

March 2, 2021 File ID: 21-0039

TITLE

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE AMENDED MEASURE A PUBLIC SAFETY EXPENDITURE PLAN TO ADD ONE POLICE LIEUTENANT, ONE POLICE SERGEANT AND THREE PEACE OFFICERS TO FUND SUCH POSITIONS FROM MEASURE A – POLICE DEPARTMENT AVAILABLE FUND BALANCE (4/5 VOTE REQUIRED)

RECOMMENDED ACTION

Council adopt the resolution.

SUMMARY

On February 13, 2018, the City Council accepted the recommendations of the Public Safety Advisory Committee to adopt the Intended Public Safety Expenditure Plan (PSEP). The PSEP presented the intended expenditures of approximately \$18M per year if a half-cent general sales tax measure passed. The intended plan was a guide on how the funds could be allocated based on the critical needs identified by the Police and Fire Departments. The plan also assumed that both the Police Department and Fire Department would each be allocated, through the budget process, approximately \$9M annually from the sales tax, with the goal of addressing public safety understaffing and improving response times.

On June 5, 2018, the voters of the City of Chula Vista approved Measure A authorizing a one-half cent sales tax on retail sales within the City. The collection of the sales tax began on October 1, 2018.

On December 18, 2018, the City Council approved resolutions amending the Measure A Public Safety Expenditure Plan; and amending the Fiscal Year 2019 Operating Budget; adding authorized staffing of various City departments; and approving a side letter between the City of Chula Vista and International Association of Fire Fighters, Local 2180 (IAFF).

On June 4, 2019, the City Council adopted the Fiscal Year 2020 Proposed Budget that established the Measure A appropriations and adding authorized staffing of various City departments.

On June 18, 2019, the City Council approved a resolution amending the Measure A PSEP; updating Measure A sales tax revenue assumptions; staffing changes for both the Police and Fire departments, and updated expenditures.

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On June 9, 2020, the City Council adopted the Fiscal Year 2021 Proposed Budget that established the Measure A appropriations and adding authorized staffing of various City departments.

On August 25, 2020, City Council approved a resolution amending the Measure A PSEP to move up the hiring of six Peace Officers to Fiscal Year 2021.

On October 20, 2020, City Council approved a resolution amending the Measure A PSEP to add one Public Information Specialist and one Information Technology Technician in Fiscal Year 2021.

The chart below outlines the current Measure A staffing plan for the Police Department, as approved by City Council on October 20, 2020 and supported by the Measure A Citizens' Oversight Committee on October 8, 2020.

Figure 1. Police Department Public Safety Expenditure Plan as of 10/20/2020

Position	FY19	FY20	FY21	FY22	FY23	Total
POLICE SERGEANT		3.0	2.0	1.0		6.0
POLICE AGENT	1.0	2.0	3.0	2.0		8.0
PEACE OFFICER	4.0	6.0	11.0			21.0
SWORN FTE TOTAL	5.0	11.0	16.0	3.0	0.0	35.0
CIVILIAN BACKGROUND INVESTIGATOR	1.0					1.0
COMMUNITY SERVICE OFFICER		2.0				2.0
DIGITAL FORENSICS TECHNICIAN II		2.0				2.0
INFORMATION TECHNOLOGY TECHNICIAN			1.0			1.0
COMMUNICATIONS CENTER MANAGER		1.0				1.0
POLICE DISPATCHER	2.0	5.0				7.0
PUBLIC INFORMATION SPECIALIST			1.0			1.0
SR. POLICE TECHNOLOGY SPECIALIST	1.0					1.0
CIVILIAN FTE TOTAL	4.0	10.0	2.0	0.0	0.0	16.0
POLICE DEPARTMENT TOTAL	9.0	21.0	18.0	3.0	0.0	51.0

ENVIRONMENTAL REVIEW

The activity is not a "Project" as defined under Section 15378 of the California Environmental Quality Act State Guidelines; therefore, pursuant to State Guidelines Section 15060(c)(3) no environmental review is required.

BOARD/COMMISSION/COMMITTEE RECOMMENDATION

During its special meeting held on February 11, 2021, the Measure A Citizens' Oversight Committee (COC) recommended City Council approval of adding one Police Lieutenant, one Police Sergeant, three Police Officers and Drone contractual costs in fiscal year 2021/2022 to support Police Department Community Relations and Drone operations, based on projected increase in sales tax revenues. The COC voted unanimously in favor of Measure A funding for the five positions and contractual services.

DISCUSSION

With the successful passage of the Measure A Sales Tax, staff is continuing to implement the Public Safety Expenditure Plan (PSEP). According to the latest sales tax revenue projections provided by the Finance Department, the Police Department's Measure A revenue allocation is projected to increase by approximately \$1.7M in FY 2021/2022.

Over the past two years, the Police Department has become a national leader in the deployment of technological innovations. One of the most-successful technological deployments is the innovative use of unmanned aerial systems as a part of its Drone as First Responder (DFR) program. Although the program has been in operation since 2018, its operations are funded directly through existing General Fund resources by reassigning personnel from other units and divisions. In essence, peace officers for the DFR program were re-assigned from the uniformed patrol division, where they would normally be assigned to respond to daily calls for service.

Given the projection for additional revenue during FY2021-22, the Police Department is requesting to approve modifications to the PSEP to make the best use of additional revenue to meet public safety needs.

Overview of the Chula Vista's Drone Program

In December 2015, Chula Vista Police Department formed the Unmanned Aerial Systems (UAS) Committee to study the use of the technology in its public safety operations. UAS Committee members met dozens of times to study best practices, policies, and procedures regarding the use of UAS technology in law enforcement. A special focus of the team's research was an effort to address concerns about public trust, civil liberties, and the public's right to privacy during the operation of CVPD UAS systems.

Prior to implementing its UAS Program, CVPD discussed its plan for UAS operations in the media, in public forums, and in posted information about the project on the CVPD website. This outreach included a mechanism for the public to contact or email the UAS Team to comment on CVPD's UAS policy, or to express concerns or provide feedback. It is important to note that, out of respect for civil liberties and personal privacy, CVPD's UAS Policy specifically prohibits the use of UAS Systems for general surveillance or general patrol operations. After exhaustive planning and research, CVPD activated its UAS Program in the summer of 2017 to support tactical operations by CVPD first responders.

Beginning on October 22, 2018, with strong support from the community, the Chula Vista Police Department began deploying drones from the rooftop of the Police Department Headquarters to 911 calls and other reports of emergency incidents such as crimes in progress, fires, traffic accidents, and reports of dangerous subjects. This unique concept of operations (CONOPS) for drones allowed CVPD to become a part of the San Diego IPP Team, selected as one of only 10 teams among hundreds of applicants as part of the FAA's Integration Pilot Project (IPP). The IPP was a federal initiative designed to help integrate drones into the National Air Space (NAS).

The Police Department's CONOPS is called Drone as First Responder (DFR) and it is a transformational method of policing that has demonstrated the ability to increase officer and community safety and reduce overall police response times.

DFR provides the ability to see what is going on at an incident before ground-based emergency personnel arrive at the scene. In addition to the overhead perspective that traditional air support has always provided, DFR allows a trained incident commander to "virtually" arrive on scene first, getting a view of the incident

and obtaining vital information minutes before ground-based officers are in harm's way. The drone has a powerful on-board camera that streams HD video back to the department's real-time crime center where the Teleoperator, who is a trained police officer, not only controls the drone remotely but communicates with the officers in the field to provide updated information and tactical intelligence about what they are responding to. The system also streams the video feed to the cell phones of the first responders, supervisors, and command staff so they too can see exactly what the drone is seeing.

The DFR Program continues to expand its capabilities with the goal of providing the ability to respond to any location in the city within minutes. In May of 2019, Chula Vista Police was authorized to fly Beyond Visual Line of Sight (BVLOS waiver). This allowed the drones to fly up to 3 miles in any direction from the launch site (within city limits). Moving from a 1-mile flight radius to 3 miles increased the area of service exponentially.

In August of 2019, Chula Vista partnered with Paradise Valley Hospital to add an additional launch site atop of the Bayview campus on Moss Street. The site is about 2 miles south of the police department and provides the ability to cover the entire western portion of the City (see Figure 2). This area is roughly 30% of the geographic area of the City but, due to its density and commercial activity, is responsible for about 70% of the priority calls for service.

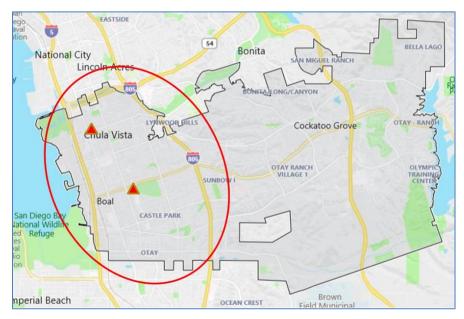


Figure 2. Current DFR Operational Areas, Two Locations

In the first two years of DFR, the drones responded to almost 5,000 separate incidents and the program continues to serve the residents of Chula Vista by reducing response times and increasing safety (see Figure 3).

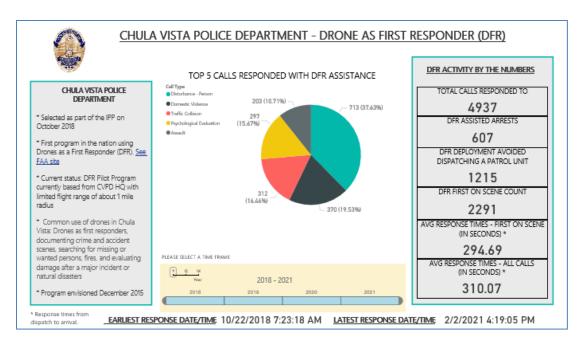


Figure 3. DFR Response Data, 2018-2021

DFR has responded to 4,937 calls for service (emergencies) since the program began in November 2018. In over 25% of the time (1,215 deployments), DFR avoided the need to send ground units to the scene. Most of these calls for service (without DFR support), requires a two-officer response. Essentially, during 1,215 DFR drone deployments, 2,430 officers were not needed to respond, thus freeing the officers for other calls for service in the city.

In addition, the DFR program allows the Police Department to get a drone resource to the scene of an emergency much quicker than ground units. Figure 4 shows how much quicker the DFR drone arrives on the scene or Priority 1 (emergency) and Priority 2 (urgent) calls.

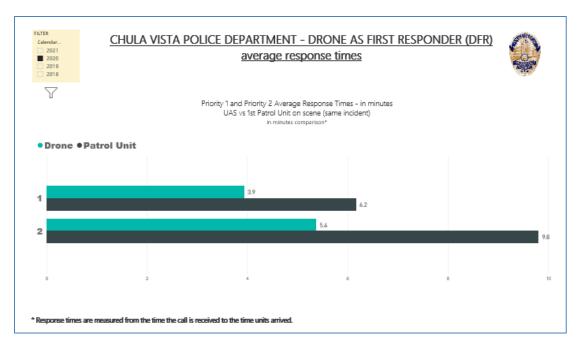


Figure 4. DFR Average Response Times, 2020

The drone arrives on the scene of a Priority 1 call (an active emergency) in 3.9 minutes average, compared to ground units that arrive in 6.2 minutes average. The drone arrives on the scene of a Priority 2 call (an active urgent call or emergency that just occurred) in 5.4 minutes average, compared to ground units that arrive in 9.8 minutes average. The drone arriving first allows the teleoperator to relay information to responding officers and document crimes in progress for enhanced criminal investigations and prosecution.

The success of DFR has garnered national attention and has been featured on CNN^1 and in the NY Times² along with numerous other news organizations. The initial and immediate success of the Drone as a First Responder program has created a desire and need to expand the program to the other areas of the city where DFR does not exist. The Police Department is in the final steps of obtaining FAA approval to add additional locations to provide 100% coverage and longer hours of operation.

DFR Operational Growth

From the very beginning, CVPD understood that transparency and accountability were its highest priority in terms of public's acceptance of any UAS program operated by the police department. CVPD has reached out to the public during various community forums and Council meetings to discuss the benefits of UAS operations. The humble beginnings of the Drone as a First Responder program in October 2018 included launching a drone from the rooftop of the Police Department 40 hours a week, within a 1-mile radius. Over

¹ "DO POLICE 911 RESPONDER DRONES THREATEN CIVIL RIGHTS? One California city PD sends out a 'drone as first responder' to 911 calls, helping catch suspects and defuse dangerous situations. But what are the civil rights issues?" Guest: Jay Stanley, Senior policy analyst with the ACLU Speech, Privacy, and Technology Project

http://www.cnn.com/video/data/2.0/video/tv/2020/12/12/do-police-911-responder-drones-threaten-civil-rights.cnn.html

² Police Drones are Starting to Think for Themselves https://www.nytimes.com/2020/12/05/technology/police-drones.html

the last two years, CVPD has expanded DFR operations to a second location, received FAA approval to fly up to a 3-mile radius from either location, and currently operates seven days per week (70 hours weekly). The DFR technology allows a virtual pilot, or teleoperator, to fly a drone located anywhere in the world using cloud-based software and a remote desktop computer.

DFR currently has two dedicated full-time police officers (who were reassigned from their patrol duties) who are the teleoperators for the program. But FAA regulations require additional personnel to maintain visual "line of sight" observation of the airspace. The regulations prohibit the use of technology or virtual presence to meet this requirement. As a result, the Police Department must maintain a physical presence of a Pilot-in-Command (PIC) on top of each launching location to view the airspace and take immediate control of the drone if necessary to avoid an accident.

During the first five months of DFR operations, the Department staffed the rooftop PIC positions with police officers who were certified in drone operations. But nothing in FAA regulations requires the use of a trained police officer for this primarily observation-based role. In March 2020, the Department issued a Request for Proposal (RFP) to staff the PIC positions, and a private company was awarded the contract significantly reducing costs and allowing the officers to return to their primary patrol duties. The Police Department now uses a contract vendor to supply PIC services for each launching location.

CVPD currently has two permanent DFR launch locations and will be expanding to four. An optional fifth location is being implemented on an as-needed basis. The new launch locations will create almost 100% coverage of the city (see Figure 5).

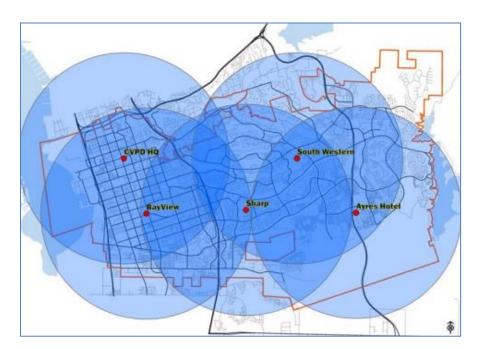


Figure 5. Future DFR Operational Areas, All Locations

With the expansion of launch locations, DFR will need additional supervision and guidance (Police Sergeant) and more personnel to serve as PICs. In addition, the overall scope and complexity of the program, coupled

with liaison activities related to FAA regulations, vendor management, and equipment and supply needs, requires a Police Lieutenant to manage the program. Future requests will largely depend on available Measure A funding or granting opportunities.

Positions to Support DFR Operations

2.0 Peace Officers:

As an experienced peace officer, the teleoperator is not only tasked with flying the drone and operating the camera but radios critical information to responding officers and advises them of the best approach and tactics. Sometimes this allows officers to slow the call down if the subject is not an immediate threat to themselves or others. Driven by the need for de-escalation tools, the Police Department has proven that the Drone as First Responder (DFR) program provides critical "Decision Quality Data" to responding officers, so they have the right information to plan better tactics and achieve better outcomes.

Because the DFR program is supported through the re-allocation of patrol resources, the addition of two Peace Officer positions into a budgeted DFR program has the effective result of adding two Peace Officer positions back into the Patrol Division – available to respond to day-to-day calls for service.

With the expansion of hours in operations, the Police Department may eventually seek the addition of two or more Peace Officer positions in support of the expansion of the DFR program. This will be considered in future operational planning efforts and available funding from Measure A.

1.0 Police Sergeant:

DFR operations currently include two full-time officers assigned as Teleoperators. These officers cover drone operations seven days a week and are currently supervised as an ancillary responsibility of the Sergeant that manages our Field Training Program. With the expansion of additional locations, hours of operations, and additional PICs, staff recommends the addition of a Police Sergeant to oversee daily DFR operations.

1.0 Police Lieutenant:

The Drone as First Responder program and general drone operations includes a complex system of FAA waivers, drone safety, equipment considerations, personnel, contracts, media, tours, and community outreach. To address the evolving needs of the community and the growing police organization drone program, staff recommends the addition of one Police Lieutenant intended for the day-to-day management of strategic operations such as DFR, continuous improvement, special projects and other adjutant responsibilities.

Contractual Costs for the Pilot in Command:

Current FAA regulations and drone limitations require the need to staff a rooftop Pilot in Command (PIC) certified in drone operations at every launch location when the drone is operational. The current FAA regulations state essentially when a drone is in the air, the PIC is required to maintain control of the drone and ensure the safety of the flight with airspace awareness. Although a teleoperator can remotely control the drone and camera during daily operations, the teleoperator does not have airspace awareness for safe flight operations, thus the PIC maintains visibility of the airspace and complete control of the drone for emergencies.

Responsibilities of the PIC include:

- Ensure the safety of drone flights
- Setup and takedown of drone equipment
- Daily coordination with members of the Police Department
- Daily minor drone maintenance
- Diagnose errors or technical problems and determine proper solutions
- Document and communicate technical issues to CAPE engineers & DFR Program Manager or designee
- Transport and inventory equipment at all launch locations

The Police Department uses a contract vendor to supply PIC services for each launching location, thus preserving our limited public safety staffing for their primary missions. Funding for contract services has been drawn from the limited, one-time asset forfeiture resources. With the expansion of the DFR program staff recommends the allocation of a dedicated budget for PIC contractor costs, thus freeing other department resources and ensuring the continued operations of this successful DFR program.

Other Positions Recommended by Police Department

1.0 Peace Officer (Community Relations)

The Police Department is primarily focused on safeguarding the interest of every member of our city and its visitors. Separate from those services driven by calls for service, the Police Department's community engagement programs, resources, and service needs have continued to grow. This reflects the ever-evolving character of our community, and our deeply rooted belief that our community's safety is best maintained when we come together.

In the aftermath of the Coronavirus (COVID-19) pandemic, and the recent national dialog regarding police-community relations and police use of force, the importance of working to engage our community has never been more important.

The Police Department's current Community Relations Unit consists of one Police Sergeant, One Police Community Relations Specialist, and one Community Service Officer. Staff recommends the addition of a sworn Peace Officer in the Community Relations Unit to greatly expand the unit's capacity to act as a uniformed liaison to community leaders and to community organizations and groups and to be a uniformed representative of the Police Department to the community at large.

Summary of Proposed Changes:

To address the evolving needs of the community and the growing policing organization, staff recommends the addition of positions designed to enhance efficiency through technological innovation and to enhance engagement and transparency with our community. These include:

- 3.0 Peace Officers: Two intended to support daily operations of the Drone as First Responder (DFR) program; and one to enhance the Police Department's Community Relations capabilities.
- 1.0 Police Sergeant, intended to supervise DFR operations;
- 1.0 Police Lieutenant, intended for the day-to-day management of strategic operations such as DFR, continuous improvement, special projects, and other adjutant responsibilities; and
- Contractual costs for Pilot in Command (PIC) services to support daily operations of the DFR program.

The chart below outlines the Police Department's proposed changes (highlighted in yellow) to the PSEP.

Figure 6. Proposed Police Department Public Safety Expenditure Plan

Position	FY19	FY20	FY21	FY22	FY23	Total
POLICE LIEUTENANT			1.0			1.0
POLICE SERGEANT		3.0	3.0	1.0		7.0
POLICE AGENT	1.0	2.0	3.0	2.0		8.0
PEACE OFFICER	4.0	6.0	14.0			24.0
SWORN FTE TOTAL	5.0	11.0	21.0	3.0	0.0	40.0
CIVILIAN BACKGROUND INVESTIGATOR	1.0					1.0
COMMUNITY SERVICE OFFICER		2.0				2.0
DIGITAL FORENSICS TECHNICIAN II		2.0				2.0
INFORMATION TECHNOLOGY TECHNICIAN			1.0			1.0
COMMUNICATIONS CENTER MANAGER		1.0				1.0
POLICE DISPATCHER	2.0	5.0				7.0
PUBLIC INFORMATION SPECIALIST			1.0			1.0
SR. POLICE TECHNOLOGY SPECIALIST	1.0					1.0
CIVILIAN FTE TOTAL	4.0	10.0	2.0	0.0	0.0	16.0
POLICE DEPARTMENT TOTAL	9.0	21.0	23.0	3.0	0.0	56.0

Although Police Department staff presented the proposal to Measure A COC to be effective on July 1, 2021 (FY 2022), there are salary savings identified in the current fiscal year to authorize these five positions in FY 2021 (mid-March start date instead of July). As initially proposed, drone contractual costs will be funded by Measure A effective July 1, 2021. Asset Seizure funds have been identified in FY 2021 to fund these contractual costs through June 30, 2021.

The total FY 2021 costs for the five new positions (assuming mid-March start dates) are outlined in Figure 7, below.

Position	Salaries	Benefits	FY 2021 COST
Police Lieutenant (Drone Program)	\$47,351	\$18,156	\$65,507
Police Sergeant (Drone Program)	\$39,456	\$17,470	\$56,926
Peace Officer (Drone Program)	\$29,666	\$12,874	\$42,540
Peace Officer (Drone Program)	\$29,666	\$12,874	\$42,540
Peace Officer (Community Relations)	\$29,666	\$12,874	\$42,540
TOTAL FY 2021 PD COSTS	\$175,805	\$74,248	\$250,053

Figure 7. Total FY2020-21 Costs as Proposed

The Police Department recognizes that current community demands, safety strategies, and staffing needs will likely change in the future. The Police Department also recognizes that revenues and expenses used to calculate current allocation plans may change in the future. PSEP recommendations for future years will continue to be reevaluated, balanced against changes in revenue or expenditure projections, and considered

along with changing public safety trends and community needs. As a result, this Public Safety Expenditure Plan is intended to be a "living document". Future recommendations may change.

MEASURE A POSITION ADJUSTMENTS

The following table represents the proposed position count amendments for Fiscal Year 2021 related to the proposed actions. The Measure A Fund will see a net increase of 5.00 FTEs for the Police Department.

Department	Fund	Position Title	FTE
Police Department	Measure A	Police Lieutenant	1
		Police Sergeant	1
		Peace Officer	3
Net Position Increase for Police Department			5

DECISION-MAKER CONFLICT

Staff has reviewed the decision contemplated by this action and has determined that it is not site-specific and consequently, the real property holdings of the City Council members do not create a disqualifying real property-related financial conflict of interest under the Political Reform Act (Cal. Gov't Code § 87100, et seq.).

Staff is not independently aware, and has not been informed by any City Council member, of any other fact that may constitute a basis for a decision- maker conflict of interest in this matter.

CURRENT-YEAR FISCAL IMPACT

Approval of the resolution will add one (1) Police Lieutenant, one (1) Police Sergeant and three (3) Peace Officers to the Police Department section of the Measure A fund and in fiscal year 2020-2021. Due to existing staff vacancies, salaries savings have been identified to offset \$250,053 personnel costs in the Measure A fund this fiscal year. Therefore, there is no current-year fiscal impact, and no additional appropriations are requested at this time.

ONGOING FISCAL IMPACT

The PSEP anticipates that the one-half cent sales tax increase would generate between \$20.0 million in Fiscal Year 2021 and \$25.6 million in Fiscal Year 2031. As part of the City's annual budget process, annual allocations to the Measure A Sales Tax Fund would be brought forward for City Council consideration and action. In accordance with the Ordinance, for each subsequent year after Fiscal Year 2021, prior to City Council consideration of the City's annual budget, staff will prepare and present to the Citizens' Oversight Committee for its review a spending plan for Measure A revenues. The positions outlined in this report, along with drone contractual costs, will be included in the Fiscal Year 2022 Measure A budget.

The long-term spending plan reflects the use of available funds through FY 2031. City staff believe that the projected sales tax revenues are conservative. It is important to note that Measure A projected sales tax revenues fluctuate with the economy. The City will actively monitor the trends to determine if Measure A

positions need to be held vacant in order to avoid long-term structural deficits and avoid layoffs or service level impacts.

ATTACHMENTS

Attachment1: Amended Measure A Public Safety Expenditure Plan – Police Department

Staff Contact: Phil Collum, Police Captain