




Second Thoughts: Does Tracy dare cut this program?

by Jon Mendelson / Tracy Press

May 22, 2010 | 2697 views | 18  | 20  | 

Drug Abuse Resistance Education — better known as D.A.R.E. — has been a fixture of local schools for years. I even remember D.A.R.E. coming to my fifth-grade classroom, complete with posters, worksheets and activities.

Thousands of students have graduated from the program just here in Tracy. And though it isn't a foolproof way to keep kids drug-free — just as telling kids "don't steal" doesn't lead to a crime rate of zero — it certainly doesn't hurt. With many, it undoubtedly helps.

So I got a little shock when I heard that the Tracy City Council will consider revoking its support of the program.

Because, really, who wants to help kids steer clear of drugs?

*Joking aside, this one is truly on the City Council, because the suggestion didn't come from city staff. As City Manager Leon Churchill confirmed Thursday, this idea is "council-initiated."

The suggestion comes during a frantic drive at City Hall to make up a \$5 million gap between revenue and expenditures. But cutting D.A.R.E. would save the city only \$60,000. And the true cost could be far greater.

Remember the saying, "An ounce of prevention is worth a pound of cure"? It applies here.

Helping kids be aware of drugs at a young age — and giving many the skills to stay away from forays into "the life" — can save a lot of money and heartache later on down the line.

So, are they serious? Would the council truly consider cutting a program that provides real benefits for a relatively small up-front investment? Apparently.

According to Churchill, the council members in question are concerned with how the program is administered, including a possible conflict of interest with Councilman Steve Abercrombie, who has been a D.A.R.E. educator for 16 years.

It's also come up that, if the city cannot find ways to bring in more revenue, D.A.R.E. could be one of the programs on the chopping block.

To me, that means either the council is truly considering every possible way to scrimp and save, or the D.A.R.E. program is about to be used as a political football to garner more support for a parcel tax or other revenue-raising measure.

And there could be more to this than meets the eye.

I noted that the idea was raised when Abercrombie was absent. He's in Southern California teaching (what else?) D.A.R.E. classes.

Furthermore, when I asked him Thursday, Abercrombie said that he has cleared any potential conflict of interest between his D.A.R.E. work and his City Council duties.

He added that he's open to any suggestion — including having someone else lead the program — that

would keep D.A.R.E. funded and in local classrooms. That's not surprising, considering he's so involved that he's had his Chevy Avalanche painted with the D.A.R.E. acronym.

Regardless of what happens, the fate of the program's city funding will soon be decided.

On June 15, the council will have to make countless tough calls regarding the city's 2010-11 fiscal year budget. The final product will include many cuts, and possibly tax or fee increases.

I hope that the City Council manages to somehow find \$60,000 — and a little common sense — to keep D.A.R.E. teaching Tracy students.

- *Share your thoughts with associate editor and columnist Jon Mendelson*



Monday, September 27, 2010

Subject: Commendation
Officer Steven Flores
Tracy Police Department

We the undersigned, wish to commend Patrol Officer Steven Flores Badge #155, of the Tracy Police Department. Officer Flores performed his duties in an exemplary manner and epitomized the problem oriented policing model which is absolutely essential if the Tracy Police Department is to succeed in its efforts to implement community oriented policing.

Having a truly professional, caring, dedicated officer that formed partnerships with the community served as a vital bridge between the downtown business operators, the citizenry, and the police department. Officer Flores is affable, articulate, extremely knowledgeable, tenacious, and above all a true professional.

In the short time Officer Flores has been absent due to the elimination of the downtown walking beat assignment the area has dramatically declined. Vandalism, transient relating offenses, prostitution, disturbances, drug/gang activity have already noticeably increased and will certainly lead to a decline in the viability of the downtown revitalization efforts that the city's administration committed to furthering.

We collectively want to recognize Officer Flores for his service and ask that the elimination of his assignment be reconsidered, and if possible, expanded to include night time patrol.

Submitted Respectfully:

Name	Business	Signature	Date
April Parker	Resident	April Parker	9/27
NICK Ahwal	Resident	Nick Ahwal	9/27
Hanna Palmquist	Resident	Hanna Palmquist	9/27
Drew Boren	Resident	Drew Boren	9/27
Cynthia Jimenez	Vita Dolce	Cynthia Jimenez	9/27
John Yuesman	HEALTHY SWEETS	John Yuesman	9/27
Bill Simon	Simon Glass	Bill Simon	9/27
SAM CHOO	THAI CAFE	Sam Choo	9-27
John Dantana	" "	John Dantana	9/27/10
Lisa Perry	The Great Plate	Lisa Perry	9/27/10
MIKE COLLON	THE GREAT PLATE	Mike Collon	9/27/10
Bill Cubero	The Great Plate	Bill Cubero	9/27/10
David Baroni	Cinzel	David Baroni	9/27/10
Joaquin Rojas	Citizen	Joaquin Rojas	9/27/10
Irene E. Parsons	Citizen	Irene E. Parsons	9/27/2010
Taneth Kamirey	Melissa Flower Ali Shop	Taneth Kamirey	9/27/2010
Jeff E. Anderson	Citizen	Jeff E. Anderson	9/27/10
Rhonda Sain	Citizen	Rhonda Sain	9/27/10
Carolyn Crook	Citizen	Carolyn Crook	9/27/10
Vanessa Crook	Citizen	Vanessa Crook	9/27/10
Melissa Tapp	Citizen	Melissa Tapp	9/27/10
W. Gary Reeve	Reeve Associates Real Estate - Owner	W. Gary Reeve	9/27/10
Alvin Reeve	Reeve Associates	Alvin Reeve	9/27/10

Name	Business	Signature	Date
Monica Roemer	Resident	Monica B	9/27/10
Latoya Humphrey	Resident	[Signature]	9/27/10
Wanda Kosman	Resident	[Signature]	9/27/10
Amy Nelson	Versaille	A. Nelson	9/27/10
Pam Jasbol	Dicks newsstand	P. Jasbol	9/27/10
GESA WONG	TRACY THAI	[Signature]	9/27/10
Joey Piyara	Tracy Thai	[Signature]	9/27/10
Walt Schuchel	Schuchel Co.	[Signature]	9/27/10
Star Nicolau	Resident	[Signature]	9/27/10
TONY PEREZ	RESIDENT	[Signature]	9/27/10
John Palmer	resident	[Signature]	9/27/10
Janine Pavone	Reich's Pharmacy	Janine Pavone	9/27/10
Catherine Reich	Reich's Pharmacy	Catherine Reich	9/27/10
Adriana Villagomez	Reich's Pharmacy	Adriana Villagomez	9/27/10
MIRYA PEREZ	Reich's Pharmacy	[Signature]	9/27/10
INA BRECKE DAWFORTH	Reich's Pharmacy	Ina Dawforth	9/27/10
Lisa Mechi Gaffie	Reich's Pharmacy	Lisa Mechi Gaffie	9/27/10
Ken Colabo	Main Street Music	[Signature]	9/27/10
Dean Moran	2956 Young St	Dean Moran	9/27/10
Kyle Vander Ploeg	Jack Elliott Production	[Signature]	9/27/10
DIANE RANSEME	JACK ELLIOT PROD	Diane Ransome	9/27/10
Laura Nagler	Resident	[Signature]	9/27/10
Francis Panikatz	I.P.A.F	Francis Panikatz	9/27/10

Name	Business	Signature	Date
DAVID HELM	HELM'S ALE HOUSE		9-27-10
SINGH DALE	BIG O TIRES		9-27-10
IVAN MARQUESS	RESISTANT BIG O TIRES		9-27-10
Hanna Ibrahim	SIR Realty Inc		
Brooke Bullard	SIR Realty Inc.	Brooke Bullard	9-27-10
Rafael Mangais	"		9/27/10
ESTHER KAHN	DELLIX CLEANER	Esther Kahn	9/27/10
RICHARD MOE	MOM Auto	Richard Moe	9/27/10
JAMES AGUIRRE	SENZA REALTY DEVELOPMENT	James Aguirre	9-27-10
Samantha Pine	WALLIES DINER		9-27-10
OSCAR GABRIEL	MAMA AUTO		9/27/10
Stella Lynn	Homesteading Mom	Stella Lynn	9/27/10
Angie Perinotto	Action Jumpers		9/27/10
Sabrina Mikovic	Action Jumpers		9/27/10
Deanna Genung	Action Jumpers		9/27/10
Matthew Williams	Farmers Insurance	Matthew Williams	9/27/2010
Kymek Kikant	Vinewood Center	Kymek Kikant	9/27/10
Desiree Pozek	Lessee Pozek	Allure Salon + Spa	9/27/10
Brianna Pozek	Allure Salon + Spa	Brianna Pozek	9/27/10
Alicia Hinkley	ALLURE SALON & SPA		9/27/10
Tommy Stenouch	Allure Salon	Tommy Stenouch	9/27/10
Janet Sotillo	Allure Salon		9/27/10
Yvonne Hill	Sew many Quilts	Yvonne Hill	9/27/10

Name	Business	Signature	Date
Tiffany Garcia	Tresses Salon	Tiffany Garcia	9/27/10
Garnet Turner	TALK OF the Town Spa + Boutique	Garnet Turner	9/27/10
Carol H Peterson	Flower Pavilion	Carol Peterson	9/27/10
DALLAS PETERSON	" "	Dallas Peterson	9/27/10
JOHN BEEBE	TAMMY SAWYER	John Beebe	9-27-10
PAM HUGHES	RICHARD'S	Pam Hughes	9-27-10
PATRICIA SILVERIA	SILVER RICHARDS	Patricia Silveria	9-27-10
RICHARD HUGHES	RICHARD'S	Richard W Hughes	9-27-10
Debbie Johnson	Tracy Awards Embroidery	Debbie Johnson	9-27-10
SCOTT G. JOHNSON	TRACY AWARDS EMBROIDERY	Scott G. Johnson	9/27/10
Debbie George	FTM Mortgage	Debbie George	9/27/10
Bruce George	THRIVERS FINANCE	Bruce George	9/27/10
Sarah Vaccarezza	Tracy Optometry	Sarah Vaccarezza	9/27/10
Judy Wilcox	Tracy Optometry	Judy Wilcox	9/27/10
Raquel Williams	Tracy Opt	Raquel Williams	9/27/10
Michelle Swyres	Tracy Optometry	Michelle Swyres	9/27/10
Susan Gilstrap	Tracy optometry	Susan Gilstrap	9/27/10
MARY BETH BRADLEY	Tracy OPTOMETRY	Mary Beth Bradley	9/27/10
BARBARA BRIZIC	Tracy Optometry	Barbara Brizic	9/27/10
Angie Osborne	Tracy optometry	Angie Osborne	09-27-10
Valerie Young	Tracy Optometry	Valerie Young	9/27/2010
Nicole Dumitao	St Francis	Nicole Dumitao	9/27/10
Sabrina Ramos	ST Francis	Sabrina Ramos	9/27/10

Name	Business	Signature	Date
Patricia Palencia	2nd Ave	Patricia Palencia	9-27-10
Miriam Villar	Mira Bella	Miriam Villar	9-27-10
ALFONSO LIM	Roasted Bean Cafe	Alfonso Lim	9-27-10
Liana Martinez	Tangles Salon & Spa	Liana Martinez	9-27-10
Sofia Martinez	Mira bella Salon	Sofia Martinez	9-27-10
JENNIFER IDEST	REALTY WORLD Coral Hollow	Jennifer Idest	9-27-10
SUE LANGOOD	REALTY WORLD Coral Hollow	Sue Langood	9-27-10
MARTY Lindstedt	Realty World CORRAL	Marty Lindstedt	9-27-10
HELDEN JESSUP	REALTY WORLD CORRAL HLL	Helden Jessup	27/SEP/2010
Eva Bradley	Realty World CHAZE	Eva Bradley	9/27/10
Rigoberto Avelar	R60 LAN CTS	Rigoberto Avelar	9/27/10
HARISH PATEL	Barista's	Harish Patel	9/27/10
NAHINI PATEL	BARISTA'S	Nahini Patel	9-27-10
Joyce Lynn Roberts	Barista's	Joyce Lynn Roberts	9-27-10
Kyle Chivers	Baristas	Kyle Chivers	9-27-10
Amanda Terena	Tangles	Amanda Terena	9-27-10
Carla Plotz	Spencer Flour	Carla Plotz	9-27-10
Janet Corcoran	Tresses Salon	Janet Corcoran	9-27-10
Bonica Maeiro	Tresses Salon	Bonica Maeiro	9/27/10
Holly Chacon	Tresses Salon	Holly Chacon	9/27/10
Patricia Hagan	Tresses Salon	Patricia Hagan	9/27/10
Jane Maldonado	Tresses	Jane Maldonado	9/27/10
Jane Cunningham	Resident	Jane Cunningham	9/27/10

Name	Business	Signature	Date
Tami Rivers	Home Buyers	Tami Rivers	9-27
CHARMANNE HOPKINS	Home Buyers	Charmanne Hopkins	9-27
Leilani Shiran	Home Buyers	Leilani Shiran	9-27
Franca Castillo	Home Buyer	Franca Castillo	9-27
Karen Jordan	Home Buyers Realty	Karen Jordan	9-27
MARY NAPOLI	Home buyers realty	Mary Napoli	9-27
Joe Heim	Resident	Joe Heim	9-27
WILLIAM AUGER	SMALL BUSINESS OWNER	William Auger	9/27
CINDY TOOR	VALLEY FIRST C.U. 451 C	Cindy Toor	9/27
Wm Do	Tracy Family Dental C.	Wm Do	9-27 10
Lynne Sulez	Gerard's Deli	Lynne Sulez	9-27
Robert M. R. Mendez	Kemper CPA	Robert M. R. Mendez	9/27
Jaura Minter	Ameriprise Financial	Jaura Minter	9/27
Yaquib Anghandilwal	Nawid Hotel Mkt	Yaquib Anghandilwal	9/27
Maribel Lopez	Hair Stylist	Maribel Lopez	9/27
Stephanie Dunn	Miss Millie's Learning	Stephanie Dunn	9/27
Robert Cottrell	Illinois Grandsoft	Robert Cottrell	9/27
Christina Herzog	A Perfect Finish	Christina Herzog	9/27
STEVEN WHITE	TRACY MED	Steven White	9/27
Athina Galvan	Platinum One Realty & Mortgage	Athina Galvan	9/27
JACK ELLIOTT	E ASSEMBLY	Jack Elliott	9/27
MARY CARR	E COMPANY	Mary Carr	9/27
Hayley Lavelle	E COMPANY	Hayley Lavelle	9/27

Name	Business	Signature	Date
JOEL CHEVALLIERE	LA BONNE VIE	Joel Chevalliere	9/27
Nathan Moffitt	Wal-Mart	Nathan Moffitt	9/27
Geralyn Conway	Concerned Citizen	Geralyn Conway	9/27/10
Nikalette Nicholson	Wal-Mart	Nikalette Nicholson	9-27-10
Larry Benson	Nationwide Ins	Larry Benson	9-28-10
Janis Couture	TCOA	Janis Couture	9/28/10
John Fitzpatrick	---	John Fitzpatrick	10/3/10
WILLIAM SANTOS JR	RESIDENT/DEPUTY SHERIFF	William Santos Jr	10-3-10
DAVID A. SIMPSON	^{TCOA} Property Owner/Bus Owner	David A. Simpson	10-4-2010
Terry Adams	Partner	Terry Adams	10-4-10
Trevor Laphan	ENGINEER	Trevor Laphan	10/4/10
Jesse Hoyne	Charter	Jesse Hoyne	10/4/10
Michael McCausland	Michael McCausland	Michael McCausland	10/4/10
Melinda S. Deeds	concerned citizen/patron	Melinda S. Deeds	10/4/10
DAN HECKMAN		Dan Heckman	10/4/10
Jenna Tephak	Rumors Productions Inc.	Jenna Tephak	10/6/10
Jon TYNER		Jon Tyner	10/6/10
DAVID ARAUZ	ART OFFICIAL Studios	David Arauz	10/9/10
Mark Puhly	Local Resident	Mark Puhly	10/11/10
RICHARD MANNING	Artist	Richard Manning	
BRIAN DEEVES	CONCERNED CITIZEN	Brian Deeves	10/13/10
Samantha Stauch	Barista's	Samantha Stauch	10/22/10



REC 10-26-10

City of Tracy
333 Civic Center Plaza
Tracy, CA 95376

CITY MANAGER'S OFFICE

MAIN 209.831.6000
FAX 209.831.6120
www.ci.tracy.ca.us

"RECENT SIZE"
DISPATCH TO EAST LAKE FLORIST PARTNER
CUSTOMERS

October 21, 2010

DEC
10-26

6 BEATS NOW
4 ALTERN

Dear Downtown Merchant and Property Owner:

I received a petition on September 27, 2010 signed by many of you commending Officer Steven Flores and asking for the restoration of the Downtown walking beat. The request comes on the heels of stated increases in "disturbances, drug/gang activity, vandalism, transient relating [ed] offenses, and prostitution". I want you to know that the letter will be placed in Officer Flores' file and your compliments have been personally conveyed to him by Chief Janet Thiessen. - ENCLOSURE

The Tracy Police Department (TPD) can increase visibility, establish new relationships with business people, patrons of downtown businesses, and residents, and get more involved with resolving the issues that concern you. I understand that crime can be lower, but nuisance behavior can be higher and no one wants current or future patrons to be concerned about Downtown crime. *MAINTAIN BUILD THOSE IN PLACE*

The TPD intends to allocate resources where crime occurs, and it's apparent that downtown Tracy deserves the attention you request. One Patrol Officer is assigned to Beat 1 for each of three shifts which include the Downtown area as defined above, along with other neighborhoods. Patrol coverage is assigned on a 24/7 basis to Beat 1 and may be augmented by Traffic Officers and other special units performing targeted activities in this patrol beat. Beat 1 Patrol Officers and other special unit staff (Traffic, Neighborhood Resource Officer(s), Crime Prevention Specialist(s), Gang and Narcotics Officers, and Code Enforcement personnel will increase visibility and enforcement in the Downtown area, to include foot patrols, business checks, pedestrian checks, and increased attention to blight and nuisance situations, as well as those locations and people involved in criminal activity. Patrol Officers assigned to Beat 1 have been directed to make regular contact with business people and patrons in the Downtown area to introduce themselves to members of the public, provide public safety tips and information, and build relationships with those members of the public who frequent this area of Tracy.

I would also like to respond to the statement that crime is increasing Downtown. Our records indicate crime in this area dropped considerably over the past twelve months and has not increased in the two months since the Downtown Officer program was eliminated. The Tracy Police Department and I fully realize that statistics do not fully describe a situation or event, or explain your observations. However, I would suggest downtown is predominantly safe. *FOR FLORES NO STATS*

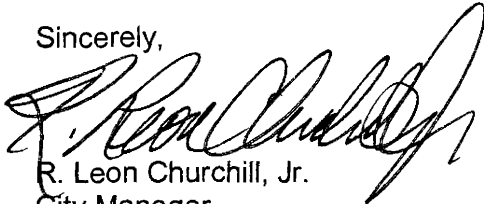
In reviewing 2010 statistics only, there is little change from January to August when one considers the Total Crimes reported during each month. There also does not appear to be a specific spike in violent crime or in any particular type or severity of criminal violation (felony versus misdemeanor) when reviewing specific crime reports from the Downtown area.

REVIEW UNPAID WINDOW
REVIEW NEW DRUG DEAL
REVIEW STREETS FOR ME
REASON - THE HOUSES
SOUTH 2100'S
CRIME OFFENSE
APART
SIZES
211-214-215-216-217-218-219-220

2010	Number of Reported Crimes
January	16
February	15
March	18
April	12
May	18
June	16
July	17
August	13
TOTAL	125

I will monitor the downtown situation and trust the increased presence by police officers, code enforcement and neighborhood resource officers will result in less nuisance activity as well as allowing the City to better know the Downtown business community. I hope to hear from you in the near future to see if these efforts provide the sense of safety we all want in the Downtown and throughout the community.

Sincerely,



R. Leon Churchill, Jr.
City Manager



10-3-10

City of Tracy
333 Civic Center Plaza
Tracy, CA 95376

CITY MANAGER'S OFFICE

MAIN 209.831.6000

FAX 209.831.6120

www.ci.tracy.ca.us

October 21, 2010

LEON. CHURCHILL
@ C.I. TRACY, CA, US

Dear Downtown Merchant and Property Owner:

I received a petition on September 27, 2010 signed by many of you commending Officer Steven Flores and asking for the restoration of the Downtown walking beat. The request comes on the heels of stated increases in "disturbances, drug/gang activity, vandalism, transient relating [ed] offenses, and prostitution". I want you to know that the letter will be placed in Officer Flores' file and your compliments have been personally conveyed to him by Chief Janet Thiessen.

The Tracy Police Department (TPD) can increase visibility, establish new relationships with business people, patrons of downtown businesses, and residents, and get more involved with resolving the issues that concern you. I understand that crime can be lower, but nuisance behavior can be higher and no one wants current or future patrons to be concerned about Downtown crime.

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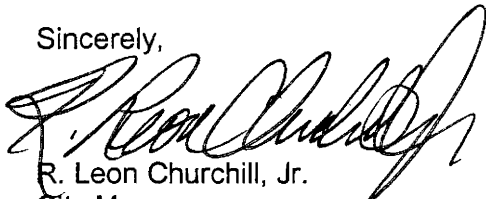
I would also like to respond to the statement that crime is increasing Downtown. Our records indicate crime in this area dropped considerably over the past twelve months and has not increased in the two months since the Downtown Officer program was eliminated. The Tracy Police Department and I fully realize that statistics do not fully describe a situation or event, or explain your observations. However, I would suggest downtown is predominantly safe.

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Sincerely,



R. Leon Churchill, Jr.
City Manager

Commendation

Wednesday, November 3, 2010 5:48 PM
From: David Helm

To: leon.churchill@ci.tracy.ca.us, janet.thiessen@ci.tracy.ca.us
Cc: miguel.contreras@ci.tracy.ca.us, officerabs@yahoo.com

Dear Chief Thiessen,

I write to commend Officer Contreras for his actions today at approximately 1520 hours at the corner of 10th Street and Central Avenue.

A male was standing in front of the Valley Credit Union near the corner. He was clearly drunk and had posted himself near the corner of the credit union, as he does almost daily. The male accosted a group of citizens, both walking from the bank and simply walking and began demanding money. When people attempted to ignore and walk by he blocked their path and began yelling profanities and demanding money. I distinctly heard him state, "Give me some money; F you; M F I need some money", He said those thing several times. He was extremely loud, aggressive, and profane.

I started across the street and the male looked in my direction (he and I have had several less conversations in the past). The male turned and walked southbound on Central Avenue.

Officer Contreras observed some, if not all of the disturbance, stopped, and contacted the male. Officer Contreras arrested the male for drunk in public and spoke with me. He indicated the male was also disturbing the peace and asked if I would assist in the prosecution if necessary and I stated I would.

The male noted above routinely stands on the corner, usually during the lunch hour and then later in the afternoon and does the same thing.

I have observed the same male on numerous occasions accosting lone females who are completing transactions at the ATM machine. He has menaced, threatened and intimidated them into giving him money. A month ago, he and another male accosted an elderly woman using a walker and intimidated her into giving them several bills that she had withdrawn from the ATM machine. The police were called and the woman fled in a cab that arrived.

Officer Contreras' observations, actions, and deportment today, are much appreciated and I would like to express my appreciation.

I would ask that his actions be recognized and that he be commended for his fine work and service to the community.

Submitted Respectfully,

David C. Helm
1000 N. Central Avenue,
Tracy, CA.

November 10, 2010

Officer Contreras,

I write to summarize my conversations with Lt. Sant and you, regarding the male you arrested last week near the Valley First Credit Union.

The following day the Suspect stopped on Central at 10th and began swearing at me. He stated something like, "F██ you m██ f██, the police can't do shit, you ain't about s██, F██ you!"

The male stated he was going to take care of me, the I was a "Snitch M██-f██" and that he knew how to take care snitches.

The male walked off after threatening to break the windows in my business and later that afternoon walked by my business and reached into his right front pants pocket and said, "I got something for you right here", as if he had a weapon.

He has made several passes by my place of business and each time he sees me outside he yells out obscenities and has made continual threats of violence directed at me.

The day before yesterday the male walked in front of my business with a short Hispanic male. Apparently emboldened by the company he was keeping, the male stated he again made threats about my personal safety, stated he knew what I drove and made threats about hurting my family.

I started toward him and he backed away and said he would deal with me when no-one was around.

The male appeared either high on some drug, drunk, or a combination of the two. He is either insane, or has serious mental issues. He appears to be escalating and appears intent to make good on his many threats.

I understand the District Attorney will not file charges and you are doing your best to deal with the individual but, if necessary, I may be forced to defend myself and safeguard my family, should he attempt to make good on any of his many threats.

David C. Helm

The Public Law Group

Advocates and Counselors for Public Entities,
Non-Profits, and Individuals

Our law firm specializes in representing cities, counties, school districts, universities and community college districts, special districts, state agencies, non-profit organizations and individuals advocating for the rights of local governments.

Expertise in Public Policy

RSHS brings a multi-disciplinary skill set to the table. The firm's attorneys have a solid grasp of economics, municipal finance, public policy, and the role of government and non-profits in providing essential services. Our attorneys grasp the political and policy contexts of problems, and apply that knowledge to get results. We are skilled in handling all aspects of litigation including writs, appeals, trials, arbitrations, and civil service matters.



DEPARTMENTAL
GENERAL
ORDER
J-16

April 2, 2008

Index as:
Administrative Investigations
Bill of Rights, Police Officers' Procedures
Complaints Against Departmental
Personnel or Procedures
Internal Investigations
Investigations, Internal
Police Officers' Procedural Bill of Rights
Rights of Personnel in Internal Investigations

INTERNAL INVESTIGATIONS

The purpose of this order is to establish policy and procedures regarding the acceptance and investigation of complaints against Department personnel and procedures.

I. POLICY

- A. Investigating complaints against Department personnel and procedures preserves the integrity and morale of the Department, fosters public trust and confidence in law enforcement, and ensures public accountability.
- B. Complaints shall be investigated to protect personnel from unwarranted criticism when they discharge their duties properly, or discipline personnel who conduct themselves improperly, and identify policy or training omissions.
- C. The right to file a complaint is accorded to all persons. Employees shall courteously receive any complaint that may be lodged against the Department or any personnel. Complainants shall not be discouraged or deterred from exercising their right to complain.
- D. Internal investigations shall be confidential to facilitate thorough investigations and to protect the rights of complainants and Department personnel (PC Sections 832.5 and 832.7). All persons are charged with maintaining the confidentiality of records and shall maintain them in a secure area.
- E. Inquires or concerns regarding police procedure or activity may be addressed by supervisors and command officers. Those issues that cannot be resolved to the satisfaction of the complainant and are raised to the level of a citizen complaint shall be investigated in accordance with the procedures set forth in this order.
- F. Field supervisors shall keep an adequate supply of, or have immediate access to, Department brochures describing the citizen complaint process. Brochures shall be provided to Department personnel or the public upon request. The Bureau of Support Operations commander shall be responsible for assuring that brochures are stocked at designated City and public facilities.

- G. The Chief of Police shall be the final Department authority on matters of discipline.
- H. The Chief of Police may authorize Bureau Captains to conduct periodic, random audits to ensure that professional conduct and standards are maintained. The audits may include report review and interviewing crime and collision victims.
- I. Employees are prohibited from contacting any witnesses or complainants involved with internal investigations for the purpose of influencing their testimony, or persuading them to withdraw complaints. When routine contact with such persons is unavoidable, employees shall refrain from any discussion of complaints or testimony relating to those complaints.

II. COMPLAINANTS' RIGHTS AND OBLIGATIONS

- A. Section 832.5 of the Penal Code describes the Department's obligations in investigating complaints against police officers.
- B. The Department shall establish procedures to investigate citizen complaints.
- C. A complainant has the right to a written description of the complaint investigation procedure.
- D. Complaints shall be securely retained by the Department for at least five years. (Penal Code Section 832.5(b)).

III. RECEIVING COMPLAINTS

- A. Complaints received during regular business hours shall be referred to the Professional Standards Unit for processing by the on-duty investigator.
- B. During non-business hours, or when the PSU investigator is unavailable, employees encountering citizens with complaints shall offer them:
 - 1. The opportunity to speak with a supervisor, or, if the citizen prefers
 - 2. A copy of the Customer Service Complaint Form and instructions on how to fill it out, or
 - 3. The name, phone number and duty hours of the Professional Standards investigator, explaining that he/she will be available to assist them during business hours of the next work day.
- C. If complainants ask to speak with a supervisor pursuant to section III, B, 1 above, they shall be referred to either the on-duty Patrol Sergeant or Watch Commander, whoever can attend to the matter most quickly.
- D. Complaints that cannot be resolved to the complainant's satisfaction shall be investigated in accordance with either Section V or VI, or can be referred by memorandum to the Chief of Police if, in the opinion of the Watch Commander, an immediate investigation is unwarranted.

- E. Regardless of the hour, serious complaints that are likely to bring the Department into disrepute, or are the subject of media attention, shall be referred immediately to the Bureau Captain(s) of the accused personnel and the Chief of Police.
- F. Any incident that, in the opinion of the Duty Supervisor or Watch Commander is likely to result in a complaint against Departmental personnel should be summarized in a memorandum to the Chief of Police. Relevant reports and statements shall be attached.
- G. Complaints of criminal conduct by employees shall immediately be referred to the Support Operations Commander and Chief of Police. The Chief may direct that parallel administrative investigation be conducted.

IV. PROFESSIONAL STANDARDS UNIT: ORGANIZATION, GENERAL RESPONSIBILITIES

- A. Organization - The Professional Standards Unit (PSU) shall be under the command of the Support Operations Commander.
- B. General Responsibilities
 - 1. The PSU shall accept complaints against personnel. Anonymous complaints shall be referred to the Support Operations Commander who shall determine the extent to which they should be investigated.
 - 2. The PSU shall investigate complaints in accordance with section V of this order.
 - 3. The PSU shall conduct semi-annually audits of the Street Crimes Unit's informant fund and the Evidence Room. Additionally, the Chief of Police may authorize the PSU to conduct periodic, random audits to ensure that professional conduct and standards are maintained.
 - 4. The PSU shall investigate all complaints alleging excessive force or improper conduct (bias) towards another person.
 - 5. Whenever a person files a claim for damages against Departmental personnel or initiates a complaint that might lead to civil litigation against the City, the PSU, at the request of the City Attorney's Office, shall investigate the incident. The investigator shall consult with and perform investigations requested by the City Attorney, a City Claims Investigator, or the Deputy City Attorney assigned to the case.
 - 6. The PSU shall investigate all matters relating to the operations of local bail bond agencies, including the investigation of applicants for a State license to represent a bail bond agency.

7. The PSU shall be responsible for preparing quarterly and yearly complaint summaries. The reports shall be distributed to supervisors, commanders and to the Chief of Police. Upon request, copies may be made available outside the Department. The summaries shall indicate the following:
 - a. Type of complaint, by source and classification.
 - b. Number of complainants and allegations.
 - c. Complaints per organizational unit.
 - d. Unit conducting each investigation.
 - e. Trends in complaints.
 - f. Number of sustained findings by allegation. (Pursuant to Penal Code Section 13012)
 - g. Number of specific disciplinary actions taken. (Pursuant to Penal Code Section 13012)
 - h. The mean and average amount of time taken to complete investigations.
8. The PSU, in cooperation with the Training Coordinator, shall be responsible for ensuring that supervisory members are provided training pertinent to the report forms, rights and obligations, and reporting responsibilities associated with this order.

V. INVESTIGATIONS BY THE PROFESSIONAL STANDARDS UNIT

- A. An internal investigation is an investigation into a complaint regarding the conduct of Departmental personnel or procedures.
- B. The PSU investigator shall complete a Complaint Investigation Report (CIR) whenever a complaint is submitted to the Support Operations commander for assignment.
- C. Complainants shall be provided with a copy of their statement and a Department brochure describing the citizen complaint process.
- D. The Support Operations Commander shall review all the information associated with the complaint and determine if the PSU or another organizational unit in accordance with section VI of this order will complete the investigation. A complaint may be assigned to the organizational unit of the person(s) involved if the allegation is related to an incident not associated with excessive force or conduct toward others (bias), and/or the complainant requests that the matter be referred to the immediate supervisor of the person(s) involved.
- E. The assigned investigator shall submit his/her completed investigation to the Support Operations Commander.

- F. The PSU investigator shall conduct a thorough, impartial, fact finding investigation, taking formal taped statements from all persons concerned, gathering or examining physical evidence, and collecting other pertinent information as required. The investigator shall keep the complainant informed of the status of the investigation.
- G. Investigations shall be completed within 30 calendar days from the date of assignment. The investigator shall seek specific approval from the Support Operations commander to extend the scheduled completion date.
- H. Investigations shall be conducted in accordance with section IX of this order regarding the rights of subject personnel.
- I. At the conclusion of the investigation, the investigator shall complete an investigation report that shall present the following information:
 - 1. A summary of the complaint or alleged act of misconduct.
 - 2. Pertinent portions of the statements of all persons involved in the incident.
 - 3. Physical evidence and other information pertinent to the case.
 - 4. An evaluation and discussion of the complaint(s), with a statement pointing out that which can be proven and that which cannot.
 - 5. A recommended finding.
 - 6. Signature blocks for the Deputy Chief and the Chief of Police on the last page of the report.
- J. The assigned investigator shall recommend one of the following findings for each allegation:
 - 1. Unfounded – The investigation determined that the act or acts complained of did not occur. This finding also shall apply when individuals named in the complaint were not involved in acts that did occur.
 - 2. Exonerated - The investigation has determined that the acts which provided the basis for the complaint occurred, however, investigation revealed that the acts were justified, lawful or proper.
 - 3. Not Sustained – The investigation failed to disclose a preponderance of evidence to prove or disprove the allegation made in the complaint.
 - 4. Sustained – The investigation disclosed a preponderance of evidence to prove the allegation made in the complaint.
 - 5. Filed – The investigation cannot be completed absent discovery of additional information and/or independent witnesses, as it is not possible to definitively resolve the issues in the complaint. This finding may also be used when there is no basis for the complaint.

- K. The assigned investigator shall submit his/her completed investigation to the Support Operations Commander through his/her chain of command. The investigator shall not include a disciplinary recommendation.
- L. The Support Operations Commander shall review the adequacy of the investigator's report.
 - 1. Reports requiring additional investigation shall be returned to the investigator with instructions regarding the areas of concern.
 - 2. Reports that are accepted shall be forwarded to the Chief of Police for final approval. Approved cases shall be returned to the subject employee's unit for review through the chain of command.
- M. Reviewers shall endorse and return the report through the chain of command to the PSU. A recommendation for discipline shall be submitted in sustained cases when requested by the Chief of Police.

VI. INVESTIGATIONS CONDUCTED BY OTHER ORGANIZATIONAL UNITS

- A. Unit commanders and supervisors not assigned to the PSU shall investigate complaints under the following circumstances:
 - 1. At the request of the Support Operations Commander with concurrence of the assigned investigator's Division or Bureau Commander.
 - 2. At the discretion of a Patrol Watch Commander or at the discretion of the unit commander when the complaint can be resolved to the complainant's satisfaction without a formal investigation by the PSU.
- B. The assigned investigator shall be at least one rank higher than the subject employee and shall conduct the investigation and interview with regards to the rights of the person(s) involved.
- C. The investigator shall conduct a thorough, impartial, fact finding investigation, taking formal statements from all persons concerned, gathering or examining physical evidence, and collecting other pertinent information as required. The investigator shall keep the complainant informed of the status of the complaint by providing periodic status reports as necessary.
- D. The investigation shall be completed within 30 calendar days from the date of assignment. The investigator shall seek specific approval from the Support Operations Commander to extend the scheduled completion date.

- E. The assigned investigator shall complete an investigation report and forward the report through their chain of command to the Support Operations Commander. The assigned investigator shall recommend one of the findings set forth in section V, J of this order and, if appropriate, may recommend disciplinary action. The summary shall present the following information in sequence:
1. A summary of the complaint or alleged act of misconduct.
 2. Pertinent portions of the statements of all persons involved in the incident.
 3. Physical evidence and other information pertinent to the case.
 4. An evaluation and discussion of the complaint(s), with a statement pointing out that which can be proven and that which cannot.
 5. A recommended finding.
 6. A discipline recommendation on separate memorandum through channels to the Chief of Police if the recommended finding is sustained.

VII. OFFICE OF CHIEF OF POLICE

- A. Upon receipt of the completed investigation, the Chief of Police will review the adequacy of the investigation, appropriateness of the finding and, when applicable, the recommended disciplinary action.
1. If the investigator's report establishes that the complaint is unfounded, not sustained, or exonerated, the report shall be filed in the Office of the Chief.
 2. If the investigator's report establishes that the complaint is sustained, the Chief of Police will determine the action to be taken in accordance with section VII, B of this order.
- B. Sustained Complaints
1. Whenever the Chief of Police determines that disciplinary action should be taken pursuant to a finding that a complaint is sustained, one or more of the following actions may be taken, subject to provisions of the City Personnel Rules, the Tracy Police Officer's Association Memorandum of Understanding, and the approval of the City Manager, as applicable:
 - a. Counseling
 - b. Training
 - c. Oral Reprimand
 - d. Written Reprimand
 - e. Suspension
 - f. Demotion
 - g. Discharge
 2. When the Chief of Police approves disciplinary action, the report shall be returned to the Division or Bureau Commander of the person involved to administer the approved discipline.

3. Upon completion of the disciplinary process, the file shall be forwarded to the Office of the Chief of Police.

VIII. DISPOSITION OF COMPLETED REPORTS

- A. Upon receipt of the completed investigation, the Chief of Police shall forward a notice of the finding to the subject employee.
- B. Copies of correspondence documenting discipline above an oral reprimand shall be forwarded to Human Resources for inclusion in the subject's personnel file.
- C. Completed files of complaints shall be retained in secure facilities in the Office of the Chief of Police.
- D. Upon conclusion of the investigation, the Chief shall notify the complainant of the finding in writing and, if appropriate, meet to discuss the investigation. (PC Section 832.7(d)). The Chief may elect to include appropriate supervisory and command personnel in the meeting.
- E. If the investigation cannot be completed, the Chief's Office shall notify the complainant in writing that the case has been filed and, if appropriate, meet to discuss the investigation.

IX. RIGHTS OF AND INTERROGATION OF PERSONNEL

- A. Chapter 9.7 of the Government Code, commencing at Section 3300, sets forth the Public Safety Officers Procedural Bill of Rights Act. By Department policy, the provisions of the Act shall also apply to non-sworn employees.
- B. As used herein, the term "internal investigation" shall mean:
 1. An investigation conducted by an assigned investigator with respect to a complaint of conduct or procedures made by, or received from any person.
 2. An investigation concerning conduct or procedures conducted at the unit level, including the initial investigation preceding referral to the Chief of Police or a complete investigation assigned to the unit. (Supervisory counseling, instruction or admonishment conducted in the normal course of duty does not constitute an "internal investigation.")
- C. Any interrogation of an employee shall be conducted pursuant to the provisions enumerated in Section 3303 of the Government Code if the interrogation could lead to punitive action.

Note: "Punitive action," is defined as any disciplinary action above an oral reprimand. As a matter of Department policy, however, this section shall apply to any internal investigation since the result of an investigation cannot be anticipated.

- D. The investigator shall provide all employees who are interviewed with an Acknowledgment of Rights and Obligations form listing their rights under section 3303 of the Government Code and their obligations. (See Addendum)

- E. The investigator shall provide a Written Statement of Allegations form to all employees who are subjects of the investigation. (See Addendum)
- F. Ordering medical or laboratory examinations, taking photographs, directing a member or employee to participate in a line-up or submit a financial disclosure statement shall occur only after appropriate legal and administrative procedures have been followed and proper authorization obtained in accordance with applicable laws. Investigators shall seek a release or waiver to access medical records.
- G. Other than the polygraph, the use of instruments for the detection of deception shall occur only after appropriate legal and administrative procedures have been followed and proper authorization obtained.

X. ADMINISTRATIVE PROCESSES

- A. Review of Internal Affairs Records - The following personnel, with approval of the Support Operations Commander are authorized access to Internal Affairs records:
 - 1. Employees may review their Internal Affairs records during normal weekday business hours (0800 to 1600 hours), excluding holidays. Employees may prepare notes but may not photocopy or remove documents from the file.
 - 2. The Employee's Immediate Supervisor and Command Officers may review a subordinate's Internal Affairs records to evaluate the subordinate's performance, assess appropriate discipline in subsequent sustained cases, and to identify potential negative performance trends. A supervisor seeking to fill a vacancy in his/her command may review the Internal Affairs records of any employee requesting the assignment.
- B. A background investigator may review an employee's Internal Affairs records after presenting an original, valid waiver signed by the employee. Those records deemed confidential will not be released without the expressed consent of the Chief of Police.
- C. Any requests to review an employee's Internal Affairs records by an outside agency, (excluding a background investigator) shall be approved by the City Attorney's Office in accordance with California Penal Code Section 832.7, California Evidence Code Section 1043, or pursuant to a Federal court order.
- D. A log shall be maintained at the office of the Chief of Police listing the name, badge number, date and reason for reviewing an employee's file.
- E. No information concerning Internal Affairs files shall be provided by telephone.

April 2, 2008

F. Retention Schedule

1. Internal Affairs records shall be purged at the conclusion of the retention period in accordance with City of Tracy policy unless otherwise ordered by the Chief of Police.

<u>Item</u>	<u>Length</u>
Policy Complaints	6 years
Informal Complaints	6 years
Procedure Complaints	6 years
Misconduct Complaints	6 years
Department Initiated Complaints	6 years
Officer Involved Shootings	10 years
Police Vehicle Traffic Accidents	6 years

G. Pitchess Motions

1. A Pitchess Motion (California Evidence Code Section 1043) is a legal process to access an officer's citizen complaint records.
 - a. The Professional Standards Officer is the designated Pitchess Motion Officer.
 - b. The duties of the Pitchess Officer are set forth in the City of Tracy Pitchess Manual.

XI. CASE TRACKING

- A. An Internal Affairs Tracking Folder shall be created for each employee. The folder will contain the Complaint Investigation Report Index Log and copies of all CIR's involving the employee.
- B. The Complaint Investigation Report Index Log shall list chronologically, by date of complaint filing, every investigation in which the employee was named as a subject. The Executive Assistant to the Chief of Police shall maintain the Log.

By order of



David L. Krauss
Chief of Police

5/19/08
Date

Revision Dates
June 10, 2004
April 2, 2008

SAN JOAQUIN COUNTY
FAIR
JUNE 15-19, 2011
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SAN JOAQUIN COUNTY FAIR
A Valuable Asset As Our Community Grows and Changes

- Today's Fair reflects our society, providing a meeting place for social and cultural interchange against a backdrop of entertainment, live horse racing, exhibitions, and junior livestock programs.
- The allure of today's Fair remains the same as in the past - it provides inspiration, entertainment, social contacts, relaxation, and fun.
- The Fair is one of the area's strongest supporters of youth in agriculture. Last year's livestock auction grossed nearly \$800,000, with 93% of this amount going directly to the participating youth.
- Youth participation in the exhibit program ensures the Fair its place in the society of today and tomorrow.
- The San Joaquin County Fair provides year-round significant economic impact for our county. The Fair hires between 300-400 temporary summer employees to assist in putting on the Fair. Another 100+ temporary employees are hired by the carnival and food concessionaires for the event.
- The other 50 weeks of the year, the Fair is a significant contributor to the community's economic and social well-being by providing year-round recreational facility. Our grounds and buildings are used for everything from dances, rodeos, weddings, baptisms, quinceaneras, and fund-raising dinners. The Fair hosts one of the County's largest flea markets every Thursday.
- The Fair employs about 50 people year-round, 15 permanent full-time employees, all living and spending money in San Joaquin County.
- The San Joaquin County Fair continues to promote, educate, and encourage the importance of agriculture to our community. We are committed to continuing to provide the link between our agricultural roots and our modern day lives.

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June 17	Evolution - A Tribute to Journey	8:00 pm
June 18	Tower of Power	8:00 pm
June 19	Los Horoscopos de Durango	8:00 pm



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- Unlimited Ride Pass (all rides)* \$20 (reg \$25)**
- Unlimited Ride Pass (kiddie land) 2 for \$20 (reg \$25)**

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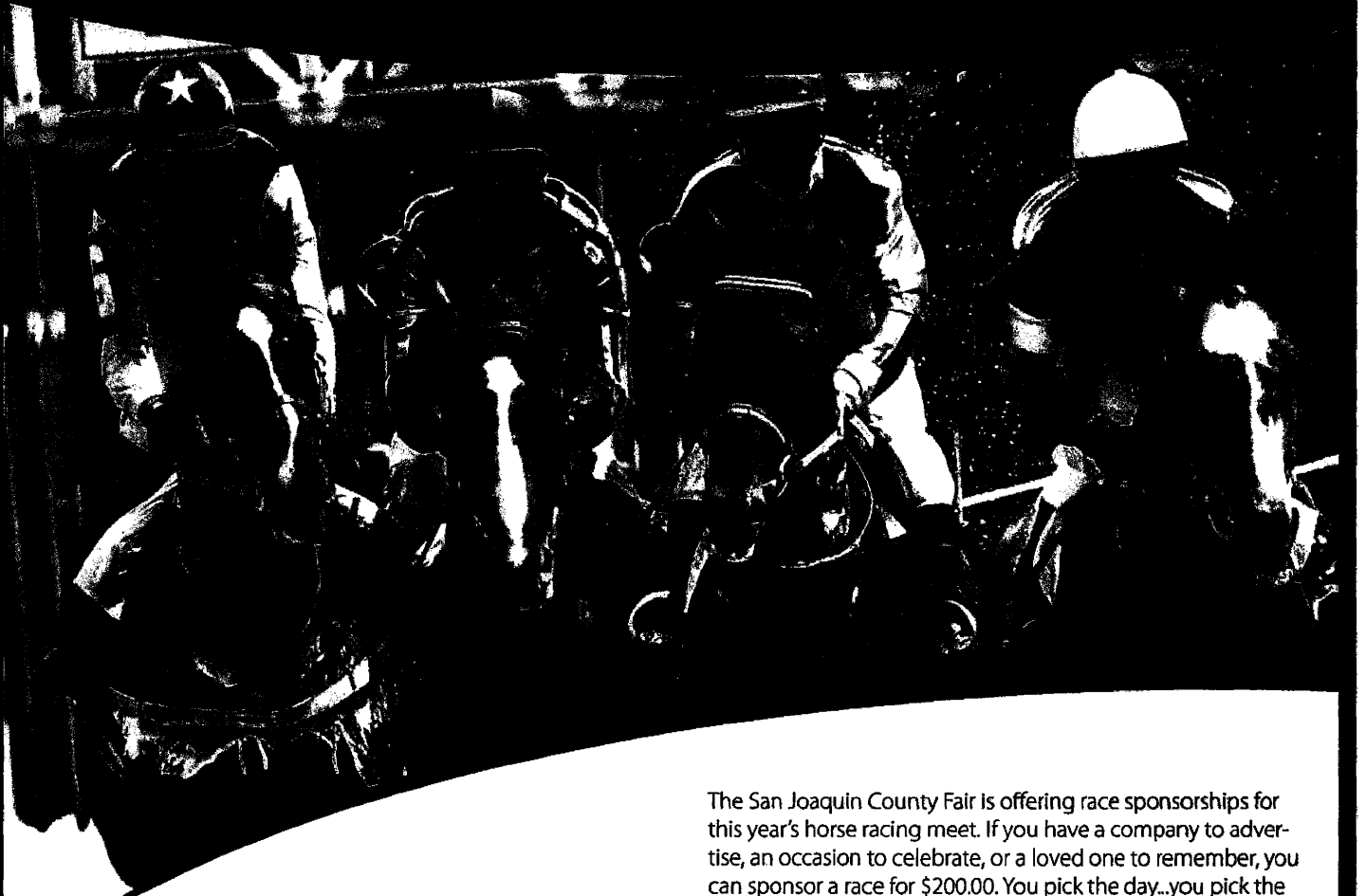
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The San Joaquin County Fair is offering race sponsorships for this year's horse racing meet. If you have a company to advertise, an occasion to celebrate, or a loved one to remember, you can sponsor a race for \$200.00. You pick the day...you pick the race... *we'll try to accommodate every request.*

\$200 RACE SPONSORSHIP INCLUDES:

- Placement of your sponsorship in the Daily Program
- An announcement will be made over the P.A. System
- Placement on the Jumbotron
- You and your guests will be photographed in the Winner's Circle with the winning horse and jockey, (a photo will be sent to you at a later date.

Additional box seats can be purchased for \$40.00 a day (*including parking*).

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FAIR
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5 FUN!

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The San Joaquin County Fair is offering race sponsorships for this year's horse racing meet. If you have a company to advertise, an occasion to celebrate, or a loved one to remember, you can sponsor a race for \$200.00. You pick the day...you pick the race...
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- You and your guests will be photographed in the Winner's Circle with the winning horse and jockey, (a photo will be sent to you at a later date)

SPONSOR INFORMATION:

Name: _____

Address: _____

Phone #: _____

eMail: _____

For program: _____
(Your name as it should appear in the daily program)

	DESCRIPTION	AMOUNT	
<input type="checkbox"/>	RACE SPONSORSHIP	\$200	MAIL FORM TO: San Joaquin County Fair Attn: Race Sponsorships 1658 South Airport Way Stockton, CA 95206
<input type="checkbox"/>	HANG A BANNER	\$100	
<input type="checkbox"/>	BOX SEAT (includes parking)	\$40	
TOTAL.....		\$ _____	

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