



Supplemental Information on Community Policing Model, Secondary Employment & the “Urgency Ordinance”

**February 24, 2009
City Council Agenda Item 3.5**

Dramatic Drop in Crime in Entertainment Zone

- During the first quarter of 2008-2009 there was a 59.7% decrease in the number of arrests in the Entertainment Zone when compared to the previous 2007-2008 first quarter (1460/**588** respectively).

(Davis, 2008-2009 First Quarter Performance Reports, November 6, 2008)

- **Included in the 588 arrests are public intoxication arrests currently under scrutiny by a city task force.**
- 59.7% decrease occurred during implementation of “roving patrols” in July, August, September 2008.
- **Chief cites collaboration with downtown business owners as part of success.** “The Department continues to work collaboratively with downtown business owners, other City departments and community members to resolve downtown issues. The Department’s strategy to identify and address impending problems before they become violent incidents has proven to be extremely effective. As a result, arrests and complaints of criminal activity have been decreasing.”

(Davis, 2008-2009 First Quarter Performance Reports, November 6, 2008)

SJREA Community Policing Plan

Community Policing Model	Description
Community Policing Foot Patrol of Entertainment Zone	<ul style="list-style-type: none"> • 3 Teams of 6 officers and 1 sergeant patrol 3 zones: 2nd & 3rd Street Historic District, San Pedro Square, and SOFA District • Officers walk the district, interacting with public • Officers trained to police “hospitality zones”
Hours of Community Policing Foot Patrol	<ul style="list-style-type: none"> • 10:30 PM to 2:30 AM (Thursday, Friday & Saturday) • 3 teams in Summer Months; 2 teams in Winter Months
Method of Hiring Community Policing Foot Patrol Officers	<ul style="list-style-type: none"> • Hired through the existing Secondary Employment Unit (SEU) • Officers paid at SEU “straight time” rate • Officers able to be called to “active duty” if ordered by SJPD supervisors • Officers do not work directly for any business
Financing Mechanism	<ul style="list-style-type: none"> • Hired through the existing Secondary Employment Unit (SEU) • Officers paid at SEU “straight time” rate • Officers able to be called to “active duty” if ordered by SJPD supervisors • Officers do not work directly for any business

Downtown Staffing Model (Friday Night Summer Example)

Current Policing Model	SJREA Community Policing Model
<p><u>10 PM to 1 AM</u> 5 to 8 Beat Officers 5 to 7 Downtown Services Group Officers 7 Parking Fund Officers 0 Community Policing Foot Patrol Officers</p> <p>Total: 17-22 Officers</p>	<p><u>10:30 PM to 1 AM</u> 5 to 8 Beat Officers 5 to 7 Downtown Services Group Officers 7 Parking Fund Officers 21 Community Policing Foot Patrol Officers</p> <p>Total: 38-43 Officers</p>
<p><u>1 AM to 2:30 AM</u> 5 to 8 Beat Officers 5 to 7 Downtown Services Group Officers 7 Roving Patrol Parking Fund Officers 44 Officers on Overtime 0 Community Policing Foot Patrol Officers</p> <p>Total: 61-66 Officers</p>	<p><u>1 AM to 2:30 AM</u> 5 to 8 Beat Officers 5 to 7 Downtown Services Group Officers 7 Roving Patrol Parking Fund Officers 0 Officers on Overtime 21 Community Policing Foot Patrol Officers</p> <p>Total : 38-43 Officers</p>

More Officers Downtown Earlier

(Friday Night Summer Example)

Overtime Cost Savings - SJREA Proposal

Community Policing Model	Cost Impact
<p><u>Community Policing Foot Patrol</u></p> <ul style="list-style-type: none"> • 2 Teams (2 Sergeants and 12 Officers) in Winter • 3 Teams (3 Sergeants and 18 Officers) in Summer 	<p>Total estimated cost to Assessment District Business Owners, RDA, BID, PBID, etc.: \$595,931</p> <p>No General Fund costs proposed.</p>
<p><u>Overtime Force Reduction</u></p> <ul style="list-style-type: none"> • Reduction in use of OT officers on a 1:1 basis for every Community Policing Foot Patrol Officer • Reduction in use of OT officers on a 1.5:1 basis for every Community Policing Foot Patrol Officer 	<p>Total estimated savings to General Fund in reduced OT costs: \$424,532</p> <p>Total estimated savings to General Fund in reduced OT costs: \$627,620</p>

Secondary Employment: Myths vs. Facts

“Off-duty employment contributes greatly towards helping the Police Department successfully meet the increase in demand for police services.” (IPA, 1995 Year End Report, Pg. 3)

Myth	Fact
Secondary Employment (SE) creates a conflict of interest for officers when alcohol is served.	False. Santana Row, Music in the Park, HP Pavilion, Oakridge Mall, SJ Convention Center and the Jazz Festival are examples of where Secondary Employment officers are used and alcohol is served without a conflict.
SE creates a conflict of interest because it would require direct payment from bars, restaurants and nightclubs to police officers working for individual businesses.	False. SJREA proposes a new Business Improvement District (BID) to contract with the Police Department for SE. Officers assigned to geographic areas by the Police Department.
SE officers cannot intervene if a crime is in progress.	False. Current SJPD practice allows SE officers to be converted to “active duty” when needed. This is Standard Operating Procedure.
Nightclubs responsible for public safety in the downtown core. (Chief Davis cost sharing memorandum, 1/27/09)	False. Police Chief is in charge of public safety. SE would provide proactive, crime deterrence in downtown core.

Independent Police Auditor Findings on Secondary Employment in E.Z.



“The City of San Jose is the safest large city in California. In part, this is credited to the services of off-duty officers who handle and/or deter an added increase in demand for police officers. On-duty officers are freed to do proactive policing without an increase in calls generated by businesses that attract large numbers of people and whose activities are more likely to require police services.”

(IPA, 1995 Year End Report, Pg. 10)

“Off-duty employment contributes greatly towards helping the Police Department successfully meet the increase in demand for police services.”

(IPA, 1995 Year End Report, Pg. 3)

“The hiring, supervision and payment of officers, especially those working the clubs would be best served if it was administered in a fashion similar to the reserve unit or special events. This would address the issues of cash payments, officer solicitation of jobs and hire and fire authority now vested in individual officers.”

(IPA, 1995 Year End Report, Pg. 12)

Urgency Ordinance Background

- **Intent:** Provide the Police Chief with the extraordinary and unprecedented power to single-handedly summarily suspend the entertainment permit of a business that jeopardizes public safety or creates a public nuisance.
- New powers were requested by Chief Rob Davis in the fall of 2005. Council adopted initial urgency ordinance on November 15, 2005. Final ordinance adopted by Council in June 2006.
- San Jose Restaurant & Entertainment Association was actively engaged in formulating the urgency ordinance and advocated for its adoption and implementation.

Necessity of Urgency Ordinance



Chief Rob Davis

“There clearly is a need for the ordinance as we’ve learned from some experiences we’ve had to be able to go in and deal with some individuals that aren’t willing necessarily to step up and come to the table with solutions to address the problems they have.

We’ve been very, very grateful for the support from the individuals you see at this table as well as the rest of the working group that we’ve been working with to try and resolve some of these issues that they can understand **that we’re really interested in trying to deal with those owners downtown, or the entertainment operators, if you will, that are creating problems for us.**

And the overwhelming majority of the people downtown don’t necessarily create those problems for us and we’ve been very grateful for the support for the interaction that’s taking place and we’re happy with the proposed changes that are being made and we’re supportive of what’s going forward.”

**Chief Rob Davis
City Council Testimony, June 13, 2006
Item 8.1**

Urgency Ordinance: How it Works

When the subject business is not an “imminent threat” to public safety:

- Chief required to issue a written notice to the business and provide the business with “a reasonable opportunity to take voluntary corrective action for any correctable violation of permit.” (Municipal Code 6.02.160)

When the subject business is an “Imminent Threat” to public safety:

- Informal process is utilized first. Chief informally contacts the permit holder to discuss the circumstances resulting in the “imminent threat” to public safety. (Municipal Code 6.02.170)
- Chief then works with the business owner to “implement immediate voluntary compliance measures,” that will abate the threat. (Municipal Code 6.02.170)
- The Chief can issue a “notice of summary suspension” of the permit if he/she feels that business owner is uncooperative; the compliance measures are insufficient to abate the imminent threat; or that the threat to the public is so urgent, that compliance with utilizing the informal process will further jeopardize public safety. (Municipal Code 6.02.170)

Urgency Ordinance:

Summary Suspension of Entertainment Permit

Determinations Needed to Summarily Suspend Entertainment Permit

- Urgent need to take action to protect the public from a substantial threat of serious bodily injury or death existing on or within 150 feet of the businesses. Chief required to issue a written notice to the business and provide the business with “a reasonable opportunity to take voluntary corrective action for any correctable violation of permit.”

(Municipal Code 6.02.180)
- There’s been a violation of the permit that creates an imminent danger to public safety within 150 feet of business.

(Municipal Code 6.02.180)
- The business owner operates his/her business in a manner that “creates or results in a public nuisance.”

(Municipal Code 6.02.180)

Urgency Ordinance: A Tool Left in the Toolbox



Since adopting the Urgency Ordinance in November 2005, we are unaware of Chief Davis ever exercising the authority vested in him to protect the public's safety.



During cost sharing discussions between the City and the San Jose Restaurant & Entertainment Association, SJREA asked if the Chief had utilized the ordinance to assist SJPd in addressing problem operators. SJREA was told "no."



SJREA continues to support the urgency ordinance and encourages the Chief to use this valuable tool to ensure the public's safety. The gathering & reporting of statistics for problem operators serves a purpose. However, now is the time to act. To not use the ordinance to address problem operators increases the likelihood that a serious public safety incident may occur in the future.

Police Close Dangerous Club in 1996

San Jose Mercury News

ENTERTAINMENT PERMIT PULLED AFTER FATAL BRAWL AT S.J. CLUB

February 27, 1996 Brandon Bailey, Mercury News Staff Writer

San Jose police moved to close a pioneering downtown nightspot Monday by revoking the Club Oasis' entertainment permit after a melee last week in which police were assaulted and a club patron was beaten to death.

A police spokesman said officers have been summoned one too many times to the club-on North First street across from St. James Park-for problems that include intoxicated patrons, unruly crowds and fighting.

"This is not a new problem," said Lt. Phil Beltran of the police vice unit. While he couldn't provide statistics Monday, Beltran said, "This last weekend was a climax to previous problems.