



Memorandum

TO: Public Safety, Finance & Strategic Support Committee

FROM: Robert L. Davis

SUBJECT: False Alarm Fines

DATE: April 1, 2010

Approved

Deana Jutra

Date

4/8/10

RECOMMENDATION

Accept this report on how the Department has increased the effectiveness and cost recovery of false alarm fines.

BACKGROUND

The enforcement mechanism for SJMC Chapter 10.42 is the issuance of an administrative citation by the Permits Unit to the responsible party when a third or subsequent false alarm occurs on a property within a 60 day period, SJMC Section 10.42.140.

The City Council, in enacting SJMC Chapter 10.42, decided to rely solely on administrative citations for enforcement of the prohibition against multiple false alarms rather than setting up a permit or license regulatory system. Regulatory fees are charged for providing regulatory activities or services. A regulatory fee is limited to the reasonable cost of the services necessary for the activity for which the fee is charged and for carrying out the purpose of the regulation. On the other hand, a fine or penalty does not have to be limited to recovery of the cost of the governmental regulatory activity or service. A civil fine or penalty can be set in order to achieve punitive or deterrent purposes in keeping with the underlying law.

In July of 2009, the City Manager was directed by City Council to report next steps on how to increase the effectiveness and cost recovery of these fines. Staff was directed to report back to the PSFSS Committee.

ANALYSIS

The previous false alarm tracking system had become inconsistent with contemporary standards. Under the old regulations, it was possible to receive six false alarms in a twelve month period absent any effort at cost recovery (fine) whatsoever.

In order to increase the cost recovery levels for responding to false alarms, deter repeat false alarms, and better align with most adjoining municipalities, as well as the City's own practice with respect to other violations of mandatory provisions of the Municipal Code, the City Council approved ordinance No. 28602, amending Chapter 10.42 of Title 10 and Resolution No. 75065.

These changes increased the fine structure to recover costs for police response to false alarms in an effort to decrease the number of false alarms by ensuring that business owners and residents would in fact, make the needed repairs to their alarm systems to prevent false alarms from occurring in the future.

Council authorized a new fine schedule, which took effect on July 31, 2009. The first police response within twelve months would be at no cost to the respective business or homeowner. However, starting with the second false alarm within a revolving twelve months, the fees are as follows:

- Second police response: \$125.00
- Third police response: \$200.00
- Subsequent responses for the next 12 months: \$300.00

In order to track false alarms and bill for the fines, the Department identified a need for new software to replace the aging and inefficient File Maker Pro that had been in use since the early 1990's. The requirements for the search included a high degree of user friendliness, the elimination of staff time to manually transfer data from the computer automated dispatch (CAD) system to the false alarm software, and the ability for the Finance Department to share billing information with the Police Department in order to answer questions from business owners and residents who received these billings. The search for software concluded with the purchase of Alarm Track from Progressive Solutions. Alarm Track is a Microsoft based program that had received very positive reviews from municipalities contacted by the Department. The purchase of the Alarm Track software was funded through grants obtained by the Department.

The use of the new software was to coincide with the collection based on the new fee schedule. However, due to additional time needed to obtain grant funding, procure and implement a complex system that interfaces with CAD and the Financial System, the project experienced delays. The software has now been installed and tested. Initial billings have been sent and coordinated with the Finance Department. The Department anticipates completing all billing required to date by the end of April. As a result of implementation delays, the billing for FY 09-10 was delayed. As the billing is completed, revenues can be realized before the end of the fiscal year. There are currently outstanding bills with projected revenue of \$209,000; annual revenue is projected to be approximately \$400,000. Once the backlog is completed, the Department will be able to maintain regular billing cycles. Due to the aforementioned delays, the Department has not been able to empirically measure a decrease in false alarms incidents. It was anticipated that the new fee schedule combined with a timeliness of billing would have had a positive impact on the patrol division response to false alarms. Once a normal billing cycle is achieved, the Department will be in better position to determine if this outcome has been realized.

COORDINATION

This memorandum has been coordinated with the City Manager's Office and the Finance Department. For additional information, please contact Lieutenant Anthony Ciaburro at 277-4902.

/s/
Robert L. Davis
Chief of Police