



Memorandum

**TO: HONORABLE MAYOR
AND CITY COUNCIL**

FROM: Edgardo Garcia
Chief of Police

**SUBJECT: SJPD RESPONSE TO THE
CIVIL GRAND JURY'S 9-1-1 / 3-1-1
FINDINGS & RECOMMENDATIONS**

DATE: August 26, 2019

Approved

D. P. Syl

Date

8/30/19

RECOMMENDATION

To approve the Police Department's response to the Santa Clara County Civil Grand Jury Report entitled, "Improving San Jose Police Department's 9-1-1 / 3-1-1 Call Answering Time When Seconds Count".

OUTCOME

Approval of this report will satisfy the requirements of Penal Code Section 933(c), which requires the City Council to respond to the Civil Grand Jury report and the City's response to the presiding judge no later than 90 days after the Grand Jury submits its final report to the presiding judge of the Superior Court. The Grand Jury passed and adopted its report on June 18, 2019. Assuming that the report was filed with the presiding judge the same day it was adopted by the Civil Grand Jury, the City's response is due by September 16, 2019. Approval of this report will satisfy the Penal Code requirement. After approval of the report by the City Council, the City Attorney will transmit the report to the presiding judge.

BACKGROUND

The Communications Division of the San Jose Police Department manages the Public Safety Answering Point (PSAP) which is the call center that receives 911 & 311 calls for the City of San Jose. San Jose's current PSAP facility has been receiving 911 calls since it opened in 1990. In 1995 SJPD communications personnel assumed staffing of the Telephone Reporting Automation Center (TRAC), which added the responsibility of taking certain police reports over the telephone. In 1997 San Jose was the first municipality in California to implement 311 for non-emergency calls. Over time, these added responsibilities and a growing population have contributed to an ever-increasing workload for the Police Department's Communications staff.

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In October of 2017 the California Office of Emergency Services notified the City that its Police and Fire communications centers were not meeting the minimum call answering times set by state statute. Partially in response to this notice, the Office of the City Auditor initiated an audit of the Police and Fire Department's 9-1-1 / 3-1-1 call answering times. In February 2019 the City Auditor published his report which made four major findings:

- Opportunities to Improve Call Answering Times.
- Growing Call Volume and Workload Has Increased the Urgency to Hire Qualified Communications Staff.
- Staffing Non-Emergency Phone Calls with Emergency Call Takers is Inefficient.
- The City Could Improve Customer Service for Non-Emergency Calls and Better Utilize 3-1-1.

Against the background of the City Auditor's Report, the Santa Clara County Civil Grand Jury (CGJ) began a concurrent investigation of the City's 9-1-1 / 3-1-1 system. The CGJ's objective was to answer the question:

- Whether the San Jose Police Department (SJPD) 9-1-1 / 3-1-1 emergency services communications are commensurate with the City's current needs?

Taking a layered analytical approach, the CGJ included assessments, with measured insight, of prior City audits¹ of San Jose's Police Communications Division and its overall development. The methodology used also included evaluating information from management, against the background of prior departmental performance reports. The CGJ gained additional insight from conducting a comprehensive hands-on review of actual operations. This was achieved by personally interacting with operations personnel in the Police Communications Control Room. CGJ members were able to evaluate the details of line operations at the inception of a call to 9-1-1 / 3-1-1, observing communications personnel actually initiating responses and concomitantly managing various first responder resources and information services.

On June 18, 2019, The CGJ provided the City of San Jose with its final report entitled, "Improving San Jose Police Department's 9-1-1 / 3-1-1 Call Answering Time When Seconds Count". The CGJ requested that responses to its findings and recommendations be provided to the CGJ's presiding Judge of the Superior Court in accordance with the California Penal Code.

¹ San Jose City Auditor, 2019, Audit of 9-1-1 and 3-1-1: Changes to Call Handling and Increased Hiring Efforts Could Improve Call Answering Times:

San Jose City Auditor, 1995 Audit of SJPD – Communications Division Staffing and Scheduling

ANALYSIS

The CGJ report contained four (4) findings and seven (7) associated recommendations. California Penal Code Section 933.05 states that the responding person or entity shall provide certain basic information in the response to each finding and recommendation. With regard to the findings, the respondent(s) must indicate whether they agree, disagree partially, or disagree wholly. When disagreeing, the respondent(s) must state which portion is disputed and why. With regard to the recommendations, the respondent(s) must state whether it has been implemented, will be implemented (with a time frame), requires further analysis (with an explanation), or will not be implemented (with an explanation). What follows are the CGJ's findings and recommendations and the associated Police Department responses.

FINDING 1

Utilizing chronically understaffed highly-trained emergency personnel to answer non-emergency and TRAC calls is inefficient.

AGREE

No comment necessary.

RECOMMENDATION 1

The City should remove non-emergency call-taking and TRAC responsibilities from SJPD Communications, while maintaining the current authorized headcount by December 2020.

RECOMMENDATION REQUIRES FURTHER ANALYSIS

NON-EMERGENCY (this portion of the recommendation will be implemented): As a result of the San Jose City Auditor recommendations, Police Communications and City IT are already working on this transition with the goal of rebranding 3-1-1 as an all-city service number and moving it to the City Call Center. Police calls received on this line would be transferred back to Police Communications. Staff has already developed a scope of work for a consultant to facilitate the move, is working on the project's charter plan and will be concentrating next on the Request For Proposals (RFP). The target date for transfer is January 2020.

TRAC (this portion of the recommendation needs further analysis): The City Auditor also recommended assessing and potentially distributing report-taking responsibilities that could be handled by the City Call Center, police officers on modified duty, retiree rehires, or Community Service Officers. The Department will continue to assess this recommendation and is mindful that these changes may constitute a change in work duties. Because this is likely to be subject to the meet and confer process with a number of effected labor unions, we are unable to provide a reliable timeline for resolution to this element of the recommendation. However since this is the subject of a recommendation by the City of San Jose Auditor, we will be providing semi-annual updates to the City Council (via the Auditor's Report) until this recommendation is resolved.

FINDING 2

SJPD Communications is chronically understaffed due to: ineffective recruiting practices; lengthy hiring timelines; staffing vacancies; and salaries that are lower than other local PSAP's.

PARTIALLY DISAGREE

The Department agrees with all aspects of this finding except for the CGJ's assessment of lateral hiring as expressed in recommendation 2-D. Our hiring policies do allow for lateral hires but require that they attend the SJPD specific training program. It is our position that providing the 8-week academy education does not adversely impact the recruiting pool. See the response to recommendation 2-D for a more complete explanation.

RECOMMENDATION 2A

To improve recruiting practices, the City's recruiting staff should develop a recruitment plan for SJPD Communications positions dedicated to outreach and recruitment and complete a written plan by January 2020. The plan should review the salaries of local PSAP's for competitiveness and focus on creative solutions already in place at other PSAPs, to include part time and per diem employees.

RECOMMENDATION HAS BEEN IMPLEMENTED

The recruitment plan has been created and is implemented. SJPD has increased Communications recruitment at all local recruiting events; to include an open invitation for Communications personnel to assist recruiters. Staffing availability for Communications personnel to attend recruiting events has been an issue, but SJPD recruiters are successfully recruiting on behalf of Communications at all events. The most recent recruitment cycle yielded the largest group of qualified candidates to date. The Department will be updating Police Recruiting photos to show that the SJPD "Family" includes Dispatchers, Communication Specialists, Officers, CSO's and other classifications within the Department. The goal is to show the collaboration between all roles at the Police Department and highlight the civilian role in law enforcement.

The City conducted a salary survey for the Dispatcher classification in January 2019. The survey compared Dispatcher salaries from fifteen Bay Area agencies (including San Jose) and found that San Jose paid 96.75% of the market average. It should be noted that the City has also found other ways to supplement the income of Dispatchers and Communications Specialists apart from solely increasing base pay. In November 2015, the City Council approved a lump sum retention bonus equivalent to 3% of base pay to Dispatchers and Communications Specialists. The City also treats all paid time off, with the exception of sick leave, as time worked for purposes of determining overtime eligibility and provides double time for employees after they work more than twelve hours in a single shift.

Police Communications already utilizes part-time benefited (scheduled employees) and part-time unbenefited employees as well as retiree rehires.

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The Police Department began work on this subject before the Civil Grand Jury's Report was published. Because most of these actions have already been implemented, we believe the request for a written action plan by January of 2020 is unnecessary.

RECOMMENDATION 2B

To reduce the loss of applicants during the hiring process, the City should examine the delays associated with the current hiring process and develop a strategy to reduce the timeframe from application to hire date and complete a written plan by January 2020.

RECOMMENDATION HAS BEEN IMPLEMENTED

The Department has made significant improvements to the recruitment process for Communications classifications. This includes implementing a hefty media campaign and additional inclusion of Communications personnel at recruiting events; the Recruiting Unit working closely with Communication's staff to ensure advertisements include these critical positions, including announcements through social media; and moving to an open and continuous application process for Communications, where the Department is always accepting applications for dispatcher and communication specialist. This is a new process and took about 6 months to implement. The push was significant and is lending itself toward a large increase in qualified applicants.

The Police Department began work on this subject before the Civil Grand Jury's Report was published. Because our responses have already been implemented, we believe the request for a written action plan by January of 2020 is unnecessary.

Despite having already implemented this recommendation, the Department intends to do additional work in this area. We are moving forward with a consultant study, which will review the recruiting and training programs as well as looking for operational efficiencies and best practices to further improve retention of qualified dispatchers and communication specialists. This consultant study has been budgeted for but not yet awarded to a contractor. We intend to have this study complete by January 2021.

RECOMMENDATION 2C

To better address staffing vacancies, the City should develop a strategy to over hire to address the historic vacancy and high attrition rates, and in anticipation of retirements and other known future vacancies.

RECOMMENDATION WILL BE IMPLEMENTED

The Department agrees to implement a strategy to over hire, or what the City refers to as "hire ahead." This allows the Department to hire additional staff in anticipation of future vacancies. Currently, the Department's focus is on filling existing vacancies. The Department recently extended offers of employment to new candidates. If they are all successfully hired, we will be 15 positions short of our authorized staffing. It is difficult to predict whether the next hiring cycle could fill the remaining vacancies because of the unpredictability of resignations, transfers, promotions, and terminations. However once authorized staffing is

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reached, the Department will request funding to "hire ahead" of anticipated vacancies at the very next budget review.

RECOMMENDATION 2D

To increase the recruiting pool of potential new hires, the City should recognize external POST-certified training programs.

RECOMMENDATION WILL NOT BE IMPLEMENTED

SJPD Communications does accept lateral transfers from other agencies but has not had a qualified one apply in many years. New San Jose employees, whether a lateral, POST Certificate recipient, or no education/experience, attend the 8-week San Jose Communications Basic Dispatch Academy in which they receive the 3 weeks of POST required material and 5 weeks of San Jose specific training. At the very least, every new employee must attend the 5-week San Jose training as that is where they are taught Department policies, procedures, and Communications equipment/technology. Providing the 8-week Academy education does not adversely impact filling positions and has no bearing on the recruiting pool.

Additionally, some of the POST material has been expanded and tailored to San Jose specific needs much like the San Jose Basic Police Academy. For example, POST only requires an 8-hour Dispatch course on Community Policing/Cultural Diversity/Hate Crimes/Gang Awareness (Learning Domain #107). SJPD Basic Dispatch Academy provides a 12-hour course for these subjects with an emphasis on San Jose dynamics.

The only advantage of separating out the SJPD Dispatch training from the POST training would be that those who have already received POST training could be released into floor training 3 weeks earlier. However, releasing academy students at different intervals would cause significant problems for floor training as there aren't enough Communications Training Officers (CTOs) available to accommodate multiple different rotation periods.

FINDING 3

SJPD Communications personnel are civilian employees and often perceive their positions as less valued than sworn positions within the Department, thus adversely affecting morale.

AGREE

No comment necessary.

RECOMMENDATION 3

The City should conduct an employee survey of SJPD Communications staff with a commitment to discuss the results directly with employees. Additionally, the City should develop a plan to address issues that create poor morale.

RECOMMENDATION WILL BE IMPLEMENTED

The City of San Jose recognizes that employee engagement is a critical issue for our organization and that high levels of engagement lead to higher job satisfaction by employees and positive outcomes, such as: higher performance and productivity, more effort and initiative, higher customer satisfaction, and innovation and adaptability. Further, the City recognizes that employee engagement is not a one-time event and specific effort must be placed on maintaining employee engagement year-round.

As such, since 2014, the City of San Jose has partnered with Gallup, Inc. to administer a Citywide Employee Engagement survey. The most recent survey was released in April 2019. All City employees, including employees in SJPD Communications staff, were encouraged to participate in the survey to provide their department with an ability to measure how connected employees feel relative to the twelve factors that Gallup, Inc. has identified as being critical to fostering and promoting high levels of employee engagement, commonly referred to as the Q12. These Q12 factors focus on four main areas including, growth, teamwork, individual needs, and basic needs. Once departments receive their Q12 results, managers are expected to create an "action plan" which involves having a conversation with employees in their workgroup to share the results, identifying which factor(s) the workgroup wants to focus on during the following year, and deciding on what specific actions the department and employees will take to achieve those goals.

SJPD Communications is expected to receive the results of the 2019 employee engagement survey in September 2019 and will begin the action planning process shortly thereafter. By sharing the engagement survey results, working with SJPD Communications staff to create goals and identify actions to improve engagement, and working with SJPD Communications staff throughout the year to make progress of the team's goals and plans, engagement levels are expected to improve in one or more of the engagement factors.

FINDING 4

Most other PSAPs in Santa Clara County use South Bay Regional Public Safety Consortium for initial training. SJPD Communications conducts all its training in-house to the exclusion of other available training resources, adversely impacting its ability to timely fill positions.

DISAGREE WHOLLY

The Department believes that the benefits of having our own training program outweigh the necessary workflow changes associated with the use of a generic regional training resource. However, we are committed to exploring options on this front.

RECOMMENDATION 4

The City should develop alternative training strategies to include use of other available training resources in addition to the in-house SJPD training by January 2020.

RECOMMENDATION WILL NOT BE IMPLEMENTED

Most other PSAPs in Santa Clara County do not have a Communications Training Unit solely dedicated to providing dispatch classroom training and must use South Bay Regional Public Safety Consortium for the Basic POST Dispatch Course. South Bay is not agency specific and their Academy is generically structured. San Jose Police Communications teaches the POST required curriculum but with an emphasis on San Jose relevancy and the community it serves. Sending personnel to the Consortium would have a financial impact as there is a cost for personnel to attend. Lastly, SJPD Basic Dispatch Academies and South Bay Regional Public Safety Consortium Course timelines may not correspond which again would have an adverse impact on the Control Room training.

The Department believes that the work product resulting from the CGJ's report will serve as a major component in bringing our 9-1-1 / 3-1-1 operations to a higher standard while promoting confidence in local government services. The CGJ report will serve as an ongoing reference point to improve public safety communications response times, and streamline information services in an effort to safeguard quality of life for San Jose residents.

EVALUATION AND FOLLOW-UP

There is no anticipated follow-up with the City Council at this time.

PUBLIC OUTREACH/INTEREST

This response will be posted on the City's web site for the September 10, 2019 Council Agenda.

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COORDINATION

This memorandum has been coordinated with the City Attorney's Office, Office of Employee Relations, and City Manager's Office.

COMMISSION RECOMMENDATION/INPUT

This item does not have any input from any board or commission.

CEQA

Not a Project. File No., PP10-069(a), City Organizational and Administrative Activities, Staff Reports.

/s/

Edgardo Garcia
Chief of Police

For questions, please contact Ms. Joey McDonald, Communication Division Manager, (408) 537-1743.