

Title	City of San Jose - Police Department	07/07/2023
	by Sylvia Perez in Organized Retail Theft Prevention Grant Program	id. 41334303
	sylvia.perez@sanjoseca.gov	

Original Submission 07/07/2023

The Organized Retail Theft (ORT) Prevention Grant Program Application is divided into five (5) sections as identified below: Background Information Contact Information Program Information Proposal Narrative and Budget Mandatory Attachments Each section has a series of questions requiring a response. Applicants will be prompted to provide written text, select options from a drop down menu, select options from a multiple choice menu, or upload attachments. Questions with a red asterisk require responses. Applicants will not be able to submit the application until all questions with a red asterisk have been completed. Applicants may reference the ORT Prevention Grant Program Proposal Instruction Packet for background information, key dates, rating factors, and other important information to aid in the completion of the ORT Prevention Grant Program Application. The ORT Prevention Grant Proposal Instruction Packet is available on the Board of State and Community Corrections (BSCC) website. NOTE: Applicants may start and stop their application but must select "Save Draft" at the bottom of the application before existing.

SECTION I - BACKGROUND INFORMATION	This section requests information about the applicant's name, location, mailing address, and tax identification number.
Name of Applicant (i.e., Police Department, Sheriff's Department, or Probation Department)	City of San Jose - Police Department
Multi-Agency Partnerships Information (if applicable)	Applicants may apply for funding as part of a multi-agency partnership (two [2] or more agencies). The agencies and jurisdictions comprising the collaborative application are not required to be contiguous. One (1) Lead Public Agency must be identified on behalf of the partnership.
Multi-Agency Partnerships	No: This is not a Multi-Agency Partnership Application

Lead Public Agency Information **All applicants are required to designate a Lead Public Agency (LPA) to serve as the coordinator for all grant activities. The LPA is a governmental agency with local authority within the applicant's city or county. The applicant may choose to fill the role of LPA itself or it may designate a department, agency, or office under its jurisdiction to serve as the LPA. The role of the LPA is to coordinate with other local government agency partners and non-governmental organizations to ensure successful implementation of the grant program. The LPA is responsible for data collection and management, invoices, meeting coordination (virtual and/or in-person), and will serve as the primary point of contact with the BSCC.**

Lead Public Agency **City of San Jose**

Applicant's Physical Address **200 E Santa Clara St
San Jose
CA
95113
US**

Applicant's Mailing Address (if different than the physical address) **n/a**

Mailing Address for Payment **201 W Mission Street
San Jose
CA
95110
US**

Tax Identification Number **946000419**

SECTION II - CONTACT INFORMATION **This section requests contact information for the individuals identified as the Project Director, Financial Officer, Day-to-Day Project Contact, Day-to-Day Fiscal Contact, and the Authorized Signature.**

Project Director **Brent
McKim**

Project Director's Title with Agency/Department/Organization **Lieutenant**

Project Director's Physical Address **201 W Mission St
San Jose
CA
95110
US**

Project Director's Email Address **brent.mckim@sanjoseca.gov**

Project Director's
Phone Number **+14085371275**

Financial Officer **Sylvia
Perez**

Financial Officer's
Title with
Agency/Department/Organization **Senior Grants Analyst**

Financial Officer's
Physical Address **201 W Mission St
San Jose
CA
95110
US**

Financial Officer's
Email Address **sylvia.perez@sanjoseca.gov**

Financial Officer's
Phone Number **+14085371617**

Day-To-Day Program
Contact **Michael
Drago**

Day-To-Day Program
Contact's Title **Sergeant**

Day-To-Day Program
Contact's Physical
Address **201 W Mission Street
San Jose
CA
95110
US**

Day-To-Day Program
Contact's Email
Address **michael.drago@sanjoseca.gov**

Day-To-Day Program
Contact's Phone
Number **+14085371300**

Day-To-Day Fiscal
Contact **Sandra
Aguilar**

Day-To-Day Fiscal
Contact's Title **Grants Analyst**

Day-To-Day Fiscal
Contact's Physical
Address **201 W Mission Strett
San Jose
CA
95110
US**

Day-To-Day Fiscal Contact's Email Address	sandra.aguilar@sanjoseca.gov
Day-To-Day Fiscal Contact's Phone Number	+14085371623
Name of Authorized Officer	Sarah Zarate
Authorized Officer's Title	Director, City Manager's Office
Authorized Officer's Physical Address	200 E Santa Clara Street San Jose CA 95113 US
Authorized Officer's Email Address	sarah.zarate@sanjoseca.gov
Authorized Officer's Phone Number	+14089207007
Authorized Officer Assurances	checked
SECTION III - PROGRAM INFORMATION	This section requests a Project Title, Proposal Summary description, Program Purpose Area(s) selection, and Scope Funding Category selection.
Project Title	Preventing and Responding to Organized Retail Theft
Proposal Summary	The San Jose Police Department (SJPD) is applying for the Organized Retail Theft Prevention Grant program under the large-scale scope. The goal of the program is to reduce organized retail theft within the City of San Jose, increase prosecution, and collaborate with allied agencies and retail partners. The city has seen a 95% increase in grand theft shoplift from 2021 to 2022. This grant will enable SJPD to direct personnel resources, acquire innovative technology tools, provide training, and other resources to target organized retail theft crime.
PROGRAM PURPOSE AREAS	Applicants must propose activities, strategies, or programs that address the Program Purpose Areas (PPAs) as defined on pages 5 - 8 in the ORT Prevention Grant Proposal Instruction Packet. A minimum of one (1) PPA must be selected; applicants are not required to address all three (3) PPAs. All proposed activities, strategies, or programs must have a link to the ORT Prevention Grant Program as described in the authorizing legislation and the ORT Prevention Grant Proposal Instruction Packet.

Program Purpose
Areas (PPAs):

PPA 1: Organized Retail Theft

Funding Category
Information

Applicants may apply for funding in a Medium Scope OR Large Scope Category. The maximum an applicant may apply for is up to \$6,125,000 in the Medium Scope category OR up to \$15,650,000 in the Large Scope category. Applicants may apply for any dollar amount up to and including the maximum grant amount identified in each category. Multi-agency partnerships (determined as Medium Scope OR Large Scope) may apply for up to the maximum grant award in that category, multiplied by the number of partnering eligible applicants. For Example: Four (4) eligible applicants in the Medium Scope category may submit one (1) application for up to \$24,500,000 o \$6,125,000 (Medium Scope Max) x 4 (# of Agencies) = \$24,500,000 Two (2) eligible applicants in the Large Scope category may submit one (1) application for up to \$31,300,000 o \$15,650,000 (Large Scope Max x 2 (# of Agencies) = \$31,300,000 Please reference pages 10-12 in the ORT Prevention Grant Proposal Instruction Packet for additional information.

Funding Category

Large Scope (Up to \$15,650,000)

SECTION IV -
PROPOSAL
NARRATIVE AND
BUDGET

This section requests responses to the Rating Factors identified in the the ORT Prevention Grant Program Application Instruction Packet.

The Proposal Narrative must address the Project Need, Project Description, Project Organizational Capacity and Coordination, and Project Evaluation and Monitoring Rating Factors as described in the ORT Prevention Grant Instruction Packet (refer to pages 20-24). A separate narrative response is required for each Rating Factor as described below: The Project Need narrative may not may not exceed 6,711 total characters (includes punctuation, numbers, spacing and any text). In Microsoft Word, this is approximately three (3) pages in Arial 12-point font with one-inch margins on all four (4) sides and at 1.5-line spacing. The Project Description narrative may not may not exceed 11,185 total characters (includes punctuation, numbers, spacing and any text). In Microsoft Word, this is approximately five (5) pages in Arial 12-point font with one-inch margins on all four (4) sides and at 1.5-line spacing. The Project Organizational Capacity and Coordination narrative may not may not exceed 4,474 total characters (includes punctuation, numbers, spacing and any text). In Microsoft Word, this is approximately two (2) pages in Arial 12-point font with one-inch margins on all four (4) sides and at 1.5-line spacing. The Project Evaluation and Monitoring narrative may not may not exceed 4,474 total characters (includes punctuation, numbers, spacing and any text). In Microsoft Word, this is approximately two (2) pages in Arial 12-point font with one-inch margins on all four (4) sides and at 1.5-line spacing. A character counter is automatically enabled that shows the number of characters used and the remaining number of characters before the limit for each response is met. If the character limit is exceeded, a red prompt will appear with the message "You have exceeded the character limit". Applicants will be prohibited from submitting the ORT Prevention Grant Program Application until they comply with the character limit requirements. NOTE: It is up to the applicant to determine how to use the total word limit in addressing each section, however as a guide, the percent of total point value for each section is provided in the ORT Prevention Grant Proposal Instruction Packet (refer to page 15).

Project Need

Despite the San Jose Police Department (SJPD) being one of the most thinly staffed police Departments in the nation, the organization continues to provide public safety, solve crime, and build strong partnerships with the community. SJPD is the primary law enforcement agency for the 10th largest city in the United States and 3rd largest city in the State of California. In San Jose, the community has one officer per 1,000 community members. SJPD would have to double the number of sworn officers to approximately 2,452 to achieve the average national police officer to community member ratio.

Organized retail theft is a systematic problem plaguing the State of California. The Bay Area and the City of San Jose specifically, has seen a steep increase in organized retail thefts over the last several years. The greater Bay Area has roughly 7.5 million people spanning 9 counties. San Jose is a metropolitan hub with a population of roughly 971,000 people. San Jose is home to numerous major

retailers, including several largescale shopping centers such as Westfield Valley Fair and Oakridge Mall, Eastridge Center Mall, and Santana Row. These shopping centers draw people in from the greater bay area region and beyond. Included in these retail shops are high-end stores such as the Apple store, Lululemon, Sephora, Coach, Gucci, and Burberry. In addition, San Jose is home to numerous large retail stores and strip malls, including Target, Rite Aid, Ulta Beauty, Best Buy, Walgreens, and Sunglass Hut. These shopping centers and retail locations are significant targets to organized retail theft offenders Bay Area-wide. The layout of the Bay Area and the nature of organized retail theft makes it a transitory crime, and often involves groups of offenders, who often travel great distances into San Jose to commit crimes and then flee the city. These factors pose hurdles in identifying, tracking, and arresting offenders. Coordination with our public and private sector allied partners is crucial to combat organized retail theft in the city.

Organized retail theft crime takes many forms and may involve a variety of crime types including shoplifting, commercial burglary, vehicle burglary, fraud, and fencing of stolen items. Statistics from the SJPD Crime Analysis Unit (CAU) in 2021 to 2022 showed a significant increase in burglary and theft-related cases throughout the city. These crime types encompass reported organized retail theft cases. The SJPD crime statistics showed the following increases amongst theft cases:

- Commercial burglary shoplift < \$950 cases showed a 119% increase from 2021 to 2022
- Commercial burglary shoplift > \$950 cases showed a 58% increase from 2021 to 2022
- Petty theft shoplift < \$950 cases showed a 105% increase from 2021 to 2022
- Grand theft shoplift > \$951 cases showed a 95% increase from 2021 to 2022

The above-listed crime types accounted for a total of 1,821 cases in 2022. Comparatively, there were 607 cases in 2021 for the same crime types. This is a 50% percent increase in the above-listed property crimes cases from calendar year 2021 to 2022. These increases were coupled with the decrease of available police staffing to respond to and investigate these theft related crimes. The SJPD prioritizes calls for service by event priority. The priority of the event is based on factors including type code, time element, and degree of violence. Priority 1 events present imminent danger to life. Priority 2 events involve crimes in progress or that have just occurred, where a suspect may still be present in the surrounding area. Priority 3 events involve a crime that has just occurred or where there is potential for it to occur. Priority 4 event responses concern non-violent crimes where there is no present or potential danger to life or property. Priority 5 and Priority 6 events are assigned as last priority. These circumstances can change prior to or after an event has been dispatched. Priorities on pending events are not lowered based on resources, but only when circumstances justify the change. Incoming

higher precedence calls will often change the event prioritization of how officers and community officers can respond to calls throughout the day.

As of May 2023, The SJPD has an authorized staffing of 1,173 officers. However, there are 174 police officer vacancies. Of the 1,059 filled officer positions, only 1,001 are street ready and available for field work. Authorized staffing of police officers has dropped from roughly 1,400 officers over the last decade. This decline has had a direct effect on response times, and in some cases, the inability for police to respond to reported organized retail theft calls for service. Departmental policy prioritizes calls for service depending on crime types. Unfortunately, cold retail theft cases fall outside of the priority response in comparison to other city-wide calls (e.g., robbery, assault with deadly weapon, etc.). Due to these factors, property crimes frequently go unreported to the police, or are reported but not documented on a police report. These circumstances then affect statistics, as these crimes are not accounted for within the Department's crime statistics. Retailers and community members are aware of the Department's staffing shortages and the need for police to prioritize retail theft. This contributes to crime going unreported, resulting in escalated organized retail theft incidents. This only emboldens offenders, hinders investigators, and frustrates the stakeholders of these crimes.

The staffing shortage of the Department and the need to have patrol officers respond to calls for service has also impacted the Department's ability to staff the Financial Crimes Unit (FCU), an investigative unit that conducts follow-ups on organized retail theft cases and strings. To highlight this point, in 2009 the FCU was staffed with twenty-three full-time investigators. Today, there are seven investigators tasked with investigating a wide array of crimes including but not limited to: residential and commercial burglary, vehicle burglary, motor vehicle accessory theft, larceny, fraud, identity theft, financial elder abuse, and organized retail theft. Over the course of these years, San Jose's population has grown exponentially. This staffing decline inevitably impacts the Department's ability to conduct organized retail theft investigations. This grant will assist the SJPD to address organized retail theft, by directing specific and driven resources and leveraging technology to affect the prevention, response, follow-up investigations, and criminal prosecution of these crimes with the goal of reducing these types of crimes throughout the city.

Project Description

The goal of this proposal is to reduce organized retail theft within the city, to increase successful criminal prosecutions, and to collaborate with allied agencies and retail partners. Due to staffing shortages, the SJPD has been unable to fully commit the needed resources to this critical issue. However, this grant will enable SJPD to direct personnel, equipment, and resources to target retail theft crime. Staffing and deployment decisions are constantly being evaluated to

ensure the SJPD is maximizing its efficiency. This evaluation consists of resources in the field, responding to real-time priority calls, investigative resources, and researching innovative technology to address this problem. The following outlines the project plan divided into three sections: field resources, investigative resources, and technology resources.

Field Resources:

The SJPD patrol staffing and personnel shortages have had a direct impact on organized retail theft in the city. Primarily, patrol's response to organized retail theft calls for service have been delayed, and in some cases, there has been no response by an officer at all due to city-wide call priorities. There has also been a diminished approach to proactive patrolling and enforcement of theft-related crimes due to resources. The ability for the SJPD to provide preventative measures is severely inhibited by these factors. This grant would deploy patrol officers on overtime in the field, with the sole responsibility of organized retail theft prevention, as a proactive approach to deter this type of crime from occurring and decreasing victimization. Officers would be directed to hotspot retail theft locations, where these crimes most commonly occur. These locations and hours will be identified using crime statistics. Three officers and a sergeant will be deployed during specific hours, multiple times a week. Although their physical presence is prevention, the officers will also respond to organized retail thefts which may occur and ensure a complete investigation is completed. This patrol presence alone will undoubtedly deter criminal behavior. In addition, these officers have the responsibility to connect with retailers and build sustainable relationships to foster open communication between the police and the community. These relationships will also involve education geared towards retailers regarding current retail theft trends and prevention tactics to avoid victimization.

Community Service Officers (CSOs) have the general responsibility of responding to cold crimes, or crimes that have occurred with the suspect(s) no longer at the scene. CSOs duties include assisting patrol officers with non-enforcement duties, performing non-hazardous investigative duties related to the commission of crimes against property. CSOs also respond to community member inquiries and assist law enforcement in the preparation of police reports. Often, CSOs are tasked with responding to organized retail theft events and documenting the incident(s). Due to call volume and event prioritization calls, CSOs are at times unavailable to respond to retail theft calls. In some cases, retailers may cancel their calls and handle the issues internally. This hinders the detectives' ability to conduct follow up investigations and/or link strings of criminal activity, and subsequently affects crime statistics. Lack of response to retail theft calls for service diminishes the retailers' faith in the police and the criminal justice system. This grant will allow for the deployment of two CSOs on an overtime basis, three times a week, to respond to cold case retail theft calls in strategic locations based on

crime statistics. Their primary role would involve being on standby to respond to retail theft calls for service, with the purpose of responding in a timely manner and conducting a thorough investigation (e.g., writing a crime report, providing educational material, building collaborative relationships with retailers and loss prevention staff, etc.).

Investigative Resources:

The FCU is tasked with investigating a wide array of crimes, including burglaries, frauds, and organized retail thefts. There are seven detectives assigned to approximately 10,000 cases per year. Cases are triaged on a variety of factors, and the reality is that not all reported theft and burglary cases can be investigated by a detective. Due to the organizational and string nature of retail theft, dedicated and focused detectives are needed to truly have an impact on this type of crime. This grant will allow for five new positions to the FCU, dedicated to working retail theft cases under the supervision of the FCU chain of command. Four of the positions will be Part-Time Forensic Analyst and one will be a Full Time Forensic Analyst. These positions will be critical in facilitating day to day operations, collaboration with allied partners, deployment of technology, force multipliers, and conducting outreach to retailers. Tasks for these positions will include but will not be limited to: providing on-going outreach, tracking of crime statistics and patterns, identifying hot spots and coordinating with retail and loss prevention partners within the city. Staff will also attend retail theft conferences to network with allied agencies and learn of the most recent intelligence on organized retail theft and receive training in different software tools to collect and investigate criminal information. These positions will help increase investigations related to retail theft crime as well as build community relationships with retailers. Adding analyst positions will greatly support the few detectives in the FCU.

This grant will allow current detectives to work in an overtime capacity to ensure complete investigations involving arrests, apprehensions, search warrants, and interviews of suspects are prioritized and conducted upon the identification of suspects in retail theft cases. Additional patrol personnel and other departmental detectives will be utilized to perform law enforcement duties that cannot be performed by these non-sworn positions. Cooperation between all stakeholders will ultimately ensure greater criminal filings and prosecutions of retail theft offenders.

An important aspect of this grant is collaboration with neighboring law enforcement agencies and the Santa Clara County District Attorney's Office (SCCDA) to combat organized retail theft. It should be noted that the SCCDA intends to apply for the prosecution grant under The State of California Board of State and Community Corrections. If both entities are awarded, this collaboration would allow the SJPD the ability to streamline retail theft cases for prosecution and directly partner with the SCCDA to prioritize retail theft crime with an emphasis on prosecuting lower-level offenses.

Technology Resources:

The SJPD recognizes the importance of strategically deploying advanced technology to fill the void of police officers in the field. The ability to build and customize a citywide, Automated License Plate Recognition (ALPR) system would benefit investigative and evidentiary efforts to combat organized retail thefts. Police officers cannot be in all places, however, utilizing an ALPR system will dramatically increase their ability to identify, locate, detain, and arrest offenders. License plate numbers give law enforcement the objective, actionable leads needed to solve retail theft cases. Using ALPR system, investigators can pinpoint a suspect's last known location which narrows down the search radius. ALPR allows for the automated detection of license plates along with the vehicle make, model, color, and unique identifiers. This technology converts data associated with vehicle licenses and vehicle descriptions for official law enforcement purposes, including, identifying stolen or wanted vehicles, wanted person, or persons involved in crimes- including organized retail theft. SJPD members are accountable for knowing the City's Digital Use Protocol (DUP) and are trained in ALPR technology. Access to the ALPR system is based upon a need to know right to know basis. The ALPR maintains an audit trail of accessed information including the purpose of the query. If awarded, the SJPD will deploy ALPR cameras in tactical locations throughout the city to combat retail theft crime.

Latent Workstation:

The SJPD Central Identification Unit (CIU) employs seven fingerprint examiners to process fingerprint evidence. Cases are prioritized based on crime type, meaning that crimes against persons take precedence over property crimes. Property crimes account for 59-79% of all latent print cases submitted to CIU. Currently, CIU has one workstation to be shared by the seven examiners. The workstation allows comparison and identifications of fingerprints collected at crime scenes, including retail theft crime. With the purchase of an additional latent workstation, CIU staff will be able to have two examiners entering and working simultaneously, allowing for a higher rate of property crimes to be reviewed and investigated. This will increase efficiency and produce timely identification of criminal suspects. Moreover, the acquisition of this workstation would provide CIU personnel with additional tools to aid in the documentation of fingerprint analysis.

Security Tracking Systems:

GPS tracking devices are already used in law enforcement and the private sector. Retail loss prevention personnel use these trackers to proactively identify and apprehend retail theft offenders and coordinate with law enforcement. GPS trackers are used to conduct proactive investigations and to identify and track offenders. The trackers are programmable and alert the user of when an activation

occurs. A key component of the trackers is the built-in radio transmitter, which can assist officers in pinpointing an offender's exact location. This grant will allow SJPD to purchase a bundle of GPS tracking devices.

Forensic Tools:

Organized retail theft offenders and their networks routinely use cellular devices to communicate and coordinate retail thefts and fencing operations. Therefore, retail theft investigations are reliant on the ability of investigators to access and analyze this digital data. The SJPD needs to increase its digital evidence capability to collect, review, analyze, and manage digital evidence extracted from electronic devices (e.g., mobile phones, tablets, laptops, etc.) to address the rising organized retail theft problem in our jurisdiction. If awarded, the SJPD would purchase a dedicated forensic software tool to extract digital evidence. This purchase would provide extraction, collection, and review of digital evidence as well as, expand analytical capabilities in investigations. This purchase will increase SJPDs ability to investigate and successfully prosecute organized retail theft offenders. SJPD will abide by the ethical responsibilities listed under the profession code of conduct in the Duty Manual. The SJPD will maintain high ethical standards to provide equitable treatment of all citizens in the city.

The SJPD provides law enforcement services to all residents in the City of San Jose. Police Chief Anthony Mata provides leadership for SJPD. Deputy Police Chiefs are responsible for the operations of the following three bureaus: Bureau of Administration, Bureau of Field Operations, and Bureau of Investigations. SJPD has received and managed federal and state grants since 2005 and demonstrated administrative and financial capacity to successfully implement all grant requirements. The Grants Management Unit manages all Department grants. The Grant Management Unit will search, develop, and submit grant proposals. It will also secure and execute grant awards, prepare financial and programmatic reports, ensure the Department meets grant obligations and requirements, and complete the closeout processes for grants.

The project's assigned point of contact is a Sergeant in the FCU of the Bureau of Investigations. The Sergeant is an eighteen-year veteran of the SJPD who has been in various specialized units during his tenure. He has been assigned to Patrol, Gang Investigations Unit, Field Training & Evaluation Unit, Robbery Unit, Homicide Unit, and is currently assigned as the supervisor of the Financial Crimes Unit-Burglary detail. The Sergeant, with the assistance and supervision of the Lieutenant, will be assisting in the execution of the grant program. The FCU is comprised of three units: Burglary/Fraud detail, Court Liaison Unit, and the Central Identification Unit. The Fraud/Burglary detail will house this project for the duration of the grant. Fraud/Burglary detectives investigate a wide array of property crimes and are primarily responsible for organized retail theft cases. Case prioritization and staffing shortages have resulted in not all cases being assigned to a detective. Often, retail theft cases are closed due to lack of leads or a lack of resources.

The Department will sustain funding for the continuation of the grant by requesting internal funding through the general fund and seeking other funding sources. The Department has the Mayor's sponsorship, and the Districts Attorney's support, which is significantly important because it highlights their longing to invest in technology and dedicated staff to prevent retail theft rings from coming into the City of San Jose and County of Santa Clara. The Department is committed to increasing its growth markers by continuing to fund positions to the FCU to work with the SCCDA Office to reduce retail theft and discourage criminals. This grant is a social investment to produce ongoing change, not only within the Department, but also within the city and nearby agencies that will collaborate to combat and solve retail theft crime. The Department is committed on sustainability through high quality program planning that will collaborate with different partnering agencies to collectively work together to combat retail theft crime. The Department is also fully committed to hiring more officers and has already increased funding in recruiting efforts in hopes of finding a greater pool of police officer candidates to help grow the SJPD.

The Department will collaborate with a research partner or higher education institute to evaluate efforts of the proposed program and the impact of technology implementation to support the retail theft program. The selected partner will be a skilled establishment that applies expertise to support planning, implementation, and assessment of data-driven, evidence-informed practices. The selected evaluation partner will have substantial experience conducting research in partnership with law enforcement, local government, and/or community stakeholders. To support the evaluation process, the evaluator will participate in site observations, informal interviews (virtual and in-person), document findings to assess the effectiveness of the proposed program and how the acquisition of these technologies support activities related to retail theft prevention efforts, including efficiency and effectiveness of the technology that will be examined through data gathering and analysis. The information will be used to develop the Local Evaluation Plan in relation to goals and objectives of the proposed program. Performance measure data will be reviewed and collected by the Program Manager as required by the grant. Supporting documentation for the program will be compiled through quarterly progress reports and the Final Evaluation report at the end of the grant period.

Budget Instructions

Applicants are required to submit a Proposal Budget and Budget Narrative (Budget Attachment). Upon submission the Budget Attachment will become Section 5: Budget (Budget Tables & Narrative) making up part of the official proposal. The Budget Attachment must be filled out completely and accurately. Applicants are solely responsible for the accuracy and completeness of the information entered in the Proposal Budget and Budget Narrative. The Proposal Budget must cover the entire grant period. For additional guidance related to grant budgets, refer to the BSCC Grant Administration Guide. The Budget Attachment is provided as a stand-alone document on the BSCC website.

Budget Attachment

[City_of_San_Jose-Budget-Attachment-Final.xlsx](#)

SECTION V -
ATTACHMENTS

This section list the attachments that are required at the time of submission, unless otherwise noted. Project Work Plan (Appendix B) - Mandatory Grantee Assurance for Non-Governmental Organizations (Appendix D) - Mandatory Local Impact Letter(s) (Appendix E) - Mandatory Letter(s) of Commitment (Appendix F) - If Applicable Policies Limiting Racial Bias - Refer to page 9 of the Proposal Instruction Packet - Mandatory Policies on Surveillance Technology - Refer to page 9 of the Proposal Instruction Packet - If Applicable Certification of Compliance with BSCC Policies on Debarment, Fraud, Theft, and Embezzlement (Appendix G) - Mandatory Governing Board Resolution (Appendix H) - Optional

Project Work Plan (Appendix B)

[City_of_San_Jose_Appendix_B_Project-Work-Plan-_FINAL.pdf](#)

Grantee Assurance for Non-Governmental Organizations (Appendix D)

[Appendix_D.pdf](#)

Local Impact Letter(s) (Appendix E)

[DA_Letter_of_Impact.pdf](#)

[Mayors_Office_Letter_of_Impact.pdf](#)

Letter(s) of Commitment, (Appendix F)

[Westfield_Letter.pdf](#)

[Eastridge_Center-Retail_Theft_Team_Support_Letter.pdf](#)

[Tropicana_Multiservices_Inc_-_Letter_of_Support.pdf](#)

Policies Limiting Racial Bias

[Racial_Bias_-_Duty_Manual_C-1300_.pdf](#)

Policies on Surveillance Technology

[2022_ALPR_data_usage_protocol_APPROVED.pdf](#)

Certification of Compliance with BSCC Policies on Debarment, Fraud, Theft, and Embezzlement (Appendix G)

[Appendix_G.pdf](#)

OPTIONAL: n/a
Governing Board
Resolution (Appendix
H)

OPTIONAL: n/a
Bibliography

CONFIDENTIALITY NOTICE: **All documents submitted as a part of the Organized Retail Theft Prevention Grant Program proposal are public documents and may be subject to a request pursuant to the California Public Records Act. The BSCC cannot ensure the confidentiality of any information submitted in or with this proposal. (Gov. Code, § 6250 et seq.)**

Appendix B: Project Work Plan

Applicants must complete a Project Work Plan. This Project Work Plan identifies measurable goals and objectives, process and outcome measures, activities and services, responsible parties for those activities and services, data sources and estimated timelines. Completed plans should (1) identify the project’s top goals and objectives; (2) identify how the goal(s) will be achieved in terms of the activities, responsible staff/partners, and start and end dates, process and outcome measures; and (3) provide goals and objectives with a clear relationship to the need and intent of the grant. As this grant term is for three (3) years, the Project Work Plan must attempt to identify activities/services and estimate timelines for the entire grant term. A minimum of one goal and corresponding objectives, process measures, etc. must be identified.

Applicants must use the Project Work Plan provided below. You will be prompted to upload this document to the BSCC-Submittable Application.

(1) Goal:	> To create positions to augment the investigation capabilities of the Financial Crimes Unit to solely work and investigate organized retail theft cases.		
Objectives (A., B., etc.)	<ul style="list-style-type: none"> ➤ Investigate retail theft cases and analyze correlations and associations between cases. ➤ Work collectively with Financial Crime Detectives to identify links between retail theft cases and suspects. ➤ Collaboratively investigate organized retail theft cases in conjunction with the Santa Clara County District Attorney’s Office. ➤ Develop outreach materials /Provide outreach and educational resources to retailers ➤ Track and log investigation cases ➤ Attend training to enhance program knowledge and skills ➤ Attend monthly meetings to share information and strategies to deter retail theft. 		
Process Measures and Outcome Measures:	> Cumulative increase in retail theft investigations as well as build relationship with retailers and provide educational resources.		
Project activities that support the identified goal and objectives:	Responsible staff/partners	Timeline	
		Start Date	End Date
> The department plans on creating positions in the Financial Crimes Unit to assist in investigating organized retail theft.	> The San Jose Police Department	> January 2024	> January 2027
List data and sources to be used to measure outcomes: > The Financial Crimes Unit will work with Crime Analysis Unit to gather statistical information regarding retail theft investigations. Educational resources and outreach activities will be tracked and compiled for reporting purposes.			

(2) Goal:	> To acquire innovative technology solutions to help facilitate retail theft investigations.		
Objectives (A., B., etc.)	> To procure software technology to cooperatively support activities intended to decrease and investigate organized retail theft crime.		
Process Measures and Outcome Measures:	> Cumulative decrease in retail theft incidents, throughout the city. > Work with research partner to evaluate program and technology impact.		
Project activities that support the identified goal and objectives:	Responsible staff/partners	Timeline	
		Start Date	End Date
> To obtain technology solutions that would support investigators and retail theft investigations. These technology measures would augment investigations and enhance staffing capabilities to deter retail theft.	> The San Jose Police Department	> January 2024	> June 2027
List data and sources to be used to measure outcomes: > The Financial Crimes Unit will work collectively with the department's Crime Analysis Unit to analyze calls for service and reported incidents related to retail theft and identify suspects.			

(3) Goal:	> Increase field resources for both Officers and Community Service Officers to proactivity respond solely to organized retail theft calls.		
Objectives (A., B., etc.)	> Utilize Officers and Community Service Officers to respond specifically to retail theft calls at locations where retail theft has occurred more frequently. > Provide greater physical police presence at different retail locations. > Attend training to enhance program knowledge and skills		
Process Measures and Outcome Measures:	> To see a cumulative decrease in retail theft calls, especially in retail locations where retail theft has been reoccurring. > Work with research partner to evaluate program and technology impact.		
Project activities that support the identified goal and objectives:	Responsible staff/partners	Timeline	
		Start Date	End Date
> Overtime will be provided to increase police presence in areas where retail theft occurs more frequently, as well as to provide outreach and preventative measures to retailers on how to avoid future victimization.	> The San Jose Police Department	> January 2024	> January 2027
List data and sources to be used to measure outcomes: > The Financial Crimes Unit will work with the Crime Analysis Unit to pinpoint locations with higher number of calls concerning retail theft to strategize proactive responses.			

Organized Retail Theft Prevention Grant Program - Project Budget and Budget Narrative

Name of Applicant: *City of San Jose Police Department*
(i.e., County Sheriff's Office, County Probation Department, or City Police Department)

44-Month Budget: October 1, 2023 to June 1, 2027

Note: Rows 7-16 will auto-populate based on the information entered in the budget line items (Salaries and Benefits, Services and Supplies, etc.)

Budget Line Item	Total
1. Salaries & Benefits	\$4,289,544.00
2. Services and Supplies	\$117,878.00
3. Professional Services or Public Agencies	\$0.00
4. Non-Governmental Organization (NGO) Subcontracts	\$0.00
5. Data Collection and Evaluation	\$250,000.00
6. Equipment/Fixed Assets	\$3,629,193.00
7. Financial Audit (Up to \$25,000)	\$0.00
8. Other (Travel, Training, etc.)	\$202,734.00
9. Indirect Costs	\$0.00
TOTAL	\$8,489,349.00

1a. Salaries & Benefits

Description of Salaries & Benefits	(% FTE or Hourly Rate) & Benefits	Total
Forensic Analyst - Full time Position (1)	100% FTE: \$277,606 salary + \$241,444 fringe = \$519,050 for 3 years with a 5% increase in year 2 and year 3	\$519,050.00
Forensic Analyst - Part time Position (4)	\$49 x 960 hrs x 4 positions x 3 years = \$593,174.40 with a 5% increase in year 2 and year 3	\$593,175.00
Community Service Officer (CSO) - Overtime	\$70.03 x 6hrs x 3 days per week x 2 people x 3 years = \$413,280.64 with a 5% increase in year 2 and year 3	\$413,281.00
Officers/ Sergeant - Hot spots Overtime	\$279 x 6 hrs x 3 days per week x 4 people x 3 years = \$1,584,724.42 with a 5% increase in year 2 and year 3	\$1,584,725.00
Detectives - Investigation/operation Overtime	\$129.18 x 10hrs x 1 day x 5 people x 3 years = \$1,058,824 with a 5% increase in year 2 and year 3	\$1,058,824.00
Grants Analyst - Overtime	\$74 x 520 hrs per year = \$38,220; year 2: \$40,131, year 3: \$42,138 with a 5% increase in year 2 and year 3	\$120,489.00
		\$0.00
		\$0.00
TOTAL		\$4,289,544.00

1b. Salaries & Benefits Narrative:

Forensic Analyst Positions (\$1,112,225): Under the supervision of the Financial Crimes Unit Lieutenant, the Police Forensic Analysts positions will be responsible for working on Organized Retail Theft cases. The analyst will read and analyze reports concerning retail theft crime. The analysts will disseminate pertinent information to conduct investigations regarding identification of suspects. Analysts will perform criminal and administrative duties including but not limited to identifying hot spots, collecting statistics, preparing evidence, monitoring social media, and collaborating with other department members to gather information on suspects. Funds have been set aside for 1 Full Time Forensic Analyst position (\$519,050) and 4 Part Time Forensic Analyst Positions (\$593,175) with a 5% cost of living increase for year 2 and year 3.

CSO Overtime: (\$413,281): Funds have been budgeted for two CSOs on an overtime basis, three times a week, six hours per operation to respond to cold case retail theft calls in strategic locations during the grant period. The CSOs primary role would involve being on standby to respond to retail theft calls, with the purpose of responding in a timely manner and conducting a thorough investigation (e.g., writing a crime report, providing educational material, building collaborative relationships with retailers and loss prevention staff, etc.). A 5% cost of living increase has been included in year 2 and year 3.

Officers/Sergeant Hot Spots Overtime (\$1,584,725): Funds have been set aside to deploy patrol officers on overtime in the field, with the sole responsibility of retail theft prevention, as a proactive approach to deter this type of crime from occurring and decreasing victimization. Patrol officers (\$1,143,530) and a Sergeant (\$441,195) would be directed to hotspot retail theft locations, where these crimes most commonly occur. These locations and hours will be identified using crime statistics. These operations will be conducted 3 days per week for approximately 6 hours a day during the course of the grant. A 5% cost of living increase has been included in year 2 and year 3 for both officers and sergeant.

Detectives - Investigations/Operations Overtime (\$1,058,824): Funds have been budgeted for detectives to work on an overtime capacity to ensure complete investigations involving arrests, apprehensions, search warrants and interviews of suspects are prioritized and conducted upon the identification of suspects in retail theft cases. Additional patrol personnel and other departmental detectives will be utilized to perform law enforcement duties that cannot be performed by these non-sworn positions. Detectives will coordinate retail theft cases with the Santa Clara County District Attorney's Office.

Grants Analyst Overtime (\$120,489): Funds have been set aside for a grants analyst to oversee the grant program. Responsibilities include, but not limited to: distributing the funds, preparation and submission of the financial status reports and programmatic progress reports, preparation of grant modifications, tracking of grant related expenditures; facilitating procurements, and reviewing grant guidelines to ensure compliance. Funds have been budgeted for 10 hours of overtime per week for the duration of the grant. A 5% cost of living increase has been included in year 2 and year 3.

2a. Services and Supplies

Description of Services or Supplies	Calculation for Expenditure	Total
Laptops	5 Laptops x \$1,743.57 = \$8,718	\$8,718.00
Desktops	6 desktops x \$2,229.33 = \$13,735.98	\$13,736.00
Computer monitors	12 monitors x \$258.33 = \$3,099.96	\$3,100.00
Cellular phones and monthly services	5 cell phones x \$112 = \$560 + monthly services (5 x \$55x 36 months = \$9,900) = \$10,460	\$10,460.00
Trackers and services	30 trackers including services for 3 years: 30 x \$1,138.46 = \$40,154	\$40,154.00

Data Storage: External Hard Drives	5 hard drives x \$100 = \$500	\$500.00
Workstation Furniture	6 new workstation cubicles including design and installation for new staff - 6 x \$5,000 = \$30,000	\$30,000.00
Othe supplies(digital cameras, brochures, unifo	5 digital cameras x 650 = \$3,250; plus uniform shirts \$1,210 + design and printing educational brouchers \$6,750 =	\$11,210.00
TOTAL		\$117,878.00

2b. Services and Supplies Narrative:

Funding in the amount of \$117,878 will be used to purchase supplies and services to assist and enhance the abilities of the Department to investigate retail theft crimes.

Laptops, desktops, monitors, workstations, and cell phones (\$66,014) for new staff to support the program. The supplies will assist in providing the necessary tools for the unit to respond to and investigate organized retail theft cases.

Trackers/Services (\$40,154): Funding will be used to purchase a bundle of approximately thirty GPS tracking devices to assist with organized retail theft investigations. The trackers are programmable and alert the user of when an activation occurs. A key component of the trackers is the built-in radio transmitter, which can assist officers in pinpointing an offender's exact location. These devices will prove to be a valuable tool in combating organized retail theft incidents in the City of San Jose.

External hard drives (\$500): Funds will be purchased to store and extract evidence from large digital data such as surveillance video footage or cell phone data from a search warrants.

Other Supplies (\$11,210): Funds have been set aside for digital cameras, uniforms for staff out in the field, design and printing of educational material for outreach, and miscellaneous supply items to enhance prevention and education efforts for both the community & retailers.

For procurement, the City of San Jose will use its own documented procurement procedures consistent with applicable State and local laws and regulations. The City will have a documented process to check for organizational conflict of interest with potential contractors; have a process in place to ensure that contracts are not awarded to contractors or individuals on the List of Parties Excluded from Federal Procurement and Non-procurement Programs; and utilize System for Award Management (SAM) review of potential contractors or individuals.

3a. Professional Services

Description of Professional Service(s)	Calculation for Expenditure	Total
		\$0.00
		\$0.00
		\$0.00
		\$0.00
		\$0.00
		\$0.00
		\$0.00
		\$0.00
		\$0.00
TOTAL		\$0.00

3b. Professional Services Narrative

Enter narrative here. You may expand cell height if needed.

4a. Non-Governmental Organization (NGO) Subcontracts

Description of Non-Governmental Organization (NGO) Subcontracts	Calculation for Expense	Total
		\$0.00
		\$0.00
		\$0.00
		\$0.00
		\$0.00
		\$0.00
		\$0.00
		\$0.00
TOTALS		\$0.00

4b. Non-Governmental Organization (NGO) Subcontracts Narrative

Enter narrative here. You may expand cell height if needed.

		\$0.00
		\$0.00
	TOTAL	\$0.00

7b. Financial Audit) Narrative:

Enter narrative here. You may expand cell height if needed.

8a. Other (Travel, Training, etc.)

Description	Calculation for Expense	Total
Meeting to Sacramento - 1-day trips	120 miles round trip x 2 people x 3 trips at \$.655 per miles = \$471.60 + Per Diem: \$17 x 2 x 3 trips	\$574.00
2-day CalOrca Training	10 people x \$1,250 x 3 years = \$37,500	\$37,500.00
3-day Training TBD	10 people x \$1,655 x 3 years = \$49,650	\$49,650.00
5-day Cellebrite Training	10 people x \$5,000 = \$50,000	\$50,000.00
5-day Training TBD	10 people x \$2,167 x 3 years = \$65,010	\$65,010.00
		\$0.00
	TOTAL	\$202,734.00

8b. Other (Travel, Training, etc.) Narrative:

Grants funds have been set aside in the amount of \$202,734 to increase knowledge in investigations, best practices, and the use of forensic tools efficiently during the grant period.

Team Meeting (\$574): Funds will be used to have 2 staff members attend 1-day trips to Sacramento 3 times a year for intelligence meetings.

Cal-ORCA Conference (\$37,500): Fund will be used to attend the annual CalORCA Conference. Personnel will learn about best practices and procedures in relation to combatting organized retail theft.

3-day Training (\$49,650): Funds have been set aside to have 10 people attend a 3-day training TBD to increase knowledge on investigations and best practices to combat retail theft during the grant period.

5-day Forensic Tools Training (\$50,000): Funds will be used to have 10 people attend a 5-day training to learn competencies associated with the examination of mobile devices using this software. This training will provide skills needed to conduct cell phone extractions using different analyzer tools during the grant period.

5-day Training (\$65,010): Funds have been set aside to have 10 people attend 5-day training TBD to increase knowledge on investigations and best practices to combat retail theft during the grant period.

Personnel from San Jose Police Departments Financial Crimes Unit involved in investigating Organized Retail Theft are eligible to attend. The sites of the conference are currently unknown at this time. Travel estimates are based upon previous conferences. The budget includes: registration, airfare, hotel, per diem, transportation, and baggage. For cost effectiveness, after the conference, the City will be using a train the trainer approach and provide training to the other SJPD personnel who may be involved in retail theft reporting and investigations. Training funds have been allocated to cover the cost of travel for staff in accordance with program guidelines, GSA rates, and city travel policies. Claims will be based on actual cost.

9a. Indirect Costs

For this grant program, indirect costs may be charged using only <u>one</u> of the two options below:	Grant Funds	Total
1) Indirect costs not to exceed 10 percent (10%) of the total grant award. Applicable if the organization does not have a federally approved indirect cost rate.	\$0	\$0
<i>If using Option 1) grant funds allocated to Indirect Costs may not exceed:</i>	\$0	
2) Indirect costs not to exceed 20 percent (20%) of the total grant award. Applicable if the organization has a federally approved indirect cost rate. Amount claimed may not exceed the organization's federally approved indirect cost rate.	\$0	\$0
<i>If using Option 2) grant funds allocated to Indirect Costs may not exceed:</i>	\$0	
Please see instructions tab for additional information regarding Indirect Costs. If the amount exceeds the maximum allowed and/or turns red , please adjust it to not exceed the line-item noted.	TOTAL	\$0

9b. Indirect Costs Narrative:

Enter narrative here. You may expand cell height if needed. **If using a federally approved indirect cost rate, please include the rate in the narrative.**

County of Santa Clara

Office of the District Attorney

County Government Center, West Wing
70 West Hedding Street
San Jose, California 95110
(408) 299-7400
www.santaclara-da.org



Jeffrey Rosen
District Attorney

June 27, 2023

Board of State and Community Corrections
2590 Venture Oaks Way, Suite 200
Sacramento, CA 95833

RE: Organized Retail Theft Prevention Grant Program – Letter of Commitment

Organized retail theft is a systemic problem plaguing California. The City of San José has seen a steep increase in organized retail theft over the last several years. These crimes have shown that this issue transcends the traditional borders of a police department or sheriff's office.

The Santa Clara County District Attorney's Office (SCCDAO) submits this letter as a commitment to work with the San Jose Police Department as part of its Organized Retail Theft Prevention Grant Program. The District Attorney's Office pledges to work with the San Jose Police Department to address organized retail theft by doing the following, as practicable:

- Collaboratively investigate organized retail theft cases in conjunction with the San José Police Department and explore the possibility of a county-wide task force;
- Share information and intelligence to further ongoing criminal investigations;
- Coordinate investigations with the vertical organized retail theft deputy district attorney and district attorney investigator.

This grant will allow the San José Police Department to directly address organized retail theft by directing specific and driven resources and leveraging technology to affect these crimes' prevention, response, follow-up investigations, and criminal prosecution. The SCCDAO supports these efforts of the San José Police Department.

Sincerely,

A handwritten signature in blue ink that reads "Jeffrey F. Rosen". The signature is written in a cursive, flowing style.

Jeffrey F. Rosen
District Attorney

JFR/dm

June 7, 2023

Kathleen T. Howard, Executive Director
Board of State and Community Corrections
2590 Venture Oaks Way, Suite 200
Sacramento, CA 95833

RE: Support for Organized Retail Theft Prevention Grant

Dear Director Howard,

I write in strong support for the San José Police Department's (SJPD) FY 2023 grant application for Organized Retail Theft Prevention Grant Program under the California Board of State and Community Corrections Department. The grant will support the department's ability to respond and reduce retail theft crimes throughout the city.

In the last several years, SJPD has seen an increase in retail thefts throughout the city. The Department is unable to fully devote staff to the investigation process of retail theft due to staffing issues and departmental policy-based crime-type hierarchy investigation processes. This grant would allow SJPD to obtain staff positions, equipment, and technology that would support investigations of retail theft and ultimately target retail theft rings targeting the City of San José. The acquisition of this grant will help deter retail theft rings from targeting our city and assisting retail vendors from becoming victims of retail theft crimes.

This grant would allow SJPD to improve departmental processes on how retail theft is investigated and improve intervention effort with the goal of reducing retail theft crimes in our city. If funded, this grant proposal will revitalize how the department prevents and responds to retail theft in close collaboration with the County of Santa Clara District Attorney's Office. I strongly urge you to give this application full and fair consideration.

Sincerely,



Matt Mahan
Mayor
City of San José

EASTRIDGE

To: Board of State and Community Corrections
Re: The Organized Retail Theft Prevention Grant Program
Date: June 14, 2023

To whom it may concern,

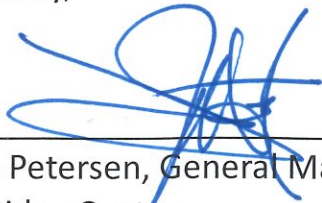
This letter is being submitted to document that EASTRIDGE CENTER agrees to partner on the Organize Retail Theft Prevention Grant Program proposal being submitted by the San Jose Police Department.

As a part of the grant, EASTRIDGE CENTER agrees to the following, in conjunction with the San Jose Police Department:

- Participate in a San Jose Retail Theft task force comprised of San Jose retail organizations.
- Develop and implement strategies to reduce and prosecute retail theft.
- Employ additional technology as appropriate to deter and prevent retail theft.
- Provide assistance in the prosecution of those arrested for retail theft.
- Participate in training programs for Eastridge Center retail employees.

Should you have any questions, I may be reached by phone at (408) 833-1007 or by email at JPetersen@EastridgeManagement.com. Thank you.

Sincerely,



John Petersen, General Manager
Eastridge Center

From: Tropicana Multiservices Inc, Dba Joyeria & Store Vanessa

1642 Story Rd San Jose CA 95122

To: Board of State and Community Corrections Re: The Organized Retail Theft Prevention Grant
Program Date: 6/24/2023

This letter is being submitted to document that Tropicana Multiservices Inc, DBA Joyeria & Store Vanessa agrees to partner on the Organized Retail Theft Prevention Grant Program proposal being submitted by the San Jose Police Department.

As a part of the grant, Tropicana Multiservices Inc, DBA Joyeria & Store Vanessa agrees to the following, in conjunction with the San Jose Police Department:

- Participate in a San Jose Retail Theft task force comprised of San Jose retail organizations
- Develop and implement strategies to reduce and prosecute retail theft
- Employ additional technology as appropriate to deter and prevent retail theft
- Provide assistance in the prosecution of those arrested for retail theft
- Participate in training programs for Tropicana Multiservices Inc, DBA Joyeria & Store Vanessa's employees

Sincerely,

Juana M Martienes

President Tropicana Multiservices Inc,

DBA Joyeria & Store Vanessa



UNIBAIL-RODAMCO-WESTFIELD

2049 Century Park East
41st Floor
Century City, CA 90067
T 310.478.4456
F 310.555.5555

To: Board of State and Community Corrections
Re: The Organized Retail Theft Prevention Grant Program
Date: June 7, 2023

This letter is being submitted to document that Unibail-Rodamco-Westfield agrees to partner on the Organize Retail Theft Prevention Grant Program proposal being submitted by the San Jose Police Department.

As a part of the grant, Unibail-Rodamco-Westfield agrees to the following, in conjunction with the San Jose Police Department:

- Participate in a San Jose Retail Theft task force comprised of San Jose retail organizations
- Develop and implement strategies to reduce and prosecute retail theft
- Employ additional technology as appropriate to deter and prevent retail theft
- Provide cooperation in the prosecution of those arrested for retail theft
- Participate in training programs for Unibail-Rodamco-Westfield employees

Sincerely,

Dan Kennedy

Dan Kennedy

Senior Vice President, Security and Risk, Unibail-Rodamco-Westfield



C 1300 - ETHICAL RESPONSIBILITIES:

The highly complex nature of the law enforcement profession makes success dependent upon the individual character and excellence of each department member. In addition, each member's character determines the character of the Department, which is reflected in the services provided to the community. To achieve progress, department members must combine high personal integrity with commitment. From this union, the character necessary to maintain a high ethical standard will provide equitable treatment for all citizens, and will reflect positively upon the Department, the city and the community.

PROCEDURE

C 1301 GENERAL PROVISIONS:

The mark of every profession is a code of conduct. The Law Enforcement Code of Ethics is such a statement. In addition, the code exemplifies the Department's concern for the preservation of constitutional rights for all persons, as well as the protection of the community from those who would choose to violate the law. Therefore, the Law Enforcement Code of Ethics is hereby adopted by the San Jose Police Department and serves to remind department members and citizens that the objectives of professional law enforcement are of the highest order.

C 1302 LAW ENFORCEMENT CODE OF ETHICS:

Revised 10-30-20

"As a law enforcement officer, my fundamental duty is to serve; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the constitutional rights of all to liberty, equality and justice.

I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before god* to my chosen profession... law enforcement."

* Reference to religious affirmation may be omitted where objected to by the officer.

C 1303 CONSTITUTIONAL RIGHTS:

No person has a constitutional right to violate the law, nor can any person be deprived of constitutional rights for committing or being suspected of committing a crime. The task of determining the constitutionality of a statute lies with the courts, not with the officer who seeks to properly enforce the law as it exists. The Department will enforce any federal, state or local statutes. An officer who lawfully acts in this capacity is within the scope of their authority and does not deprive persons of their civil liberties. Officers will, within the scope of their authority, make reasonable inquiries, conduct investigations and arrest on probable cause.

C 1304 TREATMENT OF OFFENDERS:

To offend a police officer's personal feelings is not a crime. A citizen will not be mistreated physically or psychologically, nor will the processes of booking and charging be delayed as a means of punishing an offender or gaining revenge.

C 1305 EQUALITY OF ENFORCEMENT:

People throughout the city have a need for protection, administered by fair and impartial law enforcement. As a person moves about the city, that person must be able to expect a similar police response to their behavior - wherever it occurs. When laws are not evenly enforced, a reduction in respect and resistance to enforcement follows.

The element of evenhandedness is implicit in uniform enforcement of law. The amount of force or the method employed to secure compliance with the law is governed by the particular situation. Similar circumstances require similar treatment - in all areas of the city as well as for all groups or individuals. In this regard, department members will strive to provide equal service to all persons in the community.

C 1306 BIAS-BASED POLICING:

Revised 11-10-21

Bias-Based Policing occurs when an officer engages in conduct based on a person's race, color, religion (religious creed), age, marital status, national origin, ancestry, sex, sexual orientation, actual or perceived gender identity, medical condition, or disability.

Bias-Based Policing can occur not only at the initiation of a contact but any time during the course of an encounter between an officer and a member of the public. Officers shall carry out their duties, including the use of force, in a fair and unbiased manner.

Officers will not engage in biased and/or discriminatory-based policing as this undermines the relationship between the police and the public and is contradictory to the Department's mission and values.

C 1307 RESPONSIVENESS TO THE COMMUNITY:

Department members will strive to be responsive to the needs and problems of the community consistent with the Department's mission. While the law governs the Department's task, the policies formulated to guide the enforcement of the law must include consideration of the public will. This responsiveness will be evident at all levels of the Department by a willingness to listen and a genuine concern for the problems of individuals and/or groups. The total needs of the community are an integral consideration of the programs designed to carry out the Department's mission.

City of San José

Data Usage Protocol (DUP) for Automated License Plate Reader (ALPR) Technology

Owning department(s): San José Police Department (SJPD)
Department owner: Deputy Chief, Executive Officer

1) Purpose

Automated License Plate Readers (ALPRs) use high speed cameras to photograph vehicle license plates. The purpose of ALPR cameras is to improve criminal investigations¹ and deter crime in the surrounding area.² This Data Usage Protocol (DUP) defines for the City of San José's (hereafter referred to as "City") Police Department ("hereafter referred to as "Department"):

1. Authorized usage of ALPR technology that complies with State and local laws;
2. Annual reporting requirements on ALPR usage; and
3. An ongoing avenue for public feedback on ALPR usage.

This DUP is also meant to ensure that San Jose Police Department's use of Automated License Plate Recognition (ALPR) technology complies with all applicable federal, state, and local laws. For the purposes of California law, this document serves as the "usage and privacy policy" as required by California Civil Code Sections 1798.29 and 1798.82.

2) Authorized Uses:

The Department shall use ALPR technology with the goal of reducing serious crime and traffic incidents in the long term. ALPR is meant to act as a deterrent for crime and dangerous driving in a neighborhood, and to support police in criminal investigations. ALPR vendors may only use the data if authorized by the City to act on behalf of the City. The Department and authorized vendors may utilize ALPR technology and any data generated only to do the following:

1. Use in conjunction with any patrol or investigative function in response to the investigation of felony or misdemeanor crimes;
2. Locate at-risk missing persons (including responding to Amber and Silver Alerts);

¹ Koper, Christopher S., and Cynthia Lum. "The impacts of large-scale license plate reader deployment on criminal investigations." *Police Quarterly* 22.3 (2019): 305-329 – <https://journals.sagepub.com/doi/abs/10.1177/1098611119828039>

² Koper, Christopher S., Bruce G. Taylor, and Daniel J. Woods. "A randomized test of initial and residual deterrence from directed patrols and use of license plate readers at crime hot spots." *Journal of Experimental Criminology* 9.2 (2013): 213-244 – <https://link.springer.com/article/10.1007/s11292-012-9170-z>

3. Support local and State safety departments in the identification of vehicles associated with criminal investigations. Further detail on permissible sharing and coordination with safety departments is detailed in the “Data Sharing” section below; and
4. Automatically initiate investigation for traffic intersection infractions through a device (e.g., red-light violations) if SJPD follows the requirements outlined in California Vehicle Code 21455.5,³ including providing notice of automated enforcement within 200 feet of the intersection.

3) Prohibited Uses:

ALPR technology will not be used for the following purposes:

1. Collect data that is not within the public view. This includes any data not readily visible from a public area or public property;
2. Monitor individual or group activities legally allowed in the State of California and/or protected by the First Amendment to the United States Constitution;
3. Share with immigration authorities or use in the investigation of any matter related to immigration status of an individual;
4. Engage in automated citations or other automated enforcement without manual review from SJPD staff; and
5. Sell any data generated by ALPR to any entity.

4) Operational Procedures

The ALPR system(s) and their associated database(s) shall only be used for official law enforcement purposes listed in the “Authorized Uses” section. Additionally:

1. No member of the Department shall operate, utilize and/or search ALPR systems and their associated equipment/database(s) without first completing Department-approved training and only if the operation, utilization, or searching complies with SJPD’s need to know/right to know protocols defined in SJPD Duty Manual section C2000 on criminal records and information;⁴
2. Once an alert is received, the officer will make every effort to visually confirm that the captured license plate from the ALPR system matches the license plate of the observed vehicle;
3. In all instances, before any action is taken based solely upon an ALPR alert, the officer will make every effort to verify the alert is still valid through the California Law Enforcement Telecommunications System (CLETS). Officers will not take any action that restricts the freedom of any individual based solely upon an ALPR alert until an attempt at verification has been made;
4. If the reason for an ALPR alert pertains to a wanted person associated with a vehicle, officers should attempt to visually inspect the occupant(s) of the vehicle to determine if he/she matches the description of the wanted individual. Absent this verification, officers must have a separate legal justification to conduct a vehicle stop;

³ California Vehicle Code “Offenses Relating to Traffic Devices” - https://leginfo.ca.gov/faces/codes_displaySection.xhtml?sectionNum=21455.5.&nodeTreePath=15.2.3&lawCode=VEH

⁴ See SJPD Duty Manual - <http://www.sjpd.org/records/dutymanual.asp>

5. Designation of vehicles into “hot lists”⁵ shall be the sole responsibility of the assigned investigating officer or his/her designee. Vehicle’s cannot be entered into “hot lists” without a lieutenant’s approval. It will be the arresting/investigating officer’s responsibility to ensure timely entry/removal of license plates into/out of the designated “hot lists”.
6. To the best of the system administrator or his/her designee’s ability, hot lists managed by an external source (e.g., the Stolen Vehicle System) will be synchronized with the external hot list at all times. In the event of a loss of connection to external hot lists, the ALPR system administrator or his/her designee shall synchronize with external hot-lists upon reconnection;
7. Protocols shall be established to ensure timely notification is made to the system administrator to indicate and record when a “hot list” ALPR license plate capture is made and the ultimate disposition of the specific enforcement action;⁶ and
8. All vehicles entered into a departmental “hot list” will contain the following information:
 - a. Name, badge number and assignment of department member entering the information (e.g., Officer Smith #1234, Robbery Unit)
 - b. Associated case number(s)
 - c. Short synopsis describing the reason for the vehicle/occupant database entry. This should include the presumed crime or crimes relevant to this investigation. If no crime is relevant, state the other purpose (e.g., Amber alert)

5) Data Collection

ALPR utilizes high speed cameras angled to capture digital images of vehicle license plates on public roads and private property visible from a public road (e.g., a driveway). The cameras are trained on the license plate of a vehicle and rarely capture the image of a person. The cameras do not identify an individual or group based on physical characteristics such as skin-tone, body shape, or facial features.

An example image captured from an ALPR camera is provided in Figure 1. While the ALPR camera is angled to capture license plate information, it may collect additional information visible in the image, including car make/model, and other distinguishing characteristics of the vehicle (e.g., bumper sticker(s), after market wheels, etc.).

ALPR cameras may be placed in a fixed location, such as on a street light pole, or in a roaming location, such as on a police vehicle. The technology will record the date and time the image was captured as well as the location of the camera. The exact location of a vehicle is not tracked, but can be inferred based on the location of the camera at the time of the photograph.

⁵ License plate(s) associated with vehicles of interest from an associated database, including, but not limited to: California Law Enforcement Telecommunications System (CLETS), National Crime Information Center (NCIC), Be on the Lookout notices (BOLOs), and Department databases

⁶ An example notification would be: “Hot list 211A vehicle alerted at Curtner/Monterey, observed at Curtner/Malone. Vehicle stopped, driver arrested for 211”



Figure 1: Police vehicle with an Automated License Plate Reader mounted on its roof, and an example picture from the ALPR camera (top-left). This ALPR picture identifies 1) the license plate, 2) the time and location of the car, and 3) other information captured in the photograph, including vehicle color, make, and model. Source: Pasadena, CA Police Department.

<https://www.pasadenanow.com/main/city-council-to-consider-purchasing-more-automatic-license-plate-readers>

6) Notice

Notice that the City of San José is using ALPR technology will be posted as signage at major vehicle entrances into the city and exits from the city, and at “designated intersections” within the city to notify residents that ALPR cameras may be present in their area.

“Designated intersections” refers to locations near where ALPR technology is being utilized. The signs will contain notice that ALPR technology is in use and will direct the reader to where they can get more information about the ALPR program and policies. Notice and additional detail, including this Data Usage Protocol, will be available on the City website.

7) Retention and Minimization

Data collected from ALPR technology will be retained for one year. Once the retention period has expired, the record shall be purged entirely from all active and backup systems unless the data is related to an active investigation of a crime not listed in the “Prohibited Uses” section.

Data associated with a criminal investigation may be stored for longer on an electronic storage device or printed and retained in accordance with applicable state and federal evidentiary laws, to include retaining the data through the adjudication of a case in a recognized court of law, as well as allotment of time for an appeals process and statute of limitations.

8) Access and Accuracy

Raw ALPR data, including photographs, license plates, location, and associated hot list data will not be available for public access unless required pursuant to city, state, or federal law, or a court order. Aggregated data on the ALPR technology, including performance metrics on the accuracy of the technology, will be made available annually in the Annual Data Usage Report. More details on the Annual Data Usage Report can be found in the “Annual Data Usage Report requirements” section below. The City may release more aggregated data periodically at its discretion.

9) Accountability

All Department members authorized to use or access ALPR technology or data shall be accountable for knowledge of this protocol. See “Training” section for definition of authorized personnel.

All access to the system shall be logged, and the Department will maintain an audit trail of requested and accessed information, including the purpose of the query. Periodic, random audits shall be conducted by a unit other than Crime Data Intelligence Center (CDIC) at the direction of the Deputy Chief, Executive Officer to ensure and evaluate compliance with system requirements and with the provisions of this protocol and applicable law. Audit trails shall be maintained by the Department for a minimum of two (2) years. Additional audits or reviews may be triggered at the direction of the City Council or Digital Privacy Officer (DPO), consistent with state law and authorized access to information.

If a Department member accesses or provides access to ALPR information, the Department member shall do the following:

1. Maintain a record of the access that includes the following information:
 - a. Date/Time the Information was accessed
 - b. The license plate number or other data elements used to query the ALPR system
 - c. The name and department of the person who accessed the information
 - d. The purpose for accessing the information, including the presumed crime or crimes relevant to this investigation. If no crime is relevant, state the other purpose (e.g., Amber alert)
2. ALPR information may only be used for authorized purposes as specified in this protocol in accordance with California Civil Code section 1798.90.51(b).

10) Sharing

The City does not share ALPR data with any contracted, commercial, or private entity. The provision of data hosting or towing services shall not be considered the sale, sharing, or transferring of ALPR information (see CA Civil Code 1798.90.55.(b)).

Information gathered or collected, and records retained by the City will not be:

1. Sold, published, exchanged, or disclosed for commercial purposes;

Data Usage Protocol (DUP) for Automated License Plate Reader (ALPR) Technology
UPDATED as of August 22, 2022

2. Disclosed or published without authorization; or
3. Disseminated to persons not authorized to access or use the information.

The City shall not confirm the existence or nonexistence of information to any person or agency that would not be eligible to receive the information unless otherwise required by law. The City may agree to share access to its ALPR database by law enforcement agencies within the State of California on an agency-by-agency basis if an agreement is put into place.

The data will not be shared beyond the approved agencies. All agencies must request SJPD ALPR data directly from SJPD (e.g., if SJPD shares ALPR data with Santa Clara PD, Sunnyvale PD must request SJPD data through SJPD rather than Santa Clara). The requesting agency may only access the data for an authorized purpose as noted in this protocol.

Logs will be generated every time an approved law enforcement agency accesses data from SJPD's ALPR system, which will include:

- a. Date/Time the Information was accessed
- b. The license plate number or other data elements used to query the ALPR system
- c. The name and law enforcement agency of the person who accessed the information
- d. The purpose for accessing the information

11) Equity and Community Engagement

The City will make a reasonable effort to identify and mitigate any inequity inherent in the ALPR technology and its implementation. Members of the public may submit any concerns via the public comment feature at sanjoseca.gov/digitalprivacy. Comments may also be submitted by emailing digitalprivacy@sanjoseca.gov or mailing the Digital Privacy Officer at 200 E Santa Clara St. San Jose CA 95113, 11th Floor. ALPR implementations can impact certain populations more than others. The City of San Jose is cognizant of that concern and will field potential complaints when submitted by emailing: digitalprivacy@sanjoseca.gov. After receiving a complaint, the City will perform an investigation and determine a corrective action plan, if necessary.

12) Storage and Security

Data collected by ALPR technology shall be stored in a secured police facility or secured third-party hosting environment. With the exception of audits, access to the raw data (images of vehicles and license plates) shall be limited to law enforcement staff with a legitimate need and right to access the information. The Department will utilize reasonable physical, technological, administrative, procedural, and personnel security measures to prevent unauthorized access to ALPR data. Authorized sworn personnel or authorized civilian personnel (such as a crime analyst) shall have general user access to the SJPD ALPR database, as appropriate, to query information. See "Training" section for definition of "authorized personnel". Entities authorized to audit the ALPR system (see "Accountability" section for who can authorize) do not need to be a part of the Department to access the database.

Data Usage Protocol (DUP) for Automated License Plate Reader (ALPR) Technology
UPDATED as of August 22, 2022

Sworn personnel or authorized civilian personnel as approved by the Deputy Chief, Executive Officer, or his/her designee shall have administrative user access to the SJPD ALPR database, as appropriate, to control:

1. The information to which a particular group or class of users can have access based on the group or class;
2. The information a class of users can access, and/or data being utilized in specific investigations;
3. Sharing capabilities with other law enforcement agencies; and
4. Any administrative or functional access required to maintain, control, administer, audit, or otherwise manage the data or equipment.

The Bureau of Technical Services Systems Development Unit may provide ALPR technical support for the Criminal Data Intelligence Center (CDIC). The CDIC shall ensure compliance with this protocol. The custodian of ALPR data for purposes of this protocol shall be the Deputy Chief, Executive Officer or his/her designee.

In the event of a confirmed data breach where personal information such as license plate numbers or photographs have been accessed by an unauthorized party, the Department will follow the City of San José's Incident Response Plan. This security protocol and further security details are overseen by the City's Cybersecurity Office.

13) Training

Except for audits, only authorized personnel, meaning Department personnel trained in the use of ALPR technology, including its privacy and civil liberties protections, shall be allowed access to ALPR data. Training shall consist of:

1. Legal authorities related to the use of ALPR data and technology;
2. Current Department Data Usage Protocol regarding authorized use of ALPR technology;
3. Technical, physical, administrative, and procedural measures to protect the security of ALPR data against unauthorized access or use; and
4. Practical exercises in the use of ALPR technology.

14) Annual Data Usage Report requirements

To provide the City and the public with ongoing reporting on the usage and accuracy of the ALPR technology, the following information will be required in an Annual Data Usage Report submitted every year to the Digital Privacy Officer (DPO) no later than March 1st and covers the previous calendar year (January 1st – December 31st). In the year this Data Usage Protocol goes into effect, the Department is only required to report on the period from the date the Data Usage Protocol goes into effect until the end of the calendar year.⁷ The Digital Privacy Officer will release the report to the public once private, confidential, and otherwise sensitive information is removed. The DPO shall release the report within 90 days of receiving it from the department, unless additional time is required to remove private, confidential, and sensitive information. If

⁷ If this Data Usage Protocol is passed after September 30th, the first Annual Data Usage Report will not be required until the following year, which will cover usage from the date the Data Usage Protocol goes into effect to December 31st of the following year

Data Usage Protocol (DUP) for Automated License Plate Reader (ALPR) Technology

UPDATED as of August 22, 2022

the DPO needs additional time, they shall provide a notice of extension to the public via the Digital Privacy webpage.⁸

1. Summary of the project and updates since the prior year, including detail on value to the department
2. Plans for future years, including any planned expansion of project or shift in data usage
3. Reporting metrics on ALPR usage and accuracy including:
 - a. **# of reads by location** – the Department will either:
 - i. Report directly the number of reads by location; or
 - ii. Provide the Digital Privacy Officer (DPO) with access to the ALPR reads database, including the latitude and longitude of each read, from which the DPO can report by location as needed.
 - b. **# of hits by location** – Similar to the # of reads by location, the Department will either:
 - i. Report directly the number of hits by location; or
 - ii. Provide the DPO with access to the ALPR reads database, including the latitude and longitude of each read and if the read was a hit, from which the DPO can report by location as needed.
 - c. **Records accessed by SJPD** – the Department will report on the number of records accessed in accordance with the Accountability section of this Protocol.
 - d. **Accuracy of accessed records** – the Department will report on the accuracy of the implemented ALPR technology as requested by Council and the DPO

⁸ Link to the digital privacy webpage: <https://www.sanjoseca.gov/your-government/departments-offices/information-technology/digital-privacy>