

September 14, 2012

FILED

Honorable Richard J. Loftus
Presiding Judge
Santa Clara County Superior Court
191 North First St.
San Jose, CA 95113

SEP 25 2012

DAVID H. YAMASAKI
Chief Executive Officer/Clerk,
Superior Court of CA County of Santa Clara
BY D. ALDYCKI

**Re: Grand Jury Report
Continuity in Fire Service Deliver**

**VOLUNTARY AGENCY
RESPONSE
(Response Not Required)**

Dear Judge Loftus:

Pursuant to California Penal Code Section 933 et seq., please accept the attached report to the City Council regarding the Grand Jury Report submitted by the 2011-2012 Santa Clara County Civil Grand Jury to the City of San Jose entitled "Continuity in Fire Service Delivery." Because the Grand Jury report was a follow-on to a previous Grand Jury Report, there were no specific findings requiring a formal response. Nevertheless, as indicated in the attached City Council report, the Fire Department wanted to communicate certain information back to the Grand Jury regarding the contents of the report.

The City Council approved the response on August 28, 2012. The approved City response and the Grand Jury 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

By: 

BRIAN L. DOYLE
Sr. Deputy City Attorney

Enclosures

cc: Mayor Chuck Reed
Debra Figone, City Manager



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: William L. McDonald

SUBJECT: SEE BELOW

DATE: August 20, 2012

Approved

Date

8/20/12

SUBJECT: RESPONSE TO CIVIL GRAND JURY REPORT: "CONTINUITY IN FIRE SERVICE DELIVERY."

REASON FOR ADDENDUM

The Civil Grand Jury Report received on the "Continuity in Fire Service Delivery" did not result in any findings or recommendations and therefore a response was not required. However, in staff's review of the report, we found that clarification and comment was warranted in the information presented regarding the City of San José's "squad concept."

RECOMMENDATION

Accept and approve the staff comments to the Civil Grand Jury Report "Continuity in Fire Service Delivery."

OUTCOME

Consideration and acceptance of staff response to the Civil Grand Jury Report made public on June 4, 2012.

BACKGROUND

On June 4, 2012, the Santa Clara County Civil Grand Jury released a report entitled, "Continuity in Fire Service Delivery." The report is a follow up of the June 2011 Grand Jury Report and identifies progress and improvements considered or implemented by Santa Clara County fire agencies over the past year. Three departments including the City of San José were highlighted with examples cited of significant strides towards enhancing service delivery. As the report did not result in any findings or recommendations, a response is not required.

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According to the report, "...findings, recommendations and agency responses to the Report were thoroughly reviewed by the Grand Jury. The Grand Jury participated in fire station visits and ride-alongs, which provided insight into the daily activities of fire stations." The subsequent Report is primarily based upon their consideration and analysis of the submitted responses and their understanding of follow up research and observations.

Clarification of the information presented in the 2012 Report regarding the City of San José's "squad concept" would however be appropriate. Page 4 of the Grand Jury Report states:

"San José Fire Department is in the process of developing a "squad concept" wherein smaller vehicles and smaller crews might be more strategically and economically located. If successful, this squad concept has the potential to eliminate a truck from existing stations and also stage vehicles closer to demand."

The information as described above could mislead the reader on the concept and intent of the Squad Program. On May 2, 2012, the Fire Department implemented the Squad Pilot Program and placed five 2-person squads into service. The Program was developed as a result of a comprehensive analysis of the City's system of fire stations and the assigned emergency resources (Emergency Deployment System). The scarcity of resources available to respond to emergencies in a city as geographically large and densely populated as San José and the critical importance of engine and truck companies, create the necessity for resources to be utilized to the fullest extent possible. The primary purpose of the Squad Pilot Program is to keep front line fire engines and trucks available as much as possible within their first-due response area by dispatching smaller units to lower priority emergencies. The expectation is that engines and trucks will remain available more often within their first due areas to respond to house fires, life-threatening illnesses and injuries and more complex and larger incidents. The anticipated impact of the Squad Program is that response times throughout the City will be faster and that multiple and major incidents will receive larger firefighting apparatus to the scene more quickly resulting in a much better incident outcome.

It is important to point out that Squads are a much different type of resource with much more limited capabilities than either an engine or a truck. There is no intention or expectation that Squads can replace truck companies and they will not be utilized to eliminate truck companies from a station or the Fire Department Deployment System.

ANALYSIS

California Penal Code Section 933c requires that a governing body of the public agency which has been subject to a Grand Jury final report shall respond within 90 days to the Presiding Judge of the Superior Court on the findings and recommendations pertaining to matters under control of the governing body. The code section contains guidelines for responses requiring the City to state one of the following in response to the Grand Jury findings:

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- It agrees with the finding.
- It agrees partially with the finding and provides explanation.
- It disagrees wholly with finding and provides explanation.

In addition, for each Grand Jury recommendation, the City is required to report one of the following actions:

- The recommendation has been implemented, with a summary regarding the implemented action.
- The recommendation has not yet been implemented, but will be implemented in the future, with an implementation timeframe.
- The recommendation requires further analysis, with an explanation and the scope of the parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion, which shall not exceed six months from the date of publication of the Grand Jury report.
- The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation.

CONCLUSION

As the Report contains no findings or recommendations, no response is provided. However, it is requested that this clarification of the mission and purpose of the Squad Pilot Program in the City of San José be attached to the Civil Grand Jury Report.

PUBLIC OUTREACH

By the very nature of the Grand Jury's report and its release, public outreach requirements have been met. Additionally, upon approval of this memorandum by Council, the City Attorney will submit the memorandum to the presiding judge of the Superior Court.

COORDINATION

This memorandum has been coordinated with the City Attorney's Office.

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CEQA

Not a Project, File No.PP10-069(a), Staff Reports/Assessments/Annual Reports/Information Memos.

/s/

WILLIAM MCDONALD

Fire Chief

For questions please contact William McDonald, Fire Chief, at 794-6955.