



# SAN JOSE POLICE OFFICERS' ASSOCIATION

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November 21, 2014

San Jose City Manager Ed Shikada  
200 East Santa Clara Street  
San Jose, CA 95113

Dear Mr. Shikada,

Ensuring that the public and our elected officials receive accurate and supportable facts, data and analysis from professional city staff should be a top priority of any administration. The goal of providing accurate and supportable facts, data and analysis to decision-makers prior to decisions being made could prevent poor decisions that do not adequately address a particular issue or solve a particular problem. In short, it ought to be our shared goal to prevent a "garbage in, garbage out" decision-making process.

Unfortunately, the incomplete and overly optimistic police staffing projections presented to the City Council in Chief Esquivel's November 6, 2014 police staffing memorandum wasted much of the police staffing discussion at the council meeting on November 19, 2014.

## **The resignation projections are insupportably low**

At the bottom of page 3 of the Chief's memorandum, he states that "Current trends indicate that sworn staff has resigned from the Department at an average of 3-4 per month. While this is down from an average of 5-6 per month in 2012-2013, the current resignation rate is still concerning. ***Resignations are modeled at 3-4 per month in all years of the projection.***"

One might reasonably expect some supporting statistics for the projection; yet none are offered. The San Jose Police Department's own numbers (see attached Department Staffing Chart) cast serious doubt on the projection. The attached chart shows that this year alone, there have been 67 resignations through November 13, 2014. In 2013 there were 83 resignations, and in 2012 there were 69 resignations (we had 70 resignations in 2011 – not listed on the chart).

So calendar year 2014 will be the fourth consecutive year that the police department meets or exceeds 70 resignations per year. 70 resignations per year equates to almost 6 resignations per month, not 3-4. It is a critical distinction because it means an additional 30 more officers per year can be expected to resign than the Chief projects in his memorandum.

## **SJPD has had 36 retirements *in addition to* the 67 resignations in 2014**

Retirements are in addition to the resignations. Lisa Perez, the department's Personnel Division Manager, erroneously stated that the 67 resignations in 2014 included retirements. (See Kalra

questions at the 1:33:00 mark of Tuesday's Hearing). The 67 resignations do not include retirements. We know Lisa Perez and she would not intentionally lie or mislead the council. She may have confused the fiscal year and the department's calendar year. But the Department should not dispute that the 67 resignations in 2014 do not include retirements.

The police department's own staffing chart clearly separates the resignations from retirements. For instance, this year we had 67 resignations year-to-date and, on top of that, 36 retirements year-to-date. The Department's own staffing chart clearly separates the resignations from retirements.

### **Unrealistic Academy projections further undermine the Chief's staffing model**

On page 4 of his memorandum, the Chief addresses academy size. He uses two projections: one based upon 30 recruits per academy three times per year (90/year); the other based upon 45 recruits per academy three times per year (135/year). Lisa Perez explained that the number 30 was just the police department's "best guess" and was picked because "we were *hopeful* to get 30". Police staffing in the City of San Jose should not come down to crossing fingers and hoping. The last two academy classes have managed only 20 per class. *So why would the Chief not at least offer a third projection of 60 new hires per year if he was trying to be credible?*

Using more realistic assumptions **for resignations and academy size**, we see a drop of 60 officers more per year from the '90 hires per year' projection and a drop of 105 officers more per year based on the '135 hires per year' projection. This is not to quibble over the difference of a few officers. Using data consistent with actual resignation and hiring trends, paints a far bleaker picture than the one painted by Chief Esquivel.

### **Even the Department's retirement projections are low**

On page 3 of the memorandum, 2nd to last paragraph, Chief Esquivel writes "Retirements are modeled based on the number of staff eligible to retire over the next several years; those that have submitted retirement paperwork in the most current year; as well as historical retirement figures in later years." If these are the same projection numbers that the police department has utilized before, they fail to include officers retiring who are eligible for reciprocity and/or qualified for a disability retirement. During Lisa Perez's discussion with Councilmember Kalra, she confirmed that their projections do not include disability retirements. The question of reciprocity was not answered.

There are approximately 30 service connected disability retirement applications pending right now. They are not factored into the Chief's staffing model. Over the course of his three-year projection, that number equates to a significant omission that only exacerbates the staffing shortage.

### **Stop pretending Measure B hasn't affected recruiting**

At the 2:06:00 minute mark of Tuesday's meeting, Councilmember Oliverio asked the Chief why San Jose couldn't attract laterals anymore. The Chief's attempt to answer this question was forgettable and he omitted this simple fact: Measure B does not allow an officer to lateral into the Tier 1 pension plan. Until that is changed, we will continue to struggle to recruit laterals.

It is interesting to note that during the over two-hour long discussion of the police staffing shortage, the term "Measure B" was not mentioned once. Not once; neither by command staff nor by the Council. At one point in the discussion, Councilmember Oliverio said "no topic should be taboo." Yet clearly the topic of fixing Measure B *is* taboo.

Until this City Council and Administration can concede what everyone has long concluded—that Measure B has some role--meetings like Tuesday's will continue to be a waste of time for everyone. The city leadership continues to ignore the elephant in the room at the citizen's peril. *How can we expect our council to make informed decisions when the information upon which they base those decisions is so devoid of reality?*

With new leadership in the City and at the POA, an opportunity presents itself to reengage over the many issues facing our police department. However, any effort to fix the calamitous state of police staffing problems must be grounded in reality, not wishful thinking. Let us acknowledge how bad the problem is and what is causing it. Then let us redouble our efforts to collaboratively find solutions.

Sincerely,



Jim C. Unland  
President SJPOA



Paul Kelly  
President-elect SJPOA



James Gonzales  
Vice President-elect SJPOA

Enclosure

Cc: Richard Doyle, City Attorney  
San Jose City Council  
Larry Esquivel, Chief of Police  
Edgardo Garcia, Assistant Chief of Police  
Dave Hober, Deputy Chief of Police  
Phan Ngo, Deputy Chief of Police  
Jeff Marozick, Deputy Chief of Police  
Dave Knopf, Deputy Chief of Police