



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Edgardo Garcia

**SUBJECT: ACTIONS RELATED TO
FALSE ALARMS FINES**

DATE: October 15, 2019

Approved

Date

10-25-19

RECOMMENDATION

Adopt a resolution amending the Administrative Citation Schedule of Fines to increase fines for violations of Section 10.42.140(B) of Title 10 of the San José Municipal Code relating to false alarms effective January 1, 2020 and repealing the current resolution.

OUTCOME

Approval of this amendment will increase False Alarm fines to encourage property owners to be diligent in operating and repairing their alarm systems to prevent unnecessary and repetitive police responses for false alarms.

BACKGROUND

False Alarms in San José are governed by San José Municipal Code (SJMC) Chapter 10.42 - Burglary and Robbery False Alarms. A false alarm is defined as a report received by the Police Department from any source resulting in a response by the Police Department to the premises on which an alarm system has been activated in the absence of an emergency situation. Subsection B of SJMC Section 10.42.140 makes responsible parties subject to administrative citations in accordance with Chapter 1.15 of the Code if a second or subsequent citation occurs on the same premises within a calendar year. The first false alarm in the calendar year is no cost, but a courtesy notice is mailed to the property owner to educate the owner about the issue. A "responsible party" means any person who owns, leases or is lawfully in charge of the premises on which an alarm system is installed or maintained, or who owns, leases or uses an alarm system on premises located within the city.

The amount of the administrative citation fines for Code violations is set out in the schedule of administrative citation fines which is established by resolution of the City Council. The most current City Council Resolution amending the Administration Citation Schedule of Fines has the following progressive fines for false alarms: \$125 fine for the second false alarm within 12

months of the initial false alarm, \$200 fine for the third false alarm within 12 months of the initial false alarm, and \$300 fine for the fourth and each subsequent false alarm within 12 months of the initial false alarm. When the Police Department responds to a false alarm, a notice is required to be posted on the premises advising of the applicability of Chapter 10.42.

Historical research nationwide noted over 95% of responses to alarm calls turned out to be for false alarms, thus tying up police patrol resources. In 2010, alarm calls were the second highest volume of calls for service, accounting for over 23,000 calls. Of these calls in 2010, 98% were false alarms. At that time, it was estimated that on average, an officer spent 26 minutes on a false alarm incident. With a two-officer response protocol, the cost of responding to false alarms was estimated near \$1.6 million.

In order to maximize patrol resources at the time, the Department implemented a Verified Response procedure for all alarm calls in January 2012. Under the Verified Response procedure, the Department continued to respond to panic, duress, and robbery alarms when notified by an alarm company. Additionally, alarms that involved banks, credit unions, ATM's, critical infrastructure, firearms dealers and explosives manufacturers/storage continued to be dispatched without verification. However, all other alarms required verification before patrol officers would be dispatched. A verified alarm was defined as when there was on-site verification by any person who could determine that a crime, attempted crime, or other emergency was occurring at the premises. Verification of a crime or emergency could be done through use of an audio, video or combination system monitored by any person. Witness reports of glass breakage, suspicious person in the area of the alarm or suspects observed entering the premises would be considered verification of the alarm. With the implementation of the Verified Response, responses to alarm calls dropped by 70%.

In calendar 2017, the Department responded to just over 900 alarm calls that were false, even with the Verified Response protocol in place. However, in September 2018, the Chief of Police rescinded the Verified Response procedure because the need to respond to these calls for service is critical to address current crime trends, which includes an increase in residential and commercial burglaries. Equally important, current staffing levels can now support the increased effort required to respond to all alarms calls without verification.

ANALYSIS

For the first eight months of calendar 2018, the Department responded to an average of 75 false alarm calls per month. For September through December 2018, after rescinding the Verified Response protocol, the average jumped to more than 450 per month, an increase of over 600%. In order to deal with this increased workload, actions were included in the 2019-2020 Adopted Budget to augment the false alarm staffing for billings and notifications through the addition of 1.0 Accounting Technician position, along with a corresponding increase to the revenue generated from false alarm fines by \$500,000. The Adopted Budget also referenced that the

Department would come forward to recommend increases to fines effective January 2020 to address the high level of false alarms.

The Department proposes to increase false alarm fines as follows: a \$250 fine for the second false alarm within 12 months of the initial false alarm, a \$350 fine for the third false alarm within 12 months of the initial false alarm, a \$500 fine for the fourth false alarm within 12 months of the initial false alarm, and a \$750 fine for the fifth and all subsequent false alarms within 12 months of the initial false alarm. Since the fines for false alarms are based on a calendar year, the increased fines would be implemented on January 1, 2020.

Increases in the progressive fine structure will encourage property owners to be diligent in operating and repairing their alarm systems to prevent unnecessary and repetitive police responses for false alarms.

Many other jurisdictions have a permit program whereby residents and business are required to register their system and pay a fee for a permit. A survey of several neighboring jurisdictions and large cities in California shows annual permit fees ranging from \$10 to \$70, and fines that range from \$100 to \$750. For unpermitted systems, fines go as high as \$1,000. Considering the City of San José does not require a permit, the ranges of fines from other jurisdictions generally align with staff's recommendation, which would be the first increase since 2009.

EVALUATION AND FOLLOW-UP

No additional City Council action is expected for this program.

CLIMATE SMART SAN JOSE

The recommendation in this memo does not have any negative impact on Climate Smart San José energy, water, or mobility goals.

PUBLIC OUTREACH

This memorandum will be posted on the City's website for the November 5, 2019, City Council Agenda. Additionally, these proposed fine increases were described in the 2019-2020 Proposed Operating Budget that was released on May 1, 2019.

COORDINATION

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

COMMISSION RECOMMENDATION/INPUT

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

COST SUMMARY/IMPLICATIONS

The \$500,000 increase in False Alarm fine revenue included in the 2019-2020 Adopted Budget, from \$50,000 assumed in the Base Budget to \$550,000, was a conservative estimate largely attributable to both a full fiscal year of responding to all alarm calls and the addition of 1.0 Accounting Technician position to ensure sufficient billing and notification. Staff will continue to monitor revenue levels throughout the year; and, with additional response and billing data, along with data related to the impact from the recommended fine increase, will refine future revenue estimates accordingly.

CEQA

Not a Project, File No. PP17-008, General Procedure & Policy Making resulting in no physical changes to the environment.

/s/
EDGARDO GARCIA
Chief of Police

For questions, please contact Lisa Perez, Chief Administrative Officer at (408) 537-1624, or Heidi York, Assistant Administrative Officer, at (408) 537-1625.