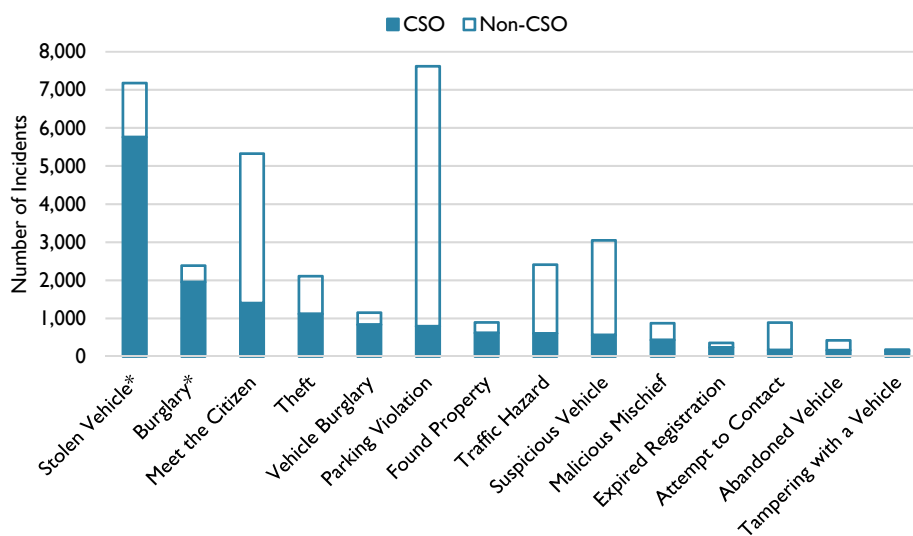
Source: Auditor analysis of CAD data by number of incidents. These proportions are calculated based on the number of CSO-dispatchable incidents that occurred during CSO day and swing shifts under Priorities 3 and 4. This graph is not an exhaustive list of call types.

Note that "Meet the Citizen" calls may also be addressed by sworn staff. While CSOs may issue parking citations, they are not intended to proactively enforce parking rules in the city.

*Stolen vehicle category includes "Stolen Vehicle" and "Recovered Stolen Vehicle" incidents. Burglary category includes both "Burglary" and "Burglary Report" incidents.

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[37] These incidents include all incidents CSOs responded to, regardless of priority, shift, or whether the call was considered dispatchable to a CSO. CSOs may also be called to assist with major, high priority events to provide services such as traffic control.

[38] All percentages are calculated based on the total number of events CSOs responded to during FY 2019-20.

[39] CSO-dispatchable incidents are call types listed in the SJPD Duty Manual as those that CSOs are permitted to respond to. For a list of these call types, see Appendix E. This percent is calculated based on the number of CSO-dispatchable calls that occurred during CSO Day and Swing shifts under Priorities 3 and 4.
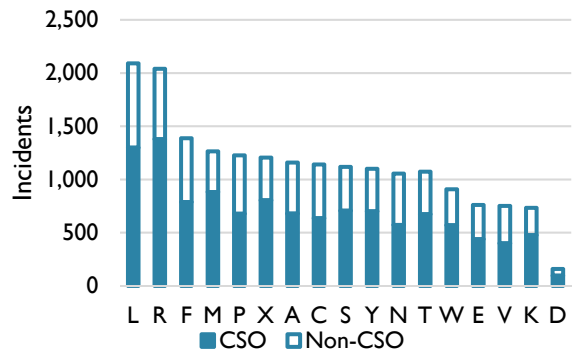
CSO Base Salaries Are Lower Than Sworn Officers

Overall, CSOs are a lower cost option to handle calls for service that do not require a sworn response. Compared to sworn officers, CSOs have a lower base salary. For FY 2019-20, the base salary of a CSO (including a Senior CSO) ranged from $62,691 to $92,768, while a sworn officer's ranged from $98,051 to $131,331.

Adding more CSOs could help address some of the workload and staffing issues the Department faces by relieving greater amounts of sworn workload at an overall lower cost. In FY 2020-21, the Department eliminated five CSO positions; however, the Department may benefit from adding positions in the future.

Current CSO Workload Varies by Assigned District

CSO workload, as measured by the number of CSO-dispatchable incidents, varies significantly across districts. As seen in Exhibit 33, during FY 2019-20, District K had 733 CSO-dispatchable incidents, while District L experienced over 2,000 such incidents. The frequency with which CSOs respond to CSO-dispatchable incidents is somewhat similar across districts, ranging from 50 to 70 percent. However, the variation in workload per district leads to variation in the actual hours CSOs spend responding to incidents in each district. In FY 2019-20, CSOs spent 500 hours responding to incidents in District K and over 1,500 hours in District L. See Appendix D for a map illustrating CSO-dispatchable incidents across San José.

Exhibit 33: The Number of CSO-Dispatchable Incidents Varies by District

Source: Auditor analysis of CAD data based on the number of CSO-dispatchable calls that occurred during CSO Day and Swing shifts under Priorities 3 and 4.

In September 2019, the Department transitioned the CSO program from a division to a district model. Since CSOs are generally assigned by district, the variation in CSO-dispatchable workload contributes to variation of workload for individual CSOs. According to an internal tracking of CSO workload, some CSOs produced over four times as many reports as others.

Current shift assignments show that due to vacancies, some higher workload districts are not consistently assigned a CSO, while lower workload districts are. Districts F and M, which experience among the highest amounts of workload, do not have CSOs regularly assigned for a shift at least three times a week. This may result in sworn staff addressing a greater number of lower priority incidents that could be handled by CSOs.

According to staff, CSOs sometimes respond to incidents outside of their assigned districts to assist with incidents in other districts. While the CSO Policy and Procedure Manual permits CSOs to leave their districts "to aid or assist," this practice does not appear to have equalized individual workload.

> **Recommendation #9: To supplement sworn police services and manage overall workload challenges in the department, the Police Department should:**
>
> a. **In the context of the overall budget, add more Community Service Officers (CSOs) to address Priority 3 and 4 incidents, and**
>
> b. **Develop guidelines to ensure more equitable distribution of CSOs across districts, such that districts with higher workloads receive appropriate coverage. This may include redistributing workload and assignments as vacancies occur.**

SJPD Duty Manual Should Be Updated to Reflect Current CSO Priorities and Workload

CSOs respond to incidents outside of their dispatchable call list. "Suspicious Vehicle" and "Expired Registration" incidents, which CSOs commonly responded to in FY 2019-20, are not specified as CSO-dispatchable incidents in the Duty Manual. In FY 2019-20, CSOs responded to 2,188 incidents that were not included on the list (see Appendix E).[40]

A review of CSO workload, along with a reassessment of the type of incidents that CSOs respond to, may be in order.

CSO Priorities in the Duty Manual Should Be Reassessed

In addition to listing CSO-dispatchable call types, the Duty Manual provides a priority order for these types to be followed when there is more than one pending event. The Duty Manual notes that the amount of time a call has been pending should be taken into consideration and that supervisory staff may re-prioritize the order of dispatch.

While this priority list may not always be followed, an analysis of CAD data showed that overall, CSOs were not responding more frequently to higher priority events. For example, as shown in Exhibit 34, CSOs responded to "Vehicle Accident,

---

[40] This number does not include Meet the Citizen and Parking Violation calls. Though these types are not explicitly included in the Duty Manual list in Appendix E, the Manual describes them as part of a CSO's general duties. Meet the Citizen are resident inquiries that may be addressed with a sworn or CSO response. CSOs are not expected to proactively issue parking citations (but may cite if they identify a violation in the course of their regular duties).

Property Damage" at a lower rate than "Burglary" incidents, even though "Vehicle Accident, Property Damage" incidents are generally higher priority.

This may indicate a need for the Department to clarify the role of this priority order list and reassess its appropriateness in CSO responses.

Exhibit 34: CSOs Are Not Responding More Frequently to Incidents of Higher Priority for CSOs
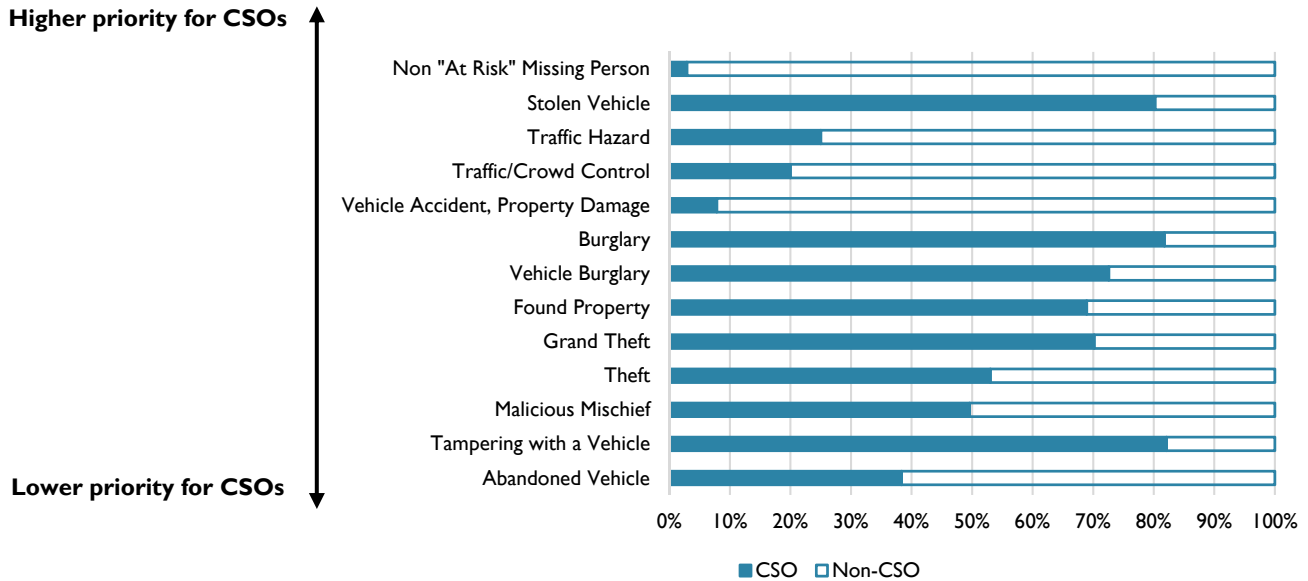
Source: Auditor analysis of CAD data and the Duty Manual.

Note: SJPD staff note that some call types may be addressed by sworn or other civilian staff. For instance, other staff often address Non "At Risk" Missing Person calls and CSOs are dispatched when there is a need for language interpretation.

Additional Opportunities for Community Policing in the CSO Program

In addition to listing the types of non-emergency incidents CSOs can respond to, the Duty Manual also describes how CSOs were intended to augment the Department's community policing efforts:

> The CSO Program is also responsible for community policing activities. During free patrol time, CSOs will conduct outreach with citizens and provide crime-prevention information, answer questions, and educate citizens about the various programs the Police Department and other City Departments have to offer.

Community focused policing is an element of CSOs' performance expectations. In their performance appraisals, CSOs are evaluated on "community focused policing." This section assesses their efforts to "identify and remain knowledgeable of community crime and disorder problems," which involves "soliciting input, cooperation and participation of community members."

However, CAD data for FY 2019-20 showed that CSOs participated in less than 1 percent of community policing hours. This indicates there may be opportunities for CSOs to further engage in outreach and community education. As described earlier, the current CSO workload across districts suggests potential areas for realignment, including community policing.

> **Recommendation #10: To better align Department call priorities with CSO work, the Police Department should update its Duty Manual to:**
>
> a. **Reassess its priority list of CSO-dispatchable calls and determine how to better utilize CSOs to address those priorities.**
>
> b. **Include common types of calls not currently listed in the Duty Manual, such as "Suspicious Vehicles" and "Expired Registration".**
>
> c. **Develop a strategy for CSO involvement in community policing, as described in the SJPD Duty Manual.**

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Conclusion

While SJPD employs fewer sworn staff today than it did 20 years ago, its budget has increased largely due to growth in retirement and overtime costs. Overall, the budget has constrained the Department's ability to add patrol officers, and the Department has struggled to meet its target response times for Priority 1 and 2 calls. To better respond to the most urgent police calls, the Administration should consider adding more officers to field patrol in the context of overall budget priorities. Further, reevaluating its shifts and geographic patrol boundaries, which have remained unchanged for 20 years, can assist the Department in optimizing its use of sworn staff.

SJPD has relied heavily on overtime to address its workload. Overtime costs have grown by 300 percent over the past decade and there has similarly been a large growth in the Department's compensatory time liability. In addition to overtime, the Department has also relied upon one-time funding for staff to address certain Council and community priorities, such as community policing and downtown foot patrol. Improving controls to manage overtime costs and exploring more consistent funding options can help the Department use its budget to better support its service delivery. Finally, the Department can expand its use of civilians in the Community Service Officer program so that sworn officers can refocus their efforts on the community's highest priority needs.

RECOMMENDATIONS

Finding 1: Reductions in Sworn Staffing Over 20 Years Presents Challenges for SJPD

No Recommendations

Finding 2: Increases in SJPD Expenditures Have Outweighed Staffing Changes

No Recommendations

Finding 3: SJPD's Workload Has Increased as It Has Struggled to Meet Its Response Time Goals

Recommendation #1: To better meet Priority 1 and 2 response times goals and address past staffing reductions, the Police Department should add sworn officers to field patrol in the context of the Department's and City's overall budget.

Finding 4: Reorganizing San José's Patrol Districts and Reviewing Shift Schedules Could Optimize Workload and Available Staffing

Recommendation #2: To optimize police staffing, the Police Department should include an analysis of alternative schedules either in its current redistricting work or in a separate study, and report to the City Council on the results of the studies.

Recommendation #3: To determine the most suitable approaches for responding to certain types of calls, the Police Department should:

a. Begin tracking calls that may benefit from an alternative response, such as incidents involving individuals experiencing homelessness or individuals with disabilities.

b. Determine whether some of the responses can be diverted to non-sworn staff or coordinated with other City departments or agencies.

Recommendation #4: To ensure that targets for community policing address Council and community priorities, the Police Department should develop a long-term community policing strategy that describes how performance targets address those priorities and work with the City Administration to identify consistent sources of funding for priority community policing positions, such as foot patrol.

Finding 5: SJPD Has Relied on Overtime to Staff the Department

Recommendation #5: To limit the risk of fatigue and more evenly distribute overtime hours across the department, the Police Department should:

a. Enforce existing limits on total overtime hours worked in a day, week, and year, including which types of overtime can be worked beyond these limits.

b. Update eResource to ensure all prescheduled and biddable overtime assignments are captured in the system.

c. Develop a policy to address frequent violations of Duty Manual specified overtime weekly limits.

Recommendation #6: To ensure that supervisory staff can better assess the purpose and appropriateness of overtime use, the Police Department should:

a. Clearly define types of overtime considered mandatory and discretionary, including when follow up and report writing should be conducted on overtime.

b. Develop guidelines for documenting Captain approval of discretionary overtime.

c. Update internal procedures and train staff on how to log discretionary, mandatory, or voluntary overtime type codes in their timecards.

Recommendation #7: To ensure transparency, the Police Department should clarify which overtime assignments can be worked for pay or compensatory time and review and update the Memorandum of Agreement and/or General Orders, as appropriate.

Recommendation #8: To enhance budgetary transparency and increase the controls surrounding compensatory time liability, the Police Department should pursue at least one or a combination of the following:

a. Work with the Budget Office to develop a reserve for future compensatory time liability, similar to sick leave pay out liability.

b. Regularly report in the bimonthly financial reports to the Public Safety Finance and Strategic Support Committee, the Mid-Year Budget Review, and/or the City Manager's Annual Report: (1) the amount of overtime expenses attributable to staff that have reached the 480-hour compensatory accrual limit, (2) number of individuals who have reached both the 480-hour and 240-hour limits, and (3) the total compensatory time liability.

c. Assess options to prioritize the use of compensatory time over vacation leave.

Finding 6: Additional Opportunities Exist for Civilianization to Address Sworn Workload

Recommendation #9: To supplement sworn police services and manage overall workload challenges in the department, the Police Department should:

a. In the context of the overall budget, add more Community Service Officers (CSOs) to address Priority 3 and 4 incidents, and

b. Develop guidelines to ensure more equitable distribution of CSOs across districts, such that districts with higher workloads receive appropriate coverage. This may include redistributing workload and assignments as vacancies occur.

Recommendation #10: To better align Department call priorities with CSO work, the Police Department should update its Duty Manual to:

a. Reassess its priority list of CSO-dispatchable calls and determine how to better utilize CSOs to address those priorities.

b. Include common types of calls not currently listed in the Duty Manual, such as "Suspicious Vehicles" and "Expired Registration".

c. Develop a strategy for CSO involvement in community policing, as described in the SJPD Duty Manual.

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APPENDIX A

Audit Objective, Scope, and Methodology

The mission of the City Auditor's Office is to independently assess and report on City operations and services. The audit function is an essential element of San José's public accountability, and our audits provide the City Council, City management, and the general public with independent and objective information regarding the economy, efficiency, and effectiveness of City operations and services.

In accordance with the City Auditor's Fiscal Year (FY) 2020-21 Work Plan, we have completed an audit of police staffing, expenditures, and workload. This audit was requested by multiple Councilmembers.

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

The objective of this audit was to review and compare Police Department staffing, spending, and calls for service over time, including allocation of staff by bureau or division, vacancies, and use of overtime. To understand management controls and meet our audit objective we did the following:

- Using the City's Financial Management System, the human resources management system (Peoplesoft) and Police Department Adopted Budgets, reviewed the following:

  o Adopted budget over 20 years

  o Breakdown of actual personal, non-personal, and other expenditures

  o Overtime expenditures and hours logged including types of overtime used, overtime charge codes, and tenure of staff

  o Compensatory time expenditures, hours, and payouts over time

  o Staffing tenure and hiring results over time

  o Turnover and vacancy reports over time

- Reviewed Crime Analysis Data (CAD) for FY 2018-19 and FY 2019-20 to understand the Department's workload and response times, including calls for service, officer-initiated calls, and Community Service Officer (CSO) responses to calls, and analyzed the following:

  o Types of calls that constitute officer workload by Police district

  o Overall response times and response time components, including call processing, queuing, and drive times

  o CSO and sworn responses to calls

- Reviewed the history of civilianization in the Police Department by comparing positions recommended for civilianization in this Offices' *Audit of Civilianization Opportunities in the San José Police Department* to current status of civilianized positions

- Reviewed history of the Department's CSO program including:

- o Calls eligible for CSO responses (CSO-dispatchable calls) as listed in the SJPD Duty Manual

- o CSO workload by call type and frequency of responses compared to sworn officer responses across the city

- o Number of CSO-dispatchable calls by district

- Reviewed reported crime data (property, violent, aggravated assault, robbery, rape, homicide, motor vehicle theft, and burglary for the city over 15 years using the FBI's Uniform Crime Reporting Program (UCR))

- Reviewed previous consultant and staffing studies conducted by the department including

  - o The Neighborhood Policing Operations Plan (2002)

  - o Five-Year Staffing Plan (2006)

  - o Patrol Deployment Alternatives for the San José Police Department by Corona Solutions (2010)

  - o Final Report on the Staffing and Deployment Review by Matrix Consulting Group (2017)

- Reviewed relevant authoritative standards, policies, and procedures, including:

  - o San José City Charter and the San José Municipal Code to understand the Police Department's roles and responsibilities

  - o San José Police Officers Association Memorandum of Agreement and other relevant negotiations

  - o San José Police Department Duty Manual and relevant Chief of Police General Orders

- Reviewed relevant Council memoranda including the 2019 MBA which discussed the Police Department's staffing needs and other department memorandums and presentations to the City Council.

- Interviewed the following staff to understand the Department's history and operations:

  - o Police sergeants, officers, and command staff on Bureau of Field Operations Patrol staffing and processes, including a review of the Department's records management system

  - o Police civilian staff in the Fiscal Unit and Bureau of Technical Services, including the Crime Analysis Unit

  - o Police Communications staff

  - o Staff in the CSO program

  - o Staff from the Office of Employee Relations, the City's Budget Office, and the City Attorney's Office

- Participated in swing shift ride-alongs with Field Patrol staff in February 2020.

- Using the FBI's UCR data, the American Census Survey, and recent Adopted Budgets we compared SJPD staffing, budget, population and crime data to other large US and CA jurisdictions including the cities of San Diego, San Francisco, Oakland, Los Angeles, Sacramento, Seattle, Fresno, and Portland.

- Reviewed staffing studies from other jurisdictions, including San Francisco, San Diego, Arlington, Portland, and Atlanta.

- Used the City's Geographic Information System (GIS) to map the following:

    o Police beats

    o Incidents (Priorities 1-4 and 5-6)

    o Community policing instances and hours

    o CSO-dispatchable calls

- To understand controls around data entry and reporting, we met with Department staff and observed the process of data entry and how the following systems were used by the Department: Records Management System, CAD, and CrimeView Dashboard.

- Reviewed President Obama's Taskforce Report on 21st Century Policing as a benchmark for practices in community policing.
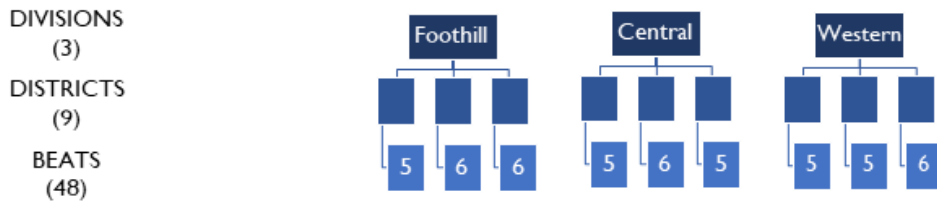
The Office of the City Auditor thanks the San José Police Department and the Budget Office for their time, information, insight, and cooperation during the audit process.

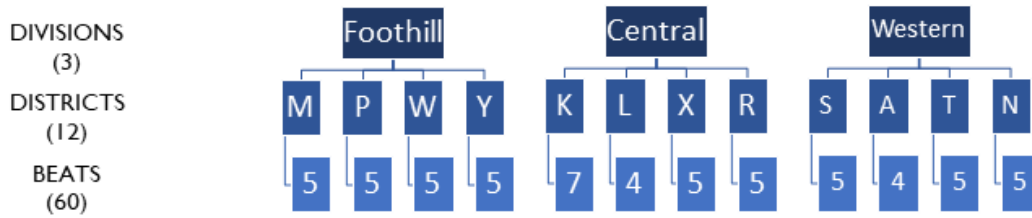This page was intentionally left blank
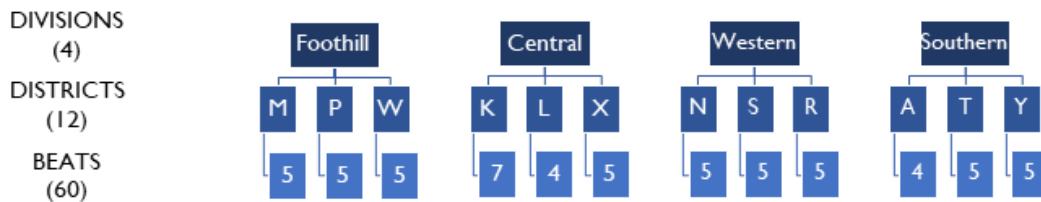
APPENDIX B

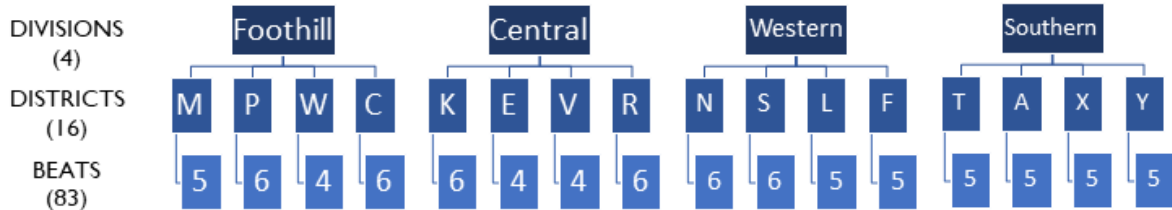## Changes in the Patrol Structure

Patrol Structure Before 1986

DIVISIONS (3)

DISTRICTS (9)

BEATS (48)

Foothill: 5 6 6
Central: 5 6 5
Western: 5 5 6

Patrol Structure 1986-1997 – Addition of Districts

DIVISIONS (3)

DISTRICTS (12)

BEATS (60)

Foothill: M P W Y — 5 5 5 5
Central: K L X R — 7 4 5 5
Western: S A T N — 5 4 5 5

Patrol Structure 1997-1999 – Addition of Southern Division

DIVISIONS (4)

DISTRICTS (12)

BEATS (60)

Foothill: M P W — 5 5 5
Central: K L X — 7 4 5
Western: N S R — 5 5 5
Southern: A T Y — 4 5 5

Patrol Structure 1999 to Present - 4 Divisions After Redistricting

DIVISIONS (4)

DISTRICTS (16)

BEATS (83)

Foothill: M P W C — 5 6 4 6
Central: K E V R — 6 4 4 6
Western: N S L F — 6 6 5 5
Southern: T A X Y — 5 5 5 5

In addition to these districts the Airport has its separate district, District D.

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APPENDIX C

Hours Spent on Community Policing by Beat (FY 2019-20)

Council District

Community Policing Hours

- 0-50
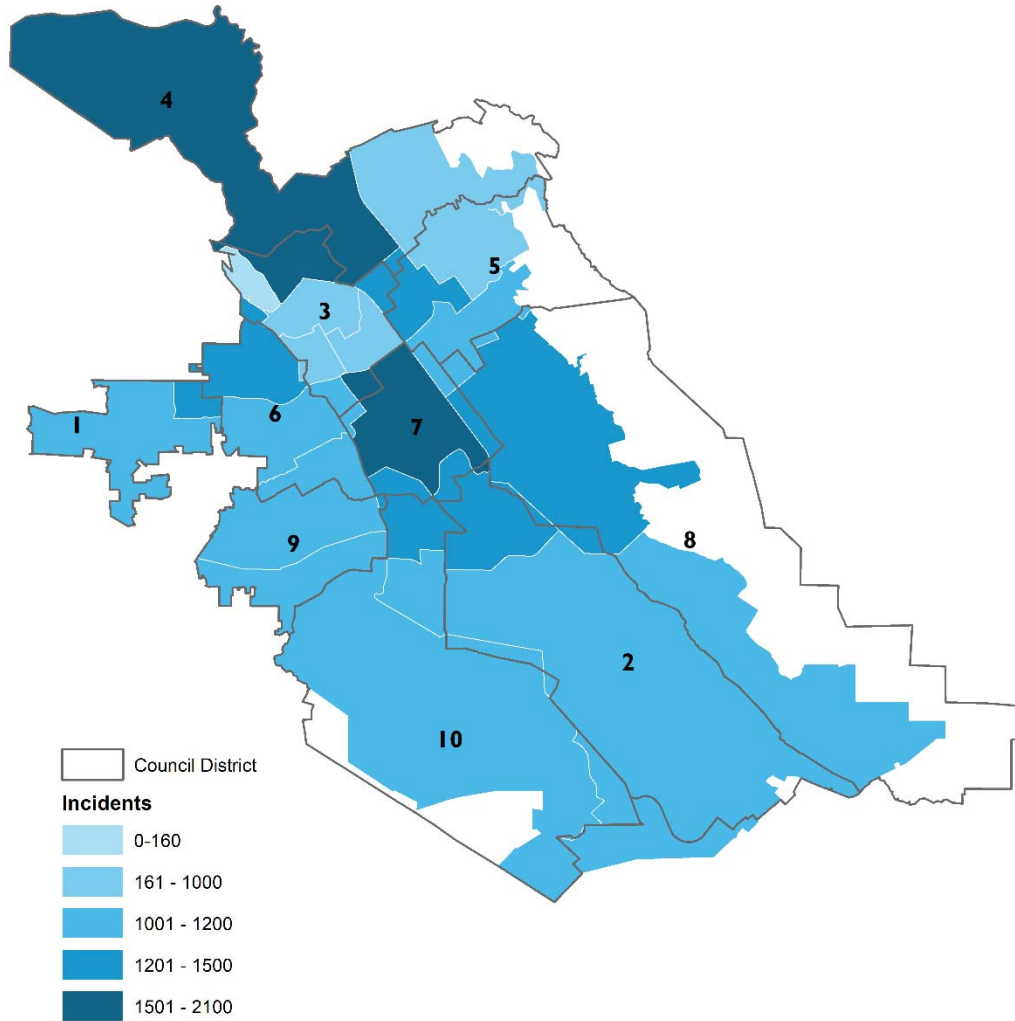- 51-120
- 121-200
- 201-500
- 501-1200
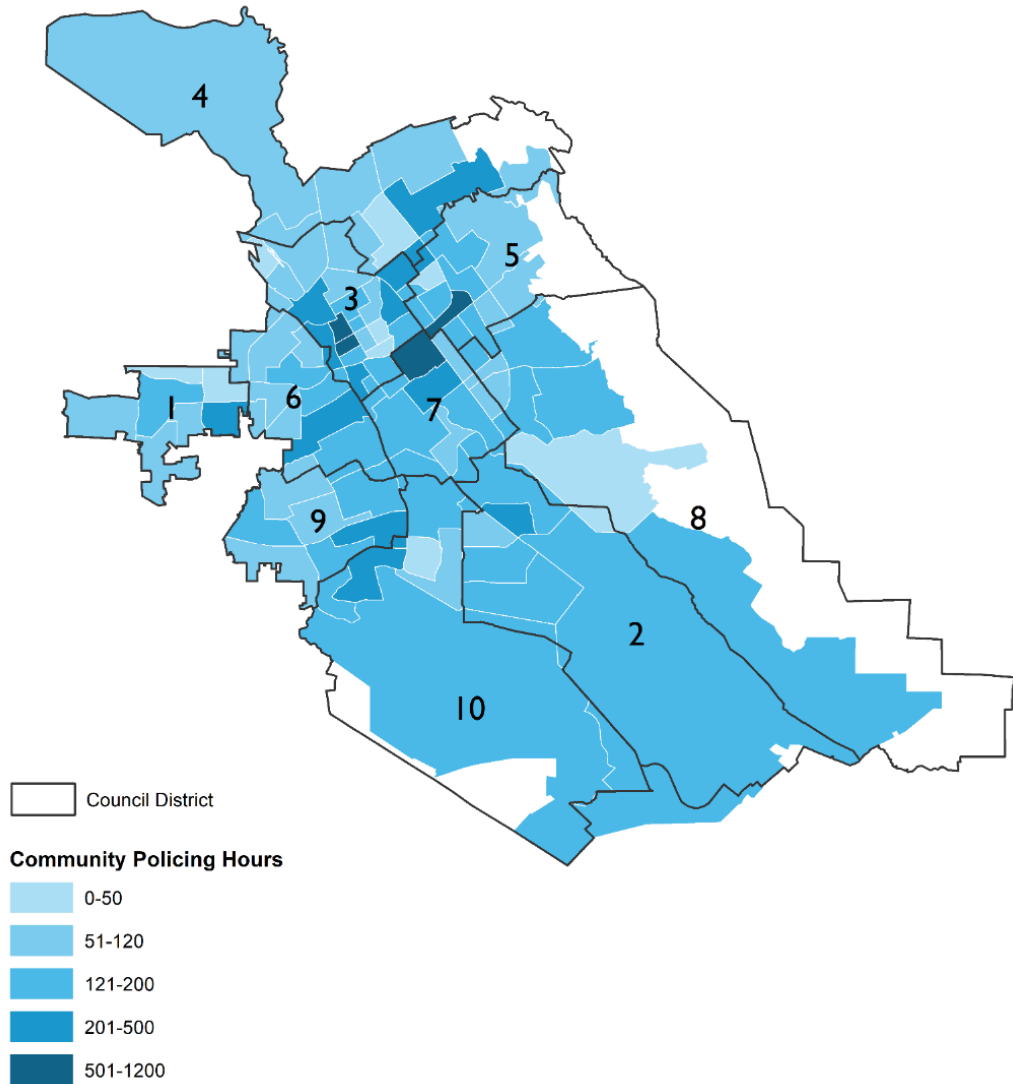
Source: Auditor analysis of CAD data using GIS ArcMap. These hours are based on initial call type. Police districts are shaded according to the number of hours spent on community policing activities. Council districts are numbered and outlined in black.

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APPENDIX D

CSO-Dispatchable Incidents by District (FY 2019-20)

Source: Auditor analysis of CAD data using GIS ArcMap. These incidents are classified as CSO-dispatchable based on their initial call types. Police districts are shaded according to the number of incidents. Council districts are numbered and outlined in black.

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APPENDIX E

CSO-Dispatchable Call Definitions

Call Code Type	Description
1065	Non "at risk" missing persons
10851/10851R	Stolen vehicle reports and recovered stolen vehicle reports
1125	Traffic hazards
1184	Traffic/crowd control
1182	Non-injury vehicle collisions with no known disturbance
459/459R	Residential and commercial burglary reports (scene is secured/no suspects present).
459VEH	Vehicle burglary reports
FNDPRP	Found property
487	Grand theft reports
484	Petty theft reports
594/10852	Vandalism and vehicle tampering
1124	Abandoned vehicles

Source: Auditor table based on information contained in the SJPD Duty Manual (last revised: May 22, 2020).

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TO: JOE ROIS
CITY AUDITOR

FROM: Dave Tindall

SUBJECT: SEE BELOW

DATE: March 4, 2021

Approved _D.DSyL_   Date   March 5, 2021

SUBJECT: RESPONSE TO AUDIT REPORT - POLICE STAFFING, EXPENDITURES, AND WORKLOAD: STAFFING REDUCTIONS HAVE IMPACTED RESPONSE TIMES AND LED TO HIGH OVERTIME COSTS.

BACKGROUND

The City Auditor conducted an audit of the San Jose Police Department's staffing, expenditures, and workload, specifically as staffing reductions have impacted response times and led to high overtime costs. The objective of this audit was to review and compare the Police Department's staffing, spending, and calls for service over time, including an allocation of staff by bureau or division, vacancies, and use of overtime. This audit was requested by multiple Councilmembers.

The Administration reviewed the audit of *Police Staffing, Expenditures, and Workload: Staffing Reductions Have Impacted Response Times and Led to High Overtime Costs*, which resulted in 10 recommendations identified in the report. The following are the Administration's responses to each recommendation.

Consistent with other priority-setting processes, the City Council adopted a new framework for the Administration's response to audit recommendations in May of 2015. As with other priority processes, the green, yellow, and red light system is utilized to convey the Administration's operational readiness to undertake workload demands.

RECOMMENDATIONS AND RESPONSE

Recommendation #1: To better meet Priority 1 and 2 response time goals and address past staffing reductions, the Police Department should add sworn officers to field patrol in the context of the Department's and City's overall budget.

Administration Response: The Administration agrees with this recommendation.

Green – The Administration agrees with the recommendation to increase sworn officers to field patrol, as the budget allows; however, as funding resources become available, the Administration will also need to be mindful of other staffing needs that exist throughout the Department. Though the Administration recommends a "green light", the City's current budgetary outlook does not allow significant sworn staffing additions over the next five years without significant reprioritization of City resources.

As noted in the audit, authorized, and budgeted staffing levels are down since 2000 and staffing issues have been exacerbated with the historical high number of sworn vacancies. The Department has since made great strides in recruiting, hiring and training high numbers of sworn personnel such that the number of filled sworn positions nearly matches authorized staffing levels; although, the number of street-ready officers still lags authorized levels due to the length of time it takes to properly train an officer. It should be noted, however, that Hire-Ahead Program funding is helping to close that gap. The Department has worked to maintain minimum staffing levels in patrol by keeping vacancies in other areas of the Department, like investigations and traffic enforcement. As funding becomes available to restore staff to the Department, staffing restorations should be considered throughout the Department depending on current service demands, investigative needs, civilianization opportunities, and workload balance.

Target Date for Completion: Increases to sworn staffing levels will be evaluated during each annual budget development cycle.

Recommendation #2: To optimize police staffing, the Police Department should include an analysis of alternative schedules either in its current redistricting work or in a separate study, and report to the City Council on the results of the studies.

Administration Response: The Administration agrees with this recommendation.

Green – The Department continues to adjust staffing as necessary to meet the demands on patrol, including through the use of overtime. As noted in the audit, redistricting will allow the Department to balance workload more efficiently in patrol and optimize resources. Although, redistricting alone will not alleviate the impacts of the overall reduction of sworn staffing the Department has experienced, as part of this process, consideration of alternate schedules will be reviewed to see if further efficiencies may be gained.

The Administration is currently in the beginning stages of the redistricting analysis and intends to include the analysis of alternative work schedules based on redistricting recommendations as part of this process. While the analysis can be completed within the next year, implementation of any recommended action will take longer and need to coincide with implementation of redistricting, which includes updating department technology such as the communications systems, computer-aided dispatch, and various other computer and reporting systems. Additionally, any recommended changes to schedules may be subject to meet-and-confer.

Target Date for Completion: Subject to funding availability related to the redistricting effort, with a tentative target of June 30, 2023.

Recommendation #3: To determine the most suitable approaches for responding to certain types of calls, the Police Department should:
   a. **Begin tracking calls that may benefit from an alternative response, such as incidents involving individuals experiencing homelessness or individuals with disabilities.**
   b. **Determine whether some of the responses can be diverted to non-sworn staff or coordinated with other City departments or agencies.**

Administration Response: The Administration agrees with this recommendation.

Green – The Administration is already working on technological improvements to allow officers in the field to indicate if a call for service includes individuals who are unhoused. Technology updates are expected to be completed within the next six months. Additional updates will be needed to track calls that involve individuals with disabilities, which will require additional time and funding to complete; this step is expected to cost approximately $75,000.

Once technology updates have been made, staff will need to be trained. The complexity of the solution will dictate the training cost for sworn personnel, but training would likely take one hour. Once training is completed, data can be collected and analyzed to determine if there is a more appropriate, alternative response for these types of calls. This analysis may take an additional 8-12 months to allow for a sufficient amount of data to be collected, analyzed and recommendations to be made regarding potential call diversion to non-sworn staff, or other City departments or outside agencies.

Target Date for Completion: #3(a) – June 30, 2022, #3(b) – June 30, 2023

Recommendation #4: To ensure that targets for community policing address Council and community priorities, the Police Department should develop a long-term community policing strategy that describes how performance targets address those priorities and work with the City Administration to identify consistent sources of funding for priority community policing positions, such as foot patrol.

Administration Response: The Administration agrees with this recommendation.

Green – The Administration can implement this recommendation within the next two years under its workplan. In conjunction with community outreach and engagement efforts, the Department will assess priority community policing needs, using an equity-focused process in consideration of high-need areas. Performance targets will be developed as part of the community policing strategy. Any future staffing increases to fully implement the policing strategy would be considered in context of the City's budgetary position.

Target Date for Completion: June 30, 2023

Recommendation #5: To limit the risk of fatigue and more evenly distribute overtime hours across the department, the Police Department should:
   a. **Enforce existing limits on total overtime hours worked in a day, week, and year, including which types of overtime can be worked beyond these limits.**
   b. **Update eResource to ensure all prescheduled and biddable overtime assignments are captured in the system.**
   c. **Develop a policy to address frequent violations of Duty Manual specified overtime weekly limits.**

Administration Response: The Administration agrees with this recommendation.

Green – The Administration can implement this recommendation within the next year under its workplan. The health and welfare of the staff is a priority for the Department. Unfortunately, in order to try to meet service demands, the Department has relied heavily on overtime. As staffing reaches authorized levels and more officers are street-ready, we expect that overtime needs will drop. In the interim, the Department will develop a plan to enforce existing overtime rules to ensure staff complies, ensure prescheduled assignments are tracked appropriately in eResource, and address policy violations of overtime limits. In order to effect change in this area, the Department will need to review the specifics of how overtime is being used, review its policies and limits of overtime in consideration of the current staffing issues and develop a plan that considers policy changes, enforcement of policies, consistent messaging and reporting, and management review.

Target Date for Completion: June 30, 2022

Recommendation #6: To ensure that supervisory staff can better assess the purpose and appropriateness of overtime use, the Police Department should:
   a. **Clearly define types of overtime considered mandatory and discretionary, including when follow up and report writing should be conducted on overtime.**
   b. **Develop guidelines for documenting Captain approval of discretionary overtime.**
   c. **Update internal procedures and train staff on how to log discretionary, mandatory, or voluntary overtime type codes in their timecards.**

Administration Response: The Administration agrees with this recommendation.

Green – The Administration can implement this recommendation within the next year under its workplan. Unfortunately, to try to meet service demands, the Department has relied heavily on overtime. As staffing reaches authorized levels and more officers are street-ready, we expect that overtime needs will drop. However, while this continues to be an issue, the Department will develop a plan to ensure supervisory staff can better assess the purpose and appropriateness of overtime use. The Department will review the specifics of how overtime is being used, review its overtime policies in consideration of the current staffing issues and develop a plan that considers

policy changes, clarification of discretionary and mandatory overtime, consistent messaging, training for staff, and management review.

Target Date for Completion: June 30, 2022

Recommendation #7: To ensure transparency, the Police Department should clarify which overtime assignments can be worked for pay or compensatory time and review and update the Memorandum of Agreement and/or General Orders, as appropriate.

Administration Response: The Administration agrees with this recommendation.

Green – While further review can be conducted to clarify which overtime assignments can be worked for pay and for compensatory time, the Department currently conducts this analysis on an ongoing basis and provides an update to General Orders, as appropriate. The Department limits how much overtime can be worked for pay based on the availability of budgeted funds and adjusts accordingly. The Department will review overtime assignments to clarify which overtime assignments may be worked for pay or for compensatory time and provide information and training to staff to ensure compliance.

Target Date for Completion: December 31, 2021

Recommendation #8: To enhance budgetary transparency and increase the controls surrounding compensatory time liability, the Police Department should pursue at least one or a combination of the following:
   a. **Work with the Budget Office to develop a reserve for future compensatory time liability, similar to sick leave pay out liability.**
   b. **Regularly report in the bimonthly financial reports to the Public Safety Finance and Strategic Support Committee, the mid-year budget review, and/or the City Manager's Annual Report: (1) the amount of overtime expenses attributable to staff that have reached the 480-hour compensatory accrual limit, (2) number of individuals who have reached both the 480-hour and 240-hour limits, and (3) the total compensatory time liability.**
   c. **Assess options to prioritize the use of compensatory time over vacation leave.**

Administration Response: The Administration agrees with this recommendation.

Green – The Department already reports to the PSFSS Committee, and in the Mid-Year Budget Review and Annual Report, the number of individuals that have reached the 480-hour limit and the compensatory time balance of hours. In future reports, the Department will also include the amount of overtime expenses attributable to staff that have reached the 480-hour limit, the number of individuals that have reached the 240-hour limit, and the total compensatory time liability cost.

The Police Department and the Office of Employee Relations will collaborate to seek changes to the MOA with the San José Police Officers Association to provide additional discretion and management control of compensatory balances. Additionally, the Department will review how it may prioritize the use of compensatory time over other types of leave and will provide direction to staff.

At this time, the Administration does not intend to recommend the establishment of a reserve for future compensatory time payouts. As stated in the audit, annual payouts have ranged from $714,000 to $1.8 million annually over the last ten years. While substantial and concerning, a payout of $1.8 million constitutes approximately 0.4% of the Department's Personal Services 2020-2021 Adopted Budget. With the additional transparency measures and focus on lowering of compensatory balances as recommended in the Audit, the Department intends to manage these payout costs within existing budgeted levels with the goal of lowering these payouts in future years.

Target Date for Completion: June 30, 2021

Recommendation #9: To supplement sworn police services and manage overall workload challenges in the department, the Police Department should:
   a. **In the context of the overall budget, add more Community Service Officers (CSOs) to address Priority 3 and 4 incidents, and**
   b. **Develop guidelines to ensure more equitable distribution of CSOs across districts, such that districts with higher workloads receive appropriate coverage. This may include redistributing workload and assignments as vacancies occur.**

Administration Response: The Administration agrees with this recommendation.

Green – On an annual basis, the Administration will continue to evaluate the ability to increase the number of CSOs in consideration of the City's budgetary constraints, as well as the need to increase sworn staffing as noted in Recommendation #1. A review of current calls for service under the CSO program and assessment of whether a redistribution of workload is necessary will be conducted in coordination with redistricting efforts to ensure appropriate coverage and workload balance are aligned with the implementation of the redistricting project.

Target Date for Completion: June 30, 2023

Recommendation #10: To better align Department call priorities with CSO work, the Police Department should update its Duty Manual to:
   a. **Reassess its priority list of CSO-dispatchable calls and determine how to better utilize CSOs to address those priorities.**

    b. **Include common types of calls not currently listed in the Duty Manual, such as "Suspicious Vehicles" and "Expired Registration".**
    c. **Develop a strategy for CSO involvement in community policing, as described in the SJPD Duty Manual.**

Administration Response: The Administration agrees with this recommendation.

Green – The Administration can implement this recommendation within the next two years under its workplan and in coordination with the redistricting effort. Changes to the CSO duties may require meet-and-confer with MEF and the POA, depending on the changes.

Target Date for Completion: June 30, 2023

CONCLUSION

The Administration thanks the Auditor's Office for its review of the Police Department's staffing, expenditures and workload and the impact that staffing reductions have had on response times and overtime cost. The Department is looking forward to developing a long-term strategy to increase staffing, in both the sworn and civilian ranks, and working toward implementing a community policing strategy that meets the community demands and Council's priorities. We hope that further review and implementation of the recommendations made in this audit will provide insight and data for the Administration to better utilize its resources and meet the goals of the Department and the community. It should be noted that under the City's Police Reforms efforts, work on reimagining community safety will be taking place over the next several months. The reimagining community safety work is intended to evaluate and recommend new ways in which the Department intervenes with social issues and reduces social conflicts that are noncriminal in nature. The outcomes from this work will be folded into the Department's approach to implementing these audit recommendations, as appropriate.

DAVE TINDALL
Acting Chief of Police