



**Office of the City Auditor**

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**Report to the City Council  
City of San José**

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**AUDIT OF  
CIVILIANIZATION  
OPPORTUNITIES IN THE  
SAN JOSÉ POLICE  
DEPARTMENT**

**Opportunities Exist to Civilianize a  
Significant Number of Sworn Positions in  
the Police Department**

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**Report 10-02  
January 2010**

January 14, 2010

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

Transmitted herewith is the report *Audit of Civilianization Opportunities in the San José Police Department*. This report is in accordance with City Charter Section 805. An Executive Summary is presented on the blue pages in the front of this report. The City Administration's response is shown on the yellow pages before Appendix A.

This report will be presented at the January 21, 2010 meeting of the *Public Safety, Finance & Strategic Support Committee*. If you need any additional information, please let me know. The City Auditor's staff members who participated in the preparation of this report are Steve Hendrickson, Renata Khoshroo, Roy Cervantes, and Michael Houston.

Respectfully submitted,

*Sharon W. Erickson*

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## Executive Summary

In accordance with the City Auditor's 2009-10 Audit Workplan, we have completed an audit of Civilianization Opportunities in the San José Police Department (SJPD). The purpose of our review was to consider whether the deployment of sworn staff in the areas we reviewed results in the most efficient use of their training, talents and experience. 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. We limited our work to those areas specified in the Audit Objective, Scope, and Methodology section of this report.

The Office of the City Auditor thanks the management and staff of the SJPD, the Budget Office of the City Manager's Office, the Human Resources Department, and the Office of the City Attorney for their cooperation and assistance during our review.

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### **Finding I Opportunities Exist to Civilianize a Significant Number of Sworn Positions in the Police Department**

Ensuring the right mix of civilian and sworn staff is an issue facing Police departments across the country. Properly handled, civilianization can be a powerful tool in the efficient and effective delivery of Police services. In recent years, the San José Police Department identified 29 positions that could potentially be civilianized, with officers redeployed to the field. Our review confirmed that assessment and identified another 59 positions that could potentially be civilianized, for a total of 88 positions.

The significant benefits of civilianization include:

- The ability to refocus sworn resources on sworn duties. Over the years, sworn personnel have stepped in to fill critical duties that could have been performed by civilians. As a result, fewer sworn personnel are available to perform the critical public safety functions that only they can perform.
- Cost savings. The estimated annual cost difference between having sworn personnel in the 88 positions we identified versus civilian staff is about \$5.1 million.

Other considerations with regard to civilianization include:

- Limitations on civilianization in the Memorandum of Agreement (MOA) with the San Jose Police Officers' Association. The current MOA (effective through June 30, 2010) limits to 15 the number of positions that can be civilianized during the term of the agreement.
- Another constraint on the Department's ability to civilianize is the fact that at any given time, the Department has a number of officers on some form of modified or "desk" duty including 30 officers in the Exempt Officers' Program.

The approach that we used for this analysis was based on prior civilianization studies in Los Angeles, Vancouver, and Kansas City. With the assistance of Police command staff, we tailored the approach to San José. For each of the positions we reviewed, we asked:

- (1) Are law enforcement powers required to perform the job duties?
- (2) Are skills, training or experience of sworn required to perform the job duties?
- (3) Can the position be filled by a specially-trained civilian?
- (4) Would assigning sworn staff be helpful for other reasons?

The following report includes a more detailed discussion of the benefits, constraints, and approach as applied to each position under consideration. Flowcharts walk the reader through the four questions that make up our criteria for assessing positions. Each question is addressed with regard to the positions under consideration. The flowcharts are intended to provide an understanding of the rationale for civilianizing a given position or positions.

The 88 positions identified for potential civilianization include (estimated savings based on redeployment of sworn in parentheses):

- 20 in the Bureau of Administration (\$1,053,500)
- 38 in the Bureau of Field Operations (\$2,621,500)
- 21 in the Bureau of Investigations (\$880,000)
- 1 in the Bureau of Technical Services (\$14,500)
- 8 in the Office of the Chief (\$508,000)

We recommend that the Police Department develop a plan to civilianize, as soon as possible, as many positions as practicable, and then develop a longer-term plan to civilianize the additional positions identified in this audit and/or other positions identified by the Police Department.

## RECOMMENDATIONS

We recommend going forward that the San José Police Department:

**Recommendation #1** Use its semi-annually updated list to reconcile its actual staffing to the staffing authorized in the City's Adopted Operating Budget. Vacancies and other relevant information should be added to the list to allow for reconciliation to the Budget data. This will allow the Department to more accurately track its sworn-civilian mix. (Priority 3)

**Recommendation #2** Adopt a civilianization policy based on that of the International Association of Chiefs of Police or other best practices the Police Department identifies. (Priority 3)

We recommend that the City:

**Recommendation #3** Seek to increase the number of positions allowed to be civilianized in the Memorandum of Agreement with the SJPOA. (Priority 3)

We recommend that the San José Police Department:

**Recommendation #4** Consider how Community Service Officers and Investigative Aides might be used in the future in San José and meet and confer with the SJPOA regarding this provision. (Priority 3)

**Recommendation #5** Propose removing positions that could be civilianized from the Exempt Officers' Program when the consent decree is reviewed. (Priority 3)

**Recommendation #6** Analyze its employment and assignment options regarding *Brady* officers and then develop a policy accordingly, based on the International Chiefs of Police model policy and other best practices identified by the Police Department. Should also consider whether to retain those officers and whether the work they perform, if administrative, could instead be performed by civilians. (Priority 3)

**Recommendation #7** Work with the Human Resources Department to update or create job descriptions to accurately reflect job duties of non-Patrol sworn positions. (Priority 3)

**Recommendation #8** Work with the Human Resources Department to develop a plan for creating a civilian job classification system that provides opportunities for variety to civilians within the Police Department. (Priority 3)

We recommend that the San José Police Department:

- Recommendation #9**      **Develop short, medium, and long-term plans to civilianize the positions identified in this audit and/or other positions identified by the Police Department. (Priority 3)**
- Recommendation #10**      **Identify partial administrative roles filled by sworn and consider options for civilianization. (Priority 3)**
- Recommendation #11**      **Consider outsourcing the helicopter pilot duties as well as the fixed-wing airplane assignments on an hourly basis. (Priority 3)**
- Recommendation #12**      **Work with the Police Activities League to determine the most effective and efficient mix of sworn and civilian staff. The Police Department should also reconsider how the Department should support the work of the Police Activities League in the future. (Priority 3)**
- Recommendation #13**      **Work with the Airport Department to determine the most effective and efficient mix of sworn (SJPD) and civilian (Airport) security required to maintain the Airport's security program, in accordance with TSA regulations. (Priority 3)**

# Introduction

In accordance with the City Auditor's 2009-10 Audit Workplan, we have completed an audit of Civilianization Opportunities in the San José Police Department (SJPD). The purpose of our review was to consider whether the deployment of sworn staff in the areas we reviewed results in the most efficient use of their training, talents and experience. 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. We limited our work to those areas specified in the Audit Objective, Scope, and Methodology section of this report.

The Office of the City Auditor thanks the management and staff of the SJPD, the Budget Office of the City Manager's Office, the Human Resources Department, and the Office of the City Attorney for their cooperation and assistance during our review.

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## Background

### **POLICE DEPARTMENT OVERVIEW**

The mission of the San José Police Department is:

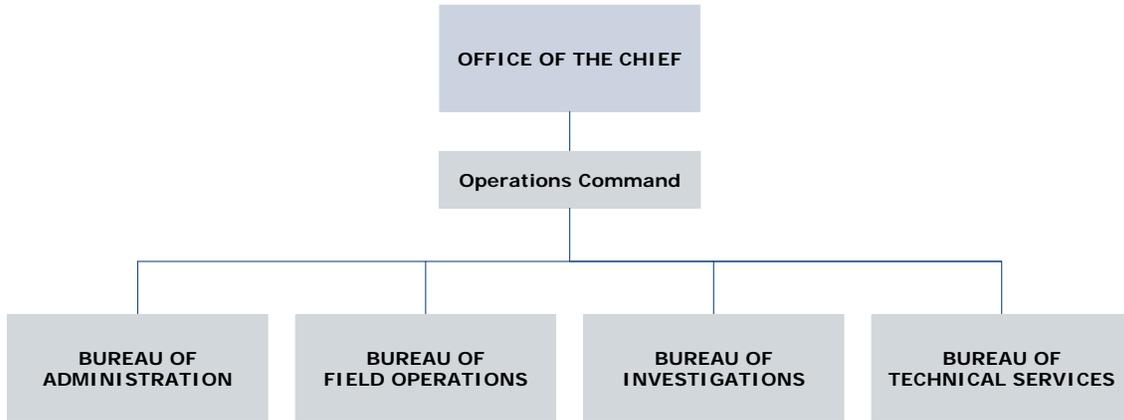
*“To promote public safety; to prevent, suppress, and investigate crimes; to provide emergency and non-emergency services; to create and maintain strong community partnerships; to adapt a multidisciplinary approach to solving community problems; to develop and promote a diverse, professional workforce.”*

The SJPD is administered by a command staff that includes the Chief of Police, along with an Assistant Chief and four Deputy Chiefs. 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.

Operations Command is led by the Assistant Chief of Police and provides leadership and administrative direction to the Bureaus of Administration, Field Operations, Investigations, and Technical Services, respectively. A more detailed description of the functional responsibilities of the bureaus is included on pages 37, 53, 69, and 89.

A summary organizational chart of the San José Police Department is provided below:

**Exhibit I: San José Police Department Organizational Chart**



**Calls for Service**

The San José Police Department (SJPD) is responsible for providing 24-hour response for all emergency and non-emergency Police calls; this service is provided primarily via the Bureau of Field Operations. SJPD responded to 360,035 emergency calls (i.e. 9-1-1) in FY 2008-09, which was a one percent increase from emergency calls in the prior year.

**Exhibit 2: SJPD Calls for Service, FY 2006-07 to 2008-09**

	FY 2006-07	FY 2007-08	FY 2008-09
Emergency calls received (ex. 9-1-1)	369,016	357,464	360,035

**Response Time**

Response times reflect the total time it takes for a call for service to be processed by dispatch, assigned to a patrol officer, and for the officer to arrive at the scene. SJPD tracks at least two major response times: Priority 1 calls that concern a present or imminent danger to life or major damage/loss of property, and Priority 2 calls that concern injury or property damage or the potential for either to occur.

In FY 2008-09, the average response time for Priority 1 calls was six minutes, meeting the annual performance goal of six minutes. The average response time for Priority 2 was 11.9 minutes, compared to the annual performance goal of 11 minutes. It should be noted that in potentially dangerous situations, the SJPD instructs its officers to wait for a backup response unit to arrive before proceeding further.

## **Investigations**

The Bureau of Investigations received 63,084 cases in FY 2008-09, a five percent increase since FY 2004-05. Of these cases, 41,364 were assigned for investigation in FY 2008-09; the remainder of cases were unassigned for various reasons.

## **Communications**

Communications and dispatch are some of the major services provided by civilians in the Bureau of Technical Services that directly support officers in the field. The SJPD Five-Year Staffing Plan stated that staff augmentation was needed to address projected calls for service (i.e. cellular 9-1-1 phone calls) into the Dispatch Center. The Communications Division is responsible for a part of the total response time: the time the call is first received (average call processing time), and the time during which the call is processed, entered into the system, and a unit is finally dispatched to the scene (average call queuing time).

## **Budget and Staffing**

In 2008-09, the San José Police Department consisted of 1,830 authorized full-time equivalent (FTE) positions. Seventy-six percent, or 1,392, of all Department positions were held by sworn staff, with civilians making up the remaining 24%. The 2008-09 adopted budget for the Department was roughly \$284 million, with about 91% allocated to salaries, benefits, and overtime.

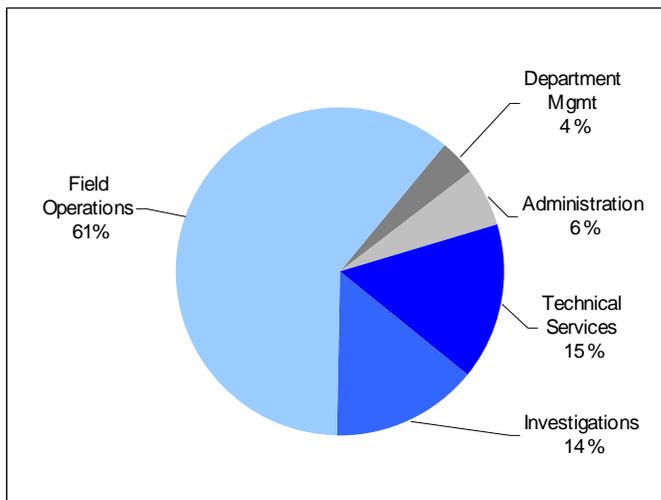
At any point throughout the fiscal year, actual Department staffing allocations across its Bureaus, Divisions, Units, and Details are subject to change due to shifting needs and priorities, community response, and the sworn staffing rotation policy, to name a few.

Sixty-one percent of total authorized sworn and civilian staffing is directly related to Field Operations and supporting the efforts of patrol to respond to calls for service.<sup>1</sup>

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<sup>1</sup> The breakdown of 2008-09 SJPD staffing is based on the Department's own "Recap Reports", which reflect a snapshot in time of sworn and civilian staffing by Bureau, Division, Unit, and Detail during the audit.

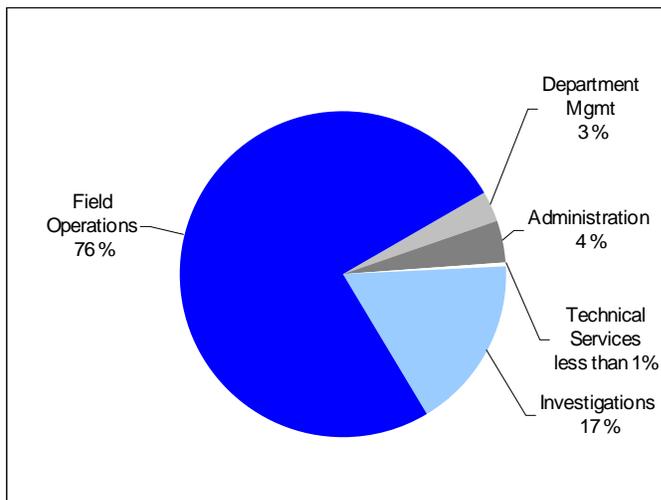
**Exhibit 3: Breakdown of FY 2008-09 Total Staffing by Bureau**



**Sworn Staffing**

About 76% of all authorized sworn staff in FY 2008-09 was assigned to the Bureau of Field Operations. Seventeen percent of authorized sworn staff was assigned to the Bureau of Investigations; the remaining 7% were assigned to administration, technical services, and special units under the Office of the Chief (Department Management).<sup>2</sup>

**Exhibit 4: Breakdown of FY 2008-09 Sworn Staffing by Bureau**



The Police Department uses temporary duty assignments (TDY) among bureaus to shift sworn staff as needed to respond to workload changes or other issues. For example, as of late September 2009, at least 41 sworn employees were

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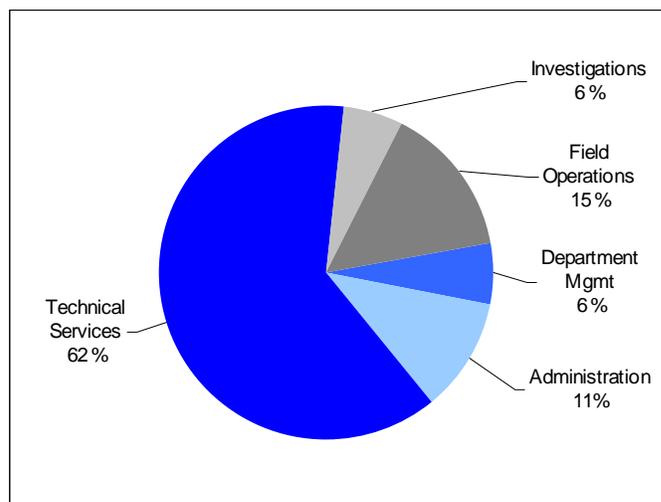
<sup>2</sup> Ibid

transferred on a temporary basis to an assignment other than their authorized assignment. It is common for such assignments to be due to administrative work, sometimes due to a temporary injury. For example, the Department routinely temporarily transfers officers to Personnel for several months to assist with completing background checks of police officer candidates.

### Civilian Staffing

About 62% of all authorized civilian staff in FY 2008-09 were assigned to the Bureau of Technical Services; civilian personnel account for all but six of the 281 positions in this Bureau. About 15% of civilians were found in the Bureau of Field Operations; these positions were mostly in the Crime Prevention and School Safety (for example, crossing guards) Units.<sup>3</sup>

### Exhibit 5: Breakdown of FY 2008-09 Civilian Staffing by Bureau



### Staffing History

The Department's total staffing of 1,830 authorized positions in FY 2008-09 was nearly the same as it was in FY 1999-2000 with 1,839 positions. (Exhibit 6 shows the 10-year history based on the City's Adopted Budget numbers.) Between FY 1999-00 and FY 2008-09, Department-authorized staffing went as high as 1,887 positions in FY 2001-02 and as low as 1,789 authorized positions in FY 2005-06. Over the 10-year period, the Department's total authorized staffing decreased by 0.5%, while the City's population<sup>4</sup> increased by 12% and the Police Department's budget increased by 61%.

<sup>3</sup> Ibid.

<sup>4</sup> Population figures from the California Department of Finance.

**Exhibit 6: 10-Year Police Department Authorized Staffing, Budget, and City Population**

<b>Fiscal Year</b>	<b>Police Department Authorized Staffing</b>	<b>City Population<sup>5</sup></b>	<b>Police Department Operating Budget (Adopted)</b>
<b>1999-00</b>	1,839.00	895,131	\$176,194,304
<b>2000-01</b>	1,860.49	905,540	\$182,962,392
<b>2001-02</b>	1,886.99	915,706	\$203,155,712
<b>2002-03</b>	1,870.00	922,950	\$219,568,006
<b>2003-04</b>	1,861.99	929,959	\$220,285,375
<b>2004-05</b>	1,825.74	941,609	\$239,342,283
<b>2005-06</b>	1,788.59	953,058	\$239,689,372
<b>2006-07</b>	1,805.00	968,287	\$258,288,796
<b>2007-08</b>	1,814.46	985,307	\$283,905,102
<b>2008-09</b>	1,830.46	1,006,892	\$284,086,639
<b>10-year change</b>	<b>-0.49%</b>	<b>+12%</b>	<b>+61%</b>

Source: Adopted Budget Numbers for staffing and dollars; population from California Department of Finance<sup>6</sup>.

For comparative purposes, during this same time period Fire Department authorized staffing increased by 7% and budget increased by 57%. Overall, authorized staffing at a Citywide level has increased by four percent while the budget has increased by 79% in the past 10 years.

**SJPD Proposed Five-Year Staffing Plan**

In 2006, the SJPD presented its Proposed Five-Year Staffing Plan for FY 2007-08 to 2011-12 to the Mayor and City Council.<sup>7</sup> The Plan called for an additional 597.5 total personnel over a five-year period, including 332 front-line beat patrol positions, 146 sworn staff in various specialized, investigative, administrative, and preventive capacities, and 119.5 civilian staff in technical, operational, and administrative support roles (roughly 80-20 sworn-to-civilian ratio).

In response to the Staffing Plan, the City Council approved the Mayor’s 2008 Budget Message committing to add 100 new officers to SJPD by 2012. As of March 2009, the Mayor’s 2009 budget message committed to the addition of 40 officers, and encouraged additional opportunities to increase patrol staff through increased civilianization efforts and the pursuit of stimulus funding. In 2009, the

<sup>5</sup> Ibid.

<sup>6</sup> FY 2008-09 population figure from California Department of Finance. For this reason, it differs from the population figure used in Exhibits 7 and 9, which is based on the FBI’s Uniform Crime Report data.

<sup>7</sup> The Proposed Five-Year Staffing Plan for FY 2007-2012 is available online at [http://www.sjpd.org/Records/5\\_Year\\_Staffing\\_Plan\\_OCR.pdf](http://www.sjpd.org/Records/5_Year_Staffing_Plan_OCR.pdf).

City applied for funding to hire 25 additional law enforcement officers through the federal Community Oriented Policing Services (COPS) Hiring Recovery Program, funded through American Recovery and Reinvestment Act (stimulus funds) federal grants. However, in July 2009, San José was notified that it would not be receiving such grant funds (only one in seven police agencies in the country received this federal economic recovery aid).

### **Comparison of Sworn and Civilian Staffing to Other Cities**

The following background information compares the San José Police Department staffing and other law enforcement agencies' staffing; the Auditor's Office does not draw any conclusions about appropriate sworn to civilian staffing ratio nor make correlations between staffing and crime.

In any given police department, various factors within the organization and in the local context can influence the ratio of sworn to civilian staff. Exhibit 7 shows the population and total sworn and civilian staffing in San José and other law enforcement agencies according to the Federal Bureau of Investigation's (FBI) Uniform Crime Reporting (UCR) Program annual publication, *Crime in the United States*. This nationwide view of crime is based on statistics reported by law enforcement agencies, and includes population size and student enrollment (in colleges and universities) as the only factors of crime presented in the publication. The UCR Program makes no attempt to relate other factors that affect crime in a particular area to the data presented. However, *Crime in the United States* still provides the best data available for comparing law enforcement staffing across jurisdictions nationwide.<sup>8</sup>

Comparable jurisdictions include the most populous cities in the United States, other large cities eligible for the "Safest Big City" designation, plus other cities chosen by the Department. As the nation's 10th largest city, San José has a police department with less total staffing than other cities with a similar population size. New York, Los Angeles, and Chicago clearly have a much larger population and police force than in other cities.

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<sup>8</sup> U.S. Department of Justice, FBI, *Crime in the United States*, 2008. See Appendix E for caution on the use of rankings.

**Exhibit 7: Large Cities' Population and Staffing, 2008 (sorted by population)<sup>9</sup>**

City	Population	Total Law Enforcement Employees	Sworn Employees	Civilian Employees
New York, NY* <sup>^</sup>	8,345,075	49,664	35,761	13,903
Los Angeles, CA*	3,850,920	13,008	9,743	3,265
Chicago, IL*	2,829,304	14,307	13,359	948
Houston, TX*	2,238,895	6,750	5,048	1,702
Phoenix, AZ*	1,585,838	4,420	3,351	1,069
Philadelphia, PA*	1,441,117	7,623	6,764	859
San Antonio, TX*	1,351,244	2,819	2,155	664
Dallas, TX*	1,276,214	4,196	3,393	803
San Diego, CA*	1,271,655	2,775	1,987	788
<b>SAN JOSÉ, CA*<sup>^</sup></b>	<b>945,197<sup>10</sup></b>	<b>1,754<sup>11</sup></b>	<b>1,383</b>	<b>371</b>
Honolulu, HI <sup>^</sup>	906,349	2,620	2,125	495
San Francisco, CA	798,144	2,773	2,391	382
Austin, TX <sup>^</sup>	753,535	2,034	1,466	568
Fort Worth, TX	701,345	1,899	1,486	413
Louisville, KY	629,679	1,453	1,207	246
El Paso, TX <sup>^</sup>	612,374	1,455	1,129	326
Seattle, WA	598,077	1,825	1,318	507
Portland, OR	553,023	1,259	989	270
Long Beach, CA	467,055	1,361	963	398
Oakland, CA	401,587	1,056	766	290

(\*) – indicates top 10 most populous cities in the United States.

(<sup>^</sup>) – indicates top 5 “Safest Big Cities” with 500,000 or more population according to CQ Press City Crime Rankings.

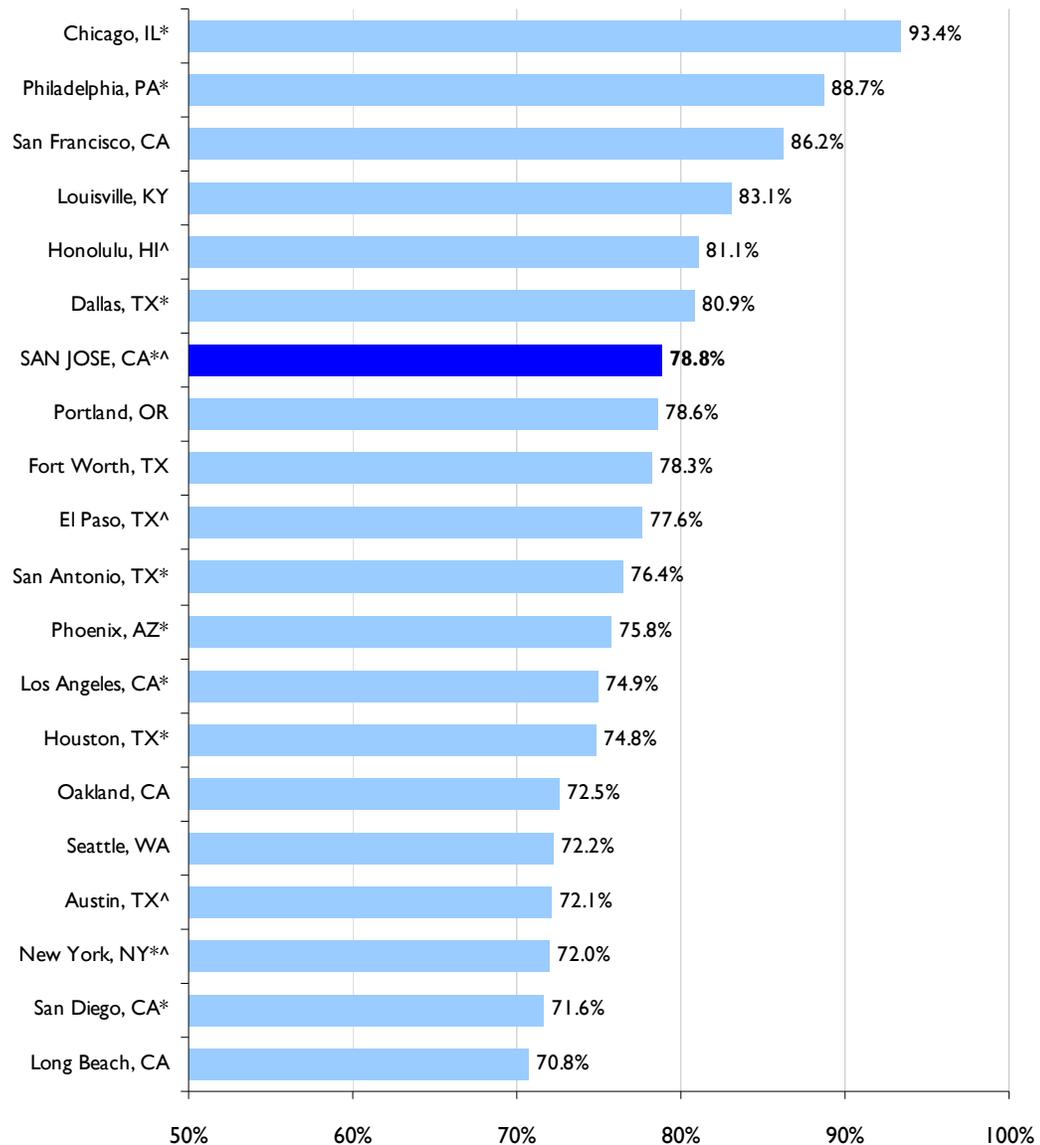
As shown in Exhibit 8, in 2008, San José reported that 78.8% of its police department staff was sworn compared to 93.4% in Chicago and 74.9% in Los Angeles. The percentage of sworn staff in each city’s police department can vary due to a number of factors; the city’s population and total police staffing alone do not provide any insight into the local context or law enforcement strategy in each jurisdiction.

<sup>9</sup> U.S. Department of Justice, FBI, *Crime in the United States*, 2008. NOTE: See Appendix E for caution on the use of rankings.

<sup>10</sup> FY 2008-09 population figure from FBI’s Uniform Crime Report data. For this reason, it differs from the population figure used in Exhibit 6, which is based on the data from the California Department of Finance.

<sup>11</sup> San José reported 1,754 full-time law enforcement employees to UCR in 2008; Budget data (which includes part-time positions) shows 1,830 FTE positions in FY 2008-09.

**Exhibit 8: Percentage of Sworn Staff in Police Departments, 2008<sup>12</sup>**



(\*) – indicates top 10 most populous cities in the United States.

(^ ) – indicates top 5 “Safest Big Cities” with 500,000 or more population according to CQ Press City Crime Rankings.

## Crime

Some police departments use the measure “sworn officers per 1,000 in population” as a method of comparing workload while equalizing differences in population and total staffing in other jurisdictions. Exhibit 9 shows that San José had the lowest sworn per 1,000 population ratio (1.46). It also shows San José

<sup>12</sup> U.S. Department of Justice, FBI, *Crime in the United States, 2008*. See Appendix E for caution on the use of rankings.

had the second lowest major crimes per 1,000 population ratio (27.45) among comparable jurisdictions.

**Exhibit 9: Sworn Staff and Crimes per 1,000 Population, 2008 (sorted by sworn per 1,000 population)<sup>13</sup>**

City	Sworn per 1,000 pop.	Major Crimes per 1,000 pop.	Violent Crimes per 1,000 pop.	Property Crimes per 1,000 pop.
Chicago, IL*	4.72	-	-	46.32
Philadelphia, PA*	4.69	57.84	14.41	43.43
New York, NY*^	4.29	23.78	5.80	17.97
San Francisco, CA	3.00	53.93	8.45	45.48
Dallas, TX*	2.66	68.31	8.95	59.36
Los Angeles, CA*	2.53	33.08	6.90	26.18
Honolulu, HI^	2.34	37.91	2.84	35.06
Houston, TX*	2.25	60.54	11.07	49.47
Seattle, WA	2.20	60.64	5.76	54.88
Fort Worth, TX	2.12	56.93	6.56	50.37
Phoenix, AZ*	2.11	58.74	6.60	52.14
Long Beach, CA	2.06	34.58	6.76	27.81
Austin, TX^	1.95	64.68	5.22	59.45
Louisville, KY	1.92	53.56	6.84	46.72
Oakland, CA	1.91	73.19	19.68	53.51
El Paso, TX^	1.84	36.79	4.61	32.17
Portland, OR	1.79	59.11	6.23	52.88
San Antonio, TX*	1.59	79.38	7.18	72.20
San Diego, CA*	1.56	36.50	4.76	31.74
<b>SAN JOSÉ, CA*^</b>	<b>1.46</b>	<b>27.45</b>	<b>3.85</b>	<b>23.59</b>

(\*) – indicates top 10 most populous cities in the United States.

(^ ) – indicates top 5 “Safest Big Cities” with 500,000 or more population according to 2008-09 CQ Press City Crime Rankings.

<sup>a</sup> Violent Crimes are defined as those offenses which involve force or the threat of force. These include murder and non-negligent manslaughter, forcible rape, robbery, and aggravated assault.

<sup>b</sup> Property Crimes are defined as those offenses which involve the taking of money or property, but without force or threat of force against the victims. These include burglary, larceny-theft, and motor vehicle theft.

<sup>c</sup> Population for all cities reflects numbers used by FBI Uniform Crime Reports; this differs from population data from CA Dept. of Finance used in Exhibit 6.

However, the FBI Uniform Crime Reporting (UCR) Program cautions against comparing statistical data of individual reporting units from cities, counties, metropolitan areas, or states solely on the basis of their population coverage.

<sup>13</sup> U.S. Department of Justice, FBI, *Crime in the United States*, 2008. See Appendix E for caution on the use of rankings.

The UCR Program also cautions against using such data for ranking or comparative purposes without considering the many other factors that may influence crime in a given city. Some factors that are known to affect the volume and type of crime occurring from place to place are:

- population density and degree of urbanization;
- variations in composition of the population, particularly youth concentration;
- stability of the population with respect to residents' mobility, commuting patterns, and transient factors;
- modes of transportation and highway system;
- economic conditions, including median income, poverty level, and job availability;
- cultural factors and educational, recreational, and religious characteristics;
- family conditions with respect to divorce and family cohesiveness;
- climate;
- effective strength of law enforcement agencies;
- administrative and investigative emphases of law enforcement;
- citizens' attitudes toward crime; and
- crime reporting practices of the citizenry.<sup>14</sup>

Furthermore, these same characteristics that may influence crime are also unique to each city. For example, among the top 10 U.S. cities in terms of population, San José is the tenth largest city, but also has the highest median income (\$80,616), the second highest rate of educational attainment (35.2% of population age 25 and older with a Bachelor's Degree or higher), and the lowest poverty rate (8.9%) according to 2008 Census data.

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### **Audit Objective, Scope, and Methodology**

The objective of the audit was to assess the efficiency and effectiveness of current deployment of sworn versus non-sworn Police department employees. We identified duties and roles in the Police Department that are currently performed by sworn employees that could be performed by a civilian. Our focus was on whole positions that could be civilianized, rather than on parts of jobs that could be performed by a civilian. However, in some instances we did review parts of

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<sup>14</sup> U.S. Department of Justice, FBI, *Crime in the United States*, 2008. See Appendix E for more detail.

positions that could be performed by civilians or where civilian administrative support was absent and sworn staff were having to cover those duties.

Our methodology for analyzing positions and job duties drew on a number of sources including: interviews, reviews of job descriptions where available, phone and e-mail correspondence with the Police Department, review of quarterly Program Management Reports to the Chief and Annual Program Plans to the Chief, review of recent civilianization proposals by the Police Department, and review of reports in other jurisdictions regarding civilianization. Our analysis considered only job duties and was independent of the practical constraints that limit the San José Police Department's ability to civilianize positions (addressed later in this report). Those constraints would need to be addressed before broad civilianization could occur. Interviews were a key component of our data gathering process. Therefore, while we reviewed many areas of Police Department operations, there may be positions in addition to the ones we identified that would be suitable for civilianization.

We interviewed commanders of 34 divisions, units, or details to understand sworn and civilian roles.

- In the Bureau of Administration (BOA), this included: City Attorney Investigators; Permits/Secondary Employment; Personnel/Backgrounds/ Recruiting; Property and Evidence; Training (CPT/Decentralized Training); Range.
- In the Bureau of Field Operations (BFO), this included: MERGE/K9/Bomb Squad/Tactical Negotiators; METRO; Violent Crimes Enforcement Team (VCET); Horse-Mounted Unit; Air Support; Traffic Enforcement; Airport Division; BFO Administrative; Main Lobby/Preprocessing; Downtown Services Unit; Field Training; Community Services Division (consisting of Crime Prevention, School Liaison, School Safety, Reserves, Volunteer Program, Police Activities League).
- In the Bureau of Investigations (BOI), this included: Family Violence; Gang Investigations; Homicide; Robbery; Sexual Assaults; Court Liaison; Assaults/Juvenile/Missing; Financial Crimes/Burglary; High Tech Crimes; NCI/DEA; Vehicular Crimes.
- We conducted one interview with the Bureau of Technical Services to understand the roles of the three authorized sworn positions in that Bureau.
- In the Office of the Chief, the interviews included: Public Information Office; Division of Gaming Control; Special Investigations/Vice/Criminal Intelligence; and Research and Development.

The purpose of the interviews was: (1) to understand the overall staffing of the unit, (2) to identify which positions are sworn and which are civilian, and (3) to understand why the Department considers it necessary to have sworn employees in those roles. We also asked follow-up questions to clarify our understanding. In some cases, the available information referred to job classifications or a unit's work overall rather than to individual positions. In some cases, we found that written job descriptions did not exist or were not up to date.

Our conclusions are based on our assessment of the best available data. We do not draw a conclusion about whether the Police Department overall, or on a unit-by-unit basis, is staffed at the appropriate levels and we did not conduct the detailed workload analysis that would be necessary to draw such a conclusion. For purposes of this analysis, we assumed that the staffing level of a given unit would remain the same but we questioned whether the job duties were being performed by the appropriate type of employee (sworn or civilian). Decisions about whether or how to redeploy sworn staff we identified as performing civilian duties will be for the Police Department to make. We did not draw a conclusion or make recommendations in that regard.

We worked with the Fiscal Unit of SJPD to understand cost data related to both sworn and civilian positions and to develop a methodology for estimating the cost differential between the cost of sworn versus civilian employees. We reviewed budget and staffing data from a variety of sources including the Police Department's Automated Budget System (ABS), and the Police Department's Program Plans and Reports. We worked with best available data to determine staffing levels but in some cases data sources were on a different basis (for example, authorized staffing in the budget document versus Police Department Recap Reports) and, as a result, numbers may vary accordingly.

We developed cost data for sworn and civilian positions in consultation with the Fiscal Unit of the Police Department and the Budget Office. We assumed mid-range salary and benefit levels for all positions unless otherwise noted and calculated the estimated cost differentials between the sworn and civilian positions on these mid-range estimates. We reviewed basic assumptions and made adjustments accordingly for purposes of the audit but we did not audit underlying systems related to personnel costs.

We discussed with Human Resources the potential civilian classifications for positions we identified as candidates for civilianization, however further analysis would be required to ensure an appropriate matching of skills and job classifications. In some cases, we looked to other California jurisdictions if the civilian classification did not already exist in the City of San José.

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## **Finding I Opportunities Exist to Civilianize a Significant Number of Sworn Positions in the Police Department**

Ensuring the right mix of civilian and sworn staff is an issue facing Police departments across the country. Properly handled, civilianization can be a powerful tool in the efficient and effective delivery of Police services. In recent years, the San José Police Department identified 29 positions that could potentially be civilianized, with officers redeployed to the field. Our review confirmed that assessment and identified another 59 positions that could potentially be civilianized, for a total of 88 positions.

The significant benefits of civilianization include:

- The ability to refocus sworn resources on sworn duties. Over the years, sworn personnel have stepped in to fill critical duties that could have been performed by civilians. As a result, fewer sworn personnel are available to perform the critical public safety functions that only they can perform.
- Cost savings. The estimated annual cost difference between having sworn personnel in the 88 positions we identified versus civilian staff is about \$5.1 million.

Other considerations with regard to civilianization include:

- Limitations on civilianization in the Memorandum of Agreement (MOA) with the San José Police Officers' Association. The current MOA (effective through June 30, 2010) limits to 15 the number of positions that can be civilianized during the term of the agreement.
- Another constraint on the Department's ability to civilianize is the fact that at any given time, the Department has a number of officers on some form of modified or "desk" duty including 30 officers in the Exempt Officers' Program.

The approach that we used for this analysis was based on prior civilianization studies in Los Angeles, Vancouver, and Kansas City. With the assistance of Police command staff, we tailored the approach to San José. For each of the positions we reviewed, we asked:

- (1) Are law enforcement powers required to perform the job duties?
- (2) Are skills, training or experience of sworn required to perform the job duties?

(3) Can the position be filled by a specially-trained civilian?

(4) Would assigning sworn staff be helpful for other reasons?

This report includes a more detailed discussion of the benefits, constraints, and approach as applied to each position under consideration. Flowcharts walk the reader through the four questions that make up our criteria for assessing positions. Each question is addressed with regard to the positions under consideration. The flowcharts are intended to provide an understanding of the rationale for civilianizing a given position or positions.

The 88 positions identified for potential civilianization include (estimated savings based on redeployment of sworn in parentheses):

- 20 in the Bureau of Administration (\$1,053,500)
- 38 in the Bureau of Field Operations (\$2,621,500)
- 21 in the Bureau of Investigations (\$880,000)
- 1 in the Bureau of Technical Services (\$14,500)
- 8 in the Office of the Chief (\$508,000)

We recommend that the Police Department develop a plan to civilianize, as soon as possible, as many positions as practicable, and then develop a longer-term plan to civilianize the additional positions identified in this audit and/or other positions identified by the Police Department.

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## Overview of Civilianization

### Definition of civilianization

A 1998 Kansas City audit<sup>15</sup> defined civilianization as:

*...the practice of assigning police department work that does not require a police officer's special training or skills to civilian employees. Law enforcement experience often is not necessary for providing effective police support. An Indianapolis police department administrator emphasized the importance of matching relevant professional experience with the actual responsibilities of police support saying, "You don't have to be a pilot to be an air traffic controller."*

The idea is that such duties are best performed by civilians and as a result sworn employees would instead be available to work in roles that truly require their law enforcement powers, sworn skills, and experience.

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<sup>15</sup> The Kansas City audit cites the source as Robert L. Snow, "Strengthening Through Civilianization," *Law and Order*, April 1989, p. 60

### **Key terms related to civilianization**

The San José Police Department 2008 Duty Manual defines "sworn" personnel as those who have taken the Oath of Office and who possess police powers. The Duty Manual defines "civilian" personnel as any Department member who is not sworn.

### **Prior civilianization proposals in San José**

In anticipation of the FY 2009-10 budget process, the San José Police Department conducted an internal review called "Sharpen the Pencil" (STP) to identify positions for possible civilianization. The STP effort led to the SJPD FY 2009-10 budget proposal to civilianize 21 positions; eight additional positions identified during STP were left out of the budget proposal because of the longer-term issues involved with civilianizing such positions. However, the City did not accept the proposal because of current budget constraints and the up-front costs of hiring 21 additional civilians to the recommended positions.

Combined, the STP review and the FY 2009-10 budget proposal identified 29 positions as potential candidates for civilianization. The Auditor's Office agrees with those recommendations and has included them, as well as additional positions, in this report. The flowcharts starting on page 39 indicate whether a position was previously proposed for civilianization by the Police Department.

### **Civilianization efforts in other cities and as a best practice**

A number of other jurisdictions have also considered civilianization. A sample of reports, audits, and studies that address civilianization include ones from the following cities: Los Angeles (2008), San Francisco (2008 and 1998), Long Beach (2007), Vancouver (2006), and Kansas City (1998). Police Department management responses to the reports in these various cities generally acknowledged that civilianization can offer benefits but that it also is typically a longer-term solution. The Auditor's Office notes that whether the impact of civilianization is immediate or long-term depends on how it is implemented (as described on pages 21-22).

- "A Review of Increased Civilianization of the Los Angeles Police Department" by the Los Angeles Office of the City Controller in March 2008 recommended the civilianization of 565 positions, or about 6% of the sworn workforce.
- The Police Executive Research Forum (PERF), in conjunction with the San Francisco Office of the City Controller, issued a December 2008 report, "Organizational Assessment of the San Francisco Police Department: A Technical Report" that recommended the increased use of civilians throughout the Department, with a particular emphasis in the Investigations and the Administration Bureaus. In addition, a 1998

report by the San Francisco Budget Analyst's Office identified 157 positions in the San Francisco Police Department that could be civilianized.

- In June 2007, the “*Long Beach Police Efficiency Study*” identified 23 positions that could potentially be civilianized.
- A 2006 study in the City of Vancouver recommended that the Police Department adopt the International Association of Chiefs of Police (IACP) model policy on civilianization (see Appendix D). The policy states:

*“The efficiency and effectiveness of law enforcement agencies is enhanced when sworn and non-sworn personnel are appropriately used to perform those functions that are best suited to their special knowledge, skills and abilities. Therefore, this agency shall employ civilians for selected functions that do not require the authority of a commissioned officer, thereby freeing sworn personnel for enforcement functions and capitalizing upon the talents of all employees.”*

- A 1998 Kansas City audit identified 80 sworn positions that were performing civilian work that did not require their law enforcement background. The report recommended redeploying those employees to Patrol.
- In January 2008, San José’s “*Development of Strategies to Address the City’s General Fund Structural Budget Deficit*” by Management Partners identified a number of strategies to reduce the structural budget deficit over a period of three years. Among other strategies, the report recommended increasing the use of civilian positions in the Police and Fire Departments. This recommendation included civilianization by adding more civilian support personnel and redeploying sworn personnel, as well as gradual implementation of the use of Community Safety Officer (CSO) positions in the Police Department.

### **Over the Last 10 Years, Sworn Staffing Has Increased and Civilian Staffing Has Decreased**

In considering the potential for civilianization, we sought to understand historical sworn and civilian staffing in the Police Department. The City of San José’s Operating Budget is the document of record for staffing and spending data. It is approved annually by the City Council and represents the Council’s priorities and policy choices. The budget includes staffing data for the Police Department on a department-wide basis. However, it does not include staffing data at a more detailed level – such as bureaus, divisions, or units. The City’s Budget documents show that the Police Department cut 8.54 positions over the last 10 years (the net of 49 sworn staff added and 58 civilians cut since FY 1999-2000).

To understand historical staffing at a more detailed level, we reviewed SJPD-created quarterly “Recap Reports” that show bureau, unit, and detailed staffing. However, we found that the Recap Reports do not reconcile to the City’s budget. For example, the Recap Reports show that the Police Department cut 32.54 positions over the last 10 years while (as noted previously), the City’s Budget shows a reduction of 8.54 positions during the same time.

The Police Department lacks a consolidated source for tracking sworn and civilian job positions by unit. However, the Department does have a list of Department personnel by unit that is updated semi-annually when rotations occur in September and March. The list does not include vacancies or frozen positions, though, and it is based on actual staffing (whereas the Budget is based on authorized). If vacancies and all temporary transfers and any other relevant categories were added, the Department could reconcile it to the Budget,

As a result, we were not able to verify the actual Police Department staffing changes during the last 10 years, nor were we able to determine how many of the civilian positions were actually filled. (The Police Department advises that most of the positions were vacant.)

**Exhibit 10: Authorized SJPD Staffing: San José Adopted Operating Budget Compared to SJPD Recap Reports, FY 1999-2000 to FY 2008-09**

Fiscal Year	Adopted Operating Budget			SJPD Recap Report
	Sworn	Civilian	TOTAL	TOTAL
1999-00	1,343.00	496.00	1,839.00	1,867.00
2000-01	1,359.00	501.49	1,860.49	1,873.99
2001-02	1,379.00	507.99	1,886.99	1,886.99
2002-03	1,379.00	491.49	1,870.49	1,870.49
2003-04*	1,379.00	482.99	1,861.99	1,860.99
2004-05*	1,379.00	446.74	1,825.74	1,825.74
2005-06	1,343.00	445.59	1,788.59	1,791.59
2006-07	1,353.00	452.00	1,805.00	1,799.00
2007-08	1,367.00	447.46	1,814.46	1,802.31
2008-09	1,392.00	438.46	1,830.46	1,834.46
<b>10-Year Difference</b>	<b>49.00</b>	<b>(57.54)</b>	<b>(8.54)</b>	<b>(32.54)</b>

(\*) - sworn positions defunded (3 in 2003-04; 28 in 2004-05).

In the FY 2009-10 budget, the City eliminated 18 sworn and 5.81 civilian Police Department positions for a net reduction of 23.81 positions. The Police Department is authorized for 1,374 sworn and 432.65 civilian staff in FY 2009-10, for a total of 1806.65 positions.

We recommend going forward that the San José Police Department:

**Recommendation #1**

**Use its semi-annually updated list to reconcile its actual staffing to the staffing authorized in the City's Adopted Operating Budget. Vacancies and other relevant information should be added to the list to allow for reconciliation to the Budget data. This will allow the Department to more accurately track its sworn-civilian mix. (Priority 3)**

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**Criteria Used to Evaluate Positions**

We conducted an analysis to identify positions that could potentially be civilianized. We reviewed a number of civilianization and police department audits and studies from other cities. Drawing on the methodologies used in those reports and in consultation with the San José Police Department we developed a methodology based on four key questions. Related to each key question were more detailed questions that helped us answer the key question. For the positions we reviewed, we asked:

**(1) Are law enforcement powers required to perform the job duties?**

We considered whether the position performs the following tasks in determining whether law enforcement powers are required: making arrests; using force; using firearms; apprehending, detaining, and questioning persons.

**(2) Are skills, training or experience of sworn required to perform the job duties?**

We considered whether the position requires the employee to: analyze physical evidence; take statements and conduct interviews; conduct surveillance; contact informants; be in situations that may become enforcement situations

**(3) Can the position be filled by a specially-trained civilian?**

To answer this question we considered whether the duties are ones performed by civilians in other organizations (for example, public information officer) and what training would be required and whether it is available to civilians.

**(4) Would assigning sworn staff be helpful for other reasons?**

We considered whether there are other reasons it would be helpful to have a sworn employee in a given role. Other reasons include things such as the presence of authority that a sworn employee brings to a

situation, the leadership or skill development of sworn, and the perspective that sworn may provide to civilian staff.

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## Options for How to Approach Civilianization

By reviewing job duties and responsibilities, we identified positions that could be filled by civilians. There are several possible scenarios (described below) for using this information to make staffing decisions. Each scenario will result in different cost implications. Cost savings estimates in this report assume a replacement of sworn employees with civilians. The estimated savings could also be thought of as the difference in the cost of hiring civilians (and redeploying the sworn in the civilian roles) versus hiring additional sworn employees.

**Four of the possible scenarios<sup>16</sup> related to civilianization are:**

**(1) Redeploy sworn to Patrol and hire a civilian to perform the civilian work currently performed by a sworn employee**

Under this scenario, a civilian could be hired to fill a role currently filled by a sworn employee and then the sworn employee could be redeployed to Patrol. Since civilians typically cost less than sworn, this would be a way to increase the sworn presence in Patrol for the cost of hiring a civilian. However, additional costs of this scenario could include one-time costs such as training.

**Fiscal Impact:** The City would spend \$8 million to hire 88 civilians so that 88 sworn employees could be redeployed to Patrol. If the City instead hired 88 additional sworn (instead of redeploying), it would cost \$13 million, or \$5 million more.

**Outcome:** The Police Department civilian staff would be increased by 88 positions, and 88 sworn staff would be redeployed to Patrol.

**(2) Redeploy sworn to non-Patrol roles that require sworn status (investigator, etc.) within the Police Department (could be within current unit or to a different unit)**

This scenario would be the same as the prior scenario except that the sworn employee would be redeployed to a sworn capacity other than Patrol. An example is a sworn employee who is working in an investigative unit performing administrative duties. The Department could choose to redeploy the employee as an investigator.

**Fiscal Impact:** The City would spend \$8 million to 88 hire civilians so that 88 sworn employees could be redeployed to sworn functions. If the City

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<sup>16</sup> Redeployment scenarios #1 and #2 assume that all 88 sworn positions are full-duty and could be redeployed to sworn functions.

instead hired 88 additional sworn (instead of redeploying), it would cost \$13 million, or \$5 million more, and 88 sworn staff would be redeployed to other sworn duties.

**Outcome:** The Police Department civilian staff would be increased by 88 positions. In addition, the Police Department's sworn staff would also be increased by 88.

### **(3) Eliminate sworn position performing civilian job duties and hire civilian to perform civilian duties**

Under this scenario, a sworn position would be eliminated (rather than redeployed) and the role that sworn was filling would be replaced by a civilian. This would likely reduce costs but would not result in additional sworn employees in Patrol or in other sworn roles in the Department.

**Fiscal Impact:** The City would spend \$8 million to hire 88 civilians but would save \$13 million by reducing sworn staffing, for a net savings of \$5 million.

**Outcome:** The City would replace 88 sworn employees currently performing civilian duties with civilians. Patrol or other sworn staffing would not be increased as it would under Options #1 and #2.

### **(4) Eliminate sworn position without hiring a civilian to perform the civilian duties**

Under this scenario, the sworn position would be cut but would not be replaced by a civilian. This would reduce costs but would not result in additional sworn employees in Patrol or other sworn roles nor would it provide staffing to fill the civilian role.

**Fiscal Impact:** The City would eliminate the 88 sworn positions currently performing civilian duties and would reduce costs by \$13 million.

**Outcome:** The City would have 88 fewer Police Department employees. No one would be hired to perform the work those 88 sworn are currently performing.

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## **Potential Benefits of Civilianization**

### **Refocuses sworn personnel on sworn duties**

Sworn employees receive extensive schooling and ongoing training in police work. It is a considerable investment on the part of the City and is intended to create the best possible police force to enhance public safety. The idea behind civilianization is to refocus sworn employees on work that truly makes use of their training, skills, and experience.

### Cost savings

While there is an up-front cost to hiring civilians, it is typically less expensive to hire civilians than to hire additional sworn officers due to lower salary and benefit costs. As one City Council member aptly observed, “We can’t afford a \$60,000 per year administrative assistant so instead we’re paying a sergeant \$130,000 to answer the phone.” If the City would hire the administrative assistant in this example, the sergeant could be redeployed to a role that is truly consistent with a sergeant’s skills and experience.

For example, we estimate the difference in cost between hiring a Police Officer and a Senior Office Specialist to be about \$64,000 annually as shown in Exhibit 11. For the purposes of calculating estimated cost savings between sworn and civilian positions, we compared the cost of mid-range sworn employees to mid-range civilians. Such savings show how the Police Department could perform the same work it performs today at a lower cost. The savings represent the difference between the cost of a sworn employee in a given job versus the cost of a civilian in the same job. Therefore, the savings represent scenario 3 (“eliminate sworn position performing civilian job duties and hire civilian to perform civilian duties”), or the avoided costs in scenario 1 or 2 (“redeploy sworn to Patrol (or other non-Patrol sworn roles) and hire a civilian to perform civilian duties”).

#### Exhibit 11: Example of Estimated Difference between Cost of Mid-Range Sworn and Civilian Employee<sup>17</sup>

	Salary	Special Pay	City’s Retirement Contribution	Fringe Benefits	Total
Police Officer	\$93,000	\$7,000	\$26,000	\$16,000	\$142,000
Senior Office Specialist	\$52,000	\$0	\$12,000	\$14,000	\$78,000
<b>Difference</b>	<b>\$41,000</b>	<b>\$7,000</b>	<b>\$14,000</b>	<b>\$ 2,000</b>	<b>\$ 64,000</b>

Over time, the cumulative effect of this \$64,000 difference is substantial. For sworn employees, the data in Exhibit 11 does not include the one-time and ongoing “non-personal” expenses related to vehicles, equipment, and training. If these were included, the difference between the cost of a sworn employee and a civilian would be even greater. Additionally, neither salary calculation assumes any overtime pay, which is common among sworn employees, so the difference would be even greater if overtime is included.

<sup>17</sup> Assumes no overtime hours worked for either position. Non-personal expenses are not included here. They include both one-time and ongoing costs related to uniform allowances, vehicles, equipment, and training. For a Police Officer, one-time non-personal expenses total \$57,133 and ongoing total \$10,995.

In addition, sworn employees not only receive a higher pension benefit, they are eligible to begin collecting it at a younger age than civilian employees. While retirement costs to the City for civilian employees have increased about 84% in the last nine years, the cost for Police and Fire employees has increased 175%.<sup>18</sup> Appendix B shows estimated salary and benefits of sworn and civilian positions. Appendix C shows the cost differential between the cost of having a sworn employee in a given position versus the cost of having a civilian in that position.

### **Potential for Civilian Expertise and Staffing Stability**

The San José Police Department encourages officers and sergeants to rotate through various units in the Department over the course of their careers to build a well-rounded workforce and for the purpose of career development. The rotation process requires officers and sergeants to spend one year in Patrol between assignments in specialized units. Most rotations for officers into specialized units are for three years but may be short as two or as long as five (or even longer in a few cases). Longer rotations are typically in areas that require highly specialized training to acquire the necessary skills. Sergeants typically spend six years in a specialized rotation.

Police Department management feels strongly that this continuous rotation of sworn staff through specialized units can make for a well-rounded workforce, however, it can result in a lack of consistency in administrative functions when sworn staff are filling administrative positions in these units (as distinguished from sworn duties). We observed that civilian staff tend to become the backbone of these units, relied upon for their historical knowledge of the unit's administrative processes. Adding civilians in the Department would foster stability, improve unit institutional memory, and would develop a cadre of civilian employees with specialized expertise who would not be required to rotate out of the unit in three or six years.

As noted earlier, the International Association of Chiefs of Police has published a model policy on civilianization that establishes a law enforcement agency's commitment to and procedures for hiring and using civilian personnel. (See Appendix D). Adoption of a similar model policy on civilianization would provide the Department with both the benefits of the rotation practices as well as the stability additional civilian staffing would provide.

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<sup>18</sup> October 2009 memo from the City Manager to the City Council.

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We recommend that the San José Police Department:

**Recommendation #2**

**Adopt a civilianization policy based on that of the International Association of Chiefs of Police or other best practices the Police Department identifies. (Priority 3)**

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**Constraints on the Police Department's Ability to Civilianize**

**Limitations on Civilianization in Memorandum of Agreement (MOA) with San José Police Officers' Association**

The City of San José's memorandum of agreement (MOA) with the San José Police Officers' Association limits the ability of the City to civilianize positions in several specific ways. These limitations would need to be resolved through a "meet and confer" process or arbitration between the City and the San José Police Officers' Association (SJPOA) before significant civilianization could occur.

The current MOA limits to 15 the number of positions that can be civilianized during its term (July 1, 2008 to June 30, 2010). The MOA also allows the City to hire civilians to perform work currently performed by sworn only if certain conditions are met. These conditions include: (1) that the SJPOA bargaining unit will not be reduced in the number of positions as a result, and (2) the City will conduct a meeting with the SJPOA to discuss operational impact prior to making a final decision.

One additional provision of the MOA states that the hiring of civilians to perform work currently performed by sworn will be allowed only if *"the work is not normally associated with sworn Peace Officer status and does not require a P.O.S.T. certificate."* This provision goes on to say *"examples of duties which are normally associated with Peace Officer status include the following: criminal investigations; patrol-related functions; emergency services; community policing; training of sworn personnel on public-safety issues; and processing of prisoners."*

While San José's MOA defines those particular duties as "normally associated with sworn Peace Officer status," some of those tasks **are** performed by civilians in other jurisdictions. Examples include the processing of prisoners and certain patrol-related functions such as investigating traffic accidents or taking reports.

We recommend that the City:

**Recommendation #3**

**Seek to increase the number of positions allowed to be civilianized in the Memorandum of Agreement with the SJPOA. (Priority 3)**

**Other Jurisdictions Use Community Service Officers and Investigative Aides as Part of Their Sworn-Civilian Staffing Mix**

The current MOA also references “Investigative Aides” and “Community Service Officers” but is unclear as to whether the work those kind of positions typically perform is considered by the MOA to be “*work not normally associated with Peace Officer status and does not require a P.O.S.T. certificate.*”

“Community Service Officer” is a broadly used civilian job classification in which specially-trained civilians perform a wide variety of non-sworn technical and administrative support services (specific duties differ by city) often with a heavy emphasis on patrol-related support. “*A Review of Increased Civilianization of the Los Angeles Police Department*” by the Los Angeles Office of the City Controller in March 2008 identified the following as roles that Community Service Officers perform in some jurisdictions: written report taking (less serious accidents), compiling paperwork (including criminal history background checks for prosecutors), interviewing witnesses, photographing crime scenes, collecting evidence, taking telephone reports, conducting follow-up investigations, and fingerprinting.

San José’s January 2008 “*Development of Strategies to Address the City’s General Fund Structural Budget Deficit*” by Management Partners encouraged the City to consider the use of Community Service Officers:

*“By hiring CSOs instead of more sworn officers (or at least adding more civilian personnel at a faster rate than currently planned) the City’s current contingent of sworn officers would have an immediate increase in available time and the new CSOs would provide improved response time to lower-priority, non-critical activities. These strategies would include taking traffic collision reports, cold burglary reports and the like. CSOs are less expensive to train, can be on the street more quickly, and require less equipment; they are a ‘force multiplier.’ Other areas where civilians may be utilized in police and fire services include training, research and development, front desk, completion of background checks and the supervision of largely civilianized functions such as records, crossing guards, building inspections and communications.”*

Other cities use Community Service Officers in the way recommended by the Management Partners Report. For example, the City of San Diego's CSO job description provides examples of a broad range of job duties that Community Service Officers may perform such as:

- Processes and lifts latent prints at designated "cold crime scenes"
- Identifies, processes and collects crime scene evidence
- Investigates and reports vandalism, grand theft, and annoying or threatening phone calls
- Investigates and reports certain residential and commercial burglaries and crimes against property
- Investigates assigned non-injury vehicle accidents with fault determination and field reporting
- Prepares missing adult, hit-and-run and other similar reports

Similarly, the Police Executive Research Forum (PERF), in conjunction with the San Francisco Office of the City Controller, issued a December 2008 report, "Organizational Assessment of the San Francisco Police Department: A Technical Report" that recommended the creation of a new civilian job classification "Police Investigative Aide (PIA)." The report states:

*"A new Police Investigative Aide (PIA) position should be integrated into the Investigations Bureau. This position will be used to perform the administrative and routine work of detectives. The purpose of this highly specialized and trained position is to do the initial workup of cases and to coordinate with the detective throughout the investigation. In this manner, detectives may spend their time following leads and arresting offenders rather than performing administrative and clerical activities."*

While this report does not specifically recommend the use of Community Service Officers or Police Investigative Aides in positions that we identified as ones that could be civilianized, we believe the San José Police Department should consider potentially developing such job classifications as the Department plans for how to reduce sworn staffing costs in the Department in the future.

We recommend that the San José Police Department:

**Recommendation #4**

**Consider how Community Service Officers and Investigative Aides might be used in the future in San José and meet and confer with the SJPOA regarding this provision. (Priority 3)**

**Exempt Officers' Program, Modified Duty and Related Issues**

Another constraint on the Police Department's ability to civilianize is the fact that at any given time, the Department has a number of officers on some form of modified duty. These officers are often placed in administrative roles, work that could be potentially be performed less expensively by civilians.

"*Exempt Officers*"<sup>19</sup> are sworn personnel who come under the Exempt Officers' Equality Program. This program is based on a 2005 federal court-ordered consent decree that was the outcome of a lawsuit against the San José Police Department filed by a group of injured police officers. These officers claimed that San José's promotional system limited their ability to be promoted due to their injured status. The Department denied the claim but the end result was a consent decree that identified 30 "Tier 1" positions that the Department must make available to accommodate the officers, who qualify for the program (exempt officers). In addition to the 30 positions, another 15 "Tier 2" positions are identified that may be filled on a competitive basis either by exempt or non-exempt employees. As of October 2009, three Tier 1 positions were vacant. Of the 15 "Tier 2" positions, only one was filled by an exempt officer; the remainder were filled with full-duty officers. The consent decree is expected to be reviewed by the federal court in 2010.

"*Modified duty*" describes a sworn employee who is limited in his/her ability to perform police duties due to an injury or medical condition. Modified duty employees cannot work in Patrol or in any function that requires a full-duty officer who can exercise all powers granted to sworn officers. While the list of officers on modified duty shifts continuously, at any given time the Police Department has a number of officers on some form of modified duty.

The consent decree specifies that the maximum number of (Tier 1) positions will be 30 for the first five years (2005 to 2010) and after that, the Police Chief will determine the appropriate number based on a recommendation from an internal panel. The consent decree states that factors such as the total number of officers, budgetary considerations, law enforcement priorities, past experience, and other relevant criteria shall be considered. If the Police Chief decides that the

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<sup>19</sup> "Exempt Officers" in this context refers to the officers in the Exempt Officers Equality Program and is not a reference to an "exempt" designation under the federal Fair Labor Standards Act (FLSA).

maximum should be reduced, the City Charter's meet and confer provisions become applicable. The consent decree allows for an interim adjustment (before 2010) to the number of positions if drastic changes in staffing due to budget cuts or other economic situations occur.

Our analysis of job duties and positions was independent of whether a position was part of the Exempt Officers' Program. Because the San José Police Department is under a federal consent decree with regard to the Exempt Officers' Program, court-approved changes would be needed to remove those positions from the Exempt Officers' Program.<sup>20</sup> The Police Department advises that work is already underway to propose updates to the consent decree.

We recommend that the San José Police Department:

#### **Recommendation #5**

**Propose removing positions that could be civilianized from the Exempt Officers' Program when the consent decree is reviewed. (Priority 3)**

#### **Brady Officers**

Like other police departments, SJPD is faced with the issue of the continued work status of officers who have been found to be "untruthful, dishonest, or otherwise subject to doubts about his or her integrity."<sup>21</sup> This designation is based on a 1963 U.S. Supreme Court case, *Brady v. Maryland* that found "an officer's credibility can also determine whether he or she may face testimonial impeachment during court proceedings or even be subject to termination of employment."<sup>22</sup>

Such officers create a management challenge for the Police Department. As the International Association of Chiefs of Police states in a "concepts and issues" paper:<sup>23</sup>

*"If a matter affecting an officer's credibility has been identified, the question often becomes to what extent this will adversely affect that officer's ability to perform his or her duties in the future and, in turn, the officer's usefulness to the department?...There is also the basic question of whether a department wishes to retain an officer who has been shown to be*

<sup>20</sup> While the Exempt Officers' Program is structured based on the consent decree, if an officer is promoted to sergeant out of that program, it's unclear how or if the Police Department is required to accommodate their limitations.

<sup>21</sup> "Brady Disclosure Requirements," IACP National Law Enforcement Policy Center, Concepts and Issues Paper, April 2009.

<sup>22</sup> Ibid.

<sup>23</sup> Ibid.

*untruthful, dishonest, or otherwise subject to doubts about his or her integrity since such behavior is generally considered unacceptable to a department, regardless of whether this has been a subject of a Brady inquiry.”*

As the IACP notes, some Police Departments choose to assign *Brady* officers to administrative work. The ability to civilianize positions is impacted when *Brady* officers fill administrative roles as the IACP paper notes:

*“Another response is the permanent transfer of the officer to solely administrative duties. This solution has been the choice in some departments, but its limitations are obvious. There are only a certain number of administrative positions available in any department, however large it may be, and budget considerations may make it impossible to expand the availability of such positions beyond a certain point.”*

The San José Police Department has 23 *Brady* officers including: four in administrative roles in the Bureau of Investigations; 19 in the Bureau of Field Operations or the Bureau of Administration (including 12 on regular patrol); three on administrative leave and one on unpaid leave. The Santa Clara District Attorney’s Office has established a committee and policy regarding how to evaluate “allegations against law enforcement employees that may be called as prosecution witnesses.” The District Attorney’s Office determines whether an officer is considered a *Brady* officer and maintains the *Brady* list. Appendix F shows the IACP *Brady* Model Policy.

The Police Department advises that, in some cases, when it has terminated a *Brady* officer, the Civil Service Commission has subsequently reinstated the officer.

Article 25.8.6 of the MOA with the SJPOA provides for a process by which a terminated or disciplined employee may appeal to the Civil Service Commission or to an arbitrator:

*“An employee challenging a suspension, demotion, dismissal or disciplinary transfer shall have the option of choosing between the dispute resolution provisions of this Agreement, or appeal to the Civil Service Commission...The grievance procedure shall begin at Step IV Arbitration for this process. “*

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We recommend that the San José Police Department:

**Recommendation #6**

**Analyze its employment and assignment options regarding *Brady* officers and then develop a policy accordingly, based on the International Chiefs of Police model policy and other best practices identified by the Police Department. Should also consider whether to retain those officers and whether the work they perform, if administrative, could instead be performed by civilians. (Priority 3)**

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**Other Considerations with Regard to Civilianizing**

**The Importance of Clear Job Descriptions**

The City's Human Resources Department maintains job descriptions for job classifications such as Police Officer and Police Sergeant. However, when the Police Department wants to internally fill a non-Patrol position (often performing civilian-type work) with a sworn employee, the relevant Police Department unit issues a job announcement describing the job opening and the job duties. During our review, we found that in some cases, such job announcements provided general descriptions of the unit and the position but did not provide a comprehensive description of the specific duties of the position(s). We also found positions for which the Department did not have a written job description or that they informed us that job descriptions were not generally reliable. Given the frequent rotation of sworn employees among jobs throughout the Department, accurate job descriptions are critical for clarifying roles and expectations for employees and supervisors.

We recommend that the San José Police Department:

**Recommendation #7**

**Work with the Human Resources Department to update or create job descriptions to accurately reflect job duties of non-Patrol sworn positions. (Priority 3)**

In conjunction with developing clear job descriptions, the Police Department should conduct a comprehensive review of civilian job classifications and how they fit within the framework of the Department overall. The Department should consider how to create civilian job classifications that provide career opportunities to civilians rather than limiting them to a single role by creating a specialized classification for every civilian job. For example, a broad classification of Police Analyst might be developed that provides opportunities to work in a

variety of sub-specialties throughout the Department such Personnel, Finance, or Research and Development.

We recommend that the San José Police Department:

**Recommendation #8**

**Work with the Human Resources Department to develop a plan for creating a civilian job classification system that provides opportunities for variety to civilians within the Police Department. (Priority 3)**

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**Civilianization Recommendations**

As noted previously, the San José Police Department had previously identified 29 positions for potential civilianization. Our analysis confirmed that those positions should be considered for civilianization and identified an additional 59 that could potentially be civilianized, for a total of 88 positions at an estimated cost savings of about \$5.1 million (based on the annual difference between the cost of the sworn employee and the recommended civilian job classification).

The following section of this report shows the position-by-position analysis. The 88 positions identified for potential civilianization include (estimated savings based on redeployment of sworn in parentheses):

20 in the Bureau of Administration<sup>24</sup> (\$1,053,500)

38 in the Bureau of Field Operations (\$2,621,500)

21 in the Bureau of Investigations<sup>25</sup> (\$880,000)

1 in the Bureau of Technical Services (\$14,500)

8 in the Office of the Chief (\$508,000)

We recommend that the San José Police Department:

**Recommendation #9**

**Develop short, medium, and long-term plans to civilianize the positions identified in this audit and/or other positions identified by the Police Department. (Priority 3)**

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<sup>24</sup> It should be noted that SJPD advises it has eliminated the duties of the Cross-Fit gym coordinator since we conducted our audit work. (See page 51.)

<sup>25</sup> It should also be noted that SJPD advises that the police officer position identified in the Assaults unit has been civilianized since we conducted our audit work. (See page 81.)

### Partial Positions

Our review focused on whole positions that could be civilianized. During the course of our interviews with Department staff, it became clear that, sworn staff in some units share in duties that could potentially be performed by a civilian. For example, everyone taking turns at phone duty, scheduling duty, etc. While recognizing that all employees have a portion of their duties that are administrative, there may be additional opportunities for strengthening the civilian support in the department – freeing up officers for public safety duties.

We recommend that the San José Police Department:

**Recommendation #10**

**Identify partial administrative roles filled by sworn and consider options for civilianization. (Priority 3)**

### Outsourcing Opportunities

Included in the list of positions for potential civilianization are two helicopter pilot positions in the Air Support Unit that could potentially be outsourced (Also see page 55). In its internal FY 2009-10 budget proposal, the Police Department had previously recommended two helicopter pilot positions be simultaneously civilianized and outsourced. We estimate that the related cost savings would be \$170,000.

Outsourcing would result in the City paying only for the hours flown (about 20 per week) instead of paying for two full-time police officers. The helicopter pilot is a 10-year rotation. The Police Department incurs one-time, up-front training costs of \$42,000 per pilot and \$14,840 of annual training costs per pilot. If the \$42,000 is amortized over the 10-year rotation period, annual ongoing costs per pilot are \$19,040.

The Department also has 15 employees who serve as collateral<sup>26</sup> fixed-wing pilots. This collateral assignment is for the duration of the employee's career with the Department or until the employee is promoted to a rank higher than sergeant. Before joining the unit a fixed-wing pilot needs to already have a private pilot license. The Police Department then pays for four of the 15 pilots to receive additional training to obtain a commercial license. This is a one-time per pilot cost of about \$23,000. The unit advises that currently two of the four commercial pilots are nearing retirement and therefore, two additional pilots will need to be trained. Fixed-wing is a collateral duty so pilots receive release time from their assigned unit to fly. In some cases, they fly on overtime. As of July

<sup>26</sup> A collateral duty is one that is part-time and in addition to an officer's primary assignment.

2009, the number of fixed-wing pilots was increased from 8 to 15 to minimize the need for flying on overtime. The Police Department notes that it receives funds through the Drug Enforcement Administration's asset forfeiture program and these funds have paid for the Department's aircraft.

We recommend that San José Police Department:

**Recommendation #11**

**Consider outsourcing the helicopter pilot duties as well as the fixed-wing airplane assignments on an hourly basis. (Priority 3)**

**Police Activities League**

Also among the positions identified for potential civilianization are police officers assigned full-time to the non-profit Police Activities League (P.A.L.). At the time of our analysis, the Department had six authorized staff (5 sworn and 1 civilian) assigned to P.A.L. As shown in more detail on page 67, these sworn personnel primarily perform administrative duties related to this non-profit organization and have limited contact with at-risk youth. The Department prefers to maintain a sworn component in P.A.L. to maintain the interaction between the community and its officers.

According to P.A.L.'s 2007 IRS Form 990, the value of goods and services the Police Department provides to P.A.L. totaled \$1.1 million for the fiscal year ended June 30, 2006. In addition to the five sworn employees, reported contributions also included two civilian employees, as well as "utilities, maintenance, supplies, travel, equipment, janitorial, occupancy, telephone and other such costs as deemed appropriate by management." To our knowledge, this may be the only instance in which there is full-time City staff working at a non-profit organization. The Auditor's Office believes that further study is needed to determine how SJPD should support P.A.L. in the future—this may include civilianizing the remaining Sergeant and Officer, or providing additional resources directly to P.A.L. in lieu of staffing.

We recommend that the San José Police Department:

**Recommendation #12**

**Work with the Police Activities League to determine the most effective and efficient mix of sworn and civilian staff. The Police Department should also reconsider how the Department should support the work of the Police Activities League in the future. (Priority 3)**

## Airport Staffing

The SJPD Airport Division (51 authorized positions—50 sworn and 1 civilian) is responsible for providing the full range of law enforcement services at the Norman Y. Mineta San José International Airport. The Airport Department is responsible for submitting and implementing the Airport's security plan and program to the Transportation Security Administration (TSA), which includes law enforcement support for the Airport.

Transportation Security regulations do not provide any specific number or ratio of sworn and civilian personnel required to implement the Airport's security program. The regulations state that each airport operator is required to "provide for detection of, and response to, each unauthorized presence or movement in, or attempted entry to, the secured airport operations area by an individual whose access is not authorized in accordance with (the Airport's) security program". The regulations further state that the Airport's security program must provide law enforcement personnel in the number and manner adequate to support its security program.

Many airports, including San José, use a civilian position (Senior Airport Operations Specialist) that patrols and responds to door and gate alarms as well as summons a sworn law enforcement officer when necessary. TSA also issues Security Directives to the Airport that allow for the use of uniformed security, plainclothes security, or law enforcement officers in various patrol and security situations. This audit identified one Sergeant position for potential civilianization at the SJPD Airport Division because of the position's administrative duties. The Auditor's Office believes that further study is needed to determine the most effective and efficient mix of Police and Airport Department staffing.

We recommend that the San José Police Department:

### **Recommendation #13**

**Work with the Airport Department to determine the most effective and efficient mix of sworn (SJPD) and civilian (Airport) security required to maintain the Airport's security program, in accordance with TSA regulations. (Priority 3)**

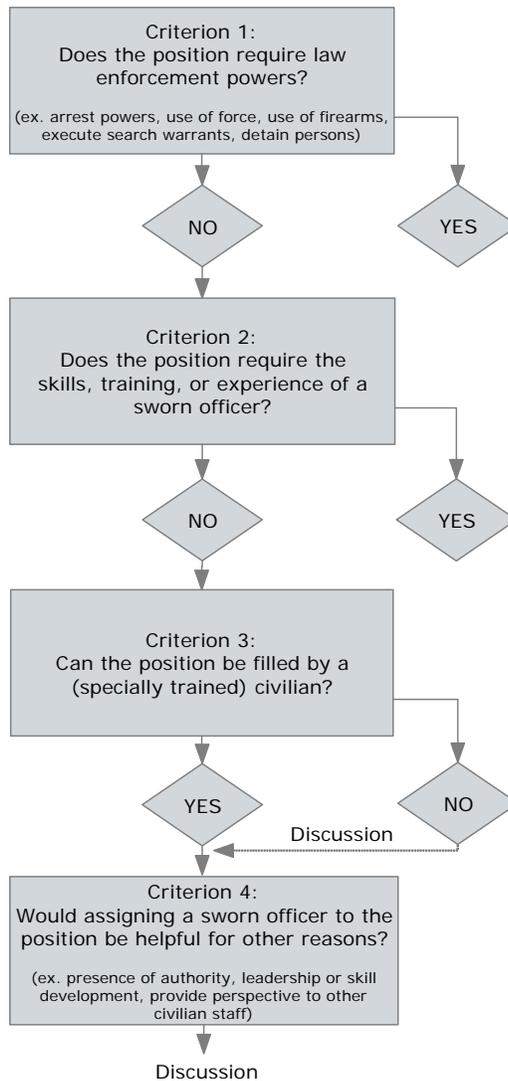
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## How the Report is Organized

The remaining sections of the report are organized by bureau and then by division or unit. Each division or unit reviewed is essentially a "chapter," with a cover page describing the division or unit and providing basic information on its purpose and staffing. The cover pages are followed by flow charts (see sample below) that walk the reader through the four questions that make up our criteria

for assessing positions. Each question is addressed with regard to the positions under consideration. The flowcharts are intended to provide an understanding of the rationale for civilianizing a given position or positions.

**Exhibit 12: Sample Flow Chart with Criteria for Civilianization**



The following flow charts provide the position-by-position analysis. Appendix C summarizes the positions and their cost.

# BUREAU OF ADMINISTRATION

The Bureau of Administration provides for the recruitment, selection, and screening process for personnel; the maintenance of Department personnel records; the development and presentation of training programs; and the maintenance of fiscal and property control systems.

<b>Administrative Services Management</b>	(no recommendations)
<b>City Attorney Investigators</b>	(no recommendations)
<b>Fiscal Unit</b>	(no recommendations)
<b>Permits Unit</b>	(civilianize 10 positions; see page 38)
- License & Permits/False Alarms	
- Secondary Employment Unit	
<b>Personnel Unit</b>	(civilianize 4 positions; see page 42)
- Background Investigations	
- Recruiting	
<b>Property and Evidence</b>	(civilianize 1 position; see page 46)
<b>Safety Officer</b>	(no recommendations)
<b>Training Unit</b>	(civilianize 5 positions; see page 48)
- CPT	
- Decentralized Training	
- Range Detail	
- Academy – no recommendations	
- Video – no recommendations	

**TOTAL: 20 positions**

## PERMITS/SECONDARY EMPLOYMENT UNIT

The Permits Unit and Secondary Employment Unit consist of 15.5 total authorized full-time positions (12 sworn & 3.5 civilian) split across two Units. One Lieutenant commands both the Permits Unit and Secondary Employment Unit; each Unit is headed up by two Sergeants. It should be noted that three of the 9.5 sworn positions in the Permits Unit are designated as Exempt Officer positions.

The **Permits Unit** is responsible for processing application fees and issuing permits for specific businesses that require a police regulatory permit under the San José Municipal Code. The Permits Unit also conducts on-site inspections and either educates permit holders or takes enforcement action to compel compliance with local permitting codes and ordinances.

The **Secondary Employment Unit** is responsible for designing, administering, and monitoring the approval process for private and public entities, or Secondary Employers, that contract or employ off-duty San José Police Officers and Reserve Officers for paid employment. The Unit also coordinates and tracks off-duty employment for City-sponsored events such as parades and festivals. It should be noted that an audit of the SJPD Secondary Employment program is included on the City Auditor's FY 2009-10 Work Plan; further recommendations may follow as a result.

Five of the positions recommended below for civilianization were originally proposed by the SJPD in its FY 2009-10 budget proposal; the proposed Sergeant and four Officer positions were all in the Permits Unit.

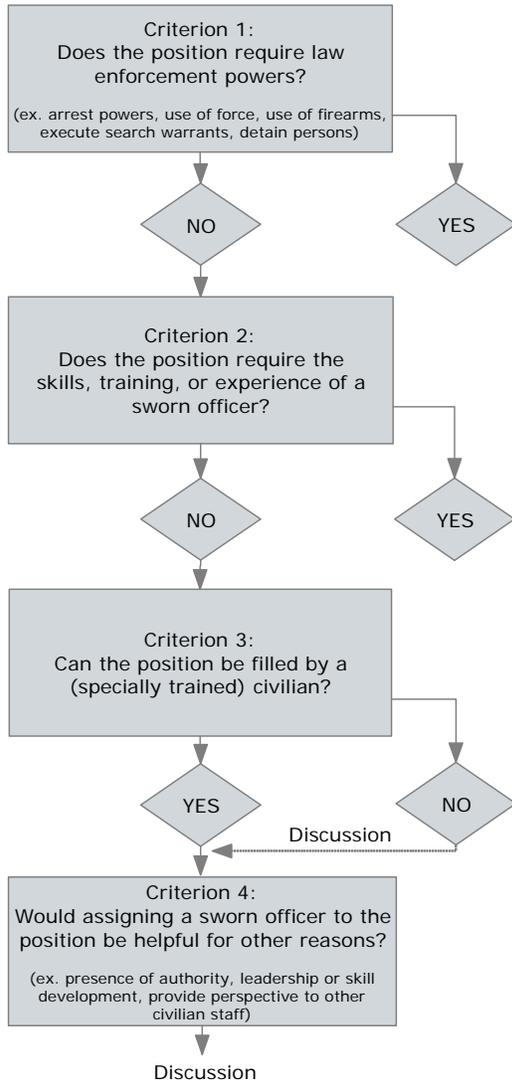
Of the 10 authorized sworn full-time positions in the Permits Unit, we recommend two Sergeants and seven Officers for civilianization. We also recommend civilianizing one of the two Sergeants who comprise the Secondary Employment Unit.

### **Civilianization Summary: 10 sworn positions**

			<u>Cost Differential</u>
Permits Unit	2 Police Sergeants	→ 2 Analyst II	\$132,000
	7 Police Officers	→ 7 Staff Specialists	\$346,500
Secondary Employment	1 Police Sergeant	→ 1 Analyst II	<u>\$ 66,000</u>
<b>Total Estimated Cost Differential</b>			<b>\$544,500</b>

**Bureau of Administration – Permits Unit  
Recommendation: Civilianize 2 Permits Sergeants**

Two Sergeants are authorized to supervise the Permits Unit; one Sergeant position overseeing mostly civilian staff was vacant at the time of our analysis. The other Sergeant currently provides daily supervision of the Permits Officers, compiles evaluations, attends meetings pertaining to the various businesses regulated by the Unit, assists with the firearms detail, and other supervisory duties.



**Criterion 1: NO**

The vacant Sergeant’s duties are mostly supervisory and administrative in nature. Per the SJPD Budget proposal, the Sergeant does not operate in the field and does not use law enforcement powers, such as making arrests or using force.

**Criterion 2: NO**

Again, the duties for both Sergeants are primarily administrative in nature and are specifically related to the regulatory process.

**Criterion 3: YES**

Per the SJPD’s FY 2009-10 budget proposal, the Sergeant position can be filled by the existing City job classification Analyst II after adequate training and certifications related to the Unit. Given the administrative and regulatory duties involved with the Permits Unit, the other Sergeant’s duties can also be filled by an Analyst II.

**Criterion 4: NO**

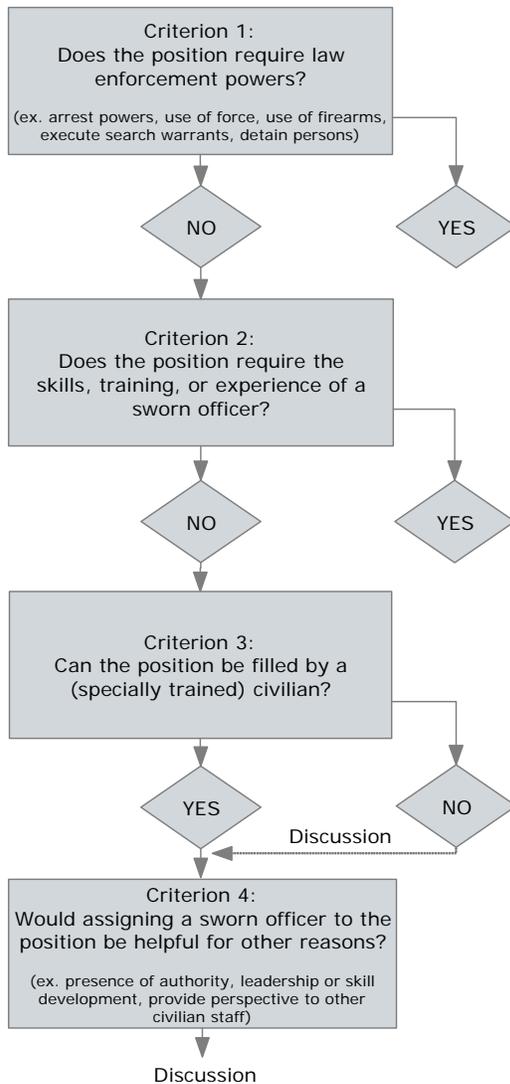
The Department may prefer to keep one or both of these positions sworn to provide some added credibility or authority with applicants or permit holders. However, this credibility or authority is more necessary during times of enforcement, and can be provided by patrol or investigative units as needed.

**ESTIMATED COST DIFFERENTIAL: \$132,000**

(Difference between cost of 2 Police Sergeants and 2 Analyst II positions)

Bureau of Administration – Permits Unit  
**Recommendation: Civilianize 7 Permits Officers**

Four of the seven Permits Officers were previously proposed by SJPD for civilianization in its FY 2009-10 budget proposal. These four Permits Officers are assigned to handle administrative issues pertaining to one of four main areas regulated by the Unit: taxi, private property towing, peddlers, and the massage industry. The remaining three Permits Officers are designated as Enforcement Support. These Officers are responsible for conducting formal business inspections and providing security and/or enforcement action when needed. It should also be noted that three Permits Officer positions are also currently designated as Tier I Exempt Officer positions.



**Criterion 1: NO**

The administrative Permits Officers typically do not operate in the field and do not use law enforcement powers, such as making arrests or using force; these duties are assigned to Officers in Enforcement Support.

However, it is unclear how often security is needed during routine inspections, how often enforcement action is taken by Officers in Enforcement Support, and what type of enforcement action is typically needed during inspections and/or responses to complaints of Municipal Code violations.

**Criterion 2: NO**

Again, the permits-related duties are primarily administrative in nature and are specifically related to the regulatory process, such as ensuring professional, business, and fire and health permits remain current.

**Criterion 3: YES**

Similar to SJPD’s FY 2009-10 budget proposal, these positions can be filled by the existing City job classification Staff Specialist, after adequate training and certifications related to the Unit. In addition, existing classifications like Code Enforcement Inspector appear to be able to perform some investigative and enforcement functions similar to those provided by Enforcement Support Officers.

**Criterion 4: NO**

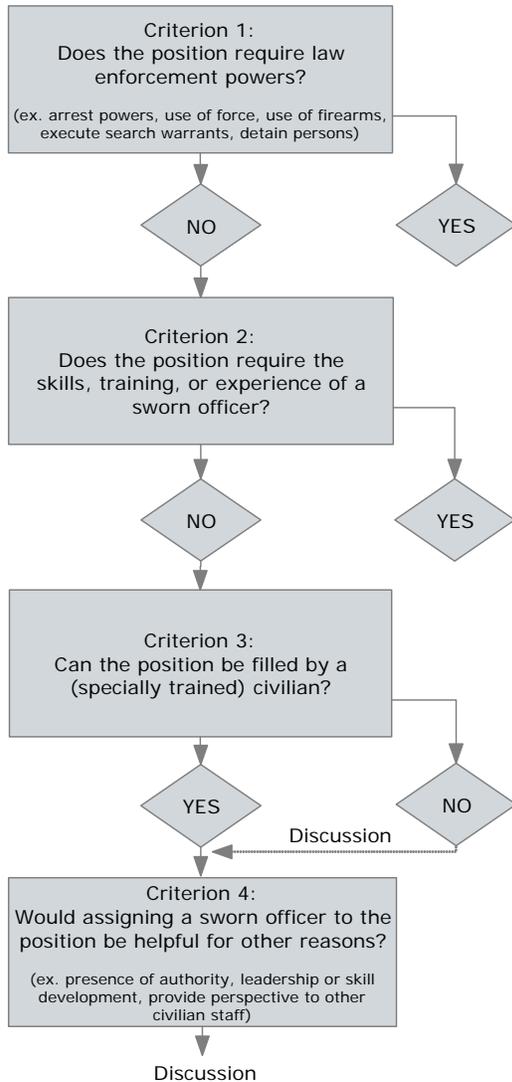
The Department may prefer to maintain a sworn presence to provide some added credibility or authority with applicants and permit holders. However, it also seems possible for civilian functions such as those in the City’s Planning, Building, & Code Enforcement Department to garner similar credibility and authority during the regulatory process. Other patrol or investigative units can be used for security or enforcement purposes when needed.

**ESTIMATED COST DIFFERENTIAL: \$346,500**

(Difference between cost of 7 Police Officer positions and up to 7 Staff Specialist positions)

Bureau of Administration – Secondary Employment Unit  
**Recommendation: Civilianize 1 Police Sergeant**

The Secondary Employment Unit (SEU) consists of 2.5 authorized positions (2 sworn & 0.5 civilian) and is supervised by the Permits Lieutenant. The primary function of the Unit is to coordinate and oversee the secondary employment of off-duty officers. The Unit also administers and monitors the approval process for private and public entities that employ off-duty San José Police and Reserve Officers for paid employment.



**Criterion 1: NO**

While law enforcement powers may be needed when the on-duty Sergeants are actually working a special event, oversight of the Secondary Employer and Employee work permits and applications does not require law enforcement powers. Furthermore, the Duty Manual describes how on-duty officers are called in to assist off-duty officers in some enforcement cases, as off-duty officers are prohibited from leaving the secondary employment site.

**Criterion 2: NO**

The administrative duties related to processing Secondary Employer and Employee work permits and scheduling pay jobs do not require sworn skills, training, or experience. (Sworn experience may be necessary when planning for large-scale events working with the City or promoters.)

**Criterion 3: YES**

The processing, approval of permits and applications, and scheduling of available “pay jobs” can be performed by a civilian; similar processing functions for the Permits Unit were proposed for civilianization by SJPD in FY 2009-10.

**Criterion 4: NO**

Maintaining a sworn presence in these coordinating roles might be useful for added credibility and authority with other off-duty officers working through the SEU. However, the coordination and scheduling of voluntary off-duty paid employment does not appear to require sworn resources. An Analyst II can make similar judgments on scheduling and coordinating, and can also maintain some institutional memory of staffing and planning for special events. The remaining Sergeant would provide the necessary sworn experience and perspective.

**ESTIMATED COST DIFFERENTIAL: \$66,000**

(Difference between cost of a Police Sergeant position and an Analyst II position.)

## PERSONNEL UNIT

The Personnel Unit consists of 16 authorized full-time positions (11 sworn & 5 civilian) split across three separate sections: Personnel Services, Background Investigations, and Recruiting. One Lieutenant commands the Unit, and two Sergeants each lead the Background Investigations and Recruiting sections, respectively. It should be noted that up to four of the 11 sworn positions in the Personnel Unit are designated as Tier I Exempt Officer positions (all in Background Investigations).

**Personnel Services** is responsible for coordinating intra-departmental personnel transactions, updating data in the automated personnel information system, monitoring all injured, disabled and modified duty personnel, and maintaining SJPD personnel records and seniority lists.

The **Background Investigations** Section is responsible for conducting thorough historical and character investigations of individuals considered for sworn and non-sworn positions. Background cycles include investigations for all potential Police Recruits, Police Lateral Officers, Public Safety Radio Dispatchers, Communication Specialists, and Police Data Specialists, to name a few. During the Police Recruit cycles, the number of background investigations increase dramatically and require the use of additional TDY Officers to handle the applicant pool. (SJPD previously considered hiring sworn retirees in place of assigning TDY Officers, but has since decided not to pursue this proposal.) The Backgrounds Section consists of one Sergeant and five Officers, four of whom are Exempt Officers.

The **Recruiting** section is responsible for conducting an outreach program to find and attract future Police Officers, lateral Police Officers, Public Safety Dispatchers, and Police Data Specialists, to name a few. The Recruiting section is also responsible for coordinating marketing services, attending college and job recruitment fairs, attending community engagements, and conducting the initial screening and testing of applicants.

Of the 11 authorized sworn full-time positions in the Unit, we recommend civilianizing four Officers for a total of four sworn positions.

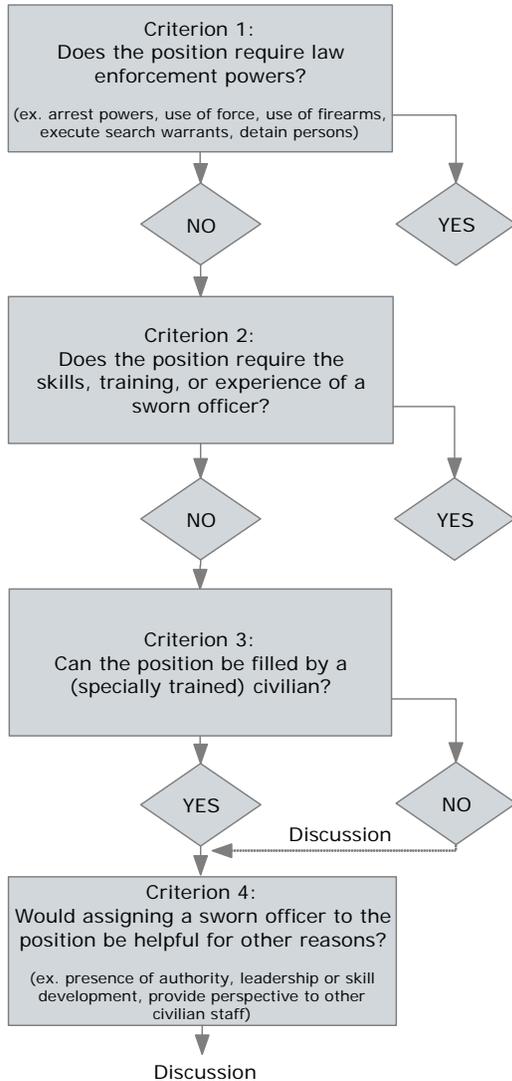
### **Civilianization Summary: 4 sworn positions**

				<u>Cost Differential</u>
Backgrounds	2 Police Officers	→	2 Staff Specialists	\$ 99,000
Recruiting	1 Police Officer	→	1 Analyst II	\$ 30,500
	1 Police Officer	→	1 Senior Office Specialist	\$ 64,000
<b>Total Estimated Cost Differential</b>				<b>\$193,500</b>

Bureau of Administration – Personnel Unit

**Recommendation: Civilianize I Backgrounds Administrative Police Officer**

The Background Investigation section conducts thorough historical and character investigations of individuals considered for sworn and non-sworn positions. The Background Administrative Officer’s duties include (but are not limited to) coordinating the administration of testing, seminars, and meetings for applicants, as well as the training of other background investigators and conducting actual background investigations.



**Criterion 1: NO**

This position does not work in the field and does not make arrests, enforce criminal laws and ordinances, or use force.

**Criterion 2: NO**

This position does not specifically require skills, training, or experience of a sworn officer. The primary duties and responsibilities of this position are primarily administrative in nature (also see Criterion 4 below).

**Criterion 3: YES**

The majority of the Background Administrative Officer’s duties consist of administrative, coordinating, and scheduling tasks that could be performed by civilian support staff. The Unit interview also indicated that existing civilian support staff currently assists with such duties as needed and available.

**Criterion 4: YES**

Certain aspects of the position—such as conducting actual background investigations and assisting the Sergeant in supervising other sworn and deciding which job applicants are screened out—may benefit from having a sworn presence. However, there appear to be enough administrative-related tasks to warrant additional civilian support. Civilianization would allow for such supervisory tasks and background investigations to be handled by another remaining sworn officer on a full-time basis.

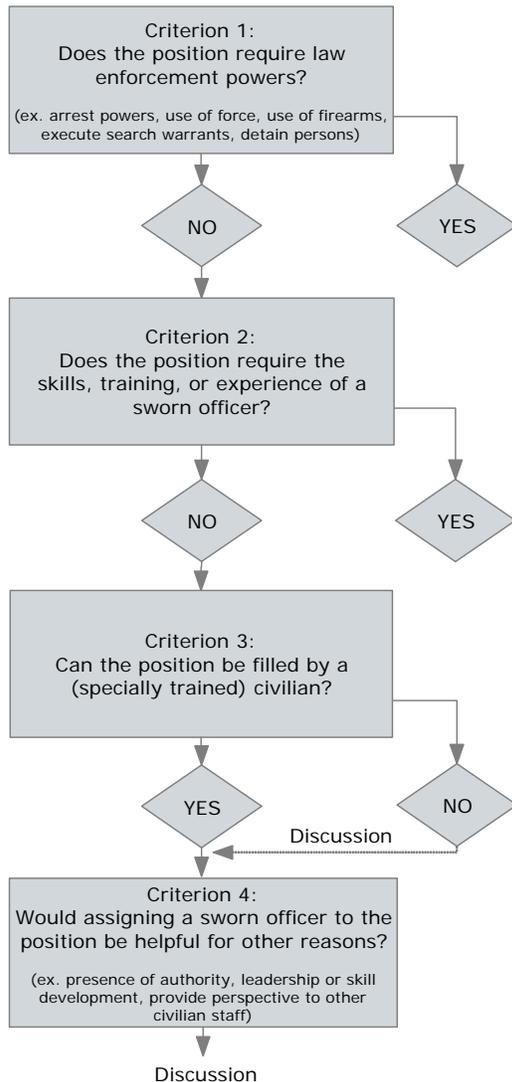
**ESTIMATED COST DIFFERENTIAL: \$49,500**

(Difference between the cost of a Police Officer and a Staff Specialist)

Bureau of Administration – Personnel Unit

**Recommendation: Civilianize I Backgrounds Police Officer**

The Background Investigation Officer conducts thorough historical and character investigations of individuals considered for sworn and non-sworn positions.



**Criterion 1: NO**

This position does not work in the field and does not make arrests, enforce criminal laws and ordinances, or use force.

**Criterion 2: NO**

This position does not specifically require the skills, training, or experience of a sworn officer (also see Criterion 4 below).

**Criterion 3: YES**

According to SJPD, civilian companies are available to conduct background investigations, though not to the extent preferred by SJPD. In addition, according to SJPD, all TDY Officers receive a one-week training to prepare for the background investigation process.

**Criterion 4: YES**

SJPD has expressed a preference in using sworn Background Investigators for, among other things, added credibility when gathering information and the perspective of a sworn police officer. However, during each individual investigation, each background investigator must also perform a variety of administrative tasks that could be consolidated and completed by a civilian. An additional civilian support position could assist the remaining full-time (and TDY) Officers by consolidating administrative duties, thus freeing up sworn section staff to spend more time on the investigative portion of the background process and possibly reducing the need for as many TDY Officers during each Recruit cycle. Also, a civilian support position would provide some stability in staffing, as the Unit currently operates with mostly Exempt Officers.

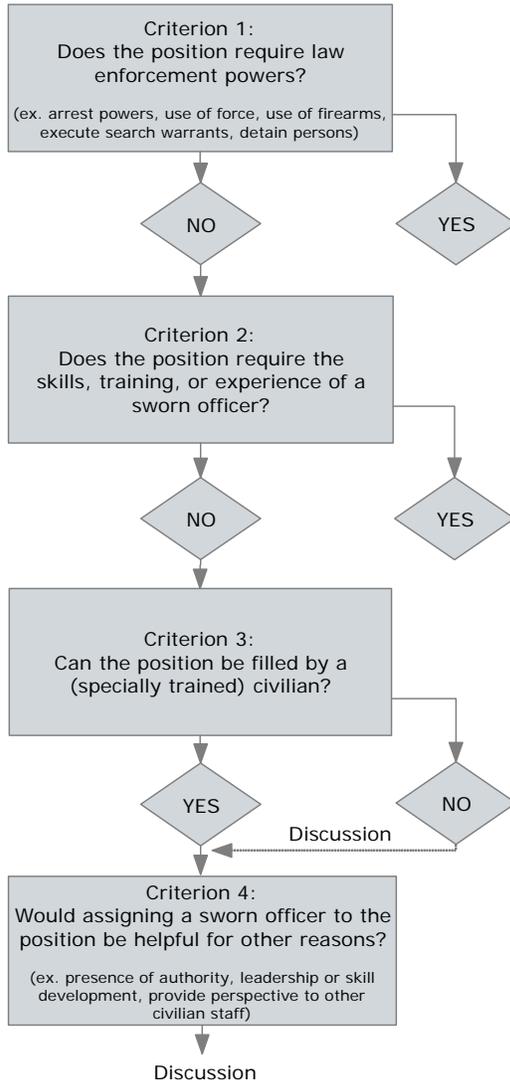
**ESTIMATED COST DIFFERENTIAL: \$49,500**

(Difference between the cost of a Police Officer and a Staff Specialist)

Bureau of Administration – Personnel Unit

**Recommendation: Civilianize 2 Police Recruiting Officers**

The Recruiting detail coordinates all recruiting efforts for the Police Department including coordinating the overall recruitment process, scheduling and attending job fairs.



**Criterion 1: NO**

These positions do not use law enforcement powers, such as making arrests, using force, or detaining persons. The work is primarily administrative in nature.

**Criterion 2: NO**

Positions in the unit are mostly clerical and administrative in nature. For example, the Sergeant’s work includes scheduling and budgeting related to job fairs, making travel arrangements handling scheduling, budgeting and other similar tasks.

According to SJPD, about half the Officers’ time is spent on face-to-face recruiting while the other half is administrative in nature. The Officer’s responsibilities include distributing announcements, developing relationships with colleges and community groups, preparing statistical reports on recruiting efforts, and attending applicant testing and recruiting events.

**Criterion 3: YES**

Based on a description of duties provided by SJPD, the Sergeant position is responsible for budgeting, advertising, scheduling recruiting events, booking recruitment-related travel and scheduling testing cycles. This is administrative work that could be done by a civilian. Much of the officer’s work also fits in this category.

**Criterion 4: NO**

To retain a supervisory presence, we recommend the Sergeant’s administrative duties should be reallocated to one of the Officer positions which could then be civilianized. Thus, the Recruiting detail would still include a Police Sergeant and Officer who would conduct face-to-face recruiting and contribute the needed sworn knowledge to potential recruits. The detail could also continue to draw from others in the Department, as it does now, to provide a diversity of recruiters at public events.

In addition, civilian support staff could help to provide consistency and knowledge of the overall recruitment process from year-to-year, as sworn staff is subject to the Rotation Policy.

**ESTIMATED COST DIFFERENTIAL: \$ 94,500**

(Difference between the cost of 2 Officers and 1 Analyst II and 1 Senior Office Specialist)

## PROPERTY AND EVIDENCE UNIT

The Property and Evidence Unit consists of 22 authorized full-time positions (1 sworn & 21 civilian). A civilian Police Property Supervisor oversees the Unit. The one sworn position in the unit is designated a Tier I Exempt Officer position under the consent decree.

The Property and Evidence Unit receives, stores and safeguards, records, and disposes of items or materials (except vehicles) related to criminal and non-criminal matters coming under the jurisdiction of the Department. The Property and Evidence Unit also: maintains inventory and controls property for the Department; maintains a central supply function for the dissemination and receipt of equipment, supplies, and property utilized by Department members; maintains and supplies photographic materials and services for the Department, the City, and other criminal justice agencies.

We recommend the one authorized full-time sworn position in the Unit for civilianization.

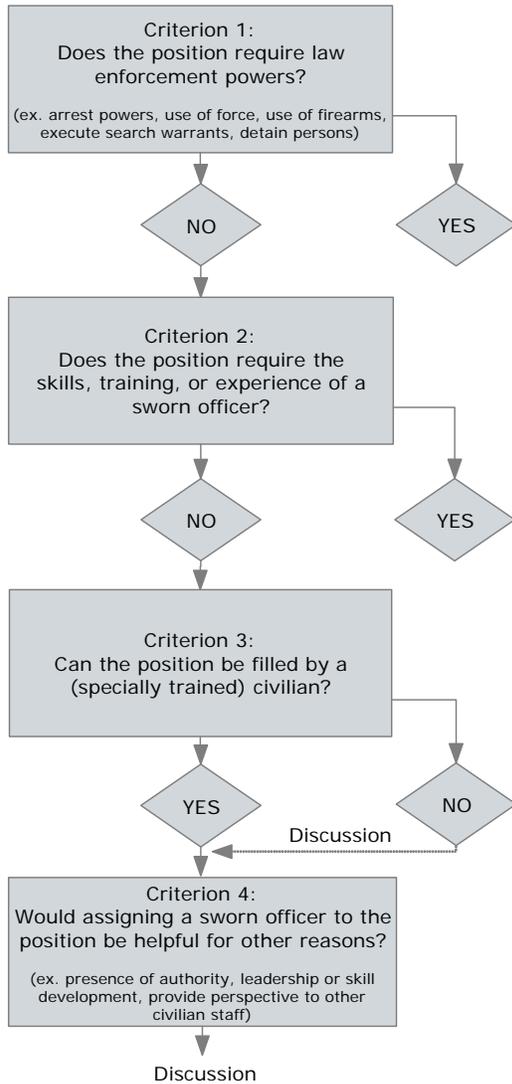
### **Civilianization Summary: 1 sworn position**

		<u>Cost Differential</u>
Property and Evidence Unit	1 Police Officer → 1 Police Property Specialist 11	<u>\$63,500</u>
<b>Total Estimated Cost Differential</b>		<b>\$63,500</b>

Bureau of Administration

**Recommendation: Civilianize 1 Property and Evidence Police Officer**

The position follows up with investigative units on cold cases where there is evidence that could potentially be disposed of. This position is a Tier 1 Exempt Officer position per the Consent Decree.



**Criterion 1: NO**

The position does not require law enforcement powers such as the powers of arrest or use of force.

**Criterion 2: NO**

The position does not require the skills, training, or experience of a sworn officer. The position follows up with investigative units on cold cases where there is evidence that could potentially be disposed of. However, it is the investigative unit that makes this determination as the SJPD Duty Manual states “property booked as contraband or evidence will be authorized for release by the investigator assigned to the case after determining that such release will not jeopardize an investigation or otherwise interfere with a Department function.”

**Criterion 3: YES**

The position could be filled by a specially-trained civilian. In some minor cases (such as a knife at a school), this position will authorize the release of property. However, this is a small portion of the total work and could be performed by a sworn employee elsewhere in the Department. The entire Property and Evidence Unit, other than this position, is civilianized and because it is the investigative unit that ultimately approves disposal or release of property, it is not necessary for a sworn employee to be in this role.

**Criterion 4: NO**

Sworn credibility may be helpful in dealing with investigative units but it is not necessary.

**ESTIMATED COST DIFFERENTIAL: \$63,500**

(Difference between the cost of a Police Officer and a Police Property Specialist I I)

## TRAINING DIVISION

The Training Division consists of 29 authorized full-time positions (25 sworn & 4 civilian) split across five separate Details. One Lieutenant commands the division, and one Sergeant leads each of the Details (Administrative, CPT/Instruction, Range, and Academy) with the exception of the Video Production Detail, which is completely civilianized. It should be noted that up to 6 of the 25 sworn positions in the Training Division are designated as Exempt Officer-eligible positions.

The **Administrative Detail** is responsible for providing supervision and clerical support to the other details; management of the training budgets, maintenance of all training records, maintaining liaison with P.O.S.T. regarding the application for and award of certificates, reimbursements, school requests and maintaining compliance with State and National training mandates. Two of the six authorized sworn positions in the Administrative Detail are recommended for civilianization.

The **CPT (Continual Professional Training)/Instruction Detail** is responsible for delivering local, state, and federally-mandated training, as well as satisfying agency training needs by developing, coordinating and providing in-service training, policy update seminars, CPT, and team training. One of the seven authorized sworn positions in the CPT/Instruction Detail is recommended for civilianization.

The **Range Detail** is responsible for developing and providing firearms training and qualifications, less-lethal weapons instruction, weapons inspection/repair, administration, coordination and training for the Patrol Specialist and Academy Firearms programs, as well as the evaluation, purchase and storage of new weapons and ammunition. Two of the six authorized sworn positions in the Range Detail are recommended for civilianization.

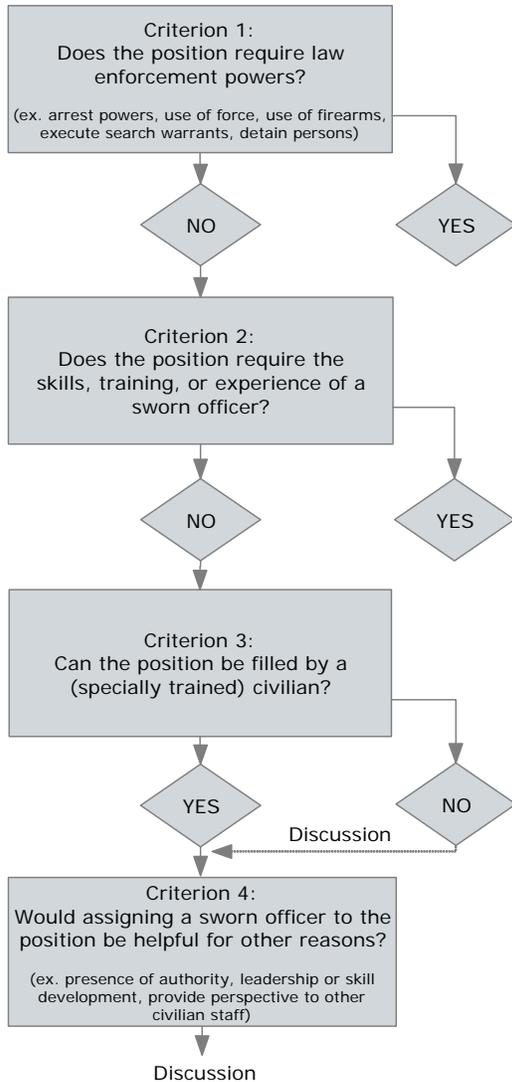
Of the 25 authorized full-time sworn positions in the Division, we recommend three training Officers for civilianization, as well as two Officers in the Range Detail, for a total of five sworn positions.

### **Civilianization Summary: 5 sworn positions**

			<u>Cost Differential</u>
Administrative Detail	1 Training Officer	→ 1 Analyst II	\$ 30,500
	1 Training Officer	→ 1 Senior Office Specialist	\$ 64,000
CPT/Instruction Detail	1 Training Officer	→ 1 Recreation Specialist	\$ 56,500
Range Detail	2 Officers (Rangemasters)	→ 2 Armorer II	<u>\$101,000</u>
<b>Total Estimated Cost Differential</b>			<b>\$252,000</b>

Bureau of Administration – Training Division  
**Recommendation: Civilianize 1 Police Officer**

The Administrative/Decentralized Training Detail and the CPT/Instruction Detail each have a Sergeant leading the Detail that is primarily responsible for coordinating, scheduling, and assigning instructors for the various trainings, while the remaining sworn staff is responsible for the actual instruction. Combining the administrative tasks of each Sergeant into one Officer position for civilianization would free up the Sergeants' time for more classroom instruction and/or supervision of other training staff.



**Criterion 1: NO**

The positions in the Training Division do not work primarily in the field, and thus do not require law enforcement powers.

**Criterion 2: NO**

Barring any explicit limitations from P.O.S.T. or other state and federal agencies, the coordination of training does not necessarily require sworn skills, training, or experience.

**Criterion 3: YES**

The administrative tasks of scheduling and coordinating various trainings can be filled by a specially trained civilian.

**Criterion 4: YES**

Assigning a sworn Sergeant to lead each Training Detail might be useful for providing other officers with sworn supervision and providing another potential instructor when needed.

However, civilianizing the administrative and coordinating tasks of each Sergeant would also free up sworn staff time for instruction and supervision. For example, during the interview it was noted that the Admin and CPT/Instruction Details have a data entry backlog of training rosters and certificates that is currently being handled by other clerical staff. It was also noted that a TDY Officer is currently charged with pursuing reimbursements from P.O.S.T. and from the state for some of the trainings. An Analyst II could provide some consistency and stability to these critical administrative functions. The administrative and coordinating tasks of the Sergeants should be consolidated into an Officer position for civilianization.

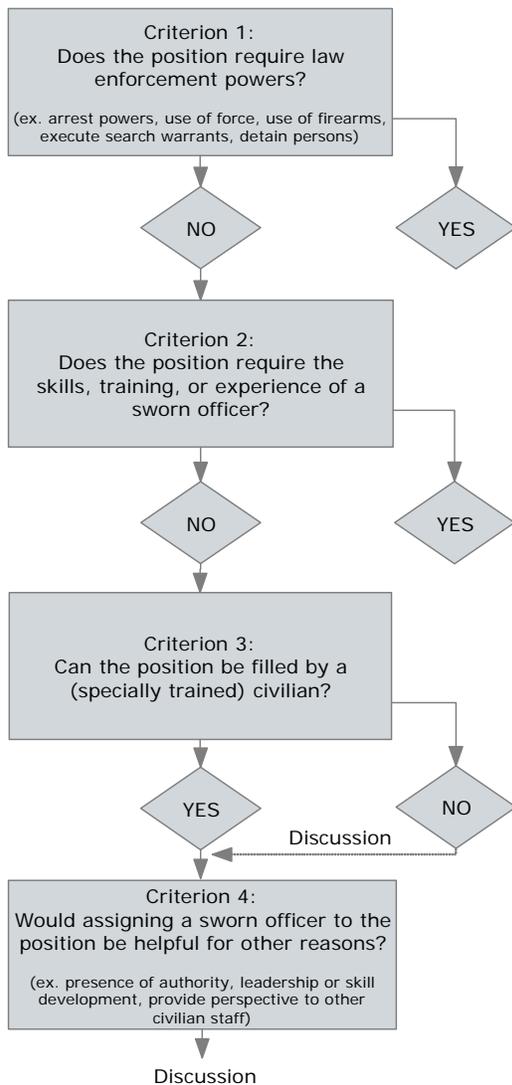
**ESTIMATED COST DIFFERENTIAL: \$30,500**

(Difference between the cost of a Police Officer and an Analyst II)

Bureau of Administration – Training Division

**Recommendation: Civilianize 1 Administrative Detail (Insider Editor)  
Police Officer**

One Officer in the Administrative Detail is assigned as the Insider Editor, who is responsible for publishing the SJPD weekly newsletter, which includes training reminders and job openings. This position is a Tier I Exempt Officer position per the Consent Decree.



**Criterion 1: NO**

This position does not work in the field and does not make arrests, enforce criminal laws and ordinances, or use force.

**Criterion 2: NO**

This position does not require the skills, training, or experience of a sworn officer. The duties and responsibilities of this position appear to be primarily administrative in nature.

**Criterion 3: YES**

The duties and responsibilities of this position are primarily administrative in nature. The position does not require any training specific to sworn officers. Publication training or experience may be relevant for this position; this can be obtained by either a sworn or a civilian staff member.

**Criterion 4: NO**

This position focuses primarily on the publication of the Department newsletter. Review of the final publication by a sworn staff member to gain a sworn staff perspective may be desirable; however, this duty could also be performed by a sworn supervisor.

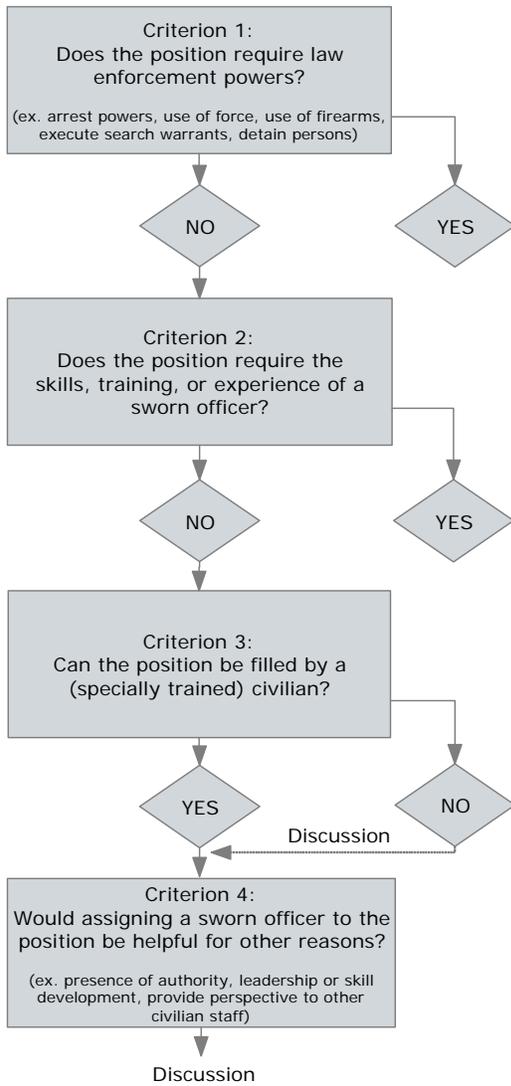
**ESTIMATED COST DIFFERENTIAL: \$64,000**

(Difference between the cost of a Police Officer and a Senior Office Specialist)

Bureau of Administration – Training Division

**Recommendation: Civilianize 1 Police Officer in the CPT/Instruction Detail – Cross Fit Gym – Police Officer**

One Officer in the CPT/Instruction Detail is assigned to the Cross Fit Gym and is primarily responsible for maintaining and coordinating the physical fitness (wellness) program for officers. The Officer is also responsible for providing classroom instruction for other training subjects as needed.



**Criterion 1: NO**

This position does not work in the field and does not make arrests, enforce criminal laws and ordinances, or use force.

**Criterion 2: NO**

This position does not require the skills, training, or experience of a sworn officer. According to SJPd, the duties and responsibilities of this position appear to focus on maintaining the gym facility and coordinating and tracking officer participation in the Wellness Program; only the small percentage of time (5-10%) spent on other classroom instruction may possibly require some sworn skills, training, or experience.

**Criterion 3: YES**

The duties and responsibilities of this position are similar to that of a Recreation Program Specialist in terms of coordinating and conducting recreation activities. This position can be filled by a civilian.

**Criterion 4: NO**

This position focuses primarily around the coordination of the Wellness Program. The Department advises that as of September 2009, a new Officer will be rotating into this position and 15-20% of his/her time will be spent managing the Wellness Program.

**ESTIMATED COST DIFFERENTIAL: \$56,500**

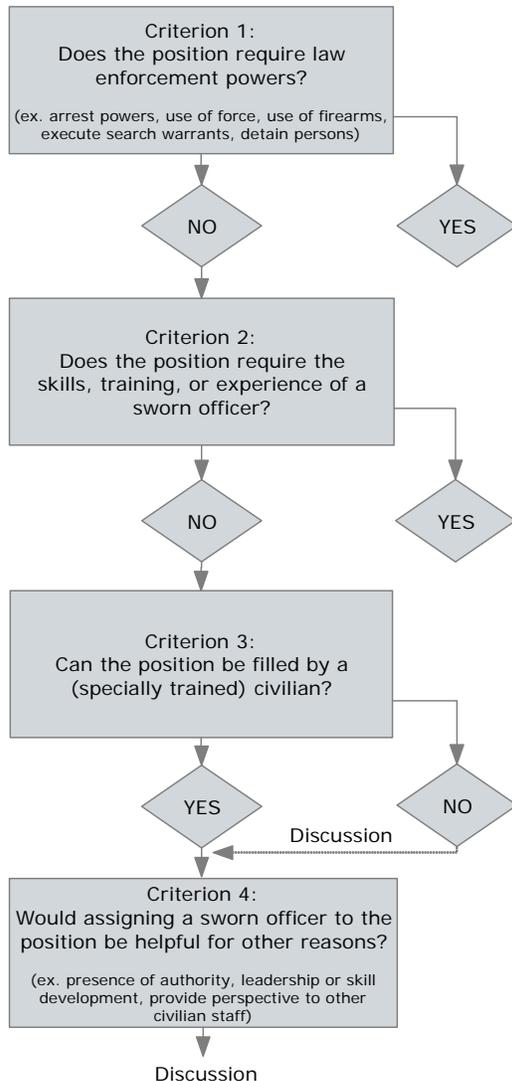
(Difference between the cost of a Police Officer and a Recreation Specialist)

According to the Department, as of September 2009 shift change, the Officer in this position was reassigned and the new Officer is primarily a classroom/training instructor and is assigned the Cross Fit Gym as a collateral duty.

Bureau of Administration – Training Division

**Recommendation: Civilianize 2 Range Detail Police Officers**

These positions were proposed by the Department in its FY 2009-10 budget proposal for civilianization and redeployment. The Range Officers (Rangemasters) qualify sworn employees with their weapons twice a year as well as recertify officers on lethal and less-lethal weapons. Range Officers also manage various weapons programs and provide handgun, shotgun, and rifle training as well as mandatory weapons inspections and needed repairs. Two positions in the Detail are Tier 2 Exempt Officer-eligible positions per the Consent Decree.



**Criterion 1: NO**

These officers work in the range and do not operate in situations that require powers of arrest, use of force, or the apprehension and detention of persons.

**Criterion 2: NO**

The training required to work on weapons is highly specialized. Whether the positions are filled by an officer or by civilians, specific training is required.

**Criterion 3: YES**

Per the SJPD's FY 2009-10 budget proposal, these positions would focus on firearm maintenance: inspection and repair of department weaponry. This would require the creation of a new City job classification. According to SJPD, some brands of weapons may only offer maintenance and certification classes to sworn officers; however, there are still many administrative tasks and mechanical work that can be done by a specially trained civilian.

**Criterion 4: NO**

While sworn staff may have greater credibility in dealing with other sworn staff, the Department has a precedent for having civilians handle police equipment—Central Supply is staffed by civilians.

**ESTIMATED COST DIFFERENTIAL: \$101,000**

(Difference between the cost of 2 Police Officers and 2 Armorer's)

# BUREAU OF FIELD OPERATIONS

The Bureau of Field Operations maintains police (patrol) service to the community by providing for continuous availability of field units to respond to calls for service, deters crimes through visible patrol; detects, apprehends, and processes persons involved in criminal activity; recovers and returns lost or stolen property; ensures the same movement of vehicular and pedestrian traffic; conducts follow-up on investigation of offenses; and reduces both immediate and potential hazards to the community.

**Special Operations Division** (civilianize 3 positions; see page 54)

- MERGE/K9/Bomb Squad – no recommendations
- METRO – no recommendations
- VCET/HMU/Air Support
- Traffic Enforcement Unit

**Airport Division** (civilianize 1 position; see page 57)

- Administration and Security
- Patrol – no recommendations

**Administrative Unit** (civilianize 6 positions; see page 59)

**Crisis Management Unit** (no recommendations)

**Central Division** (civilianize 25 positions; see page 61)

- Main Lobby/Preprocessing Center
- Patrol – no recommendations
- Downtown Services Unit – no recommendations

**Foothill Division** (no recommendations)

- Patrol

**Southern Division** (no recommendations)

- Patrol

**Western Division** (no recommendations)

- Patrol
- Field Training

**Community Services Division** (civilianize 3 positions; see page 66)

- Police Activities League
- Crime Prevention – no recommendations
- School Liaison – no recommendations
- School Safety – no recommendations
- Reserves – no recommendations
- Volunteer Program – no recommendations

**TOTAL: 38 positions**

## SPECIAL OPERATIONS DIVISION

The Special Operations Division consists of 189 authorized full-time positions (188 sworn & 1 civilian) split across 4 separate Units, commanded by four lieutenants. It should be noted that two of the 188 sworn positions in the Special Operations Division are designated as Tier I Exempt Officer positions.

The Air Support Unit's objectives include providing aerial support for police ground units on matters related to public and officer safety. The primary purpose of the Air Support Unit helicopter patrol program is to support police ground patrol units. The helicopter responds to calls for service relating to threats to life and property, pursuits, threats to officer safety, missing persons and other calls where its capabilities can effectively assist the efforts of the ground officers. The helicopter will also perform routine patrol checks of schools, parks, recreational areas and areas not easily accessible to ground officers. According to the SJPD, the officer pilots fly about 20 hours per week. The Air Support Unit's staffing consists of a Lieutenant (0.33 FTE as position is shared with two other units), 1 Sergeant and 4 officers.

The Traffic Enforcement Unit's objectives include: increasing enforcement at the identified ten highest crash locations to reduce the number of crashes by 10%; issuing citations for hazardous traffic violations; investigating traffic complaints originating from the community, City government, other City departments, and the Police Department; conducting traffic safety education presentations and demonstrations to meet the objectives of the Office of Traffic Safety (OTS) grant(s) requirements; providing personnel and assistance to units within this and other City departments for special events. The Traffic Enforcement Unit's staffing consists of 1 Lieutenant, 6 Police Sergeants, and 44 Police Officers.

Of the five authorized full-time sworn positions in the Air Support Unit, we recommend two Officer positions for civilianization and outsourcing (see also page 33). In addition, we recommend one Officer position out of the 51 authorized full-time sworn positions in the Traffic Enforcement Unit for civilianization, for a total of three sworn positions.

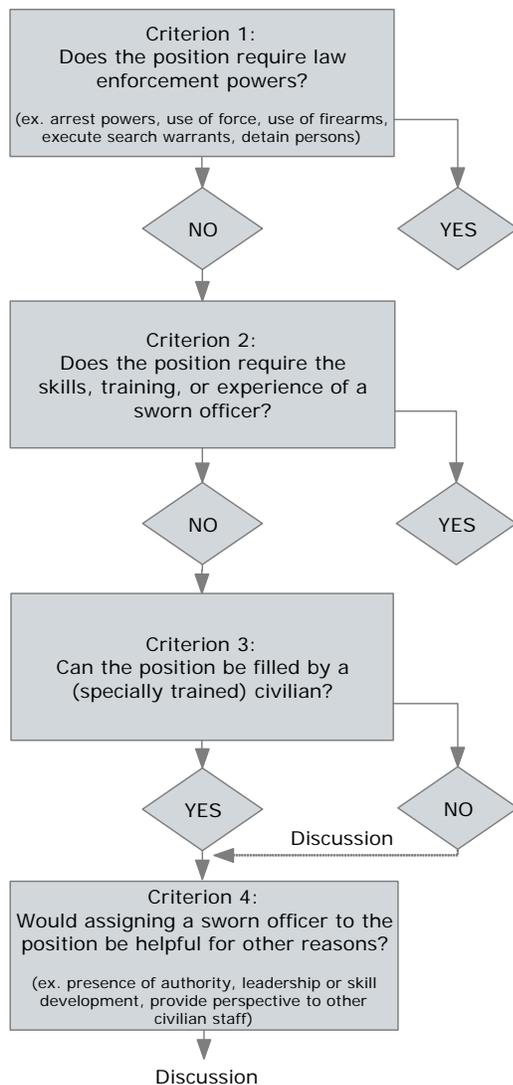
### **Civilianization Summary: 3 sworn positions**

Air Support Unit	2 Police Officers	→ 2 Contract Pilots	<u>Cost Differential</u> \$ 170,000
Traffic Enforcement Unit	1 Police Officer	→ 1 Staff Specialist	<u>\$ 49,500</u>
<b>Total Estimated Cost Differential</b>			<b>\$ 219,500</b>

Bureau of Field Operations – Air Support Unit

**Recommendation: Civilianize and Outsource 2 Police Officer Helicopter Pilots**

The Air Support Unit (5.33 authorized – all sworn) consists of a 0.33 FTE Lieutenant, 1 Police Sergeant and 4 Police Officers, 2 of whom serve as pilots and 2 of whom serve as observers. The Air Support Unit provides support for police ground units and assists Police and Fire units, as well as other agencies, in responding to immediate threats. The helicopter flies with two sworn staff: one pilot and one observer. This proposal would civilianize and outsource two pilot positions. The SJPD budget proposal had recommended civilianizing these positions by outsourcing to the work to contracted civilian helicopter pilots. See Recommendation #11 on pages 33-34.



**Criterion 1: NO**

These officers fly a helicopter and are not involved in making arrests, using force or firearms.

**Criterion 2: NO**

The positions require the skills of a helicopter pilot. This is not training or experience that a sworn officer would typically have by nature of being sworn. There is a sworn observer in the helicopter with the pilot and this person would remain and would provide sworn skills, if needed.

**Criterion 3: YES**

Per the SJPD’s FY 2009-10, budget proposal, this position could be civilianized and contracted out. Per the SJPD budget proposal: “The civilian pilots require training and certifications in order to be insured. However, civilianizing these positions would allow for more consistent staffing, thereby limiting the training costs for training multiple sworn staff. Additionally, the City could consider hiring pilots under contract and only pay based on flight hours. During extended periods of inactivity due to unexpected periods of maintenance or overhauls the contract pilot will not get paid.” The proposal does note that there may be high turnover with civilian pilots.

**Criterion 4: NO**

A sworn observer would continue to accompany the pilot and provide any needed sworn presence.

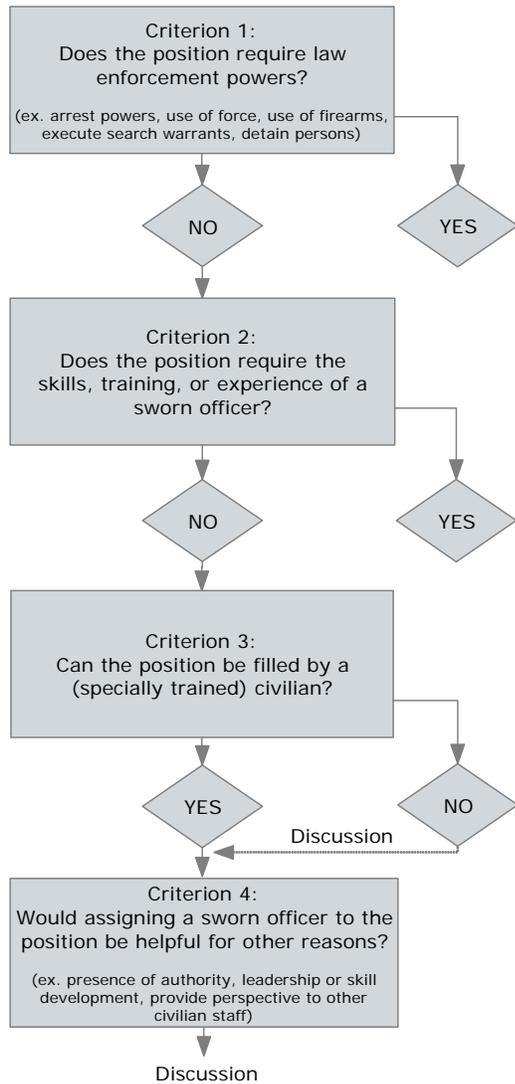
**ESTIMATED COST DIFFERENTIAL: \$170,000**

(Difference between the cost of two Police Officers and contract pilots)

Bureau of Field Operations – Traffic Enforcement Unit

**Recommendation: Civilianize 1 Police Officer**

The Traffic Enforcement Unit (51 authorized – all sworn) consists of 1 Lieutenant, 6 Police Sergeants, and 44 Police Officers. This position focuses on inputting and analyzing data related to neighborhood traffic complaints to identify zones where the Traffic Enforcement Unit will focus its enforcement efforts.



**Criterion 1: NO**

The work is administrative and analytical in nature. It does not require law enforcement powers. This position is not operating in the field.

**Criterion 2: NO**

The position is one that primarily compiles, enters, and analyzes traffic complaint data for the School and Neighborhood Program. Data is analyzed every two weeks, and grouped into zones. The zones change quarterly and this position helps identify how the zones should change. The position also helps find neighborhood block captains for each zone, works with Research and Development, and assists the Traffic Enforcement Lieutenant with program management reports. This work does not require sworn skills, training, or experience.

**Criterion 3: YES**

Per the SJPD’s STP proposal this position could be civilianized with a Staff Specialist.

**Criterion 4: NO**

Sworn skills are not needed to perform this work. The sworn credibility could be helpful at times in dealing with others in the Police Department or in the community. However, the rest of the unit will remain sworn and so sworn employees would be available to assist if needed.

**ESTIMATED COST DIFFERENTIAL: \$49,500**

(Difference between the cost of a Police Officer and a Staff Specialist)

## AIRPORT DIVISION

The Airport Division consists of 51 authorized full-time positions (50 sworn & 1 civilian). One Captain commands the Division, with one Lieutenant and seven Sergeants. Four Sergeants each lead Patrol teams and another Sergeant leads the canine team. The other two Sergeants are assigned as the Administrative Sergeant and Security Sergeant, respectively.

The Airport Division is responsible for providing the full range of law enforcement services at the Norman Y. Mineta San José International Airport. These law enforcement services include but are not limited to enforcing the Airport Security Plan, ensuring compliance with all Transportation Security Administration directives and existing FAA regulations, facilitating the safe and orderly movement of vehicular and pedestrian traffic, conducting investigations as needed, and responding to calls for service at the Airport. The recommendation for civilianization below is in reference to the Administrative Sergeant position in the Airport Division.

Of the 50 authorized full-time sworn positions in the Airport Division, we recommend one Sergeant position for civilianization. Also see recommendation #13 on page 35 regarding working with Airport Department to determine an efficient and effective mix of sworn (SJPD) and civilian (Airport) security staff.

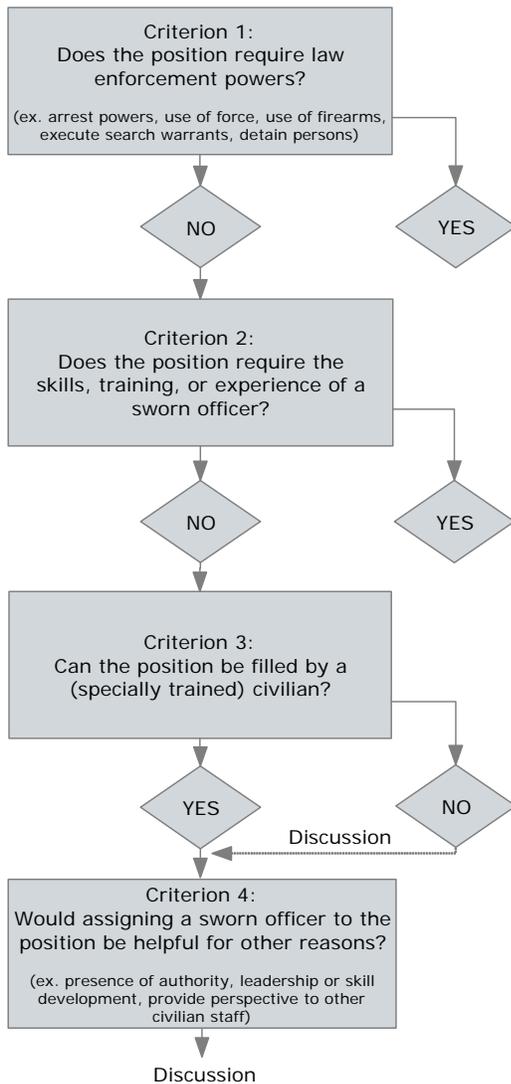
**Civilianization Summary: 1 sworn position**

Airport Division	1 Sergeant	→ 1 Analyst II	<u>Cost Differential</u>
			<u>\$66,000</u>
<b>Total Estimated Cost Differential</b>			<b>\$66,000</b>

Bureau of Field Operations – Airport Division

**Recommendation: Civilianize 1 Administrative Sergeant**

There are seven authorized Sergeants in the Airport Division; the Administrative Sergeant is responsible for various budgeting, maintenance, and scheduling duties, as well as providing relief to Airport patrol when necessary.



**Criterion 1: NO**

Most of the time, this position does not work in the field and does not make arrests, enforce criminal laws and ordinances, or use force. According to SJPD, about 80% of the position's time is spent on budgeting and scheduling. However, the Administrative Sergeant is also required to backfill for the Intel/Security and/or Patrol Sergeants when needed, an estimated 15-20% of the time.

**Criterion 2: NO**

Sworn skills, training, or experience are only required of the position when backfilling for intelligence, security, or patrol purposes. Otherwise, the duties and tasks of the position are administrative in nature.

**Criterion 3: YES**

The administrative duties of the position include but are not limited to budget oversight, building maintenance, equipment inventory, fleet management, and shift scheduling. These duties could be performed by a civilian. It should be noted that all Airport personnel (whether sworn or civilian) are required to pass and abide by TSA and FAA regulations. Sworn airport personnel receive special training to work at the Airport that other City police officers do not receive.

**Criterion 4: YES**

Having an Administrative Sergeant allows for sworn staff to backfill for other Sergeants when necessary; this responsibility could not be handled by a civilian. However, civilianizing an administrative position could also free up a sworn Sergeant or Officer for other law enforcement or security duties, such as Airport Patrol.

**ESTIMATED COST DIFFERENTIAL: \$66,000**

(Difference between the cost of a Police Sergeant and an Analyst II)

## ADMINISTRATIVE UNIT

The BFO Administrative Unit consists of 10 authorized full-time positions (6 sworn & 4 civilians). The Unit is currently staffed with 12 positions, with two police officers more than the authorized staffing. One Lieutenant commands the unit. It should be noted that 2 of the 6 sworn positions in the BFO Administrative Unit are designated as Tier 2 Exempt Officer-eligible positions.

The Bureau of Field Operations Administrative Unit is responsible for all bureau fiscal and personnel matters, including management of bureau personal and non-personal budgets, overtime and compensatory time, beat patrol, special unit assignments, staffing, disability tracking, and training of bureau personnel. All bureau programs are continuously analyzed, according to the Department.

The Police Department job announcement for the BFO Administrative unit states that officers assigned to work in the BFO Administrative Unit are assigned designated areas of responsibility, but will learn all job functions of the unit. The functions may include, but are not limited to, personnel (including the tracking of assignments, transfers, promotions, disabilities, etc.), research, purchase and distribution of equipment, and BFO Call-In (shift bidding). Officers may draft correspondence and memoranda for the BFO Deputy Chief and the Chief of Police. Officers may be called upon to conduct research of projects requiring coordination with other bureaus, City departments and outside agencies. Officers may also be involved in sensitive cases and/or confidential projects or personnel matters. BFO Administrative Unit personnel serve as the general administrative assistants to the Deputy Chief of the Bureau of Field Operations.

Of the six authorized full-time sworn positions in the BFO Administrative Unit, we recommend two Sergeant and four Officer positions for civilianization.

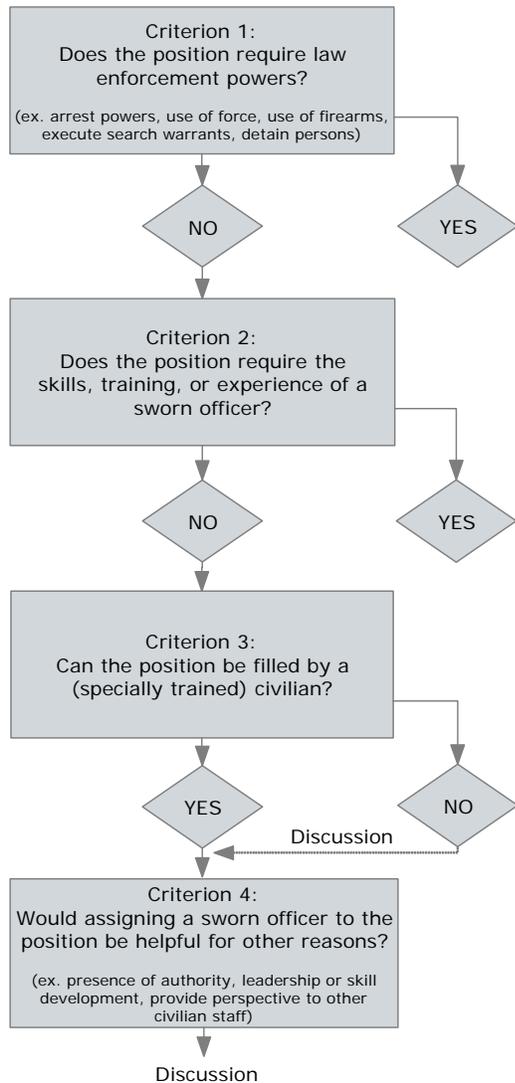
### **Civilianization Summary: 6 sworn positions**

			<u>Cost Differential</u>
BFO Admin. Unit	1 Police Sergeant	→ 1 Analyst II	\$ 66,000
	1 Police Sergeant	→ 1 Senior Office Specialist	\$ 99,500
	3 Police Officers	→ 3 Analyst II	\$ 91,500
	1 Police Officer	→ 1 Staff Specialist	\$ 49,500
<b>Total Estimated Cost Differential</b>			<b>\$306,500</b>

Bureau of Field Operations – Administrative Unit

**Recommendation: Civilianize 2 Police Sergeants and 4 Police Officers**

These positions perform a broad range of administrative, analytical and clerical duties. The SJPD FY 2009-10 internal budget proposal recommended civilianizing 1 Police Sergeant position with 1 Analyst II. The SJPD STP review noted that marked fleet could be overseen by a civilian. Two of the positions in the BFO Administrative Unit are Tier 2 Exempt Officer-eligible positions per the Consent Decree.



**Criterion 1: NO**

These officers and sergeants typically do not operate in the field and do not use law enforcement powers, such as making arrests, using force, or detaining persons. The work is mostly administrative and analytical in nature.

**Criterion 2: NO**

The duties of these Sergeants and Officers consist of a variety of administrative, analytical, and clerical duties. One Sergeant performs primarily clerical tasks. Another is a training Sergeant who coordinates, schedules, and monitors training, and in some cases, leads trainings. One Officer monitors daily BFO staffing on an individual basis as well as by teams, divisions, and watches. Another Officer manages the marked fleet. Both fleet management and personnel monitoring are considered collateral duties. The two Tier-2 eligible positions work on research and generating reports as well as helping administratively when needed on other projects.

**Criterion 3: YES**

The work is primarily analytical and administrative in nature. Management of the marked fleet could be overseen by a civilian, as SJPD had noted in its STP review. The SJPD Budget Proposal recommended civilianizing one Sergeant with an Analyst II.

**Criterion 4: NO**

While keeping these positions sworn may provide some added credibility or authority in communicating with other sworn employees, the work is primarily administrative and analytical in nature and does not require the unit to be staffed primarily with sworn employees.

**ESTIMATED COST DIFFERENTIAL: \$306,500**

(Difference between the cost of 1 Police Officer and 1 Staff Specialist; difference between the cost of 3 Police Officers and 3 Analyst IIs; difference between the cost of 1 Police Sergeant and 1 Analyst II; and difference between the cost of 1 Police Sergeant and 1 Senior Office Specialist)

## **MAIN LOBBY/PREPROCESSING CENTER**

The Main Lobby/Preprocessing Center consists of 40 authorized full-time positions (all sworn) split across the Main Lobby (20.5 positions) and the Preprocessing Center (19.5). One Lieutenant commands the unit overall and splits his time between the two sides. One of the sworn positions in the Preprocessing Center is designated as an Exempt Officer Tier 2-eligible position.

The Main Lobby (Information Center) - authorized 20.5 (all sworn) - is the Main Lobby of the Police Administrative Building. Information Center staff provides public access to the Police Department and 24-hour security for the building. Staff controls access to the building and provides information, screening, and report taking to the public. The Main Lobby also reviews vehicle impounds, releases and administrative hearings associated with suspended license tows.

The Preprocessing Center (19.5 authorized positions - all sworn) provides general processing of all adult and juvenile in-custody felony arrestees and certain misdemeanor arrestees before they are booked into the Santa Clara County Jail.

Of the 40 authorized full-time sworn positions in the Main Lobby/Preprocessing Center Unit, we recommend 25 positions for civilianization. These recommendations also take into account potential staffing changes resulting from proposed changes from a 10-hour shift to a 12-hour shift; please see the following page for a summary of changes.

**Civilianization Summary: 25 sworn positions**

**Main Lobby**

The Main Lobby historically had operated on a 10-hour schedule similar to the schedule that Patrol follows. The Police Department had been interested in shifting the Main Lobby to a 12-hour shift. As a first step, with the September 2009 shift change, the Main Lobby switched to a 10-hour staggered schedule (with employees starting work at different times). The number of employees needed to staff the Main Lobby was reduced from 18 to 12. The civilianization of 4 of the remaining 12 employees could provide additional savings as shown in the "Cost Differential" column.

	<b>Current Staffing with 10-hour Staggered Shifts</b>	<b>Staffing with 12-hour Shifts and Civilianization</b>	<b>Cost Differential</b>
<b>Main Lobby</b>	2 Sergeants	2 Sergeants	-
	2 Officers	2 Officers	-
	3 Officers	3 Senior Office Specialists	\$192,000
	3 Officers	3 Office Specialists	\$210,000
	2 Officers (night watch)	2 Officers (night watch)	-
<b>Total</b>	<b>12</b>	<b>12</b>	<b>\$402,000</b>

**Preprocessing Center**

The Preprocessing Center operates on a 10-hour schedule similar to the Patrol schedule. The Police Department is interested in shifting the PPC to a 12-hour schedule. This would reduce the number of staff needed to operate the PPC from 19 to 13, as shown in the table. The schedule change could reduce costs by about \$923,000 (as shown below -- \$355,000 plus \$568,000). Civilianization of the remaining 13 positions could further reduce costs by about \$535,000.

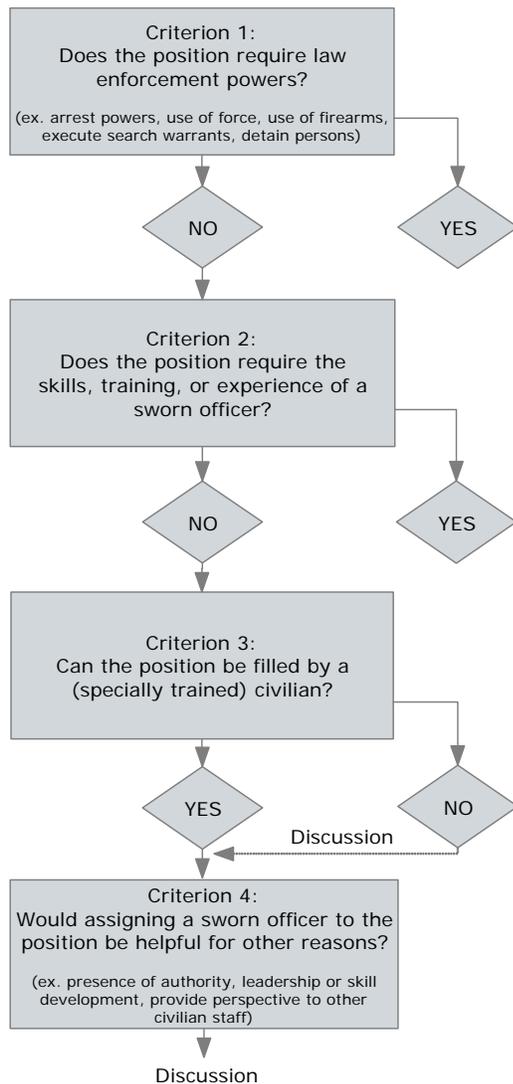
	<b>Current Staffing with 10-hour Staggered Shifts</b>	<b>Staffing with 12-hour Shifts</b>	<b>Staffing with 12-hour Shifts and Civilianization</b>	<b>Cost Differential</b>
<b>Preprocessing Center</b>	6 Sergeants	4 Sergeants	4 Corrections Sergeants	\$202,000
		2 Sergeants (eliminated)		\$355,000
	13 Officers	9 Officers	9 Corrections Officers	\$333,000
		4 Officers (eliminated)		\$568,000
<b>Total</b>	<b>19</b>	<b>13</b>	<b>13</b>	<b>\$1,458,000</b>

**Grand Total Combined Cost Differential of Main Lobby and Preprocessing Center \$1,860,000**

**Bureau of Field Operations – Main Lobby/Preprocessing Unit**  
**Recommendation: Civilianize 13 Preprocessing Detail Police Officers**

These officers perform arrestee processing duties such as: obtaining, entering, and processing photographs and fingerprints; conducting criminal record and photo database searches; assisting with recording of case-related interviews; Valtox testing of narcotics evidence; coordinating pre-booking services for major operations and special events. Preprocessing Center staff is responsible for departmental compliance with all State regulations relative to the maintenance of the Preprocessing Center’s status as a jail booking facility.

The SJPD FY 2009-10 internal budget proposal recommended civilianizing four Police Officers in the Preprocessing Center. One of the 13 recommended positions is a Tier 2 Exempt Officer-eligible position per the consent decree.



**Criterion 1: NO**

These positions process arrestees and do not need to use enforcement powers such as making arrests. Preprocessing officers are unarmed when working with arrestees. These positions do not operate in the field.

**Criterion 2: NO**

Pre-processing activities do not require peace officer status. While sworn skills may be helpful, specially-trained civilians perform pre-processing duties in other jurisdictions. Duties include checking that arrestees are secured and appropriately separated, reviewing in-take forms to ensure they’re properly completed, searching arrestees for weapons and contraband.

**Criterion 3: YES**

The duties and responsibilities of this position could be performed by a specially-trained civilian. Other jurisdictions use civilians in this function. Civilianizing these positions would require the creation of a new civilian job classification similar to that of Santa Clara County.

**Criterion 4: NO**

While the credibility of sworn may be helpful in certain instances, it is not essential to perform the job duties. A sworn Preprocessing Center may also be easier to backfill in the event of absences but this is not a significant enough reason to retain the entire operation as sworn.

**ESTIMATED COST DIFFERENTIAL: \$901,000**

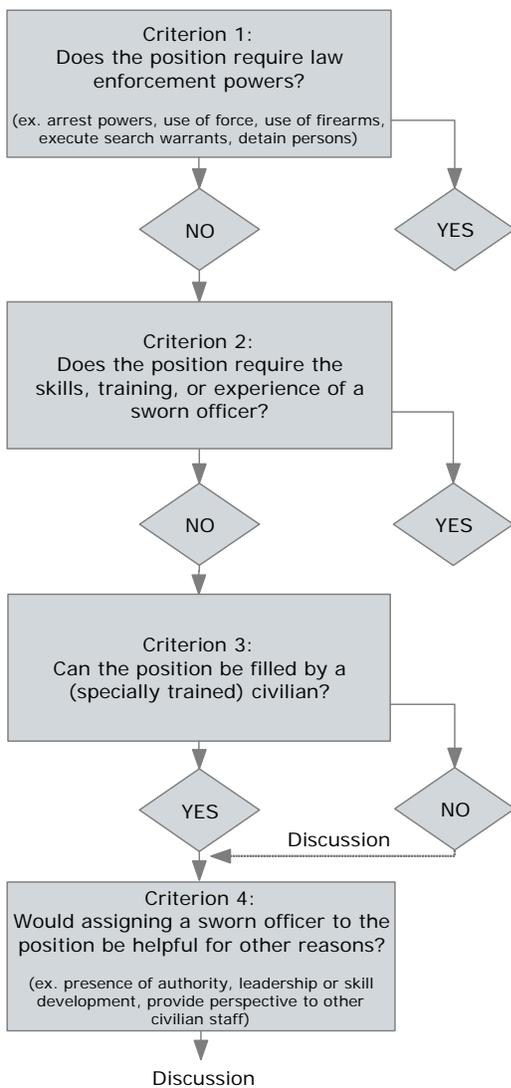
(Difference between the cost of 13 Police Officers and 9 Corrections Officers)

Bureau of Field Operations – Main Lobby/Preprocessing Unit

**Recommendation: Civilianize 6 Preprocessing Detail Police Sergeants**

These sergeants supervise the Preprocessing Center. They supervise assigned personnel as well as the processing of arrestees, including the initial intake. They are responsible for: ensuring that all logs are completed and updated at the end of their shifts; ensuring audio and visual equipment is monitored and properly operated; ensuring accurate documentation and recording of all required statistics pertaining to arrestee processing and the use of PPC equipment.

One of the positions is an Administrative Sergeant who: maintains and files all PPC records; reviews the Intake Logs daily; completes and reports required statistics in a timely manner; is responsible for ordering all supplies and materials; ensures that all equipment is maintained and repaired as needed; inspects and tests various equipment and alarms and documents such inspections; is responsible for security video retrieval/release when requested by proper authority.



**Criterion 1: NO**

These positions oversee processing of arrestees and do not use law enforcement powers such as making arrests. These positions do not operate in the field.

**Criterion 2: NO**

Preprocessing activities do not require peace officer status. While sworn skills may be helpful, specially-trained civilians perform pre-processing duties in other jurisdictions. The Sergeants provide general oversight of the Preprocessing Center.

**Criterion 3: YES**

The duties and responsibilities of this position could be performed by a specially-trained civilian. Other jurisdictions use civilians in this function. Civilianizing these positions would require the creation of a new civilian job classification similar to that of Santa Clara County.

**Criterion 4: NO**

While the credibility of sworn may be helpful in certain instances, it is not essential to perform the job duties. A sworn Preprocessing Center may also be easier to backfill in the event of absences but this is not a significant enough reason to retain the entire operation as sworn.

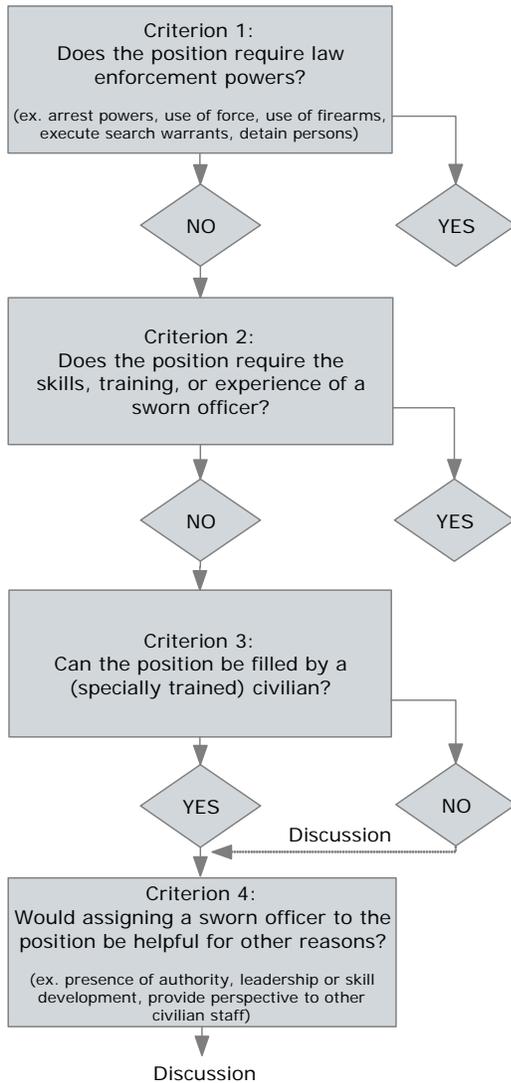
**ESTIMATED COST DIFFERENTIAL: \$557,000**

(Difference between the cost of six Police Sergeants and four Corrections Sergeants)

Bureau of Field Operations – Main Lobby/Preprocessing Unit

**Recommendation: Civilianize 6 Main Lobby Detail (Information Center) Police Officers**

Main Lobby (Information Center) staff provides public access to the Police Department and 24-hour security for the building. Staff controls access to the building and provides information, screening, and report taking to the public. The Main Lobby staff also reviews vehicle impounds, releases and administrative hearings associated with suspended license tows.



**Criterion 1: NO**

Staff in the Information Center work behind the front desk in the main lobby of the Police Department. They deal with the public, primarily in a customer service role. While enforcement powers could be needed in the lobby if there's an incident, several sworn staff would be retained in the unit to provide such support. Daytime shifts would consist of one sergeant, one officer, and three civilians. The nighttime shift would remain with one sworn officer to provide building security for employees.

**Criterion 2: NO**

Information Center staff check visitors in, direct them where to go, and may take reports in person or on the phone. None of these duties require the skills, training, or experience of a sworn officer.

**Criterion 3: YES**

A specially-trained civilian could perform the customer service duties in the Information Center. The recommended changes would provide for a sworn-civilian mix in the Main Lobby so a sworn presence would be retained.

**Criterion 4: NO**

According to the Police Department, the reason for staffing with sworn officers is if law enforcement powers are needed to address an incident in the Main Lobby. A sworn presence would be retained for this reason. But since the most of the Main Lobby duties do not require law enforcement power or skills, six positions could be civilianized.

**ESTIMATED COST DIFFERENTIAL: \$402,000**

(Difference between the cost of six Police Officers and 3 Senior Office Specialists plus 3 Office Specialists)

## COMMUNITY SERVICES DIVISION

The Community Services Division consists of 46 authorized full-time positions (31 sworn & 15 civilian) split across six separate Details. One Lieutenant commands the Division. It should be noted that up to 4 of the 31 sworn positions in the Community Services Division are designated as Exempt Officer-eligible positions. Three are Tier 1 positions and one is a Tier 2-eligible position.

The Police Activities League (6 authorized staff – 5 sworn and 1 civilian) is a youth crime prevention program that relies on educational, athletic and other recreational activities and is intended to connect police officers and the youth in the community in a positive way. There are 12 programs for youths ages 5 to 21. There are approximately 10,000 participants and 2,500 volunteers in P.A.L. The P.A.L. program operates out of P.A.L. Stadium, which has a lighted football/ soccer field, baseball field, softball field, field house, concession stands, fitness center, and administration offices. Funding comes from various sources: the City of San José, employee contributions, stadium rental, fundraisers and United Way. According to P.A.L.'s IRS Form 990, the City of San José contributed (for the Fiscal Year ending June 30, 2006) approximately \$1.1 million to P.A.L. in the form of City staff, utilities, maintenance, supplies, travel, equipment, janitorial services and occupancy.

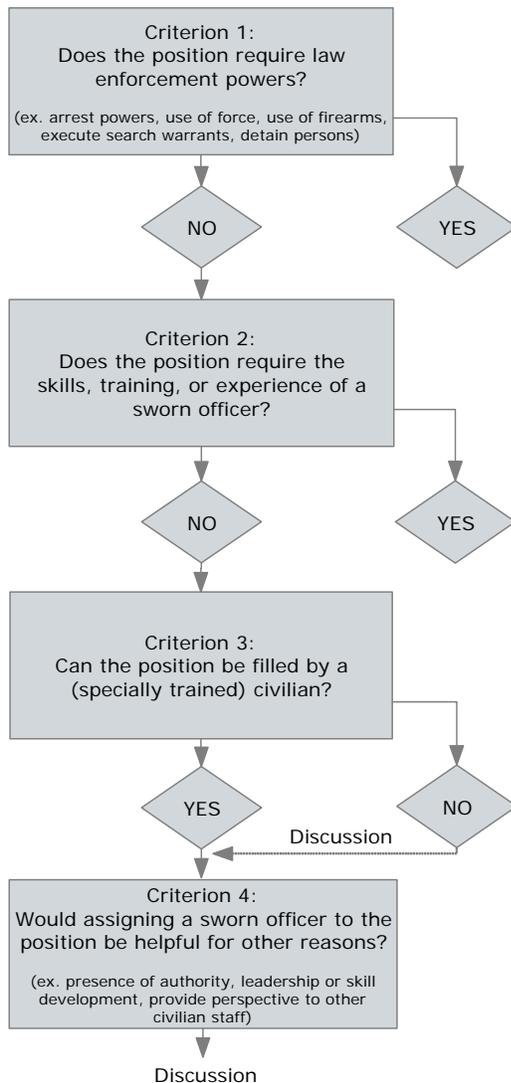
Of the 31 authorized full-time sworn positions in the Community Services Division, we recommend three Officer positions for civilianization.

### **Civilianization Summary: 3 sworn positions**

Police Activities League	3 Police Officers	→	3 Recreation Program Specialists	<u>Cost Differential</u>
<b>Total Estimated Cost Differential</b>				<b>\$ 169,500</b>
				<b>\$ 169,500</b>

Bureau of Field Operations – Community Services Division  
**Recommendation: Civilianize Police Activities League – 3 Police Officers**

Officers are responsible for administering, organizing, and supervising sport activities leagues. The sworn P.A.L. staff has a broad range of non-law enforcement duties related to overseeing and operating these youth sports programs. The SJPD STP proposal recommended civilianizing one Police Officer position. None of the P.A.L. positions are designated as being for Exempt Officers under the consent decree. (Also see page 34 for related Recommendation #12 on Department support for P.A.L. in the future).



**Criterion 1: NO**

These positions are not working in field and therefore do not use law enforcement powers, such as making arrests, using force, or detaining persons.

**Criterion 2: NO**

The majority of Officers’ work consists of administrative tasks related to Police Activities League operations, including supervising leagues, administering budgets, completing monthly reports regarding the programs, conducting large events, hiring referees and umpires, among other activities.

**Criterion 3: YES**

Similar to the SJPD’s FY 2009-10, STP proposal regarding one P.A.L. position, these positions could also be filled by a civilian.

**Criterion 4: NO**

The Department prefers to maintain a sworn component in P.A.L. to maintain the interaction between the community and its officers. Though most of the sworn personnel’s work is administrative in nature, there may be opportunities for officers to have direct interaction with P.A.L. youth, which is a key premise of the program. The administrative duties of the sworn staff in P.A.L. should be civilianized, leaving the unit with one Sergeant and one Officer to focus primarily on the direct interaction with youth. The Department could also potentially involve greater numbers of officers by encouraging Department-wide volunteering for P.A.L. programs.

**ESTIMATED COST DIFFERENTIAL: \$169,500**

(Difference between the cost of 3 Police Officers and 3 Recreation Program Specialists)

See page 34 for discussion of Recommendation #12 that states: “Work with the Police Activities League to determine the most effective and efficient mix of sworn and civilian staff. The Police Department should also reconsider how the Department should support the work of the Police Activities League in the future.”

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# BUREAU OF INVESTIGATIONS

The Bureau of Investigations conducts investigations and presents cases to the District Attorney or Grand Jury, when appropriate, for general crimes and crimes against persons. Crimes against persons include but are not limited to homicides, suicides, robberies, sexual assaults, family and domestic violence, elder and child abuse, child exploitation, gang-related offenses, kidnap-for-ransom, extortion, parental abduction, and sex registrants. General crimes include but are not limited to narcotics offenses, auto theft, injury and fatal vehicle accidents, fraud, burglary, financial crimes, high tech-related offenses, assaults, missing persons, juvenile offenses, and false impersonation.

## Person Crimes Division

- **Family Violence** (no recommendations)
- **Gang Investigations** (no recommendations)
- **Homicide** (civilianize 4 positions; see page 70)
- **Robbery** (civilianize 3 positions; see page 73)
- **Sexual Assaults** (no recommendations)

## General Crimes Division

- **Court Liaison** (civilianize 6 positions; see page 77)
- **Assaults/Juvenile/Missing Persons** (civilianize 1 positions; see page 80)
- **Financial Crimes/Burglary** (no recommendations)
- **High Tech Crimes** (civilianize 2 positions; see page 82)
- **NCI/DEA** (no recommendations)
- **RATTF** (no recommendations)
- **Vehicular Crimes** (civilianize 5 positions; see page 84)

**TOTAL: 21 positions**

## HOMICIDE UNIT

The Homicide Unit consists of 29 authorized full-time positions (28 sworn & 1 civilian) divided among three separate subdivisions: Homicide Investigations, Crime Scene Investigation, and the Night General Detail.

The **Homicide Unit** is responsible for investigating all homicides, suspicious deaths, child deaths, in-custody deaths, and officer-involved fatal incidents. The Homicide Unit also includes the Day General Detail, which consists of detectives assigned as first responders to the scene for cases involving the Bureau of Investigations.

The **Crime Scene Unit** is responsible for assisting homicide investigators on homicide cases and processing crime scenes for physical evidence for the Homicide Unit and other investigative Units. The Crime Scene Unit also provides event reconstruction, coordinates search warrants and processing of vehicles, and liaisons with the coroner's office as needed.

Many of the duties and responsibilities of the Crime Scene investigator position, such as the collection and analysis of physical evidence, can be performed by a civilian. However, according to the Department, Crime Scene personnel currently serve as extensions of the Homicide investigators and perform a variety of tasks requiring sworn status, such as writing and serving search warrants and possibly making arrests at the crime scene. In addition, several facets of evidence collection are currently farmed out to other in-house Units (ex. Video Unit, Fingerprints) as well as the county lab due to a lack of facilities and equipment. While there are current constraints to civilianization, these positions should still be included as part of a long-term civilianization implementation plan. A sworn-civilian staffing mix in the Crime Scene Unit could provide sworn experience with some stability and ongoing expertise through civilian staff.

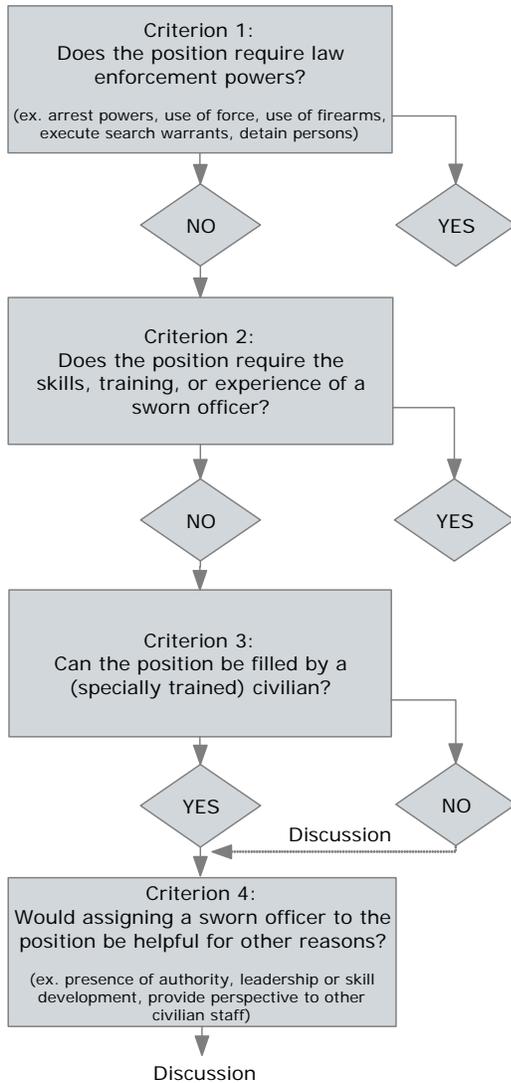
Of the 28 authorized full-time sworn positions in the Homicide Unit, we recommend four Officer positions for civilianization.

<b>Civilianization Summary:</b>	<b>4 sworn positions</b>	
Homicide Unit	1 Police Officer → 1 Office Specialist II	<u>\$ 70,000</u>
Crime Scene Unit	3 Police Officers → 3 Crime Scene Investigators	<u>\$ 45,000</u>
<b>Total Estimated Cost Differential</b>		<b>\$ 115,000</b>

Bureau of Investigations – Homicide Unit

**Recommendation: Civilianize I Homicide Police Officer**

The Homicide Unit Sergeants and Officers investigate all homicide-related deaths, suspicious deaths, officer-involved shootings, and in-custody deaths. According to the Department, while all Homicide Unit personnel typically work on cases from beginning to end, all sworn personnel also perform a variety of administrative duties that were formerly performed by civilian support staff who have since left the Unit. The recommended position would consolidate these administrative duties among sworn personnel back to a civilian support staff position.



**Criterion 1: NO**

Existing Homicide Unit personnel would still have the law enforcement powers needed to investigate homicide-related crimes; a civilian support staff position would not be in the field and would not require similar law enforcement powers.

**Criterion 2: NO**

Sworn skills, training, or experience are required when conducting actual homicide-related investigations. The recommended position would handle other administrative tasks for the Unit currently shared between the Senior Office Specialist and other sworn personnel.

**Criterion 3: YES**

The recommended position would be responsible for administrative tasks that include, but are not limited to, maintaining statistical logs, preparing records checks and case summaries, RMS data entry and updates, and preparation of various memos and reports.

**Criterion 4: YES**

The Department prefers that sworn staff remain in this position in order to conduct and assist with homicide investigations when needed. The recommended civilian support staff position would be assisting the existing Senior Office Specialist with the various administrative tasks for the Homicide Unit; assigning these tasks to a civilian would free up all remaining sworn investigators' time for additional and/or more thorough investigations.

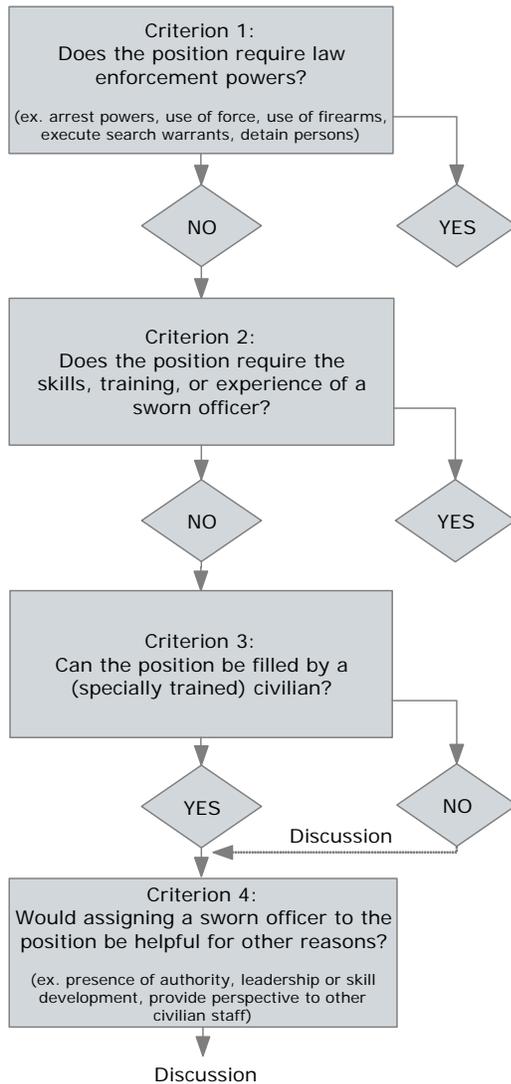
**ESTIMATED COST DIFFERENTIAL: \$70,000**

(Difference between the cost of a Police Officer and an Office Specialist II)

Bureau of Investigations – Homicide Unit

**Recommendation: Civilianize 3 Crime Scene Police Officers**

The Crime Scene Sergeants and Officers investigate all homicide cases and assist Homicide investigators and other Units as needed. The duties and responsibilities include providing security at the crime scene, interviewing witnesses, and the collection and processing of physical evidence.



**Criterion 1: NO**

The current deployment of Crime Scene personnel may require some law enforcement powers while at the actual crime scene. However, the primary function of the position—collecting, analyzing, and processing evidence—does not necessarily require law enforcement powers.

**Criterion 2: NO**

Sworn skills, training, or experience may be important in assisting investigators with active homicide-related cases. However, many of the interviewing and evidence collection duties can also be performed by civilians. Sworn skills, training, and experience would still be available through the remaining sworn crime scene personnel.

**Criterion 3: YES**

Large police organizations such as those in Los Angeles and San Francisco have recommended civilianizing the crime scene and forensic analysis functions in order to free up more detectives to conduct more investigative work. In other jurisdictions, such as Los Angeles and San Diego, similar crime scene investigation functions are filled by the existing Criminalist civilian classification.

**Criterion 4: YES**

According to the Department, Crime Scene personnel as currently deployed act as extensions of the Homicide investigators and provide additional “eyes” to those investigators while at the crime scene. The Department prefers that sworn staff remain in these positions in order to conduct and assist with homicide investigations. It should also be noted that SJPD currently utilizes a combination of the County lab and other SJPD units to conduct its forensic work. In the long-term, however, the Department should consider civilianizing this function to create a sworn-civilian mix in the Unit, thus freeing sworn time for the actual investigations. Furthermore, SJPD’s rotation policy requires that these investigators rotate out of this specialized assignment, thus resulting in ongoing training costs for new Crime Scene personnel.

**ESTIMATED COST DIFFERENTIAL: \$45,000**

(Difference between the cost of 3 Police Officers and 3 civilian Crime Scene Investigators)

**ROBBERY UNIT**

The Robbery Unit consists of 24 authorized full-time positions (22 sworn & 2 civilian). One Lieutenant commands the Robbery Unit, which also includes the Police Artist and the Warrants Detail. It should be noted that three of the 22 sworn positions in the Robbery Unit are designated as Tier I Exempt Officer positions; one of these Exempt positions is in the Warrants Detail.

The **Robbery Unit** is responsible for conducting follow-up investigations of all robbery, extortion, kidnapping for ransom or robbery, grand theft “purse snatch” cases, and other robbery-related crimes. The Unit also assists the Bureau of Field Operations and other Department members with the investigation of serious felony crimes and continuing training and education in robbery crime trends and investigation. The Unit also publishes the Department’s Watch Bulletin and provides police artist services for the Department. Three of the fifteen authorized full-time sworn positions in the Robbery Unit are recommended below for civilianization.

The **Warrants Detail** is responsible for coordinating the return of all persons wanted for criminal conduct originating in the City of San José to ensure their timely prosecution. The Detail also coordinates the extradition of prisoners held out-of-state. The Warrants Detail consists of seven authorized full-time sworn positions.

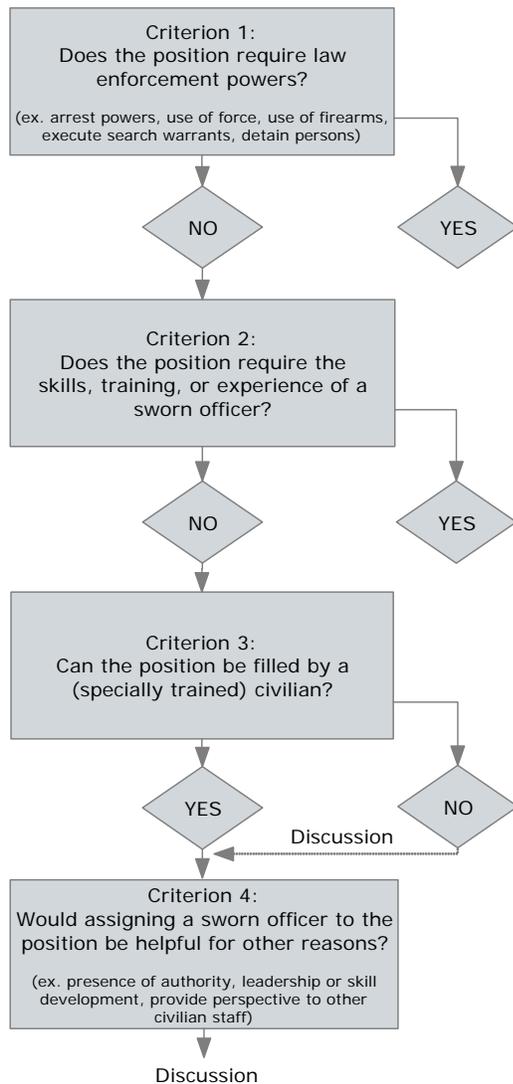
Of the 22 authorized full-time sworn positions in the Robbery Unit, we recommend three positions for civilianization.

<b><u>Civilianization Summary:</u></b>		<b>3 sworn positions</b>	
Robbery Unit	2 Police Officers	→ 2 Senior Office Specialists	<u>Cost Differential</u> \$ 128,000
	1 Police Artist	→ 1 Police Artist (civilian)	<u>\$ 22,500</u>
<b>Total Estimated Cost Differential</b>			<b>\$ 150,500</b>

Bureau of Investigations – Robbery Unit

**Recommendation: Civilianize 1 Investigative Support Police Officer**

The Robbery Unit is responsible for investigating all robbery-related crimes. One Officer acts as the Unit’s Court Liaison Duty Officer and assumes the responsibility for all patrol-initiated robbery arrests. This involves ensuring the cases are completed and that any necessary follow-up is completed before presenting the case to the District Attorney’s Office. This position is a Tier I Exempt Officer position.



**Criterion 1: NO**

Per the Consent Decree, this position does not operate in the field and does not use law enforcement powers, such as making arrests, using force, or detaining persons. The work is primarily administrative in nature.

**Criterion 2: NO**

The Exempt Officer works on in-custody cases and assists Robbery detectives with active investigations, as well as prepares the cases for the District Attorney’s office. While sworn skills, training, or experience may be important in assisting investigators with active cases, much of the administrative work in preparing case files can be completed by a civilian.

**Criterion 3: YES**

As stated above, much of the administrative work in preparing case files can be performed by a civilian, thus freeing up the light-duty and full-duty detectives to conduct more investigative work to the extent possible. Similar work in the Court Liaison Unit can also be performed by civilians (see pp. 69-70 for Court Liaison Unit). In other jurisdictions, these duties can also be performed by civilians (under the civilian classification of a Community Service Officer or Investigative Aide, for example).

**Criterion 4: YES**

The Department prefers to maintain a sworn presence in this position to provide additional in-house investigative support. However, civilianizing an investigative support position would also free light- and full-duty detectives to conduct more investigative work on other cases in which the suspect is not already in custody.

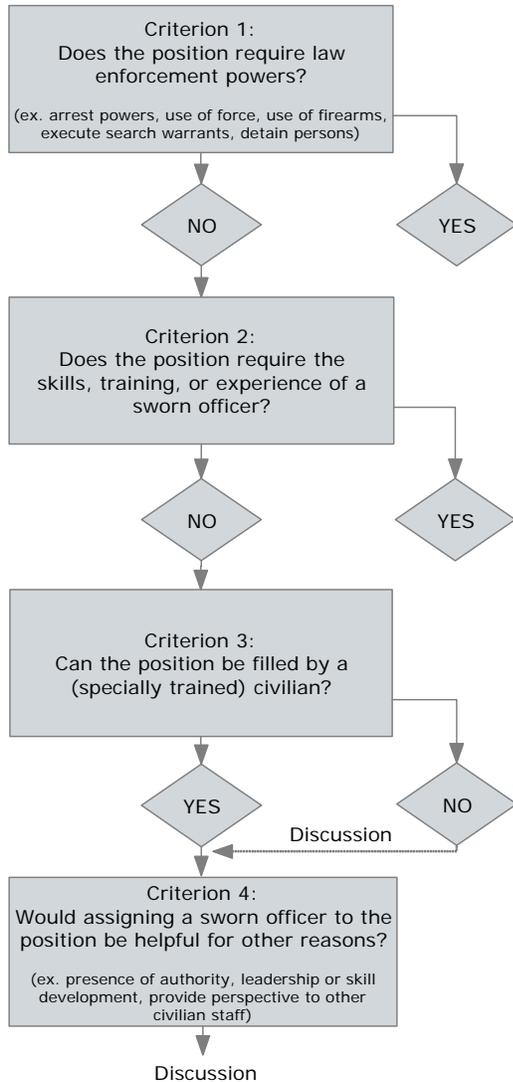
**ESTIMATED COST DIFFERENTIAL: \$64,000**

(Difference between the cost of a Police Officer and a Senior Office Specialist)

Bureau of Investigations – Robbery Unit

**Recommendation: Civilianize I Watch Bulletin Police Officer**

The Robbery Unit is responsible for investigating all robbery-related crimes. The Watch Bulletin Officer is responsible for producing bulletins about wanted suspects for patrol officers. The Officer is responsible for talking to other Units about prime suspects in live and/or sensitive cases and providing patrol officers with further instructions from the appropriate investigative Units. This is a Tier I Exempt Officer position.



**Criterion 1: NO**

Per the Consent Decree, this position does not operate in the field and does not use law enforcement powers, such as making arrests, using force, or detaining persons. The work is primarily administrative in nature.

**Criterion 2: NO**

Sworn skills and investigative experience may be helpful when interacting with other sworn investigators; however, the position does not necessarily require sworn experience in order to produce the Watch Bulletin.

**Criterion 3: YES**

The duties and responsibilities of this position can be filled by a civilian with some level of investigative knowledge.

**Criterion 4: NO**

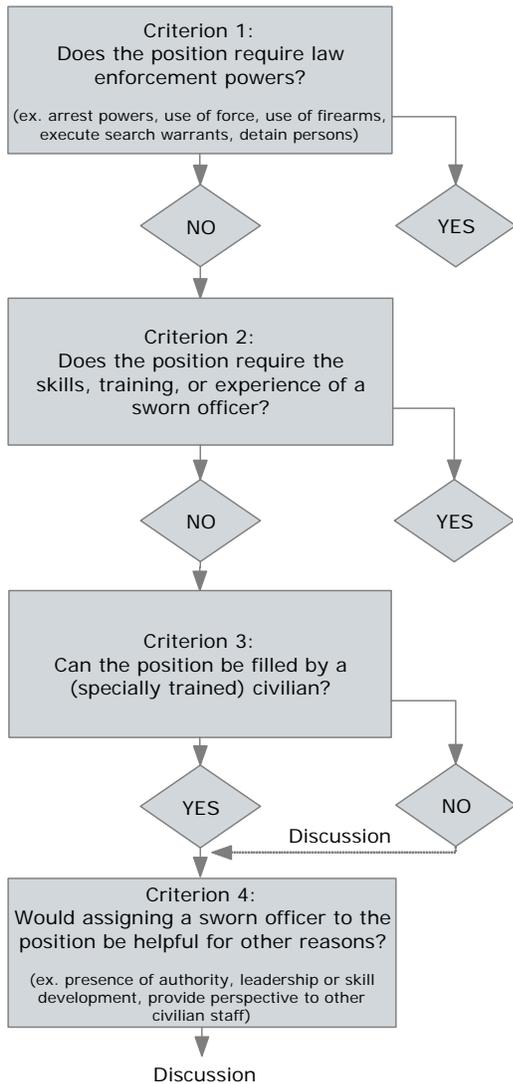
As mentioned above, a sworn presence may be valuable when gathering information from other sworn investigators. The Watch Bulletin appears to be critical in relaying sensitive, real-time information between patrol and investigative units. However, this position is currently held by an Exempt Officer, who may or may not consistently be available depending on the nature of the injury. Civilianizing this position would provide some stability to this critical function.

**ESTIMATED COST DIFFERENTIAL: \$64,000**

(Difference between the cost of a Police Officer and a Senior Office Specialist)

Bureau of Investigations – Robbery Unit  
**Recommendation: Civilianize 1 Police Artist**

The Robbery Unit is responsible for investigating all robbery-related crimes. The Police Artist is generally responsible for interviewing witnesses and victims in order to create likenesses of criminal suspects and missing persons.



**Criterion 1: NO**

The Police Artist position may occasionally require use of law enforcement powers during an emergency or while in the field conducting interviews in some situations. Typically, the position does not require law enforcement powers, such as making arrests, using force, or detaining persons. The main purpose of the position is described as providing artwork for law enforcement use.

**Criterion 2: NO**

The job description provided by the Department does not specifically require any sworn skills or training. Experience in interviewing witnesses and victims are required of the position; however, it seems possible for civilians to have similar interviewing skill and experience.

**Criterion 3: YES**

The job description provided by the Department indicates that the position is already open to civilians; any combination of training and experience equivalent to two years of undergraduate coursework in art or a closely related field, and two years experience as a police artist or related duties would fill the requirements of the position.

**Criterion 4: YES**

Maintaining a sworn Police Artist would be helpful in potentially providing another sworn Officer to assist in day-to-day Robbery detective activities when available. Currently, the Police Artist position is held by a sworn officer with exceptional ability. However, the Police Artist can and should be filled by a civilian after retirement or attrition in order to free up sworn staff for other patrol or investigative duties. In addition, the Police Artist currently belongs to the POA bargaining unit. Once this position is civilianized, the Police Artist should be part of another bargaining unit.

**ESTIMATED COST DIFFERENTIAL: \$22,500**

(Difference between the cost of a sworn Police Artist and a civilian Police Artist)

## COURT LIAISON UNIT

The Court Liaison Unit consists of 22 authorized full-time positions (18 sworn & 4 civilian) split among three separate Details: Case Management & Criminal Complaints, Witness Coordination, and the Admin Per Se / Citations / Property Detail. One Lieutenant commands the division, and Sergeants are authorized to lead each of the three Details. It should be noted that up to 7 of the 18 sworn positions in the Court Liaison Unit can be designated as Exempt Officer-eligible positions. In addition, 3 sworn positions are temporarily assigned to the Unit.

The **Case Management & Criminal Complaints Detail** is responsible for assigning BFO-generated cases to the appropriate investigative unit, conducting case adjudication, processing criminal citations and seeking criminal complaints for BFO felony and misdemeanor cases, including Driving under the Influence (DUI), Public Intoxication, narcotics, and in-custody hit and run traffic accidents.

The **Witness Coordination Detail** distributes and tracks court notices and subpoenas for criminal court, civil court, and hearings for other police officers. The Detail is also responsible for distributing and tracking subpoenas for criminal and civil court for civilians.

The **Admin Per Se / Citations / Property Detail** is responsible for compliance of Admin Per Se state requirements, reviewing "14601" citations (driving with a suspended license), and property clearance through the review of adjudicated cases and the maintenance of the property database.

In FY 2009-10, the San José Police Department submitted a budget proposal to civilianize two sworn positions in the Witness Coordination Detail; one of these positions is an Exempt Officer position. The Auditor's Office agrees with this civilianization proposal, and recommends four additional positions in the Unit for civilianization. It should also be noted that the four additional positions recommended for civilianization are not specific only to the remaining Exempt Officer-eligible positions. However, an additional benefit of a sworn-civilian staffing mix is that civilians would provide stability and knowledge over time while sworn officers rotate in and out of the Unit.

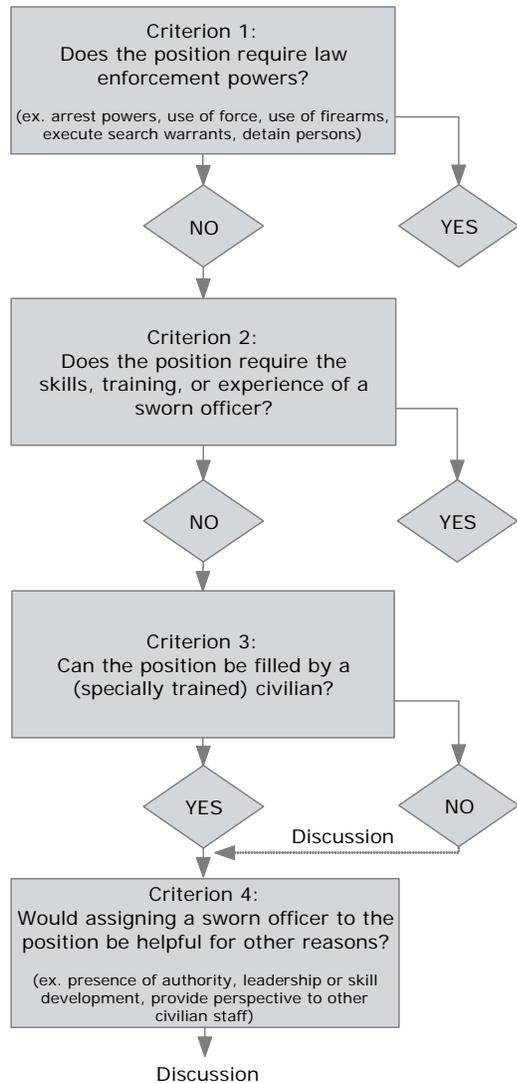
Of the 18 authorized full-time sworn positions in the Court Liaison Unit, we recommend six Officer positions for civilianization.

<b>Civilianization Summary:</b>		<b>6 sworn positions</b>	
Case Management	1 Police Officer	→ 1 Legal Analyst II	<u>Cost Differential</u> \$ 30,500
	1 Police Officer	→ 1 Staff Specialist	\$ 49,500
	2 Police Officers	→ 2 Senior Office Specialists	\$ 128,000
Witness Coordination	2 Police Officers	→ 2 Senior Office Specialists	<u>\$ 128,000</u>
<b>Total Estimated Cost Differential</b>			<b>\$ 336,000</b>

Bureau of Investigations – Court Liaison Unit

**Recommendation: Civilianize 4 Case Management and Criminal Complaint Police Officers**

The Case Management & Criminal Complaints Detail Officers are generally responsible for receiving and routing cases to the appropriate investigative unit, and preparing and processing all other felony and misdemeanor cases generated from the Bureau of Field Operations patrol units. There are four Tier I Exempt Officer positions in this Unit; this recommendation does not exclusively refer to these Exempt positions, as it is our understanding that Court Liaison Officers all currently have similar duties and responsibilities regardless of status.



**Criterion 1: NO**

The positions in the Court Liaison Unit do not work primarily in the field, and thus do not require law enforcement powers. Some cases may require follow-up investigations to take place; however, the Unit also reports in its Annual Program Plan that in most instances, their assigned cases require little to no follow-up.

**Criterion 2: NO**

Sworn skills, training, or experience would be helpful in identifying the elements of a crime and preparing case files for criminal complaints to the District Attorney’s Office. However, these duties are performed by civilians (under the civilian classification of a Community Service Officer or Investigative Aide) in other jurisdictions. Sworn status only appears to be required for determining whether or not property in evidence can be released or destroyed; this can still be done by the remaining sworn presence.

**Criterion 3: YES**

The administrative tasks of preparing the criminal complaint for submittal to the District Attorney’s Office can be performed by a civilian with some knowledge of investigative procedure, the elements of a crime, and the court system. In addition, other civilians (Senior Office Specialist positions) within the Unit currently perform similar tasks for general citations. A Legal Analyst or Staff Specialist may also be qualified for such duties.

**Criterion 4: YES**

Assigning sworn officers to these roles would be helpful in providing some sworn perspective to the case, as well as in contacting other patrol officers when follow-up is necessary. As mentioned earlier, however, most cases in the Unit require little to no follow-up investigation.

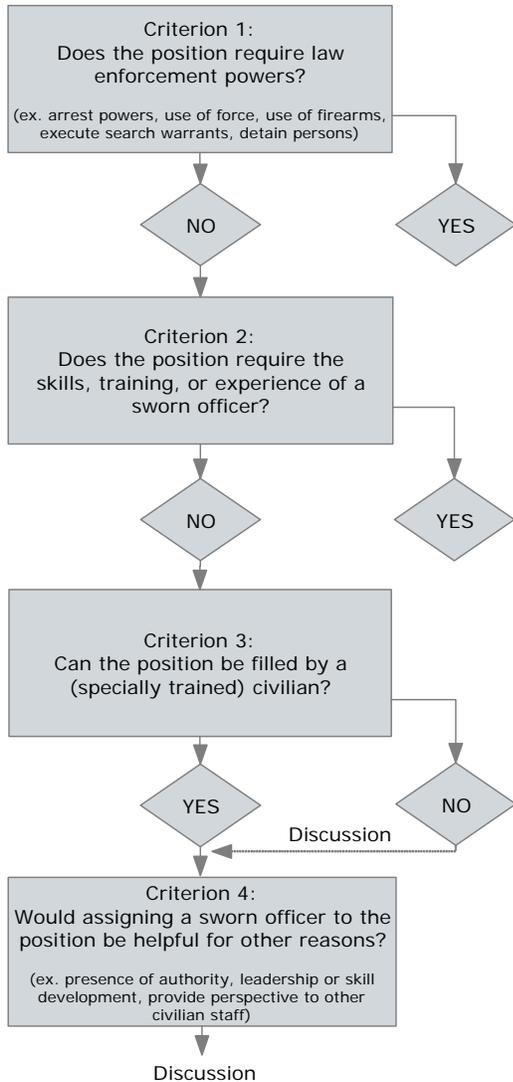
**ESTIMATED COST DIFFERENTIAL: \$208,000**

(Difference between the cost of 4 Police Officers and a Legal Analyst II, a Staff Specialist and 2 Senior Office Specialists)

Bureau of Investigations – Court Liaison Unit

**Recommendation: Civilianize 2 Witness Coordination Police Officers**

The Witness Coordination Detail in the Court Liaison Unit (22 authorized staff—18 sworn and 4 civilian) consists of two sworn Officers and one civilian position. Witness Coordination Officers generate and track traffic court notices, distribute and track subpoenas for criminal/civic courts and/or hearings for both civilians and officers, maintain Officer data files, and act as liaisons with the District Attorney’s Office.



**Criterion 1: NO**

These officers typically do not operate in the field and do not use law enforcement powers, such as making arrests, using force, or detaining persons. The work appears to be mostly administrative in nature.

**Criterion 2: NO**

Again, the duties are primarily administrative in nature and are specifically related to the generation, distribution, tracking, and forwarding of various court notices. Per the annual program plan, most cases in this unit require little to no follow-up investigation.

**Criterion 3: YES**

Per the SJPD’s FY 2009-10 budget proposal, these positions can be filled by the existing City job classification of Senior Office Specialist.

**Criterion 4: NO**

While keeping these positions sworn may provide some added credibility or authority in communicating with other sworn officers, the work remains primarily administrative in nature.

**ESTIMATED COST DIFFERENTIAL: \$128,000**

(Difference between cost of 2 Police Officers position and 2 Senior Office Specialist positions)

## ASSAULTS / JUVENILE / MISSING PERSONS UNIT

The Assaults / Juvenile / Missing Persons Unit consists of 24.5 authorized full-time positions (23 sworn & 1.5 civilian) split among three separate Details: the Assaults Detail, the Juvenile Detail, and the Missing Persons Detail. One Lieutenant commands the division, and Sergeants are authorized to head up each of the three Details, with two Sergeants heading up the Assaults Detail. It should be noted that one of the 23 sworn positions in the Assaults/Juvenile/Missing Persons Unit is designated as a Tier I Exempt Officer position.

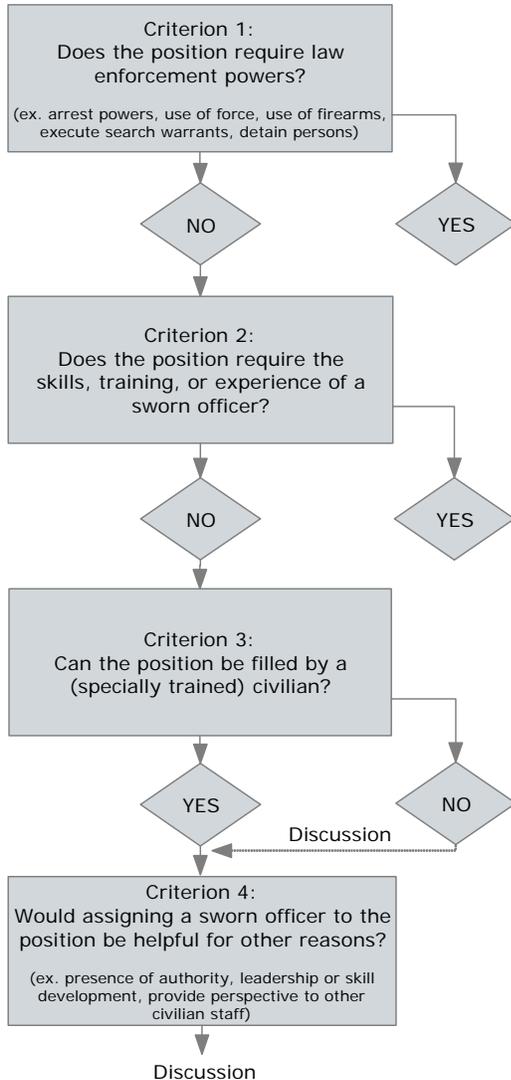
The **Assaults / Juvenile / Missing Persons Unit** is generally responsible for the investigation of all assault cases, hate crimes, weapons cases, criminal investigation involving minors, and missing person incidents. Each of the Details also maintains a close relationship with community liaisons and other agencies such as the Department of Social Services, the Juvenile Probation Department, the District Attorney's Office, and various school officials. One of the six sworn (1 Sergeant & 5 Officers) positions in the Juvenile Detail is recommended for civilianization.

Of the 23 authorized full-time sworn positions in the Assaults / Juvenile / Missing Persons Unit, we recommend one Officer position for civilianization.

<b><u>Civilianization Summary:</u></b>		<b>I sworn position</b>	
Juvenile Detail	I Police Officer	→	I Staff Specialist
<b>Total Estimated Cost Differential</b>			<u>Cost Differential</u> <b>\$49,500</b>

Bureau of Investigations – Assaults / Juvenile / Missing Persons Unit  
**Position: Juvenile Detail – Police Officer (I)**

Officers in the Juvenile Detail are typically responsible for all criminal investigations that involve a minor. Such investigations may also include but are not limited to incidents involving graffiti, vandalism, and school violence. The Juvenile Detail also liaisons with the Juvenile Probation Department, school officials, and community groups. Currently, one full-time Juvenile detective out of six sworn personnel in the Detail is assigned to data entry duties in order to alleviate the existing backlog of juvenile cases.



**Criterion 1: NO**

The data entry and records management position in the Juvenile Detail does not require law enforcement powers, as the position is mostly administrative in nature.

**Criterion 2: NO**

Sworn skills, training, or experience would be helpful for particular aspects of closing out the existing case backlog, such as clearing property and evidence once the case status is updated. However, the primary duties of data entry and records management do not require sworn skills, training, or experience.

**Criterion 3: YES**

The Department notes that the function was previously performed by a civilian whose position was vacant and eventually eliminated. A specially trained civilian can assist with the Unit’s current data entry and records management issues.

**Criterion 4: YES**

Assigning sworn officers to these roles would be helpful in providing some sworn perspective to the cases. However, the primary duties of the position would involve data entry and records management, which can also be done by a civilian while freeing sworn personnel to conduct investigations and focus on the existing caseload.

**ESTIMATED COST DIFFERENTIAL: \$49,500**

(Difference between the cost of a Police Officer and a Staff Specialist)

According to the Department, as of September 2009 shift change, the sworn detective has now returned to full-time investigative duties as a result of a civilian support position being restored through the City Budget’s “bumping” process.

## HIGH TECH CRIMES UNIT

The High Tech Crimes Unit consists of 9 authorized full-time sworn positions. The Unit is headed by a Lieutenant, with two Sergeants each assigned to regional task forces on cyber-crime and computer forensics, and another Sergeant supervising up to five Officers.

The **High Technology Crimes Unit** is responsible for investigating high technology related crimes and performing computer forensics as needed to combat cyber-criminals. The High Tech Unit also assists other investigative units with the discovery and preservation of electronic evidence, and helps to educate and train other units and the community on current crime trends involving technology (for example, identity theft).

Currently, the Unit has two Officers assigned as full-time High Tech Crime investigators and two Officers assigned as “Forensic Investigators.” The Forensic Investigators would focus their efforts on the duties and responsibilities related to computer forensics, which includes keeping up to date with the knowledge and training of computer equipment, hardware, and software. The Forensic Investigator positions were originally considered for civilianization by SJPD in their FY 2008-09 STP efforts.

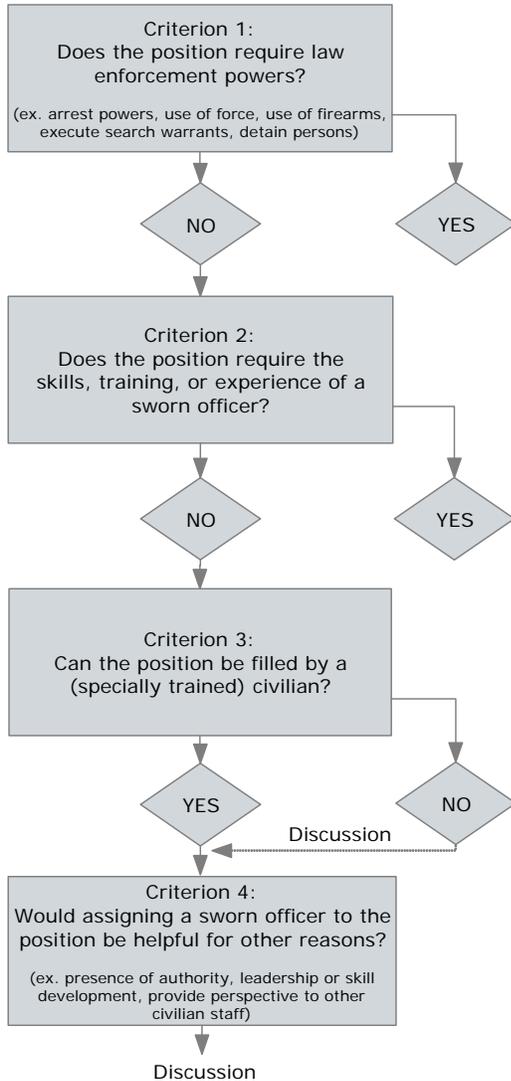
Of the nine authorized full-time sworn positions in the High Tech Crimes Unit, we recommend two Officer positions for civilianization.

<b>Civilianization Summary:</b>	<b>2 sworn positions</b>	
High Tech Unit	2 Police Officers → 2 Forensic Investigators	<u>Cost Differential</u>
<b>Total Estimated Cost Differential</b>		<b>\$30,000</b>

Bureau of Investigations – High Tech Unit

**Recommendation: Civilianize 2 Forensic Investigator Police Officers**

These two positions were originally proposed for civilianization by SJPD during their STP efforts. The High Tech Officers assigned as Forensic Investigators are responsible for providing forensic examinations for all technology-related crimes, ranging from computers and cell phones to internet crime and identity theft. Forensic Investigators are also required to provide technical support to other Units and agencies as needed.



**Criterion 1: NO**

While other High Tech sworn investigators require law enforcement powers, the Forensic Investigators do not necessarily require law enforcement powers because they do not necessarily need to go out into the field.

**Criterion 2: NO**

Sworn skills, training, or experience may be important in assisting investigators with active High Tech cases. However, the primary duty of a Forensics Investigator is to conduct forensic examinations. Sworn officers who rotate into the Unit every five years per SJPD Policy constantly require varying levels of computer skills training in order to have a basic computer forensics foundation.

**Criterion 3: YES**

These positions were initially proposed for civilianization by SJPD during their STP efforts. During these STP efforts, the Department recognized the importance of attracting and hiring qualified civilian computer Forensic Investigators to provide the Unit with investigative capacity and long-term stability.

**Criterion 4: YES**

Sworn Forensic Investigators would have an easier time providing support to the remaining full-time sworn High Tech investigators. However, sworn forensic investigators might also lack the knowledge and expertise of a qualified civilian. The current recommendation would create a sworn-civilian mix in which the civilian staff could supplement the remaining sworn expertise and perspective while freeing sworn staff for more investigative work.

**ESTIMATED COST DIFFERENTIAL: \$30,000**

(Difference between the cost of 2 Police Officers and 2 civilian Forensic Investigators)

## VEHICULAR CRIMES UNIT

The Vehicular Crimes Unit consists of 18 authorized full-time positions (16 sworn & 2 civilian) split across two Details (Auto Theft and Traffic Investigations). One Lieutenant commands the unit, and one sergeant oversees each of the Details. Another sergeant assists with overseeing the Auto Theft Unit and also oversees the vehicle warehouse. One of the 16 sworn positions in the unit is designated as a Tier-I Exempt Officer-eligible position (Traffic Investigative Support). (As of October 2009, that position was vacant.)

Program objectives for the Vehicular Crimes Unit include: reviewing, prioritizing, and investigating auto theft and related cases received by the unit subject to highest solvability and investigator resources; investigating all fatal traffic collisions except suicides or medical cases (when requested, Traffic Investigations will assist Homicide when it involves vehicle/motion dynamics); ensuring a reasonable and proportionate clearance rate as it relates to the Unit's investigative resources; conducting vehicle anti-theft campaign and vehicular safety awareness programs, via the Vehicular Crimes Unit website, media publicity, community meetings and citizen contacts as time and resources permit; provide auto theft training to law enforcement personnel (sworn and non-sworn) to include those latest technologies in use for prevention/apprehension and traffic accident investigations.

The Auto Theft Detail investigates: vehicle thefts; vehicle theft rings; "Chop" shops; altered vehicle identification numbers (VINS); receiving stolen automobile parts/accessories; theft of aircraft, trucks, boats, motorcycles and heavy equipment; fraudulent insurance claims involving stolen vehicles; in-custody auto theft and citation cases involving adults; auto theft related incidents involving juveniles; false registration and altered license/tabs; automobile tampering; and auto burglaries. Additionally, the Auto Theft Detail handles a number of administrative duties including: related business inspections; maintaining and staffing departmental vehicle storage warehouse; sign-off vehicle abatement forms at all City-contracted tow yards; vehicle and VIN inspection for other City departments and law enforcement agencies; all Department requests for VIN verification.

The Traffic Investigations Detail investigates: all fatal accidents; felony hit-and-run collisions; serious injury collisions that may result in death (monitor only until fatal); misdemeanor hit-and-run collisions; collisions upon request of the City Attorney's or District Attorney's Office; and vehicle evasions.

Of the 16 authorized full-time sworn positions in the Vehicular Crimes Unit, we recommend one Sergeant and 4 Officer positions for civilianization, for a total of five sworn positions.

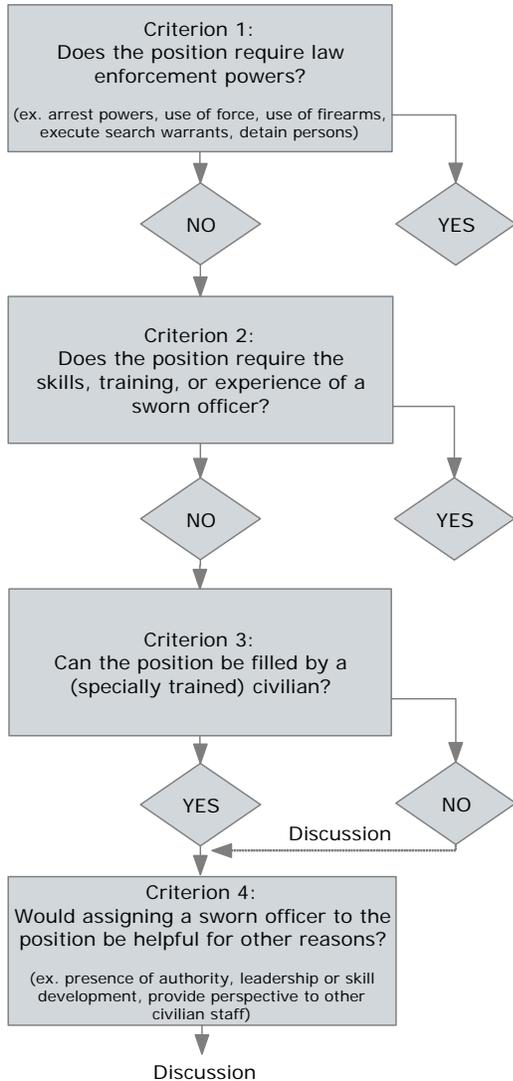
### **Civilianization Summary: 5 sworn positions**

			<u>Cost Differential</u>
Traffic Investigations Detail	3 Police Officers	→ 3 Accident Reconstructionists	\$ 45,000
Auto Theft Detail	1 Police Officer	→ 1 Police Data Specialist II	\$ 61,000
	1 Police Sergeant	→ 1 Senior Police Property Specialist	<u>\$ 93,000</u>
<b>Total Estimated Cost Differential</b>			<b>\$199,000</b>

Bureau of Investigations – Vehicular Crimes Unit

**Recommendation: Civilianize 3 Traffic Investigation Police Officers**

The Traffic Investigation Detail in the Vehicular Crimes Unit consists of 1 Police Sergeant, 6 Police Officers and 1 Senior Office Specialist position. One Police Officer position is vacant. Three officers are accident reconstructionists. These three positions were proposed for civilianization by the SJPDP STP proposal.



**Criterion 1: NO**

The accident reconstructionists do not make arrests, use force or use firearms. Their work focuses on collecting physical evidence from the scene and understanding the collision to identify the at-fault party, presenting a case to the district attorney, and providing expert testimony in court.

**Criterion 2: NO**

While sworn skills, training, or experience may be helpful in working with an accident scene, they are not required in order to reconstruct accidents.

**Criterion 3: YES**

A specially trained civilian could fill this position. Both a civilian or sworn employee needs special training to work as an accident reconstructionist. SJPDP noted in its civilianization proposal that it is not easy to find Police Officers with an affinity for the specialized type of knowledge (physics, math) that accident reconstruction requires.

**Criterion 4: NO**

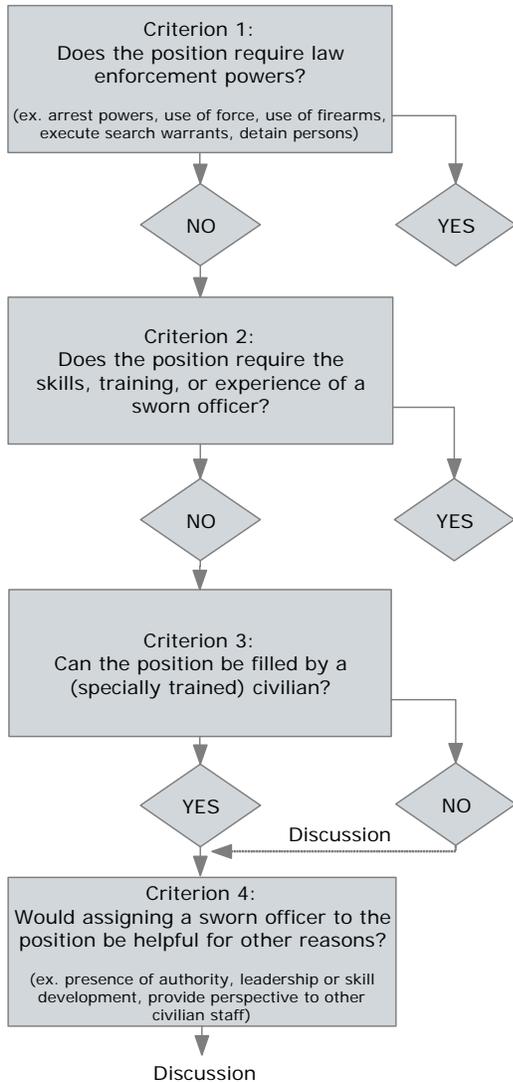
While sworn skills may be helpful at an accident scene, sworn officers are present at the scene and could provide that perspective. The advantage of a civilian in this role is he/she would not be required to rotate out after several years the way a Police Officer is currently required to do.

**ESTIMATED COST DIFFERENTIAL: \$45,000**

(Difference between cost of 3 Police Officer positions and 3 Accident Reconstructionist positions)

Bureau of Investigations – Vehicular Crimes Unit  
**Recommendation: Civilianize 1 Auto Theft Police Officer**

The Auto Theft Detail in the Vehicular Crimes Unit consists of 2 Police Sergeants, 6 Police Officers and 1 Office Specialist II position. This position was recommended for civilianization in the May 2009 Office of the City Auditor’s “Audit of the San José Police Department’s Auto Theft Unit.”



**Criterion 1: NO**

A variety of administrative work in the Auto Theft Detail does not require use of law enforcement powers such as the powers of arrest, use of force, etc.

**Criterion 2: NO**

Duties such as answering the phones and responding to public inquiries, preparation of suspect descriptions and backgrounds, accessing criminal databases, and analyzing crime trends are tasks that do not require the skills, training or experience of a sworn officer.

**Criterion 3: YES**

A trained civilian could perform the various administrative tasks as they do not require sworn skills, training, or experience.

**Criterion 4: NO**

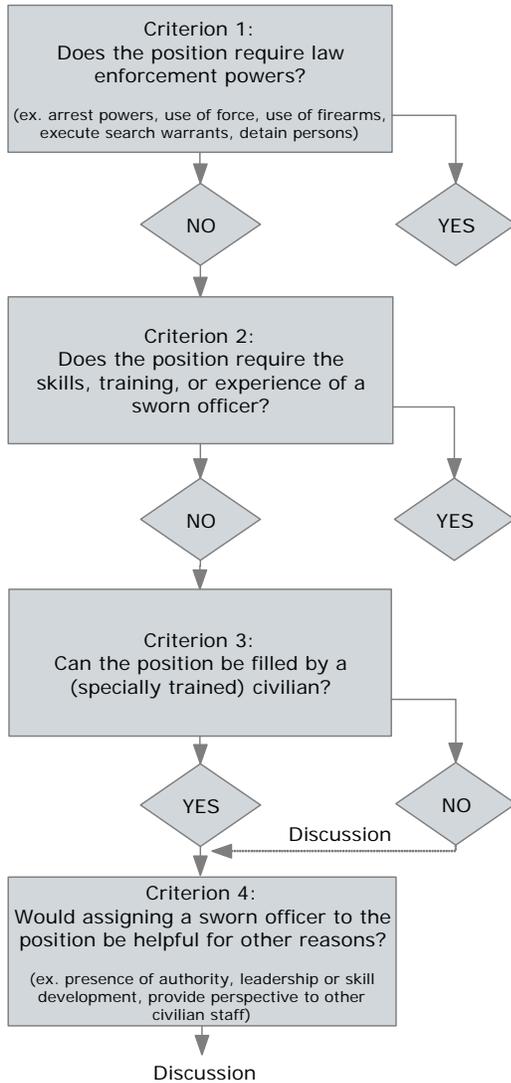
The Department prefers to have a sworn staff remain in this position in order to potentially conduct or assist with auto theft investigations; however, according to SJPD, these tasks were performed by civilians in the past.

**ESTIMATED COST DIFFERENTIAL: \$61,000**

(Difference between cost of a Police Officer position and a Police Data Specialist II position)

Bureau of Investigations – Vehicular Crimes Unit  
**Recommendation: Civilianize 1 Auto Theft Police Sergeant**

The Auto Theft Detail in the Vehicular Crimes Unit consists of 2 Police Sergeants, 6 Police Officers and 1 Office Specialist II position. One Sergeant serves as the primary supervisor. The other Sergeant assists with supervision but is also assigned to the vehicle warehouse. The Auto Theft Detail also maintains the vehicle warehouse as a secure site for storage and processing vehicles involved in all major crimes in the city including; homicides, sexual assaults, assaults, gang related cases and fatal traffic collisions.



**Criterion 1: NO**

This sergeant is not using law enforcement powers of arrest or use of force in working in the Vehicle warehouse.

**Criterion 2: NO**

The duties are primarily administrative in nature and involve the tracking of vehicles into and out of the warehouse. Per the SJPD Duty Manual, the warehouse Sergeant is not the one empowered to release vehicles. That authority rests with the investigating officer or his/her commanding officer.

**Criterion 3: YES**

A trained civilian could work in the vehicle warehouse. The SJPD property warehouse (a separate facility from the vehicle warehouse) is overseen by an almost entirely civilianized staff.

**Criterion 4: NO**

While keeping these positions sworn may provide some added credibility or authority in communicating with other sworn officers, the work remains primarily administrative in nature. A Senior Police Property Specialist can work independently and provide a similar level of supervision when needed.

**ESTIMATED COST DIFFERENTIAL: \$93,000**

(Difference between cost of a Police Sergeant position and a Senior Police Property Specialist position)

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# BUREAU OF TECHNICAL SERVICES

The Bureau of Technical Services receives and dispatches residents' requests for immediate field services; provides support services to other bureaus through records and identification; provides fingerprint, CAL-ID, AFIS, and warrant services; coordinates computer services and provides records management information through local, state, and federal systems.

<b>Bureau of Technical Services Commander</b>	(no recommendations)
<b>Communications Division</b>	(no recommendations)
- Dispatch Operations	
- Dispatch Support	
<b>Operations Support Services Division</b>	(no recommendations)
- Records and Support Services	
- Central ID/CAL ID	
<b>Systems Development Unit</b>	(civilianize 1 position; see page 90)
- Systems Development – page 91	
- SDU Purchasing – no recommendations	
- Applications – no recommendations	

**TOTAL: 1 position**

## SYSTEMS DEVELOPMENT UNIT

The Systems Development Unit consists of six authorized full-time positions (1 sworn & 5 civilian). One Lieutenant on temporary duty (TDY) commands the Unit. It should be noted that one sworn position in the Unit is designated as an Exempt Officer-eligible position.

The Systems Development Unit (SDU) is responsible for maximizing the Department's operational efficiency through the use of technology. This includes the ongoing maintenance and upkeep of the Department's technology infrastructure, maintaining technical help desk operation, and initiating or assisting with new technology initiatives.

The Department originally recommended one full-time position in the SDU for civilianization, as shown in its FY 2009-10 budget proposal. It should also be noted that the SDU currently has one Lieutenant (acting Unit commander), one Sergeant, and two Officers on TDY assignments. The SDU has indicated that they will continue to keep or request these TDY assignments during the next shift change and beyond to assist with implementation of the Bureau's Technology Strategic Project Plan.

We recommend the one authorized full-time Officer position in the Systems Development Unit for civilianization.

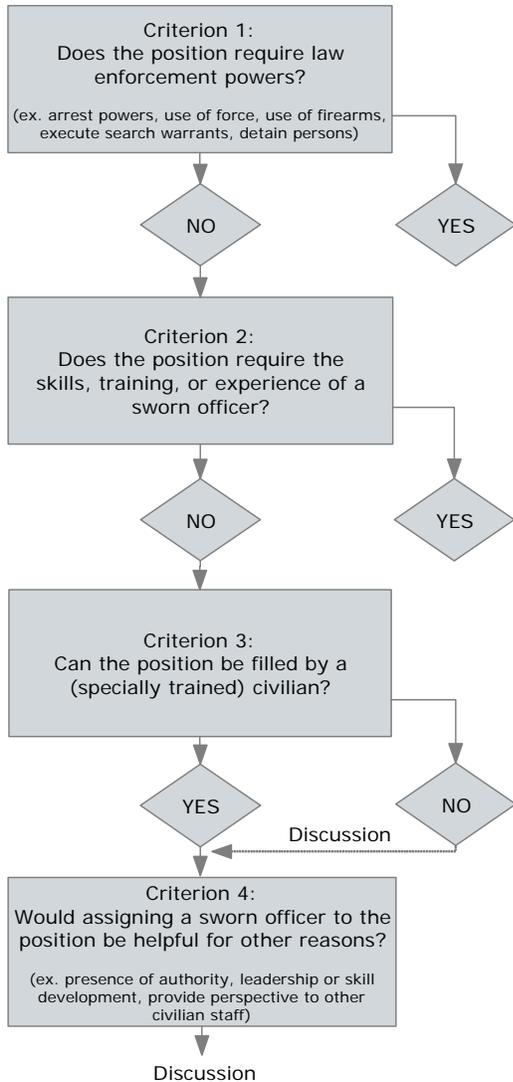
### **Civilianization Summary: 1 sworn position**

Systems Development Unit	1 Police Officer	→ 1 Network Engineer	<u>Cost Differential</u>
			\$ 14,500
			<b>\$ 14,500</b>

Bureau of Technical Services – Systems Development Unit

**Recommendation: Civilianize 1 Police Officer**

This position was originally proposed by the Department for civilianization in the FY 2009-10 budget proposal. The full-time Officer in the Systems Development Unit is responsible for coordinating and implementing technology projects within the Department as part of the Technology Strategic Project Plan. This Officer position is also a Tier 2 Exempt Officer-eligible position.



**Criterion 1: NO**

The position does not require law enforcement powers; the Officer works primarily in the Department addressing IT needs and assisting with project implementation.

**Criterion 2: NO**

The position does not require sworn skills, training, or experience. Sworn training or experience can be useful (see Criterion 4 below) but is not required.

**Criterion 3: YES**

The majority of the Unit, as well as the Bureau as a whole, consists of civilians. Sworn officers who apply to SDU are not required to have any specific IT or technical skills.

**Criterion 4: NO**

As mentioned above, sworn experience and training can be useful in providing a sworn perspective on the implementation of various technology projects and initiatives in the Department. However, this perspective can still be provided by the existing sworn Bureau staff (the Deputy Chief and Captain) or by other sworn staff in the Department as needed. An additional Network Engineer would provide the technical skills and knowledge required to address the needs Unit.

**ESTIMATED COST DIFFERENTIAL: \$14,500**

(Difference between the cost of a Police Officer and a Network Engineer)

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## OFFICE OF THE CHIEF

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.

<b>Operations Command</b>	(no recommendations)
<b>Chief's Adjutant</b>	(no recommendations)
<b>Public Information Office</b>	(civilianize 1 position; see page 94)
<b>Internal Affairs</b>	(no recommendations)
<b>Division of Gaming Control</b>	(civilianize 4 positions; see page 96)
<b>Special Investigations/Vice/Criminal Intelligence</b>	(civilianize 1 position; see page 98)
<b>Research and Development</b>	(civilianize 2 positions; see page 100)
<b>Terrorism Early Warning Group</b>	(no recommendations)
<b>SUASI Program</b>	(no recommendations)
	<b>TOTAL: 8 positions</b>

## **PUBLIC INFORMATION OFFICE**

The Public Information Office consists of 3 authorized full-time positions (2 sworn and 1 civilian). The Press Information Office (PIO) provides information to the media and the public 24 hours per day. The one officer and the sergeant respond to media inquiries about major events. This proposal would civilianize one of those officer positions.

The San José Police Department's internal STP review recommended civilianizing one position in the Public Information Office.

Of the two authorized full-time sworn positions in the Public Information Office, we recommend one Officer position for civilianization.

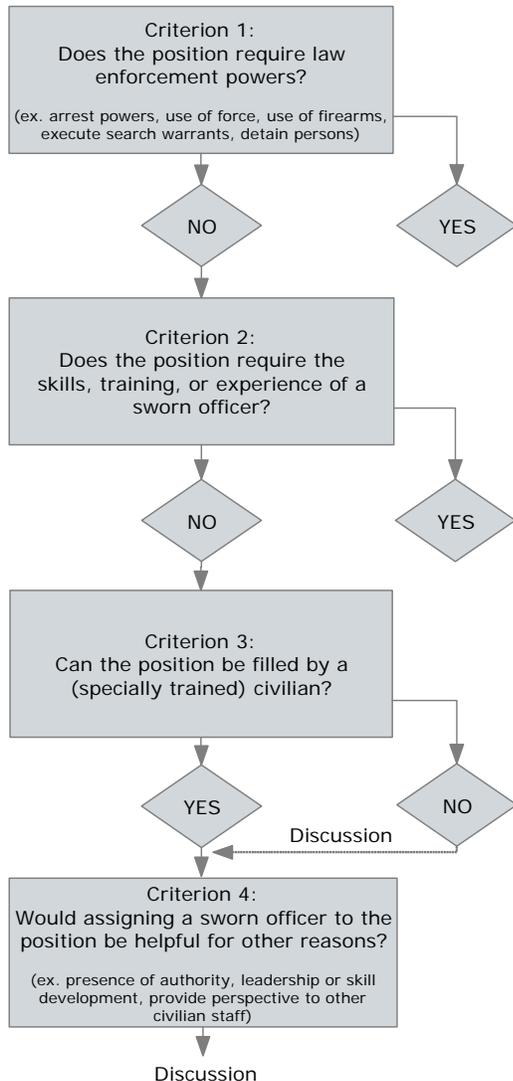
### **Civilianization Summary: 1 sworn positions**

Public Information Office   Police Officer →   Marketing/Public Outreach Representative	<u>Cost Differential</u>
	<b>\$35,000</b>
<b>Total Estimated Cost Differential</b>	<b>\$35,000</b>

## Office of the Chief – Public Information Office

**Recommendation: Civilianize 1 Public Information Police Officer**

The Public Information Office (PIO) provides information to the media and the public 24 hours per day. PIO staffing consists of 3 authorized positions (2 sworn and 1 civilian) including one sergeant, one officer, and one civilian. The office responds to media inquiries about major events. This proposal would civilianize one of the officer position. The San José Police Department's internal STP review recommended civilianizing one position in the Public Information Office.

**Criterion 1: NO**

This position does not make arrests, use force, or exercise other law enforcement powers.

**Criterion 2: NO**

The primary role of this position is gathering information internally about major crimes and events and also providing such information, as appropriate, to the media.

**Criterion 3: YES**

Per the SJPD's FY 2009-10 STP proposal, this position could be filled by a civilian with a journalism, marketing, or public relations background.

**Criterion 4: NO**

While keeping this position sworn may provide some added credibility in working with sworn employees throughout the Department, the skill set required for this position is one with strong interpersonal and writing skills as well as a knowledge of how the media works. A sworn presence would be retained within the unit if needed.

**ESTIMATED COST DIFFERENTIAL: \$35,000**

(Difference between the cost of a Police Officer and a Marketing/Public Outreach Representative II)

## DIVISION OF GAMING CONTROL

The Division of Gaming Control consists of 7 authorized full-time positions (4 sworn & 3 civilian). One civilian Gaming Administrator currently commands the Division. The Division of Gaming Control is responsible for providing comprehensive safeguard over legalized gaming within the City of San José. The Division conducts background checks of all cardroom stockowners and employees, investigates crimes occurring at the cardrooms, performs audits and compliance review of operations, issues administrative citations, and takes regulatory and/or administrative action against cardroom permit holders, gaming licenses, and work permit holders who do not adhere to gaming regulations.

The SJPD has proposed an organizational change to separate the regulatory responsibilities and administrative investigations/permits functions within the Division; this proposal is currently under review by the City Manager's Office. The following analysis takes this proposal into account in terms of potentially consolidating and separating existing duties and responsibilities among Division staff.

It should be noted that an audit of cardroom oversight is included on the City Auditor's FY 2009-10 Work Plan; further recommendations may follow as a result.

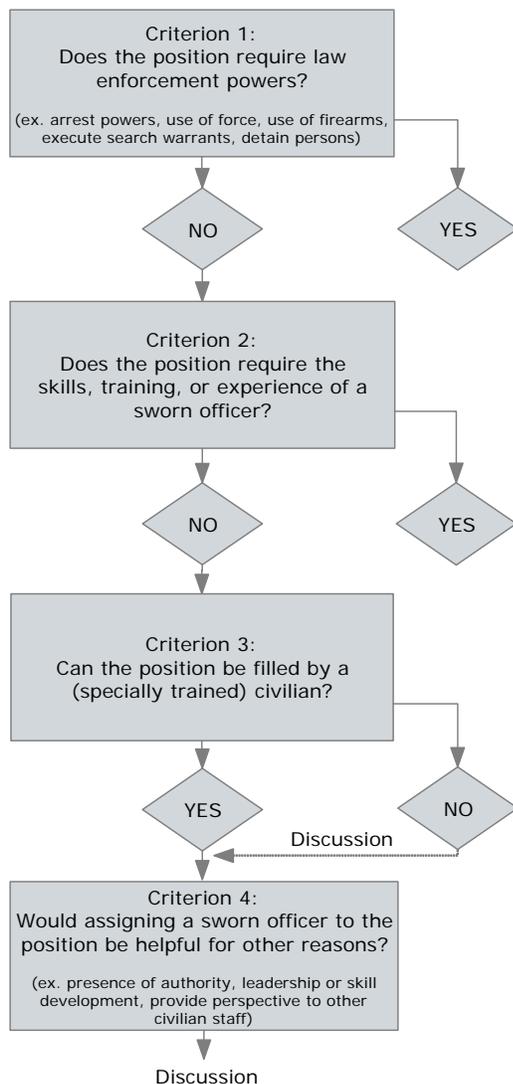
Of the four authorized full-time sworn positions in the Division of Gaming Control, we recommend one Sergeant and three Officer positions for civilianization.

<b><u>Civilianization Summary:</u></b>		<b>4 sworn positions</b>		
Division of Gaming Control	1 Police Sergeant	→	1 Analyst II	<u>Cost Differential</u> \$ 66,000
	3 Police Officers	→	3 Senior Office Specialists	<u>\$192,000</u>
<b>Total Estimated Cost Differential</b>				<b>\$258,000</b>

## Office of the Chief – Division of Gaming Control

**Recommendation: Civilianize 1 Police Sergeant and 3 Police Officers**

According to SJPD, Gaming Control Sergeants and Officers perform similar duties and responsibilities. The Sergeant and Officers are primarily responsible for the gaming administration and regulation, which includes providing oversight over cardrooms, enforcement and investigations when needed, audit services, and overall compliance with the Municipal Code. The Sergeant and Officers are also responsible for permitting and licensing for the cardrooms, which includes conducting background investigations, reviewing and approving permit applications, and collecting fees for gaming licenses and work permits.

**Criterion 1: NO**

While sworn status may be required for particular law enforcement functions, the majority of the duties and responsibilities are administrative or regulatory in nature. In addition, according to SJPD cases requiring possible ongoing criminal investigation are turned over to the Vice/Intel Unit.

**Criterion 2: NO**

According to SJPD, sworn status may be preferred or desirable in some cases (i.e. background checks, investigative skills while visiting cardrooms). However, the majority of duties and responsibilities in these positions are administrative or regulatory in nature.

**Criterion 3: YES**

Many of the Sergeant/Officer's duties can be filled by a specially trained civilian; this includes cataloging and maintaining reports, examining applications, analyzing data, and updating job descriptions and organizational changes, among others. For example, similar positions in the Nevada Gaming Control Board are filled by specially trained civilians. In addition, similar permitting and licensing duties in the Permits Unit have been recommended for civilianization by both the Department as well as the Auditor's Office.

**Criterion 4: YES**

Assigning a sworn Sergeant and/or Officers would be helpful in providing a sworn presence or authority when conducting compliance checks, working with other law enforcement agencies, and taking enforcement action when needed. According to SJPD, however, similar Gaming Control Boards in Nevada and New Jersey can either have their own enforcement function or can utilize other sworn resources as partners. Other SJPD units, such as the Vice/Intel Unit or Patrol, can continue to provide sworn presence when needed.

**ESTIMATED COST DIFFERENTIAL: \$258,000**

(Difference between the cost of a Police Sergeant and an Analyst II; and difference between the cost of 3 Police Officers and 3 Senior Office Specialists)

## **SPECIAL INVESTIGATIONS / VICE / INTELLIGENCE UNIT**

The Special Investigations/Vice/Intelligence Unit consists of 20 authorized full-time positions (19 sworn & 1 civilian) split across 2 separate details. One Lieutenant commands the Unit.

The Special Investigations/Vice/Intelligence Unit investigates: (1) the activities of organized crime (2) incidents of public disorder and (3) offenses such as gambling, prostitution, liquor law violations, and pornography. The Unit coordinates the licensing and inspection of premises which are regulated by law to ensure public health and welfare. The Unit also acts as the coordinator and liaison with all agencies and units involved in the protection of visiting dignitaries.

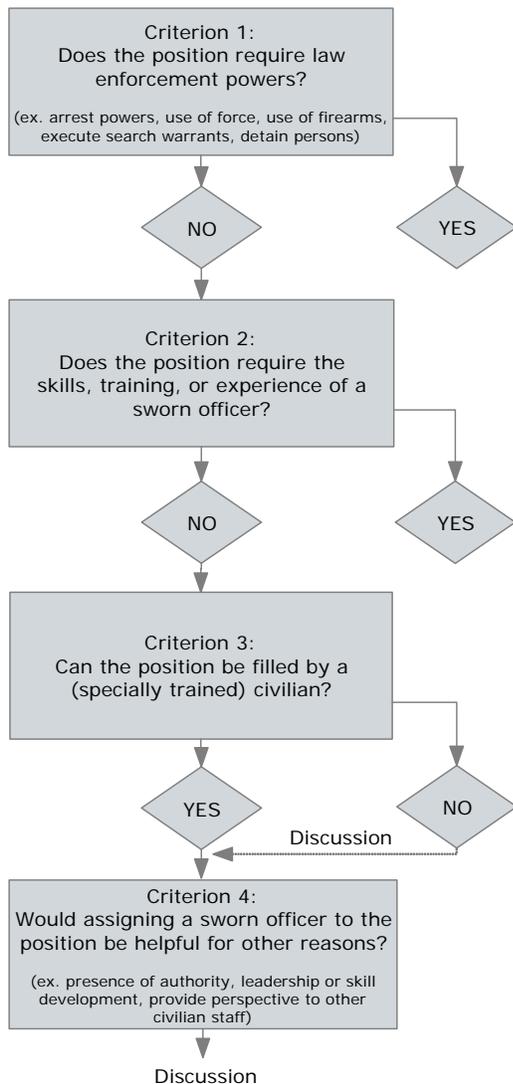
Of the 19 authorized full-time sworn positions in the Special Investigations/Vice/Intelligence Unit, we recommend one Officer position for civilianization.

### **Civilianization Summary: 1 sworn position**

Special Investigations/Vice/Intelligence Unit	1 Police Officer → 1 Senior Office Specialist	<u>Cost Differential</u>
		<b>\$64,000</b>
<b>Total Estimated Cost Differential</b>		<b>\$64,000</b>

Office of the Chief – Special Investigations/Vice/Intelligence  
**Recommendation: Civilianize 1 Special Investigations/Vice/Intelligence  
 Police Officer**

This position was proposed for civilianization in the SJPD budget proposal. SJPD advises that due to budget reductions in FY 2008-09, the administrative support position in the Vice Unit was eliminated.



**Criterion 1: NO**

This position is administrative in nature and does not require use of law enforcement powers such as arrest or use of force.

**Criterion 2: NO**

This position performs a variety of clerical and administrative duties that do not necessarily require the skills, training, or experience of a sworn officer. According to SJPD, these duties were previously performed by a civilian.

**Criterion 3: YES**

The duties and responsibilities of this position including helping preparing cases for the District Attorney's Office, case-related data entry, and assisting with a variety of permits. This position also answers the phone and assists with walk-ins and urgent matters.

**Criterion 4: NO**

The Department prefers that this position remain sworn in order to potentially conduct or assist with investigations when needed. However, this position was previously held by a civilian Senior Office Specialist.

**ESTIMATED COST DIFFERENTIAL: \$64,000**

(Difference between the cost of a Police Officer and a Senior Office Specialist)

## RESEARCH AND DEVELOPMENT UNIT

The Research and Development Unit consists of 10 authorized full-time positions (6 sworn & 4 civilian). One Lieutenant commands the Unit.

The Research and Development Unit is responsible for providing management information on resource deployment through research and analysis of Departmental or bureau-generated data; conducting comprehensive research in selected areas of operation to achieve greater efficiency; preparing statistical reports on criminal activities for submittal to state and federal agencies; maintaining the master Departmental Duty manual; maintaining the master Uniform and Equipment Specifications Manual; maintaining departmental reference library and research files; conducting long-range planning and Departmental evaluation to coordinate the formulation of objectives; participating in citywide planning for proposed residential, commercial and industrial developments to determine police service impact; developing automated management and operational reporting systems to facilitate the proper use of resources; managing the Department's unmarked vehicle fleet; supervising Department capital projects and building maintenance; coordinating the design and management of forms; and coordinating the processing of grant proposals and maintaining a liaison function for the administration of grants.

Of the six authorized full-time sworn positions in the Research and Development Unit, we recommend two Sergeant positions for civilianization.

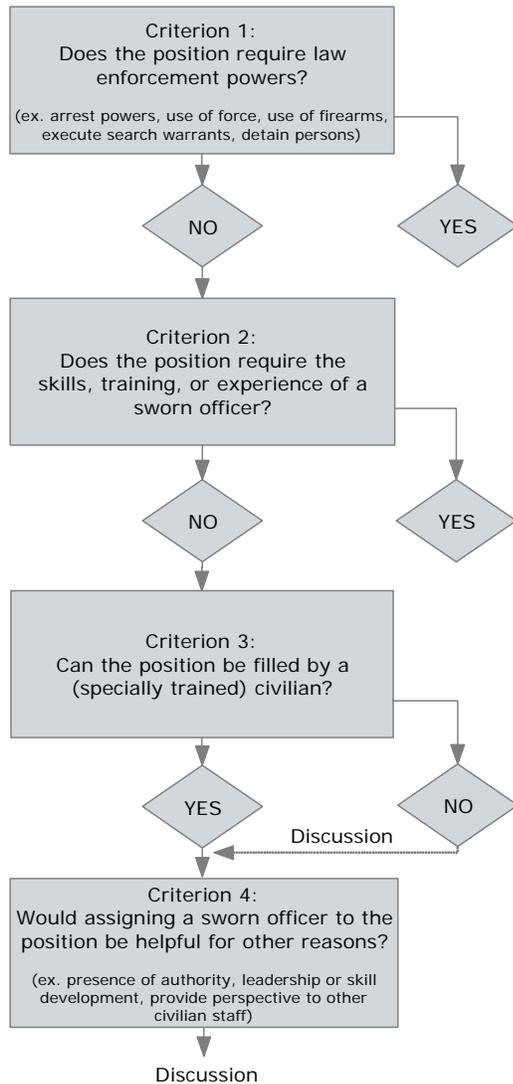
### **Civilianization Summary: 2 sworn positions**

Fleet Management	1 Police Sergeant	→ 1 Analyst II	<u>Cost Differential</u> \$ 66,000
Facilities Management	1 Police Sergeant	→ 1 Staff Specialist	<u>\$ 85,000</u>
<b>Total Estimated Cost Differential</b>			<b>\$151,000</b>

## Office of the Chief – Research and Development Unit

**Recommendation: Civilianize I Fleet Management Police Sergeant**

The Fleet Management Sergeant oversees the purchase, maintenance/repair, and assignment of unmarked fleet. This position was recommended for civilianization by SJPd in the FY 2009-10 STP proposal.

**Criterion 1: NO**

The sergeant in this position is not operating in the field and does not use law enforcement powers such as making arrest, using force, or detaining persons. The work consists primarily of purchasing, maintaining, and assigning vehicles for the unmarked fleet.

**Criterion 2: NO**

The skills, training or experience of a sworn officer are not required to purchase or maintain fleet. Such skills may be helpful in understanding the Department's needs but this could be learned by a civilian. Additionally, input could be obtained from sworn staff in the unit.

**Criterion 3: YES**

Per the SJPd's FY 2009-10, STP internal position review, this position could be filled by a civilian and had, in the past, been filled by a civilian.

**Criterion 4: NO**

While a sworn presence in this role would aid the Fleet Manager's understanding in dealing with sworn staff's needs regarding vehicles such assistance could be obtained through input from sworn in the unit. Central Supply, staffed entirely by civilians, is a Department precedent for having civilians assign and provide equipment to sworn staff.

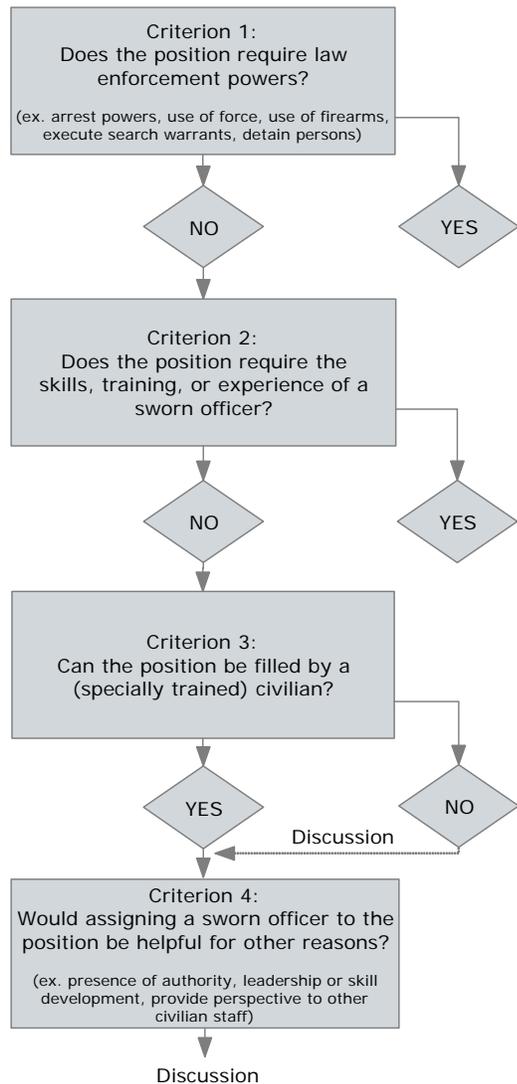
**ESTIMATED COST DIFFERENTIAL: \$66,000**

(Difference between the cost of a Police Sergeant and an Analyst II)

Office of the Chief – Research and Development Unit

**Recommendation: Civilianize 1 Facilities Management Police Sergeant**

The Facilities Manager coordinates maintenance and repairs with the General Services Administration (GSA) and outside service providers. This position is the key point of contact for Police Department staff requesting maintenance and repairs as well as for working with maintenance and repair vendors.



**Criterion 1: NO**

The sergeant in this position is not operating in the field and does not use law enforcement powers such as making arrest, using force, or detaining persons. The work is administrative in nature as it consists of scheduling and coordinating repairs.

**Criterion 2: NO**

Scheduling and coordinating facility repairs does not require the skills, training or experience of a sworn officer.

**Criterion 3: YES**

Per the SJPD's FY 2009-10 budget proposal, this position could be filled by the existing City job classification of Staff Specialist.

**Criterion 4: NO**

While a sworn presence in this role may aid in communication with other sworn employees, it is not a significant enough benefit in this case to justify keeping the position sworn when job duties relate to managing facilities and projects.

**ESTIMATED COST DIFFERENTIAL: \$85,000**

(Difference between cost of a Police Sergeant position and a Staff Specialist position)

# Memorandum

**TO: Sharon Erickson**  
City Auditor

**FROM: Debra Figone**

**SUBJECT: SEE BELOW**

**DATE: January 13, 2010**

**SUBJECT: RESPONSE TO "AUDIT OF CIVILIANIZATION OPPORTUNITIES IN THE SAN JOSE POLICE DEPARTMENT"**

## **RECOMMENDATION**

Accept this response to the "Audit of Civilianization Opportunities in the San Jose Police Department" and proceed with the development and implementation of a civilianization work plan.

## **BACKGROUND**

This is in response to the report "*An Audit of Civilianization Opportunities in the San Jose Police Department*" (Audit) issued by the City Auditor's Office (Auditor) to the Administration. As noted by the Auditor, this Audit was developed with the input from the San Jose Police Department (SJPD), City Manager's Office (CMO), and offices of Employee Relations (OER), City Attorney (CAO), City Manager's Budget, and Human Resources (HR) Department. A direct response from the City Manager is required since the implementation of the Audit recommendations may potentially impact the: workforce planning; labor agreements and negotiation; City policies; operating budgets and budget forecasts; require multiple department work plans; and/or, position classification changes. However, it is important to acknowledge that the SJPD plays a critical role in responding to the operational issues and department-specific recommendations.

The City would like to thank the Auditor and her staff for completing this Audit. The Audit was directed by the City Council during FY 2009-2010 budget discussions and follows the SJPD's own efforts as part of the budget process to identify opportunities to deploy sworn personnel to duties that require law enforcement authority and replace their previous work functions with civilian staff. Through the review and analysis of current positions and job duties, the Audit identified 88 sworn positions that could be performed by civilian personnel.

It should be acknowledged that the Auditor, SJPD and CMO agreed that this Audit reflects a review of the SJPD at a specific point in time and it does not provide an assessment of the internal functional work dependence or relationships between units, divisions, and/or work groups within SJPD or other City departments. Given that, the Administration has issued its response so that as additional information becomes available regarding reductions within SJPD or other departments,



## **PUBLIC SAFETY, FINANCE & STRATEGIC SUPPORT**

**RE:** Administration's Response to "Audit of Civilianization Opportunities in the San Jose Police Department"

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and their impacts to the SJPD are better known, the Administration can adjust its approach, or position regarding a specific recommendation, accordingly. This approach has been discussed with the City Auditor and there was agreement that given the many variables that need to align to achieve many of the civilianization opportunities, it was noted that the Administration would approach its work conceptually rather than by a detailed action plan.

To provide context for the Administration's response, it is important to provide information on the: (1) SJPD's recent efforts to identify positions/functions that could be civilianized; (2) the City's fiscal condition; and, (3) San Jose Police Department organizational structure (Attachment A).

As stated in the Auditor's report, the concept of civilianization is to determine those duties "best performed by civilians and as a result sworn employees would instead be available to work in roles that truly require their law enforcement powers, sworn skills, and experience." The Auditor presented four possible scenarios related to civilianization, and has recommended that the SJPD develop short, medium, and long-term plans to civilianize positions. The City Council would need to deliberate on the below policy considerations in the broader context of the City's budget and fiscal condition. The section "Options for How to Approach Civilianization," the Auditor's report provides possible scenarios related to civilianization and specifically states (Audit, Page 21-22):

1. Redeploy sworn to Patrol and hire a civilian to perform the civilian work currently performed by a sworn employee.
2. Redeploy sworn to non-Patrol roles that require sworn status (investigator, etc.) within the Police Department (could be within current unit or to a different unit).
3. Eliminate sworn position performing civilian job duties and hire civilian to perform civilian duties.
4. Eliminate sworn position without hiring a civilian to perform the civilian duties.

### ***SJPD's Recent Efforts to Civilianize***

As part of the budget process, the SJPD began efforts to civilianize positions during FY 2008-2009. While SJPD's proposal was advanced to address civilianization in lieu of hiring 25 police officers (as directed by the City Council) as part of the FY 2009-2010 City Manager's budget development process, it was later removed when the County issued a public notice to cities that Property Tax revenue estimates (based on the decreased values of properties) would be lowered, which added to the City of San Jose's shortfall and resulted in the \$84.2M deficit. Upon this notice, in order to balance the City's budget, the SJPD's budget proposal to add civilian positions was removed in order to apply to the City's budget shortfall the funds required to add civilian positions.

Last, previous budget reduction strategies have largely been employed to preserve the number of sworn personnel. The multi-year reductions of civilian staff have resulted in the SJPD's current staffing levels of sworn and civilian personnel at a time while demand for service has increased. The Auditor and the SJPD both recognize this has resulted in a number of sworn personnel performing administrative tasks better suited for a civilian; however, a reader reviewing the Audit and

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Administration's response will find that the current blend of sworn and civilian positions is further shaped by several key issues that add to the complexity, or difficulty, of reaching a more efficient balance between the sworn and civilian staffing levels, such as:

- The Exempt Officer's Program is a result of a 2005 federal court-ordered consent decree that was the outcome of a lawsuit. This program requires the Department to maintain approximately 30 assignments/positions for modified duty officers, (those officers injured in the line of duty who are restricted from performing patrol officer functions), which are generally administrative in nature. The Consent Decree Committee is currently working on reviewing all exempt officer positions in preparation for the June 2010 review with a federal judge. The purpose of this review is to determine the recommendations the Department will make to either: 1) remove some of the current 30 positions and substitute those removed with other positions within the Department or 2) reduce the total number of Exempt Officer positions from the current 30.
- A 1963 U.S. Supreme Court case, *Brady v. Maryland*, found that "an officer's credibility can also determine whether he or she may face testimonial impeachment during court proceedings or even be subject to termination of employment."<sup>1</sup> When an officer is involved in criminal misconduct, the incident is investigated and the District Attorney's Office determines whether or not an officer should be placed on the "Brady" list. This ruling has impacted the manner in which the District Attorney's Office evaluates whether or not they can call these "Brady" officers as prosecution witnesses. As stated in the Auditor's report, the Department has terminated a few of these officers because of their conduct, and the Civil Service Commission or an arbitrator has reinstated them. As a result of these reinstatements, the Department has been required to place these few officers (3) in administrative assignments, rather than enforcement assignments.
- Provisions set by the 2008-2010 Memorandum of Agreement between the City of San Jose and San Jose Police Officers' Association (POA) currently allows for the civilianization of up to 15 sworn positions.

Last, in light of the significant fiscal condition, as part of the FY 2010-2011 budget development process, at my direction, SJPD is in the process of evaluating service delivery models and alternative work shifts to determine if cost savings could be achieved. It is important to note that in order to implement many of the Audit's civilianization recommendations, the above issues and fiscal condition of the City would need to be addressed. The SJPD recognizes the City's current financial conditions will impact decision-making for multiple years. The Auditor has identified long-term recommendations and the Administration will continue to evaluate and work with the Auditor's Office to achieve the most efficient outcomes for the City and residents we serve.

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<sup>1</sup>1963 U.S. Supreme Court case, *Brady v. Maryland*

## **PUBLIC SAFETY, FINANCE & STRATEGIC SUPPORT**

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### ***City's Fiscal Condition***

While the Audit seeks long-term solutions, it is equally important to acknowledge that the City's fiscal condition is now in its ninth consecutive year of General Fund shortfalls. The City's fiscal situation has rapidly worsened, as the City has been deeply impacted by the worst economic downturn in seven decades, and economic recovery is not forecasted at a rate needed to restore or grow the workforce anytime soon.

Development of the FY 2009-2010 budget was one of the City's most challenging budget processes and the FY 2010-2011 budget, with an approximate \$100M shortfall, presents an even greater challenge than previous years. It has been necessary to closely monitor the City's financial performance and make necessary adjustments to ensure the continued health of the City's funds.

Many of the City's economically sensitive revenues have experienced significant declines during the year, which has led to the beginning of filled position eliminations in order to rebalance funds. The General Fund, Development Fee Programs, Airport Funds, Housing Funds, Capital Funds, and other Special Funds were impacted and have required unprecedented downward adjustments. Additionally, the City has had to make additional reductions to the General Fund Sales Tax revenue estimate because of significant declines each quarter.

With the deepening recession, and the high priority placed on public safety services, the City Council has minimized the budget impacts to the SJPD (and other public safety departments) by employing a combination of strategies, including: 1) service reductions and eliminations; 2) revenue increases, use of reserves, and funding shifts; 3) cost savings and new service delivery models, including significant savings associated with employee concessions; and 4) initial steps to flatten the management structure of the organization. In addition, a number of two-year strategies have been employed to ease the immediate impact of some actions and provide time for transition. The planned openings of several new facilities, including the opening of the Police Substation, were also delayed.

To prepare for the FY 2010-2011 budget, and to begin identifying solutions to address the approximate \$100M shortfall, the SJPD has been directed to develop a budget proposal that reflects a 7.5% reduction (non-public safety departments were directed to identify 35% reductions), which results in the approximate reduction of approximately \$23M of SJPD's total budget. The strategy for balancing the budget, both by the SJPD and other departments, as well as other factors discussed in this report, will impact the extent that the City can afford to implement these civilianization recommendations in the current and future fiscal years.

### ***About the San Jose Police Department***

The SJPD provides a range of public safety services to the community and its community policing service model is founded on: prevention, intervention and suppression. The SJPD's "core services," as currently defined in the budget document, include:

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- **Crime Prevention & Community Education:** Provides programs and services through community education and partnerships to reduce criminal activity and enhance public safety.
- **Respond to Calls for Service:** Provides 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.
- **Investigative Services** Provides objective examination of events through the collection of evidence, interviewing of witnesses, the interrogation of suspects, and other activities, to arrive at a resolution or successful prosecution.
- **Traffic Safety Services:** Provide for the safe and free flow of traffic through enforcement, education, investigation, and traffic control.
- **Regulatory Services:** Provide for the mandated regulation of businesses and activities and the issuance of those attendant mandated permits that are in the public interest.
- **Special Events Services:** Provide for safe and orderly special events including festivals and parades, free-speech demonstrations, political rallies, and dignitary visits, as well as other incidents requiring extra-ordinary planning and/or resources.

The command staff includes a Chief of Police, Assistant Chief, and four Deputy Chiefs who lead the SJPD. The Office of the Chief includes oversight of Public Information (PIO), Internal Affairs, Division of Gaming, Special Investigations (Vice/Criminal Intelligence), Research and Development, Crime Analysis, Terrorism Early Warning Group, and Mayor's Security. Four bureaus comprise the remainder of the Department and include:

- **Bureau of Administration (BOA)**—Oversees the following for the Department: personnel (backgrounds and recruiting), City Attorney investigators, permits, secondary employment, fiscal, property & evidence, police academies, psychological services and training;
- **Bureau of Field Operations (BFO)** —Also known as the Patrol Division, is the primary provider of police services for residents. It deploys approximately 650 officers to police 178 square miles of the City on a 24-hour basis;
- **Bureau of Investigations (BOI)** —Primary function is to investigate crimes, with two divisions: Person Crimes (e.g. family violence, gang investigations, homicide, robbery, sexual assault, etc.) and General Crimes (e.g., assaults, financial crimes/burglary, high tech crimes, vehicular crimes, auto theft, traffic investigations, etc.); and,
- **Bureau of Technical Services (BTS)** —BTS consists of three divisions: Communications; Operations Support Services; and the Systems Development Unit. Dispatching, 9-1-1 calls and records management are some of the major services provided by BTS. Other functions include support services (e.g., fingerprints, purchasing, Information Technology development and technical support, etc.

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The above bureaus are comprised of 11 divisions with more than 67 specialized units, details, and/or assignments. In general, the majority of the workforce is assigned to the BFO (61%), 14% to the Bureau of Investigations, 6% assigned to BOA, 15% assigned to BTS, and 4% assigned to management or administrative tasks within the Office of the Chief of Police. (Attachment A).

### **ANALYSIS**

With the above issues set the context for evaluating the Audit's recommendations, there are additional considerations that must be addressed to properly analyze the feasibility of implementing the recommendations in the short-, medium-, and long-term. As already noted, the City's fiscal condition is likely the most pronounced issue to factor into the analyses. Listed below are specific budget-related considerations:

- SJPD-specific impacts of making operational and/or resource changes in a detail, unit and/or division that may inadvertently impact other areas of the SJPD due to integrated services (e.g., Gaming Control and Vice Unit);
- City-wide specific impacts of service reductions or eliminations in other departments that will impact the SJPD service delivery or cause for additional analysis regarding civilianization (e.g., special events, PRNS, Mayor's Gang Prevention Task Force, Code Enforcement);
- Cost of civilianization with respect to adding additional personnel at a time when the City's budget shortfall is at nearly \$100 million and additional shortfalls are forecasted;
- Ability for the SJPD to receive civilian personnel through the City's "bumping" process that pass the police background process; and,
- Impact of potentially implementing a new shift configuration.

With all of the above areas to consider, and the need to reach alignment on several issues, a phased approach for implementing these recommendations is required. The opportunity to address these recommendations over time, in phases, allows several benefits and maximizes the ability to address the above considerations within the previously noted limitations to properly achieve improved levels of SJPD sworn and civilian personnel. Key benefits include the ability to manage costs of investing in civilianization, ability and capacity to implement where there is the lowest risk with respect to unintended consequences, and ability to sustain law enforcement services. This phased approach will also allow the SJPD to obtain "lessons-learned" from implementing lower risk civilianization opportunities to inform future implementation of recommendations that are assessed to be more complex.

### ***Responses to Audit Report Finding & Recommendations***

The Audit contains one finding and 13 recommendations, 10 are directed to the SJPD to implement and the remaining three for the City Council or Administration to further address. Early on, given the SJPD's operational expertise and department-specific knowledge of the ability to successfully implement these recommendations within the Department, it should be noted that the SJPD agrees with the 13 recommendations.



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This section of the report provides responses that integrate the perspectives of the SJPd, City Manager's Budget Office, Office of Employee Relations, and Department of Human Resources.

**Recommendation #1:** Going forward, the Police Department should use its semi-annual roster to reconcile its actual staffing to the staffing authorized in the City's Adopted Operating Budget. Vacancies and other relevant information should be added to the roster to allow for reconciliation to the Budget data. This will allow the Department to more accurately track its sworn-civilian mix. (Priority 3)

The Department agrees with this recommendation. For budget purposes, authorized positions are tracked by Fiscal staff and reconciled annually with the Budget Office through the Labor Distribution Reports. Although this serves the budget process, it also is a "point in time" document and the data for vacancies, Temporary Duty Transfer (TDY) assignments or long-term disabilities are not tracked. The Department recognizes these deficiencies and will work to determine how the current staffing reports can be refined and improved by incorporating additional data available from Police Personnel.

**Recommendation #2:** The San Jose Police Department should adopt a civilianization policy, based on that of the International Association of Chiefs of Police or other best practices the Police Department identifies. (Priority 3)

The Department agrees with this recommendation. The Department will work with the appropriate City departments to develop a work plan that facilitates this recommendation.

**Recommendation #3:** The City should seek to increase the number of positions allowed to be civilianized in the Memorandum of Agreement with the SJPOA. (Priority 3)

The Department agrees with this recommendation.

In order to implement this recommendation, the City Council would need to provide direction to the City Manager on labor negotiation and strategy, with a "meet and confer" obligation to consider amending provisions related to (1) number of positions and (2) impact to sworn officers. The Municipal Employee Relations Officer will be commencing negotiations with the San Jose Police Officers' Association in the next several weeks and, if approved by the City Council, this recommendation would be included in those negotiations.

During the most recent MOA negotiations, the City worked extensively with the POA to increase civilianization from four (4) to fifteen (15) positions during the term of the MOA, so long as the total number of sworn officers is unaffected. As noted earlier, the SJPd identified more than 15 positions that could be civilianized as part of the FY 2009-2010 budget development process.

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**Recommendation #4:** Consider how Community Service Officers and Investigative Aides might be used in the future in San Jose and meet and confer with the SJPOA regarding this provision. (Priority 3)

The Department agrees with this recommendation.

In order to implement this recommendation, the City Council would need to provide direction to the City Manager on labor negotiations and strategy, with a "meet and confer" obligation on the below MOA provision. The Municipal Employee Relations Officer will be commencing negotiations with the San Jose Police Officers' Association in the next several weeks and, if approved by the City Council, this recommendation would be included in those negotiations.

As background, the current POA MOA specifically addresses the positions of Community Service Officers and Investigative Aides and states:

Article 51 of the POA MOA states:

51.2.2 *The work is not normally associated with sworn Peace Officer status and does not require a P.O.S.T. certificate. Examples of duties which are normally associated with Peace Officer status include the following:*

- criminal investigations
- patrol-related functions
- emergency services
- community policing
- training of sworn personnel on public safety-related issues
- processing of prisoners, and

51.2.3. *The City conducts a meeting with the POA to discuss operational impact prior to making a final decision.*

51.3 *It is understood by the parties that Investigative Aides and Community Service Officers are applicable to subsection 51.2.2 of this provision.*

**Recommendation #5:** The Police Department should propose removing positions that could be civilianized from the Exempt Officer's Program when the consent decree is reviewed. (Priority 3)

The Department agrees with this recommendation. The Consent Decree Committee is currently working on reviewing all exempt officer positions in preparation for the June 2010 review with a federal judge. The purpose of this review is to determine the recommendations the SJPD will make to reduce the number of Exempt Officer positions and/or to substitute the positions.

**Recommendation #6:** The Police Department should analyze its employment and assignment options regarding *Brady* officers and then develop a policy accordingly, based on the International Chiefs of Police policy and other best practices identified by the Police Department. The Police Department should also consider whether to retain those officers and whether the work they perform, if administrative, could instead be performed by civilians. (Priority 3)

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The Department agrees with this recommendation. It should be noted that Due Process rights and Civil Service Commission rulings or arbitration decision must be taken into consideration anytime there is discussion regarding "Brady" officers. As previously discussed in this report, the Department has a limited ability with assignment options for some "Brady" officers.

**Recommendation #7:** The Police Department should work with the Human Resources Department to update or create job descriptions to accurately reflect job duties of non-Patrol sworn positions. (Priority 3)

The Department agrees with this recommendation. The Department will work with individual units to update job descriptions of non-Patrol sworn positions as resources allow.

**Recommendation #8:** The Police Department should work with the Human Resources Department to develop a plan for creating a civilian job classification system that provides opportunities for variety to civilians within the Police Department. (Priority 3)

The Department agrees with this recommendation. Implementation of this recommendation requires Human Resources involvement and the timing of implementation may be impacted by other workforce priorities driven by the City's fiscal condition.

**Recommendation #9:** The Police Department should develop short, medium and long-term plans to civilianize the positions in this audit and/or other positions identified by the Police Department. (Priority 3)

The Department agrees with this recommendation. The Department has identified civilian positions not in conflict with the POA MOA, which could be immediately incorporated as part of the budget process.

**Recommendation #10:** Identify partial administrative roles filled by sworn and consider options for civilianization. (Priority 3)

The Department agrees with this recommendation and will consider it as the long-term plan is developed.

**Recommendation #11:** Consider outsourcing the helicopter pilot duties as well as the fixed-wing airplane assignments on an hourly basis. (Priority 3)

The Department agrees with this recommendation and will work with the City Manager's Office to develop a work plan to implement the above recommendation.

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**Recommendation #12:** The Police Department should work with the PAL to determine the most effective and efficient mix of sworn and civilian staff. The Police Department should also reconsider how the Department should support the work of the Police Activities League in the future. (Priority 3)

The Department agrees with this recommendation. As acknowledged by the Auditor, the Department feels strongly that a sworn component is essential to PAL's stated mission, which is to provide positive interaction between the City's youth and its police officers; however, opportunities exist to address efficiencies and effectiveness.

**Recommendation #13:** The Police Department should work with the Airport Department to determine the most effective and efficient mix of sworn (SJPD) and civilian (Airport) security required to maintain the Airport's security program, in accordance with TSA regulations. (Priority 3)

The Department agrees with this recommendation. As construction continues on the Airport, the Department and Airport will continue to work with the TSA to identify proper staffing levels which meet Airport security needs.

**CONCLUSION**

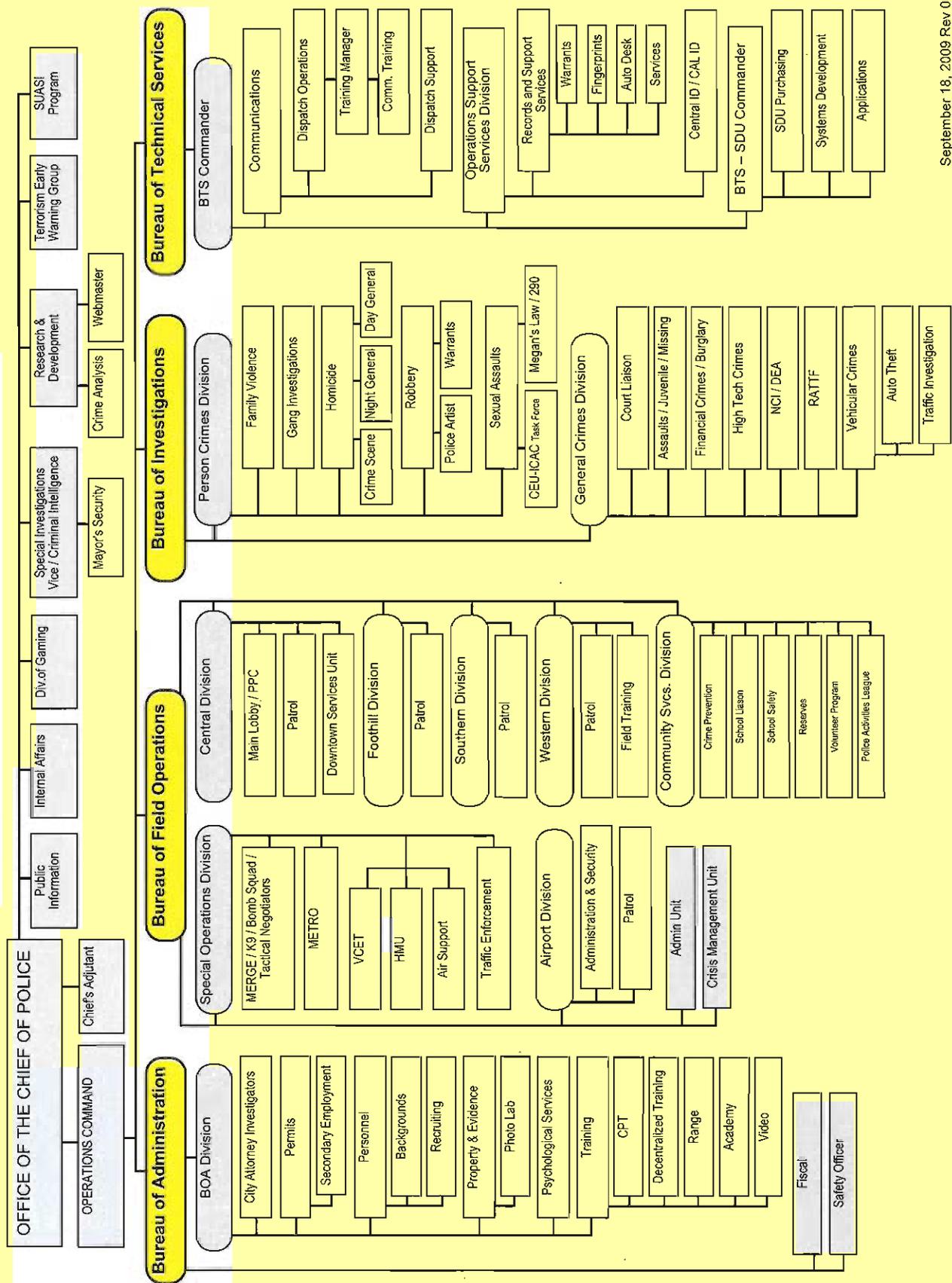
The City appreciates the efforts of the Auditor's Office in preparing this report. The City has benefited from its collaboration with members of the Auditor's Office on a variety of issues and recommendations. These collaborative efforts have resulted in improvements in day-to-day operations and efficiencies.



**DEBRA FIGONE**  
City Manager

Attachment: SJPD Organizational Chart

# SAN JOSE POLICE DEPARTMENT



## APPENDIX A

### DEFINITIONS OF PRIORITY 1, 2, AND 3 AUDIT RECOMMENDATIONS

The City of San Jose's City Policy Manual (6.1.2) defines the classification scheme applicable to audit recommendations and the appropriate corrective actions as follows:

<b>Priority Class<sup>1</sup></b>	<b>Description</b>	<b>Implementation Category</b>	<b>Implementation Action<sup>3</sup></b>
1	Fraud or serious violations are being committed, significant fiscal or equivalent non-fiscal losses are occurring. <sup>2</sup>	Priority	Immediate
2	A potential for incurring significant fiscal or equivalent fiscal or equivalent non-fiscal losses exists. <sup>2</sup>	Priority	Within 60 days
3	Operation or administrative process will be improved.	General	60 days to one year

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<sup>1</sup> The City Auditor is responsible for assigning audit recommendation priority class numbers. A recommendation which clearly fits the description for more than one priority class shall be assigned the higher number.

<sup>2</sup> For an audit recommendation to be considered related to a significant fiscal loss, it will usually be necessary for an actual loss of \$50,000 or more to be involved or for a potential loss (including unrealized revenue increases) of \$100,000 to be involved. Equivalent non-fiscal losses would include, but not be limited to, omission or commission of acts by or on behalf of the City which would be likely to expose the City to adverse criticism in the eyes of its citizens.

<sup>3</sup> The implementation time frame indicated for each priority class is intended as a guideline for establishing implementation target dates. While prioritizing recommendations is the responsibility of the City Auditor, determining implementation dates is the responsibility of the City Administration.

## APPENDIX B

### Estimated Annual Position Costs for FY 2009-2010

(amounts rounded to the nearest \$500)

	Position Details	Base Pay	P.O.S.T. Pay	City Retirement Contribution	Fringe Benefits	Position Costs
	(1)	(2)	(3)	(4)	(5)	(6)
<b>Sworn Positions</b>						
Police Officer	step 4	\$93,500	\$7,000	\$26,000	\$16,000	<b>\$142,000</b>
Police Sergeant	step 4	\$119,000	\$9,000	\$33,000	\$16,500	<b>\$177,500</b>
† Police Artist (sworn)	step 4	\$119,000	\$9,000	\$33,000	\$16,500	<b>\$177,500</b>
Police Lieutenant	step 4	\$138,000	\$10,500	\$38,500	\$16,500	<b>\$203,500</b>
Police Captain	step 4	\$159,500	\$12,000	\$44,500	\$17,000	<b>\$233,000</b>
<b>Civilian Positions</b>						
^ Accident Reconstructionist	midrange	\$90,500	\$0	\$21,000	\$15,000	<b>\$127,000</b>
Analyst I/II C	step 3	\$78,500	\$0	\$18,000	\$15,000	<b>\$111,500</b>
^ Armorer I	midrange	\$54,000	\$0	\$12,500	\$14,500	<b>\$81,000</b>
^ Armorer II	midrange	\$62,500	\$0	\$14,500	\$14,500	<b>\$91,500</b>
^ Crime Scene Investigator	midrange	\$90,500	\$0	\$21,000	\$15,000	<b>\$127,000</b>
^ Corrections Officer	midrange	\$73,000	\$0	\$17,000	\$15,500	<b>\$105,000</b>
^ Corrections Sergeant	midrange	\$90,500	\$0	\$21,000	\$15,500	<b>\$127,000</b>
Equipment Mechanic Assistant I/II	step 3	\$53,000	\$0	\$12,500	\$14,500	<b>\$80,000</b>
Equipment Operator	step 3	\$54,500	\$0	\$12,500	\$14,500	<b>\$81,500</b>
^ Forensic Investigator	midrange	\$90,500	\$0	\$21,000	\$15,000	<b>\$127,000</b>
^ Helicopter Pilot	midrange	\$57,000	\$0	\$0	\$0	<b>\$57,000</b>
Legal Analyst I/II	step 3	\$78,500	\$0	\$18,000	\$15,000	<b>\$111,500</b>
Maintenance Worker I	step 3	\$49,500	\$0	\$11,500	\$14,500	<b>\$75,500</b>
Maintenance Worker II	step 3	\$55,500	\$0	\$13,000	\$14,500	<b>\$82,500</b>
Marketing/Public Outreach Representative I/II	step 3	\$75,000	\$0	\$17,500	\$15,000	<b>\$107,000</b>
Network Engineer C	step 3	\$91,000	\$0	\$21,000	\$15,000	<b>\$127,500</b>
Office Specialist I/II C	step 3	\$46,500	\$0	\$11,000	\$14,500	<b>\$72,000</b>
† Police Artist (civilian)	step 4	\$119,000	\$0	\$27,500	\$15,500	<b>\$155,000</b>
Police Data Specialist I/II	step 3	\$53,500	\$0	\$12,500	\$15,000	<b>\$81,000</b>
Police Property Specialist I	step 3	\$49,500	\$0	\$11,500	\$14,500	<b>\$75,500</b>
Police Property Specialist II	step 3	\$52,000	\$0	\$12,000	\$14,500	<b>\$78,500</b>
Principal Office Specialist	step 3	\$57,500	\$0	\$13,500	\$14,500	<b>\$85,500</b>
Recreation Program Specialist	step 3	\$57,500	\$0	\$13,500	\$14,500	<b>\$85,500</b>
Recreation Specialist	step 3	\$57,500	\$0	\$13,500	\$14,500	<b>\$85,500</b>
Recreation Supervisor	step 3	\$76,500	\$0	\$17,500	\$15,000	<b>\$109,500</b>
Senior Analyst	midrange	\$91,500	\$0	\$21,000	\$15,000	<b>\$127,500</b>
Senior Office Specialist	step 3	\$51,500	\$0	\$12,000	\$14,500	<b>\$78,000</b>
Senior Police Property Specialist	step 3	\$56,500	\$0	\$13,000	\$14,500	<b>\$84,500</b>
Staff Specialist	step 3	\$63,500	\$0	\$14,500	\$14,500	<b>\$92,500</b>
Staff Technician	step 3	\$64,000	\$0	\$15,000	\$14,500	<b>\$93,500</b>

† The Police Artist is currently a civilian job classification in San José. However, the Police Department has chosen to fill the position with a Police Officer.

^ New job classifications are based on comparable classifications at other California public-sector organizations: "Accident Reconstructionist" is based on "Criminalist III" at the County of Alameda. "Armorer" classifications are based on "Range Master I and II" at the County of Santa Clara. "Crime Scene Investigator" is based on "Criminalist III" at the County of Alameda. "Corrections Officer" and "Corrections Sergeant" are based on "Correction Officer" and "Correctional Sergeant" at the County of Santa Clara. "Forensic Investigator" is based on "Criminalist III" at the County of Alameda. "Helicopter Pilot" is based on "Sheriff's Pilot," a contracted position at the County of Santa Clara.

#### **Notes**

- (1) For existing job classifications within the City, step 3 was assumed for civilian classifications; step 4 was assumed for sworn classifications. For existing job classifications without steps (i.e. Senior Analyst), and for proposed new job classifications (marked with ^), a midrange salary was calculated by increasing entry-level pay by 10.25%.
- (2) For existing City job classifications, base pay was provided by the City's Human Resources Department. For sworn job classifications, base pay includes some special pay. For external job classifications, the most recent compensation data available was used to estimate cost.
- (3) Sworn staff are assumed to receive advanced P.O.S.T. pay equal to 7.5% of their annual earnings.
- (4) Per the City's JobCode Table of September 2009, the City's retirement contributions equal approximately 23.12% of civilian employees' annual base pay, and 25.92% of sworn employees' base pay and P.O.S.T. pay.
- (5) Fringe benefits include health, dental, vision, life, EAP, unemployment, medicare, uniform allowances, and benefits administration fee.
- (6) The following costs are excluded from the calculation of position costs: Overtime, which based on averages of actuals, is estimated at about \$13,000 per year for sworn staff, and \$0 for civilian staff. One-time equipment and training costs, estimated at about \$10,000 for sworn staff, and \$5,000 for civilian staff. Vehicle costs for sworn staff that account for over \$47,000 on a one-time basis, and over \$9,000 on an ongoing basis. SJPD's Fiscal Division budgets 1 patrol vehicle per every 3.24 patrol officers.

## APPENDIX C

### SJPD Civilianization Audit - Compilation of Potential Cost Savings

<u>Unit</u>	<u>Current Position</u>	<u>Proposed Position</u>	<u>Sworn Cost</u>	<u>Civilian Cost</u>	<u>Cost Differential</u>
<b><u>OFFICE OF THE CHIEF</u></b>					
Research and Development	Sergeant	I Staff Specialist	\$177,500	\$92,500	\$85,000
	Sergeant	I Analyst II	\$177,500	\$111,500	\$66,000
	<b>Subtotal</b>	<b>2</b>	<b>\$355,000</b>	<b>\$204,000</b>	<b>\$151,000</b>
Vice/Intelligence	Officer	I Senior Office Specialist	\$142,000	\$78,000	\$64,000
	<b>Subtotal</b>	<b>1</b>	<b>\$142,000</b>	<b>\$78,000</b>	<b>\$64,000</b>
Gaming Control Division	Officer	I Senior Office Specialist	\$142,000	\$78,000	\$64,000
	Officer	I Senior Office Specialist	\$142,000	\$78,000	\$64,000
	Officer	I Senior Office Specialist	\$142,000	\$78,000	\$64,000
	Sergeant	I Analyst II	\$177,500	\$111,500	\$66,000
	<b>Subtotal</b>	<b>4</b>	<b>\$603,500</b>	<b>\$345,500</b>	<b>\$258,000</b>
Public Information	Officer	I Marketing/Outreach Representative	\$142,000	\$107,000	\$35,000
	<b>Subtotal</b>	<b>1</b>	<b>\$142,000</b>	<b>\$107,000</b>	<b>\$35,000</b>
<b>Office of the Chief - Total</b>		<b>8</b>	<b>\$1,242,500</b>	<b>\$734,500</b>	<b>\$508,000</b>
<b><u>BUREAU OF ADMINISTRATION</u></b>					
Property and Evidence	Officer	I Police Property Specialist II	\$142,000	\$78,500	\$63,500
	<b>Subtotal</b>	<b>1</b>	<b>\$142,000</b>	<b>\$78,500</b>	<b>\$63,500</b>
Permits/Secondary Employment	Sergeant	I Analyst II	\$177,500	\$111,500	\$66,000
	Sergeant	I Analyst II	\$177,500	\$111,500	\$66,000
	Officer	I Staff Specialist	\$142,000	\$92,500	\$49,500
	Officer	I Staff Specialist	\$142,000	\$92,500	\$49,500
	Officer	I Staff Specialist	\$142,000	\$92,500	\$49,500
	Officer	I Staff Specialist	\$142,000	\$92,500	\$49,500
	Officer	I Staff Specialist	\$142,000	\$92,500	\$49,500
	Officer	I Staff Specialist	\$142,000	\$92,500	\$49,500
	Officer	I Staff Specialist	\$142,000	\$92,500	\$49,500
	Sergeant	I Analyst II	\$177,500	\$111,500	\$66,000
	<b>Subtotal</b>	<b>10</b>	<b>\$1,526,500</b>	<b>\$982,000</b>	<b>\$544,500</b>
Recruiting	Officer	I Analyst II	\$142,000	\$111,500	\$30,500
	Officer	I Sr. Office Spec.	\$142,000	\$78,000	\$64,000
	<b>Subtotal</b>	<b>2</b>	<b>\$284,000</b>	<b>\$189,500</b>	<b>\$94,500</b>
Backgrounding	Officer	I Staff Specialist	\$142,000	\$92,500	\$49,500
	Officer	I Staff Specialist	\$142,000	\$92,500	\$49,500
	<b>Subtotal</b>	<b>2</b>	<b>\$284,000</b>	<b>\$185,000</b>	<b>\$99,000</b>
Training	Officer	I Analyst II	\$142,000	\$111,500	\$30,500
	Officer	I Recreation Program Specialist	\$142,000	\$85,500	\$56,500
	Officer	I Sr. Office Specialist	\$142,000	\$78,000	\$64,000
	<b>Subtotal</b>	<b>3</b>	<b>\$426,000</b>	<b>\$275,000</b>	<b>\$151,000</b>
Range	Officer	I Armorer II (new classification)	\$142,000	\$91,500	\$50,500

## APPENDIX C

### SJPD Civilianization Audit - Compilation of Potential Cost Savings

<u>Unit</u>	<u>Current Position</u>	<u>Proposed Position</u>	<u>Sworn Cost</u>	<u>Civilian Cost</u>	<u>Cost Differential</u>
	Officer	I Armorer II (new classification)	\$142,000	\$91,500	\$50,500
	<b>Subtotal</b>	<b>2</b>	<b>\$284,000</b>	<b>\$183,000</b>	<b>\$101,000</b>
<b>Bureau of Administration -Total</b>		<b>20</b>	<b>\$2,946,500</b>	<b>\$1,893,000</b>	<b>\$1,053,500</b>
<b><u>BUREAU OF FIELD OPERATIONS</u></b>					
<b>Community Services - P.A.L.</b>	Officer	I Recreation Program Specialist	\$142,000	\$85,500	\$56,500
	Officer	I Recreation Program Specialist	\$142,000	\$85,500	\$56,500
	Officer	I Recreation Program Specialist	\$142,000	\$85,500	\$56,500
	<b>Subtotal</b>	<b>3</b>	<b>\$426,000</b>	<b>\$256,500</b>	<b>\$169,500</b>
<b>Airport Division</b>	Sergeant	I Analyst II	\$177,500	\$111,500	\$66,000
	<b>Subtotal</b>	<b>1</b>	<b>\$177,500</b>	<b>\$111,500</b>	<b>\$66,000</b>
<b>Main Lobby</b>	Officer	I Office Specialist	\$142,000	\$72,000	\$70,000
	Officer	I Office Specialist	\$142,000	\$72,000	\$70,000
	Officer	I Office Specialist	\$142,000	\$72,000	\$70,000
	Officer	I Sr. Office Spec.	\$142,000	\$78,000	\$64,000
	Officer	I Sr. Office Spec.	\$142,000	\$78,000	\$64,000
	Officer	I Sr. Office Spec.	\$142,000	\$78,000	\$64,000
	<b>Subtotal</b>	<b>6</b>	<b>\$852,000</b>	<b>\$450,000</b>	<b>\$402,000</b>
<b>Pre-Processing</b>	Officer	I Corrections Officer (new classification)	\$142,000	\$105,000	\$37,000
	Officer	I Corrections Officer (new classification)	\$142,000	\$105,000	\$37,000
	Officer	I Corrections Officer (new classification)	\$142,000	\$105,000	\$37,000
	Officer	I Corrections Officer (new classification)	\$142,000	\$105,000	\$37,000
	Officer	I Corrections Officer (new classification)	\$142,000	\$105,000	\$37,000
	Officer	I Corrections Officer (new classification)	\$142,000	\$105,000	\$37,000
	Officer	I Corrections Officer (new classification)	\$142,000	\$105,000	\$37,000
	Officer	I Corrections Officer (new classification)	\$142,000	\$105,000	\$37,000
	Officer	I Corrections Officer (new classification)	\$142,000	\$105,000	\$37,000
	Officer	I -	\$142,000		\$142,000
	Officer	I -	\$142,000		\$142,000
	Officer	I -	\$142,000		\$142,000
	Officer	I -	\$142,000		\$142,000

## APPENDIX C

### SJPD Civilianization Audit - Compilation of Potential Cost Savings

<u>Unit</u>	<u>Current Position</u>	<u>Proposed Position</u>	<u>Sworn Cost</u>	<u>Civilian Cost</u>	<u>Cost Differential</u>
	Sergeant	I Corrections Sergeant (new classification)	\$177,500	\$127,000	\$50,500
	Sergeant	I Corrections Sergeant (new classification)	\$177,500	\$127,000	\$50,500
	Sergeant	I Corrections Sergeant (new classification)	\$177,500	\$127,000	\$50,500
	Sergeant	I Corrections Sergeant (new classification)	\$177,500	\$127,000	\$50,500
	Sergeant	I -	\$177,500		\$177,500
	Sergeant	I -	<u>\$177,500</u>		<u>\$177,500</u>
	<b>Subtotal</b>	<b>19</b>	<b>\$2,911,000</b>	<b>\$1,453,000</b>	<b>\$1,458,000</b>
<b>BFO Admin Unit</b>	Sergeant	I Analyst II	\$177,500	\$111,500	\$66,000
	Sergeant	I Sr. Office Specialist	\$177,500	\$78,000	\$99,500
	Officer	I Analyst II	\$142,000	\$111,500	\$30,500
	Officer	I Analyst II	\$142,000	\$111,500	\$30,500
	Officer	I Analyst II	\$142,000	\$111,500	\$30,500
	Officer	I Staff Specialist	<u>\$142,000</u>	<u>\$92,500</u>	<u>\$49,500</u>
	<b>Subtotal</b>	<b>6</b>	<b>\$923,000</b>	<b>\$616,500</b>	<b>\$306,500</b>
<b>Air Support</b>	Officer	I Helicopter Pilot (contracted)	\$142,000	\$57,000	\$85,000
	Officer	I Helicopter Pilot (contracted)	<u>\$142,000</u>	<u>\$57,000</u>	<u>\$85,000</u>
	<b>Subtotal</b>	<b>2</b>	<b>\$284,000</b>	<b>\$114,000</b>	<b>\$170,000</b>
<b>Traffic Enforcement</b>	Officer	I Staff Specialist	<u>\$142,000</u>	<u>\$92,500</u>	<u>\$49,500</u>
	<b>Subtotal</b>	<b>1</b>	<b>\$142,000</b>	<b>\$92,500</b>	<b>\$49,500</b>
<b>Bureau of Field Operations - Total</b>		<b>38</b>	<b>\$5,715,500</b>	<b>\$3,094,000</b>	<b>\$2,621,500</b>
 <b><u>BUREAU OF INVESTIGATIONS</u></b>					
<b>Homicide</b>	Officer	I Crime Scene Investigator	\$142,000	\$127,000	\$15,000
	Officer	I Crime Scene Investigator	\$142,000	\$127,000	\$15,000
	Officer	I Crime Scene Investigator	\$142,000	\$127,000	\$15,000
	Officer	I Office Specialist II	<u>\$142,000</u>	<u>\$72,000</u>	<u>\$70,000</u>
	<b>Subtotal</b>	<b>4</b>	<b>\$568,000</b>	<b>\$453,000</b>	<b>\$115,000</b>
<b>Robbery</b>	Officer	I Senior Office Specialist	\$142,000	\$78,000	\$64,000
	Officer	I Senior Office Specialist	\$142,000	\$78,000	\$64,000
	Officer	I Police Artist	<u>\$177,500</u>	<u>\$155,000</u>	<u>\$22,500</u>
	<b>Subtotal</b>	<b>3</b>	<b>\$461,500</b>	<b>\$311,000</b>	<b>\$150,500</b>
<b>Assaults/Juvenile/Missing Persons</b>	Officer	I Staff Specialist	<u>\$142,000</u>	<u>\$92,500</u>	<u>\$49,500</u>
	<b>Subtotal</b>	<b>1</b>	<b>\$142,000</b>	<b>\$92,500</b>	<b>\$49,500</b>
<b>High Tech</b>	Officer	I Forensic Investigator (new class)	\$142,000	\$127,000	\$15,000

## APPENDIX C

### SJPD Civilianization Audit - Compilation of Potential Cost Savings

<u>Unit</u>	<u>Current Position</u>	<u>Proposed Position</u>	<u>Sworn Cost</u>	<u>Civilian Cost</u>	<u>Cost Differential</u>
	Officer	I Forensic Investigator (new class)	<u>\$142,000</u>	<u>\$127,000</u>	<u>\$15,000</u>
	<b>Subtotal</b>	<b>2</b>	<b>\$284,000</b>	<b>\$254,000</b>	<b>\$30,000</b>
<b>Vehicular Crimes</b>	Officer	I Accident Reconstructionist	\$142,000	\$127,000	\$15,000
	Officer	I Accident Reconstructionist	\$142,000	\$127,000	\$15,000
	Officer	I Accident Reconstructionist	\$142,000	\$127,000	\$15,000
	Officer	I Police Data Specialist II	\$142,000	\$81,000	\$61,000
	Sergeant	I Senior Police Property Specialist	<u>\$177,500</u>	<u>\$84,500</u>	<u>\$93,000</u>
	<b>Subtotal</b>	<b>5</b>	<b>\$745,500</b>	<b>\$546,500</b>	<b>\$199,000</b>
<b>Court Liaison Unit</b>	Officer	I Sr. Office Specialist	\$142,000	\$78,000	\$64,000
	Officer	I Sr. Office Specialist	\$142,000	\$78,000	\$64,000
	Officer	I Sr. Office Specialist	\$142,000	\$78,000	\$64,000
	Officer	I Sr. Office Specialist	\$142,000	\$78,000	\$64,000
	Officer	I Staff Specialist	\$142,000	\$92,500	\$49,500
	Officer	I Legal Analyst II	<u>\$142,000</u>	<u>\$111,500</u>	<u>\$30,500</u>
	<b>Subtotal</b>	<b>6</b>	<b>\$852,000</b>	<b>\$516,000</b>	<b>\$336,000</b>
<b>Bureau of Investigations - Total</b>		<b>21</b>	<b>\$3,053,000</b>	<b>\$2,173,000</b>	<b>\$880,000</b>
<b><u>BUREAU OF TECHNICAL SERVICES</u></b>					
<b>Systems Development Unit</b>	Officer	I Network Engineer	<u>\$142,000</u>	<u>\$127,500</u>	<u>\$14,500</u>
	<b>Subtotal</b>	<b>1</b>	<b>\$142,000</b>	<b>\$127,500</b>	<b>\$14,500</b>
<b>Bureau of Technical Services - Total</b>		<b>1</b>	<b>\$142,000</b>	<b>\$127,500</b>	<b>\$14,500</b>
<b>GRAND TOTAL</b>		<b>88</b>	<b>\$13,099,500</b>	<b>\$8,022,000</b>	<b>\$5,077,500</b>

## APPENDIX D

### I.A.C.P. MODEL POLICY ON CIVILIANIZATION

#### I. PURPOSE:

The purpose of this policy is to establish this agency's commitment to and procedures for hiring and using civilian personnel.

#### II. POLICY

The efficiency and effectiveness of law enforcement agencies is enhanced when sworn and non-sworn personnel are appropriately used to perform those functions that are best suited to their special knowledge, skills and abilities. Therefore, this agency shall employ civilians for selected functions that do not require the authority of a commissioned officer, thereby freeing sworn personnel for enforcement functions and capitalizing upon the talents of all employees.

#### III. PROCEDURES

##### A. Civilian Position Classifications

This agency has approved a number of functions as suitable for civilian placement. In conjunction with the development of the annual budget, command staff will assess which additional positions, if any, should be authorized for civilian employment. Current civilian designated functions include but are not necessarily limited to the following:

- Planning and research
- Media relations
- Communications
- Records
- Animal control
- Property/evidence
- Victim advocacy
- Police auxiliary/reserve
- Parking enforcement
- School crossing control
- Accident investigation
- Legal affairs
- Fleet maintenance
- Detention
- Forensics

## **APPENDIX D**

### **B. Authorized Duties**

Duties and responsibilities of civilian employees shall be defined in job descriptions maintained in this agency's personnel office. In addition, the following shall be observed with respect to civilian employees:

1. Civilian employees shall not be requested to perform duties and responsibilities for which a commission as a sworn law enforcement officer is required.
  - a. However, in urgent circumstances when a female officer is not available, a female civilian employee may temporarily act as an observer during the care or detention of a female, or act as a witness during the photographing of a female crime victim.
2. Civilian personnel shall not use their employment status with this law enforcement agency as authority for or responsibility to enforce the law. Civilian employees have no authority to take enforcement actions beyond those authorized for any citizen under the laws of this state.
3. When on light-duty status, sworn personnel may be assigned temporarily to designated civilian positions only if
  - a. additional qualified personnel are needed to assist in the job assignment, and
  - b. the officer has or can be readily provided with the requisite knowledge and skills to adequately perform duties of the position.

### **C. Applicant Screening**

1. Procedures for screening applicants for civilian positions shall conform to agency policy for sworn officers unless otherwise specified by the personnel job description.
2. All civilian employees assigned or having access to criminal history records, fingerprint files, investigative records, tactical information, emergency communications or other assignments or materials of a sensitive nature shall undergo a background investigation to include a criminal history check prior to employment.

### **D. Identification**

1. All civilian employees shall be issued an agency identification card containing an up to date photograph.
2. Photographic identification cards shall be color-coded to reflect the employee's security clearance as specified by the personnel office.
3. Civilian employees shall wear their personal identification card at all times while in the law enforcement agency and/or when dealing with the public as a police employee.



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## Caution against ranking

# Variables Affecting Crime

Each year when *Crime in the United States* is published, many entities—news media, tourism agencies, and other groups with an interest in crime in our Nation—use reported figures to compile rankings of cities and counties. These rankings, however, are merely a quick choice made by the data user; they provide no insight into the many variables that mold the crime in a particular town, city, county, state, region, or other jurisdiction. Consequently, these rankings lead to simplistic and/or incomplete analyses that often create misleading perceptions adversely affecting cities and counties, along with their residents.

## Consider other characteristics of a jurisdiction

To assess criminality and law enforcement's response from jurisdiction to jurisdiction, one must consider many variables, some of which, while having significant impact on crime, are not readily measurable or applicable pervasively among all locales. Geographic and demographic factors specific to each jurisdiction must be considered and applied if one is going to make an accurate and complete assessment of crime in that jurisdiction. Several sources of information are available that may assist the responsible researcher in exploring the many variables that affect crime in a particular locale. The U.S. Census Bureau data, for example, can be used to better understand the makeup of a locale's population. The transience of the population, its racial and ethnic makeup, its composition by age and gender, educational levels, and prevalent family structures are all key factors in assessing and comprehending the crime issue.

Local chambers of commerce, government agencies, planning offices, or similar entities provide information regarding the economic and cultural makeup of cities and counties. Understanding a jurisdiction's industrial/economic base; its dependence upon neighboring jurisdictions; its transportation system; its economic dependence on nonresidents (such as tourists and convention attendees); its proximity to military installations, correctional facilities, etc., all contribute to accurately gauging and interpreting the crime known to and reported by law enforcement.

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The strength (personnel and other resources) and the aggressiveness of a jurisdiction's law enforcement agency are also key factors in understanding the nature and extent of crime occurring in that area. Although information pertaining to the number of sworn and civilian employees can be found in this publication, it cannot be used alone as an assessment of the emphasis that a community places on enforcing the law. For example, one city may report more crime than a comparable one, not because there is more crime, but rather because its law enforcement agency, through proactive efforts, identifies more offenses. Attitudes of the citizens toward crime and their crime reporting practices, especially concerning minor offenses, also have an impact on the volume of crimes known to police.

### **Make valid assessments of crime**

It is incumbent upon all data users to become as well educated as possible about how to understand and quantify the nature and extent of crime in the United States and in any of the more than 17,000 jurisdictions represented by law enforcement contributors to the Uniform Crime Reporting (UCR) Program. Valid assessments are possible only with careful study and analysis of the various unique conditions affecting each local law enforcement jurisdiction.

Historically, the causes and origins of crime have been the subjects of investigation by many disciplines. Some factors that are known to affect the volume and type of crime occurring from place to place are:

- Population density and degree of urbanization.
- Variations in composition of the population, particularly youth concentration.
- Stability of the population with respect to residents' mobility, commuting patterns, and transient factors.
- Modes of transportation and highway system.
- Economic conditions, including median income, poverty level, and job availability.
- Cultural factors and educational, recreational, and religious characteristics.

## APPENDIX E

- Family conditions with respect to divorce and family cohesiveness.
- Climate.
- Effective strength of law enforcement agencies.
- Administrative and investigative emphases of law enforcement.
- Policies of other components of the criminal justice system (i.e., prosecutorial, judicial, correctional, and probational).
- Citizens' attitudes toward crime.
- Crime reporting practices of the citizenry.

*Crime in the United States* provides a nationwide view of crime based on statistics contributed by local, state, tribal, and federal law enforcement agencies. Population size and student enrollment are the only correlates of crime presented in this publication. Although many of the listed factors equally affect the crime of a particular area, the UCR Program makes no attempt to relate them to the data presented. ***The data user is, therefore, cautioned against comparing statistical data of individual reporting units from cities, counties, metropolitan areas, states, or colleges or universities solely on the basis of their population coverage or student enrollment.*** Until data users examine all the variables that affect crime in a town, city, county, state, region, or other jurisdiction, they can make no meaningful comparisons.

# Model Policy

<i>Effective Date</i> April 2009		<i>Number</i>
<i>Subject</i> Brady Disclosure Requirements		
<i>Reference</i>		<i>Special Instructions</i>
<i>Distribution</i>	<i>Reevaluation Date</i> April 2010	<i>No. Pages</i> 3

## I. PURPOSE

It is the purpose of this policy to provide officers with the information necessary to properly fulfill the reporting and testimonial requirements mandated under U.S. Supreme Court decisions including *Brady v. Maryland* 373 U.S. 83 (1963) and *Giglio v. U.S.* 405 U.S. 150 (1972).

## II. POLICY

The *Brady* decision and subsequent rulings have made it a duty of all law enforcement agencies to (1) identify and provide to the prosecution any exculpatory material that would have a reasonable probability of altering the results in a trial, or any material that could reasonably mitigate the sentencing of a defendant and (2) any material relevant to the credibility of government witnesses, including, but not limited to, police officers. It is the policy of this police department to follow *Brady* disclosure requirements consistent with the law.

## III. DEFINITIONS

*Material evidence:* Exculpatory evidence is “material” if there is a reasonable probability that disclosing it will change the outcome of a criminal proceeding. A “reasonable probability” is a probability sufficient to undermine confidence in the outcome of the trial or sentencing of a criminal case.

*Exculpatory evidence/Brady material:* *Brady* violations are, by definition, violations of an individual’s 14th Amendment right to due process of law. Exculpatory evidence is evidence that is favorable to the accused; is material to the guilt, innocence, or punishment of the accused; and that may impact the credibility of a government witness, including a police offi-

cer. Impeachment material is included in the *Brady* disclosure requirements.

*Duty to disclose:* The affirmative constitutional duty of the police to notify the prosecutor of any *Brady* material.

## IV. PROCEDURES

### A. General Provisions of Disclosure

1. Affirmative Duty to Report  
This department shall exercise due diligence to ensure that material of possible *Brady* relevance is made available to the office of the prosecutor.
2. Although the defense is not required to request potential *Brady* material<sup>1</sup>; it is this department’s responsibility to disclose such material as soon as reasonably possible to the office of the prosecutor, or in time for effective use at trial. Responsibility for disclosing such material extends from indictment through the trial and sentencing process.
3. It is the prosecutor’s responsibility to establish whether material disclosed by this department must be provided to the defense.
4. Suppression of evidence favorable to an accused violates due process when the evidence is material either to guilt or to punishment, irrespective of good or bad faith. There is no distinction between “impeachment evidence” and “exculpatory evidence” for *Brady* disclosure purposes.
5. Allegations that cannot be substantiated, are not credible, or have resulted in an individual’s exoneration are generally not considered to be potential impeachment information.

## APPENDIX F

### B. Examples of *Brady* material

1. Examples of *Brady* material that may be subject to disclosure include, but may not be limited to, the following:
  - a. Information that would directly negate the defendant's guilt concerning any count in an indictment.
  - b. Information that would cast doubt on the admissibility of evidence that the government plans to offer that could be subject to a motion to suppress or exclude.
  - c. Any criminal record or criminal case pending against any witness whom the prosecution anticipates calling.
  - d. The failure of any proposed witness to make a positive identification of a defendant.
  - e. Information that casts doubt on the credibility or accuracy of a witness or evidence.
  - f. An inconsistent statement made orally or in writing by any proposed witness.
  - g. Statements made orally or in writing by any person that are inconsistent with any statement of a proposed government witness regarding the alleged criminal conduct of the defendant.
  - h. Information regarding any mental or physical impairment of any governmental witness that would cast doubt on his or her ability to testify accurately and truthfully at trial.
  - i. Information that tends to diminish the degree of the defendant's culpability or the defendant's offense level under state or federal sentencing guidelines.
  - j. A finding of misconduct by a Board of Rights or Civil Service Commission that reflects on the witness's truthfulness, bias, or moral turpitude. This includes employees under suspension.
  - k. Evidence that a proposed witness has a racial, religious, or personal bias against a defendant individually or as a member of a group.
  - l. An officer's excessive use of force, untruthfulness, dishonesty, bias, or misconduct in conjunction with his or her service as a law enforcement officer.
2. Officer personnel files that are related to matters stated above may be provided or open to the prosecution or defense as part of a *Brady* disclosure, as is consistent with the law.

### C. Duty to Report

Officer adherence to departmental policy and rules in all matters is an imperative of his or her office. Breaches of such rules and policies related specifically to honesty and veracity may have direct bear-

ing on his or her ability to continue serving as a law enforcement officer.

1. Officers whose history regarding integrity, honesty, credibility, veracity, and related matters has negative bearing on their professional reputation may be subject to *Brady* disclosure requirements.
2. It is the obligation of individual officers to inform their superior officer of any elements of their employment as a police officer, information contained in investigative reports, or evidence connected with a criminal indictment or trial that they reasonably believe may be subject to *Brady* disclosure.
3. Supervisory officers are equally responsible for ensuring that they act with due diligence in identifying any potential *Brady* material connected with any criminal proceeding for which they have oversight and for bringing such material to the attention of the prosecutor in a timely manner through established reporting procedures.

### D. Departmental Response to Officer Testimonial Impeachment

1. Officers who are knowingly and intentionally untruthful, are otherwise dishonest in the course of their employment, or use excessive force are subject to impeachment of testimony at trial. Such officers are also subject to disciplinary action up to and including termination of employment.

### E. Training

All sworn law enforcement officers of this department shall receive training in *Brady* disclosure requirements.

### F. Records Retention<sup>2</sup>

### Endnotes

<sup>1</sup> Subject to state requirements or limitations.

<sup>2</sup> Department executives should discuss with legal counsel requirements for retention of any records of potential *Brady* importance and incorporate such guidance in their departmental policy. Such guidance should be based on any state requirements as well as additional measures that may be required to sufficiently conform to due diligence requirements under *Brady*.

Every effort has been made by the IACP National Law Enforcement Policy Center staff and advisory board to ensure that this model policy incorporates the most current information and contemporary professional judgment on this issue. However, law enforcement administrators should be cautioned that no "model" policy can meet all the needs of any given law enforcement agency. Each law enforcement agency operates in a unique environment of federal court rulings, state laws, local ordinances, regulations, judicial and administrative decisions and collective bargaining agreements that must be considered. In addition, the formulation of specific agency policies must take into account local political and community perspectives and customs, prerogatives and demands; often divergent law enforcement strategies and philosophies; and the impact of varied agency resource capabilities among other factors.

This project was supported by Grant No. 2006-DG-BX-K004 awarded by the Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice. The Assistant Attorney General, Office of Justice Programs, coordinates the activities of the following program offices and bureaus: the Bureau of Justice Assistance, the Bureau of Justice Statistics, National Institute of Justice, Office of Juvenile Justice and Delinquency Prevention, and the Office of Victims of Crime. Points of view or opinions in this document are those of the author and do not represent the official position or policies of the United States Department of Justice or the IACP.

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