

September 11, 2019

The Honorable Deborah A. Ryan
Presiding Judge
Santa Clara County Superior Court
191 North First Street
San Jose, CA 95113

(ENDORSED)
FILED
SEP 16 2019

Clerk of the Court
Superior Court of CA County of Santa Clara
BY Britney Huebner DEPUTY

Re: Grand Jury Report

Dear Judge Ryan:

Pursuant to California Penal Code section 933, et seq., please accept the City's response to the 2018-2019 Santa Clara County Civil Grand Jury Report, "Improving San Jose Police Department's 9-1-1 and 3-1-1 Call Answering Time." The City Council approved the City's response to the Grand Jury Report on September 10, 2019. The approved City response and the Grand Jury's Report are enclosed for your review.

Please feel free to contact me if you have any questions. Thank you for your consideration.

Very truly yours,


RICHARD DOYLE
City Attorney

Enclosures

cc: Mayor Sam Liccardo
David Sykes, City Manager
Edgardo Garcia, Chief of Police



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.

HONORABLE MAYOR AND CITY COUNCIL

August 26, 2019

Subject: SJPD Response to the Civil Grand Jury 911/311 Recommendations

Page 2

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

HONORABLE MAYOR AND CITY COUNCIL

August 26, 2019

Subject: SJPD Response to the Civil Grand Jury 911/311 Recommendations

Page 3

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.

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

August 26, 2019

Subject: SJPD Response to the Civil Grand Jury 911/311 Recommendations

Page 6

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 it 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.

HONORABLE MAYOR AND CITY COUNCIL

August 26, 2019

Subject: SJPD Response to the Civil Grand Jury 911/311 Recommendations

Page 9

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.

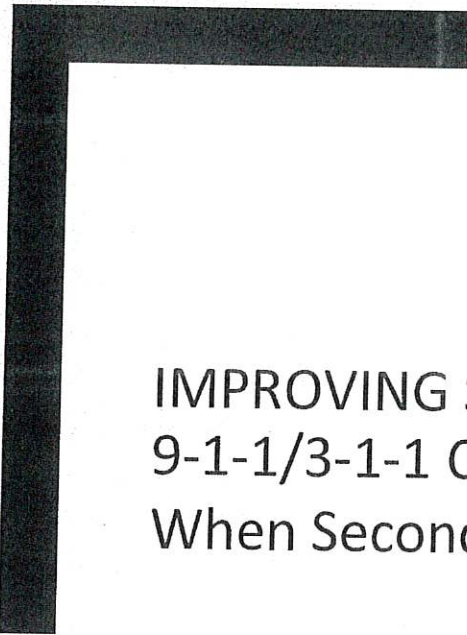
CEQA

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.

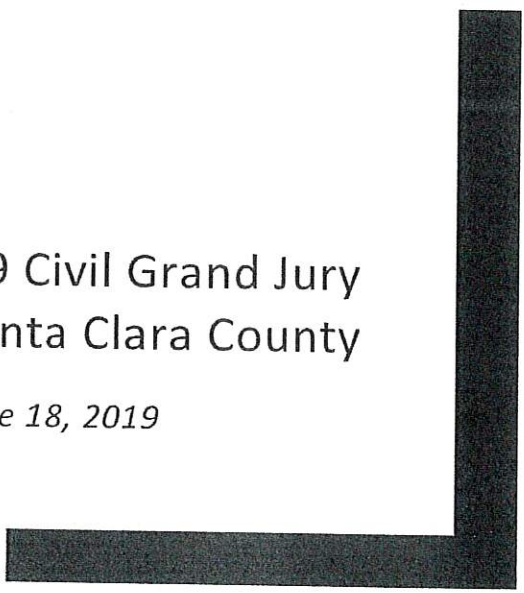


IMPROVING SAN JOSÉ POLICE DEPARTMENT'S
9-1-1/3-1-1 CALL ANSWERING TIME
When Seconds Count



2018-2019 Civil Grand Jury
of Santa Clara County

June 18, 2019



**Improving San José Police Department's
9-1-1/3-1-1 Call Answering Time**

TABLE OF CONTENTS

GLOSSARY AND ABBREVIATIONS 2
SUMMARY 3
BACKGROUND 4
METHODOLOGY 8
DISCUSSION 9
CONCLUSIONS 18
FINDINGS AND RECOMMENDATIONS 19
REQUIRED RESPONSES..... 20
REFERENCES..... 21

GLOSSARY AND ABBREVIATIONS

CAD	Computer-Aided Dispatch
Call Answering Time	The time between when the PSAP receives the call from the telephone service provider and when the call-taker answers the call
Call-taker	Communications staff who are trained to answer emergency and non-emergency calls
CHP	California Highway Patrol
City	The City of San José, California
CritiCall®	Public safety dispatcher/call-taker pre-employment skills testing software
Dispatcher	Communications staff who direct emergency personnel and equipment, and maintain control of radio channels
PMR	SJPD Communications Quarterly Program Management Reports
POST	California Commission on Peace Officer Standards and Training
PSAP	Public Safety Answering Point, call-center where 9-1-1 and 3-1-1 calls are received in San José
Response Time	The time between the receipt of a call and the arrival of the first officer
SJPD	San José Police Department
SJFD	San José Fire Department
TRAC	Telephone Reporting Automation Center (non-emergency crime reports)

Improving San José Police Department's 9-1-1/3-1-1 Call Answering Time

SUMMARY

The City of San José (City) is the third largest city in California and tenth largest in the United States. The City's growing population now exceeds 1 million residents. Recent media reports have highlighted the City's need for improved emergency services as have the voters in passing Measure T-The Disaster Preparedness, Public Safety and Infrastructure Bond¹. These concerns prompted the Grand Jury to investigate whether San José Police Department (SJPD) 9-1-1 emergency services are commensurate with the City's current needs.

The 2018-2019 Santa Clara County Civil Grand Jury (Grand Jury) found the SJPD Communications Center (SJPD Communications) is chronically understaffed while call volumes are increasing, and State- and City-mandated call answering time goals are not being met. The Grand Jury also found that there is no quick or inexpensive fix for improving 9-1-1/3-1-1 call answering times. Even if the budget allowed for an increase in staffing to handle the workload, the real issue is that the City has been consistently unable to fill vacancies.

The Grand Jury found that the SJPD Communications personnel are dedicated, well trained and respected by their command staff, but that many of the personnel are concerned that their positions and responsibilities are not recognized to be as important as those of sworn police officers.

The Grand Jury found the communications and sworn police officer positions are mutually reliant upon each other and deserve the same resources toward recruitment, hiring, retention, training and promotional processes. The Grand Jury concluded that the Communications Division needs dedicated recruiting personnel to partner with SJPD recruiting personnel, a professionally executed salary survey to establish equitable compensation and benefit plans, a more desirable place of employment, and a review of hiring and training processes to reduce the time from application to hire while maintaining high standards of excellence.

The Grand Jury found SJPD Communications uses short-staffed call-takers to take crime reports over the telephone and that this responsibility should be moved to another division or bureau.

Many of the Grand Jury's findings were supported by the recently completed *Audit of 9-1-1 and 3-1-1: Changes to Call Handling and Increased Hiring Efforts Could Improve Call Answering Times*, released by the Office of the City Auditor in February 2019.

¹ <http://www.sanjoseca.gov/index.aspx?NID=6185>

Improving San José Police Department's 9-1-1/3-1-1 Call Answering Time

BACKGROUND

SAN JOSÉ POLICE DEPARTMENT COMMUNICATION STRUCTURE

SJPD Communications is one of four divisions in the Bureau of Administration organization (BOA), which is overseen by a Deputy Police Chief. Other divisions in the BOA are Operations Support Services (OSSD), Personnel, Recruiting and Background, Property and Evidence, and Training.

As the primary Public Safety Answering Point (PSAP) for 9-1-1, the SJPD Communications Center receives all calls for police, fire and ambulance services in the City of San José. Emergency call sources to 9-1-1 include landline telephones, wireless telephones, CHP transfers and calls from SJPD field officers.

SJPD's PSAP also receives non-emergency calls and takes some non-emergency crime reports, or Telephone Reporting Automation Center (TRAC) reports, over the telephone at 3-1-1.

The SJPD Communications Division's current total authorized headcount is 162.5 with: 60 Public Safety Communications Specialists (call-taker); 80.5 Public Safety Radio Dispatchers (dispatcher); 14 Senior Dispatchers; 6 Supervising Dispatchers; one Assistant Communications Manager; and one Communications Division Manager.²

Call-takers and dispatchers provide the basis for sworn police officers to begin their preliminary investigation and are considered by many to be first responders. Where sworn officers deal with one emergency or event, dispatchers must deal with multiple emergencies and events simultaneously while dispatching calls for services, documenting field activity, updating locations, and completing criminal record and warrant checks for sworn officers.

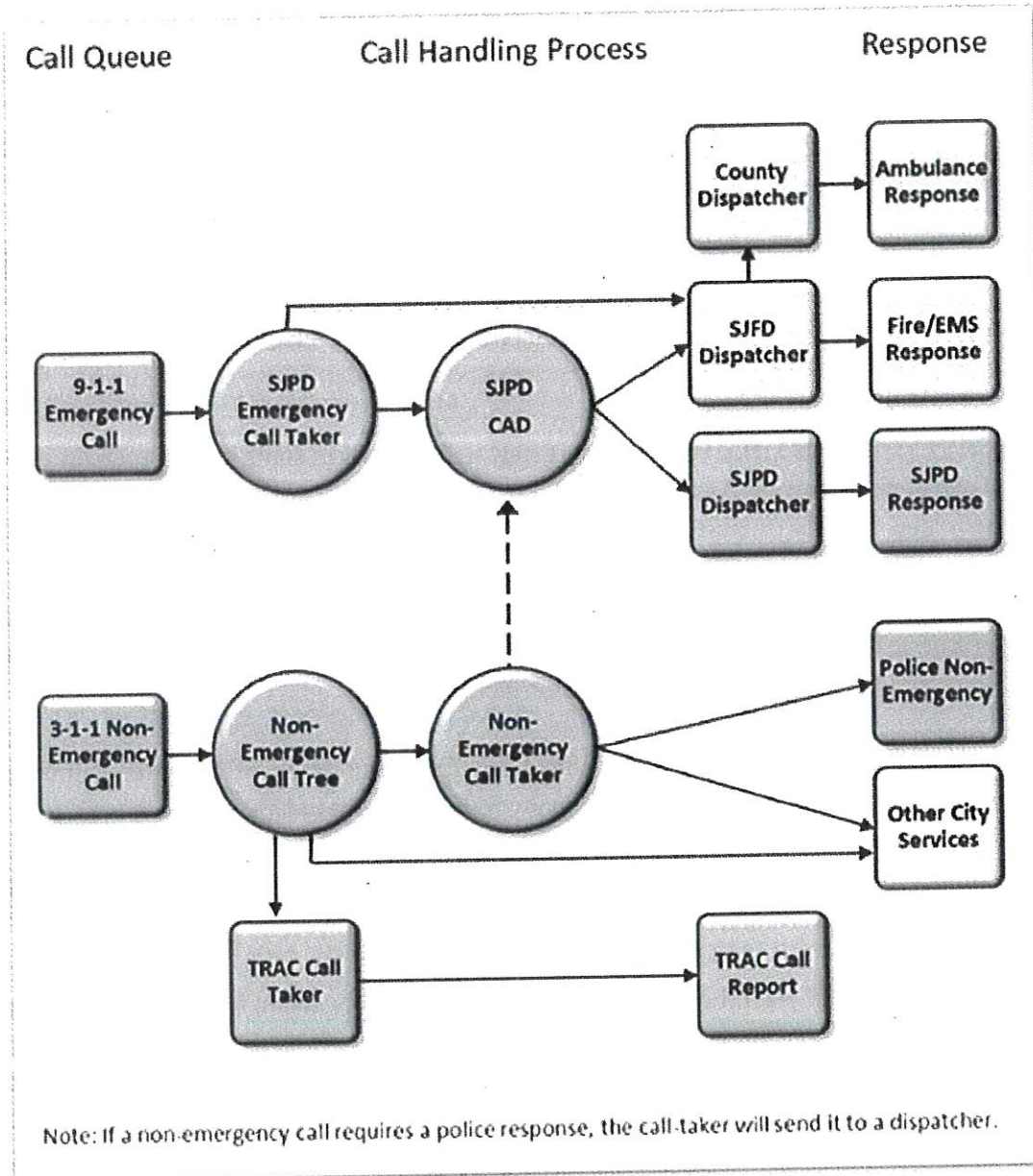
Following established protocols to direct calls, call-takers obtain information, prioritize events and relay information to dispatchers. Dispatchers then evaluate resources, identify and direct emergency personnel and equipment, and maintain control of radio channels to ensure the safety of the public and police officers. Requests for fire and medical assistance are transferred to San José Fire Department (SJFD) Communications, which is housed in a separate room next to the SJPD Communications Center. The operations of SJFD Communications are beyond the scope of the Grand Jury's investigation.

² San José 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*

Improving San José Police Department's 9-1-1/3-1-1 Call Answering Time

Chart 1 shows the routings of calls to the Communications Center for both emergency and non-emergency numbers.

Chart 1 - SJPD Communications Call Answering Flow Chart



Call-taking staff is cross-trained so that they can handle both non-emergency and emergency phone calls on a rotational basis. On any given day, they may be assigned to work one of the following positions:

- Emergency 9-1-1 calls
- Non-emergency 3-1-1 calls
- TRAC

Improving San José Police Department's 9-1-1/3-1-1 Call Answering Time

3-1-1 IN THE CITY OF SAN JOSÉ

In 1997, the Federal Communications Commission (FCC) ordered the 3-1-1 phone number be set aside nationwide for non-emergency police and other government services. In November 1997, under a pilot program with the California Department of General Services, San José became the first municipality in California to offer the 3-1-1 phone number to the public in order to help manage emergency call volume.

Calls to 3-1-1 within the City limits are routed to the SJPD Communications Center. While other major cities have modified the role of 3-1-1 to provide more expansive customer service, San José continues to use 3-1-1 as a police non-emergency line.

Non-emergency calls are directed to a lengthy phone tree that does not always direct the caller to the appropriate resource, resulting in 50% percent of non-emergency callers opting to connect to a call-taker.³

TRAC IN THE CITY OF SAN JOSÉ

TRAC report writing involves answering citizen calls and documenting the information citizens provide by completing a police report. Prior to May 1995, SJPD Information Center police officers and police records personnel answered citizen calls and subsequently manually wrote the citizen report.⁴ According to the SJPD, at the time, the Information Center police officers and the records personnel found it increasingly difficult to handle the growing volume of reports taken over the telephone.

From December 1, 1993 to March 10, 1994, the SJPD conducted a pilot project where Communications Center personnel took over the telephone report-writing function from the Information Center for several hours each day. Based on the results of the pilot, SJPD proposed telephone report writing should be changed from a manual to an automated process. In addition, a new section in the Communications Center, named the Telephone Report Automation Center (TRAC), would handle telephone report writing. In August 1994, the Budget Office authorized nine dispatchers and one senior dispatcher to staff the TRAC function. These dispatchers were hired in late 1994.

In May 1995, SJPD Communications assumed responsibility for TRAC. Call-takers are now responsible for processing a variety of non-emergency crime reports by telephone. Most reports are misdemeanor offenses, but prior (past) non-life-threatening felony reports are also included.

³ San José 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*

⁴ San José City Auditor, 1995 *Audit of the SJPD - Communications Division's Staffing and Scheduling*

Improving San José Police Department's 9-1-1/3-1-1 Call Answering Time

Also, residents are able to file some crime reports online. Currently, the SJPD Records Unit is responsible for processing online crime/incident reports.

There are a handful of crime reports that are considered “mandatory” and must be taken 24/7 whether or not the phone line for crime reports is operating. These include missing persons, lost or stolen license plates, “Tarasoff threats”⁵, reports from hospitals and schools, reports from care facilities, and lost or stolen passports.

For all other non-emergency police reports, residents must call between 12 p.m. to 4 p.m. Mondays through Fridays, frequently enduring long wait times to file the relevant reports. In FY 2017-18, there were almost 11,000 calls to file a police report. This volume has remained relatively steady over the last 10 years. Although the FY 2017-18 average call answering time for non-emergency police reports was 3.6 minutes, the Grand Jury observed that wait times on one particular day averaged almost 30 minutes and occasionally exceeded 40 minutes.

At any point during the TRAC reporting process, TRAC activities can be placed on hold in order to handle pending 9-1-1 calls.

⁵ "Tarasoff threats" refer to California Civil Code Section 56.10(19), which permits psychotherapists to report serious and imminent threats of physical violence against a reasonably identifiable victim or victims.

METHODOLOGY

In its investigation, the Grand Jury utilized a broad range of data gathering and investigative measures including:

- Touring the SJPD and Santa Clara County Communications Centers
- Observing the SJPD Communications structure and processes by sitting alongside working call-takers and dispatchers
- Conducting 12 interviews with employees and managers in SJPD and Santa Clara County Communications Centers
- Reviewing SJPD Communications Division quarterly Program Management Reports for fiscal years 2016-2017 and 2017-2018
- Reviewing custom reports on specific data parameters
- Reviewing the San José City Auditor's reports:
 - May 1995 - *Audit of the San José Police Department - Communications Division's Staffing and Scheduling*
 - January 2010 - *Audit of Civilianization Opportunities in the San José Police Department*
 - August 2014 - *Customer Call Handling: Resident Access to City Services Needs to be Modernized and Improved*
 - February 2019 - *Audit of 9-1-1 and 3-1-1: Changes to Call Handling and Increased Hiring Efforts Could Improve Call Answering Times*
- Researching the salary ranges of all PSAPs within Santa Clara County and other relevant California communities
- Reviewing the most recent communications personnel salary surveys for the years 2011, 2014, 2018 and 2019 conducted by the City of San José Human Resources (HR) Department
- Conducting a survey of all other PSAPs within Santa Clara County to determine primary responsibilities and structures in comparison to SJPD Communications Division. Surveys were sent to 13 separate PSAPs and responses were received from eight PSAPs.

Improving San José Police Department's 9-1-1/3-1-1 Call Answering Time

DISCUSSION

In September 2018, the Grand Jury toured the SJPD Communications Center and met with Communications Division management.

Subsequent to the tour, individual members of the Grand Jury sat alongside SJPD Communications team members to understand the Communications structure and processes. They observed call-takers and dispatchers in operation including the taking of crime reports using the TRAC system.

The Grand Jury learned that the Communications Center is chronically understaffed as call volumes are increasing as the San José population grows and the use of mobile devices expands. The Grand Jury was informed that the increase in the number of calls to SJPD Communications could be handled by the currently authorized and budgeted personnel head-count, but SJPD cannot easily fill vacancies or retain employees due to several factors.

SJPD Communications uses highly trained, in-demand personnel to answer non-emergency calls and take crime reports over the telephone, impacting SJPD Communications' ability to meet emergency call answering goals.

SJPD Communications Center employees are non-sworn personnel. Although they operate on a 24x7 basis, and are considered part of the emergency response community, many of the employees are concerned their positions and responsibilities are not recognized as being as important as those of sworn police officers by the SJPD Command. All first responders play critical roles in providing emergency response and services, yet all positions are not treated equally or given the same support, attention or recognition, which has adversely impacted morale.

Additionally, the staff parking facility is not considered secure by many staff members. This causes safety concerns for personnel arriving or departing from the Communications Center, especially during late-night hours. The Grand Jury was informed the SJPD Communications Center facility was built to mid-20th century standards and has not been updated in many years.

In November 2018, Measure T, the Disaster Preparedness, Public Safety and Infrastructure Bond, passed by a vote of 70.95%. The \$650 million general obligation bond measure included funding for upgrading 9-1-1 communications, police, fire and paramedics facilities to improve emergency response actions.

Improving San José Police Department's 9-1-1/3-1-1 Call Answering Time

STATISTICS FOR SJPD COMMUNICATIONS CALLS FOR SERVICE

The Grand Jury learned that during the 2017-2018 reporting year, the SJPD Communications Center experienced a 9.2% increase in call volumes from all sources from 2016-2017, as shown in Table 1.

Table 1 - Total Number of Calls FY2016-2017 and FY2017-2018

Time Period	9-1-1 Calls	3-1-1 Calls	TRAC	CHP Transfers	Online	Radio	Total
Q4 17-18	147,617	107,361	2,672	1,211	7,133	32,718	298,712
Q3 17-18	143,062	107,098	2,679	1,138	7,379	29,355	290,711
Q2 17-18	150,185	104,491	2,580	1,245	7,778	29,195	295,474
Q1 17-18	152,661	124,915	2,803	1,314	8,143	28,013	317,849
Total 17-18	593,525	443,865	10,734	4,908	30,433	119,281	1,202,746
Total 16-17	514,397	447,441	12,161	5,544	26,696	94,980	1,101,219
Y/Y Change	+79,128	-3,576	-1,427	-636	+3,737	+24,301	+101,527

CALL ANSWERING GOALS VS ACTUAL TIMES

SJPD Communications Division is required to meet California Office of Emergency Services (CalOES)-mandated call answering times for 9-1-1 calls pursuant to the Warren-911-Emergency Assistance Act, Government Code §§ 53100-53121.

California Government Code § 53114.2 authorizes CalOES, Public Safety Communications, California 9-1-1 Emergency Communications Branch (CA 9-1-1 Branch) to establish mandatory standards to provide the fastest, most reliable, and cost-effective telephone access to emergency services for any 9-1-1 caller in California. The CA 9-1-1 Branch has the responsibility to monitor all emergency communication systems related to the delivery of a 9-1-1 call to ensure they comply with these standards. The CA 9-1-1 Branch has the authority to audit and request data on any items being funded from the State Emergency Telephone Number Account.

In October 2017, CalOES notified San José that it was not meeting the minimum call answering time. The State warned the City that failure to comply with the requirements could result in the State Attorney General's Office's engagement with both the CalOES and the local agency to ensure compliance, with the potential to affect funding for the PSAP⁶.

⁶ San José 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*

Improving San José Police Department's 9-1-1/3-1-1 Call Answering Time

In addition to the State standards, the City's Annual Operating Budget includes its own performance targets for emergency and non-emergency call answering times and police response times. SJPD found long queue times for emergency phone lines overall negatively affect police response times.

State 9-1-1 Call Answering Mandate⁷:

- FY2016-17: To answer calls within 10 seconds 90% of the time
- FY2017-18: To answer calls within 15 seconds 95% of the time

SJPD 9-1-1 Call Answering Goal: To answer calls within an average of 2.5-seconds

SJPD 3-1-1 Call Answering Goal: To answer 3-1-1 calls within an average of 2.5-seconds

SJPD TRAC Call Answering Goal: To answer TRAC calls within 6 minutes

SJPD Response Time Goals:

- To achieve an average response time of six minutes from receipt of the call to the first officer arrival where there is a present or imminent danger to life or major damage/loss of property (Priority One)
- To achieve an average response time of 11 minutes from receipt of call to first officer arrival where there is injury or property damage, or potential for either to occur (Priority Two)

The Grand Jury reviewed the quarterly Project Management Reports submitted to the SJPD Administration Bureau for FY 2016-2017 and FY 2017-2018. The results, shown in Table 2, indicate the call-answering targets for both 9-1-1 and 3-1-1 were not met in either year and that the 3-1-1 goal was by far the furthest from being achieved.

⁷ State of California 9-1-1 Operations Manual Chapter I – Mandatory Standards at I.3 (Revised September 2016)

**Improving San José Police Department's
9-1-1/3-1-1 Call Answering Time**

Table 2 – SJPD Communications Performance to Goals

Performance Measurement	FY 16-17		FY 17-18	
	Target	Actual	Target	Actual
Percent of 9-1-1 calls answered within 10 seconds	90%	76.97%	N/A	86.52%
Percent of 9-1-1 calls answered within 15 seconds	N/A	82.96%	95%	91.22%
Average answer time for 9-1-1 calls	2.5 sec.	6.08 sec.	2.5 sec.	2.71 sec.
Average answer time for 3-1-1 calls	2.5 sec.	155.74 sec.	2.5 sec.	168.20 sec.
Average answer time for TRAC calls	6 min.	3.80 min.	6 min.	3.64 min.
Average response time for Priority One calls	6 min.	8.58 min.	6 min.	9.22 min.
Average response time for Priority Two calls	11 min.	21.45 min.	11 min.	22.44 min.

The Grand Jury determined the standard reports, which are based on average answering times, were incomplete in that they did not provide information on outlier hold times. The Grand Jury analyzed data provided in the custom report requested from the SJPD Administration Bureau on outlier hold times during 2017 and 2018 that greatly exceeded the call-answering goal. The analysis showed thousands of instances of hold times greater than one minute that in emergency situations could be a life or death matter. The Grand Jury noted there was a significant improvement in 2018 when compared to 2017. Though overall call volume increased by nearly 4% year-over-year, hold times between one and two minutes and hold times greater than two minutes were reduced by more than half, as shown in Table 3.

Table 3 – SJPD Communications Outlier Call Answering Times

Year	Calls Between 1 & 2 Minutes	% Between 1 & 2 Minutes	Calls Greater than 2 Minutes	% Greater than 2 Minutes	Total Calls
2017	3972	0.79%	969	0.19%	502,122
2018	1833	0.35%	427	0.08%	521,934

SJPD Communications management attributed the improvement to a reallocation of staff and how resources were deployed from 50% on emergency lines and 50% on non-emergency lines to 60% on emergency and 40% on non-emergency, resulting in an improvement in emergency answering times, while increasing answering times for non-emergency calls.

Improving San José Police Department's 9-1-1/3-1-1 Call Answering Time

SJPD COMMUNICATIONS STAFFING LEVELS

During the FY 2017-2018 reporting year, the SJPD Communications Center experienced an average deficit of trained personnel of 15.4%, as shown in Table 4.

Table 4 – SJPD Communications Authorized Headcount vs Filled Headcount

Time Period	Authorized HC	Filled HC	Vacancies
Q4 2017-2018	162.5	141.5	21
Q3 2017-2018	164.5	134.0	30.5
Q2 2017-2018	165.5	143.0	21.5
Q1 2017-2018	164.5	136.0	28.5
Average	164.25	138.62	25.37

SJPD Communications manages staffing vacancies by requiring mandatory overtime by all call-taker and dispatcher personnel. Employees are allowed to select shifts to complete the required hours per month, and SJPD Communications management may assign shifts if adequate coverage is not achieved voluntarily.

According to the City's 2019 Audit of 9-1-1 and 3-1-1, "On average call-takers and dispatchers worked almost 30 overtime hours per month—nearly three additional 10-hour shifts. Staff expressed concerns about exhaustion, lack of time with their family and the resulting low morale." Other local PSAPs have not had to require mandatory overtime at this level.

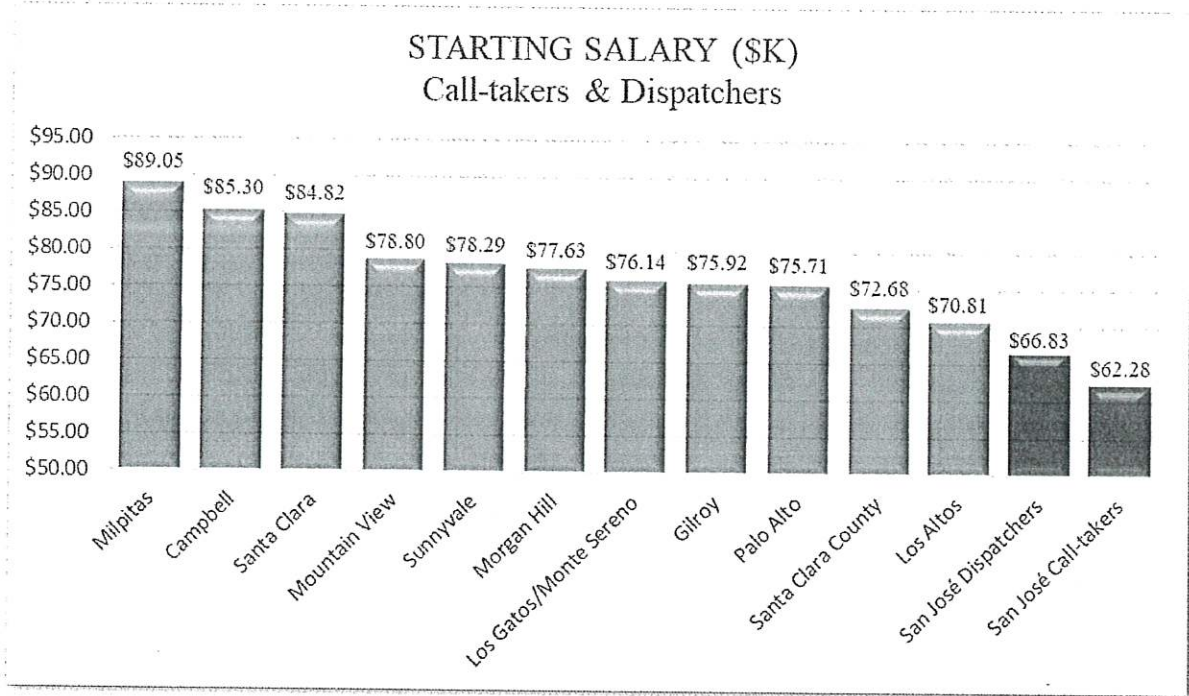
SJPD COMMUNICATIONS SALARY PRACTICES

In January 2019, the City of San José conducted a salary survey comparing SJPD Communications salaries with the ten largest agencies in the San Francisco Bay Area. The results show the City of San José continues to rank at the low end of the salary range.

The Grand Jury felt that the City's survey did not adequately take into account the competitive nature of the Silicon Valley employment market. Accordingly, the Grand Jury compared the publicly-posted salaries of SJPD Communications personnel with all other PSAPs in Santa Clara County. The results, shown in Chart 2, indicate that SJPD Communication starting salary ranges were at the bottom of the scale and may not be sufficient to attract and retain staff.

**Improving San José Police Department's
9-1-1/3-1-1 Call Answering Time**

Chart 2 – Local PSAP Salary Survey



NOTE: A SJPD dispatcher trainee starts at \$66,830. After a dispatcher trainee completes the call-taking portion of training, they receive the dispatcher base salary of \$74,214 beginning the first day of their dispatcher training. SJPD Communications personnel, like many other city employees, also receive a 5% ongoing non-pensionable compensation in addition to their listed salary.

The Grand Jury learned that, unlike SJPD sworn officers, SJPD Communications staff does not receive additional compensation of five to seven- and one-half percent for obtaining their California Commission on Peace Officer Standards and Training (POST) Intermediate and Advanced Certificates, which are professional certificates awarded in recognition of meeting specified training and service requirements.

SJPD COMMUNICATIONS RECRUITMENT PRACTICES

The first challenge for the SJPD Communications Division is to attract qualified individuals to apply for call-taker and dispatcher positions. There is no recruiting protocol specific to these positions, and no Recruiting and Background Unit personnel are dedicated to addressing the hiring needs of SJPD Communications.

The SJPD recruiting team is primarily responsible for the recruitment of sworn San José Police Officers. The SJPD recruiting team has recently expanded its recruitment activities to support SJPD Communications personnel in its outreach, as availability permits. However, any

Improving San José Police Department's 9-1-1/3-1-1 Call Answering Time

participation by SJPD Communications personnel in recruiting activities creates a shift vacancy that must be covered by mandatory overtime for other personnel.

The recruiting team uses various forms of marketing to reach potential applicants including job fairs, social media, community college visits and physical banners around the SJPD headquarters, but the team lacks subject matter expertise from the Communications Division.

SJPD COMMUNICATIONS HIRING PROCESS

The selection process for call-taker or dispatcher consists of an evaluation of the candidate's job application based on training, experience, and responses to job specific questions. Candidates whose background best match the position will be forwarded to the next phase, which includes a mandatory information session, computer practical, and oral interview. Candidates deemed most competitive after oral interviews will be required to pass a police background investigation, which includes polygraph and psychological screening.

SJPD recommends that candidates apply for both dispatcher and call-taker jobs prior to taking the computer practical (Criticall[®]) test⁸ that is used across the industry. If they apply for both jobs and do not meet the dispatcher cutoff scores during Criticall, they could potentially meet the call-taker cutoff scores, which would allow them to move forward in the hiring process as a candidate for a call-taker position.

Candidates who pass the Criticall testing are interviewed by the SJPD Communication oral board where suitability is assessed. The interviews focus on areas such as initiative, judgment, and maturity.

Successful candidates are given a Personal History Statement (PHS) to complete. Once the PHS is completed, the candidate is assigned to an investigator in the SJPD Background Investigation Unit. It can take four to five months to complete the investigation.

The entire hiring process, from the time the job is posted until the employee starts training, can take up to ten months. Candidates typically apply to multiple agencies. SJPD's lengthy process often results in qualified candidates accepting positions in other PSAPs prior to completion of the SJPD Communications hiring processes. City HR staff informed the Grand Jury that, under some circumstances, it is possible to hire ahead and over-hire to meet anticipated needs and attrition during the hiring process.

⁸ <http://criticall911.com/dispatcher-testing/agencieshr/>

Improving San José Police Department's 9-1-1/3-1-1 Call Answering Time

SJPD COMMUNICATIONS TRAINING PROCESSES

Employees hired as a call-taker or a dispatcher trainee are required to attend the SJPD in-house Basic Dispatch Academy for eight weeks. SJPD Communications does not allow lateral transfers from other agencies and does not acknowledge dispatchers trained at other PSAPs including the South Bay Basic Public Safety Dispatch Academy.

The SJPD in-house Basic Dispatch Academy training consists of three weeks of POST-certified training. The remaining five weeks are specific to the City of San José and the SJPD. After successful completion of the Academy, graduates continue training in the SJPD Control Room. Each trainee works one-on-one with an assigned Communications Training Officer (CTO) for four to six months during which time they receive daily performance evaluations. The trainees experience the nuances of all shifts and types of calls that are handled within the SJPD Communications Center.

To be promoted to dispatcher, a call-taker must complete the requisite additional training, followed by six to eight months of work with a CTO.

SANTA CLARA COUNTY PSAP SURVEY

The Grand Jury surveyed other PSAPs in Santa Clara County by sending each entity an emailed questionnaire. Campbell, Los Altos, Los Gatos/Monte Sereno, Mountain View, Palo Alto, SJFD, City of Santa Clara and Sunnyvale all responded to the questionnaire. In addition, the questionnaire was completed during an in-person interview with Santa Clara County Communications staff. The cities of Gilroy, Milpitas and Morgan Hill did not respond after repeated requests.

In general, most PSAPs encounter similar recruiting and training issues as SJPD. However, most of the other PSAPs have much shorter hiring timeframes, and few have the chronic understaffing issues of SJPD. Most other PSAPs have a background check timeframe of four to six weeks. SJPD takes four months or more to complete its background check which can lead to losing qualified candidates who also may have applied to other local PSAPs.

Most other PSAPs have mandatory overtime requirements; however, unlike SJPD, the overtime is generally the result of vacations, leaves of absence or temporary backfill requirements. At SJPD Communications, however, mandatory overtime is the norm. All non-San José PSAPs in Santa Clara County pay higher salaries than SJPD, though all expressed challenges with offering competitive salaries commensurate with the high cost of living in Santa Clara County. In addition, some non-San José PSAPs utilize part-time and per diem employees to supplement their staffs.

Improving San José Police Department's 9-1-1/3-1-1 Call Answering Time

All of the PSAPs in Santa Clara County, with the exception of SJPD, County Communications and Palo Alto, use the South Bay Basic Public Safety Dispatch Academy to train their personnel. The 120-hour Basic Course satisfies the POST minimum training requirements for entry-level dispatchers and is designed for both employees and/or students interested in entering into a career as a public safety dispatcher.⁹ Many local PSAPs recruit from the South Bay Regional Public Safety Training Consortium.

All local PSAPs other than SJPD, SJFD and Los Gatos/Monte Sereno accept lateral transfers from other PSAPs without the candidate having to repeat generic communications training. However, these PSAPs face challenges with seniority and retirement benefits when lateral transfers take place.

All PSAPs reported a high level of attrition from the training academy and during the probationary period. The overall attrition rate of new hires during onboarding, from application to completion of training, ranged from 20% to over 80%. For some, the attrition rate of new hires who had no prior communications experience was 100%. PSAPs who accept lateral transfers from other agencies experienced lower attrition levels.

About half of the PSAPs reported that with prior authorization they could over-hire in anticipation of upcoming vacancies.

⁹ https://theacademy.ca.gov/dispatch_academy

CONCLUSIONS

During the course of the investigation, the Grand Jury identified multiple factors contributing to the long call answering times at the chronically understaffed SJPD Communications Center over which the City has various levels of control.

The Grand Jury found many of the same issues had been discussed in reports and audits as far back as 1995, and that until those issues are meaningfully addressed, the SJPD Communications Center will continue to be chronically understaffed and have unacceptably long call answering times.

- There is a nationwide systemic problem. As reported in the Wall Street Journal on August 4, 2018, “Cities across the U.S. are struggling to find 9-1-1 dispatchers as a historically tight labor market makes it harder to fill a job that was already a tough sell.”
- The City of San José’s 1997 decision to include 3-1-1 and TRAC calls in SJPD’s Communications Center’s duties has negatively impacted the SJPD Communications Center’s ability to meet State- and City-mandated 9-1-1 call answering times.
- To help address the understaffing problem, in part caused by the SJPD’s unique approach to hiring, there are multiple recruiting, hiring, and training processes that could benefit from being streamlined.
- SJPD’s policy of not accepting lateral transfers from other agencies or recognizing other POST Dispatch Academies creates a barrier to hiring qualified personnel from a broader candidate pool.
- Morale issues identified in the City’s 1995 *Audit of the San José Police Department - Communications Division’s Staffing and Scheduling* remain issues in the 2019 *City Audit of 9-1-1 and 3-1-1*, including extensive overtime, and limited, potentially unsafe parking options during night shift.
- Because issues regarding wages, hours, and other terms and conditions of employment are subject to labor negotiations, the City, SJPD, and the designated bargaining unit are all stakeholders in resolving these issues which impact the welfare of the employees, the agencies, and the community as a whole.

FINDINGS AND RECOMMENDATIONS

FINDING 1

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

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.

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 PSAPs.

RECOMMENDATION 2a

To improve recruiting practices, the City 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 PSAPs for competitiveness and focus on creative solutions already in place at other PSAPs, to include part-time and per diem employees.

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 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 2d

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

**Improving San José Police Department's
9-1-1/3-1-1 Call Answering Time**

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 their morale.

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.

FINDING 4

Most other PSAPs in Santa Clara County use the 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.

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.

REQUIRED RESPONSES

Pursuant to Penal Code Sections 933 and 933.05, the Grand Jury requests responses as follows:

From the following governing bodies:

Responding Agency	Finding	Recommendation
The City of San José	1, 2, 3, and 4	1, 2a, 2b, 2c, 2d, 3, and 4

Improving San José Police Department's 9-1-1/3-1-1 Call Answering Time

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**Improving San José Police Department's
9-1-1/3-1-1 Call Answering Time**

This report was **ADOPTED** by the 2018-2019 Santa Clara County Civil Grand Jury on this 18th day of June 2019.



John Pedersen
Foreperson