

4

1 MARC A. LEVINSON (STATE BAR NO. 57613)
 malevinson@orrick.com
 2 NORMAN C. HILE (STATE BAR NO. 57299)
 nhile@orrick.com
 3 PATRICK B. BOCASH (STATE BAR NO. 262763)
 pbocash@orrick.com
 4 ORRICK, HERRINGTON & SUTCLIFFE LLP
 400 Capitol Mall, Suite 3000
 5 Sacramento, California 95814-4497
 Telephone: +1-916-447-9200
 6 Facsimile: +1-916-329-4900

7 Attorneys for Debtor
 City of Stockton
 8

9 UNITED STATES BANKRUPTCY COURT
 10 EASTERN DISTRICT OF CALIFORNIA
 11 SACRAMENTO DIVISION
 12

13 In re:
 14 CITY OF STOCKTON, CALIFORNIA,
 15 Debtor.

Case No. 2012-32118
 D.C. No. OHS-15
 Chapter 9

**DIRECT TESTIMONY
 DECLARATION OF ERIC JONES IN
 SUPPORT OF CONFIRMATION OF
 FIRST AMENDED PLAN FOR THE
 ADJUSTMENT OF DEBTS OF CITY
 OF STOCKTON, CALIFORNIA
 (NOVEMBER 15, 2013)¹**

16 WELLS FARGO BANK, NATIONAL
 17 ASSOCIATION, FRANKLIN HIGH
 18 YIELD TAX-FREE INCOME FUND,
 19 AND FRANKLIN CALIFORNIA
 20 HIGH YIELD MUNICIPAL FUND,
 21

Adv. No. 2013-02315

Date: May 12, 2014
 Time: 9:30 a.m.
 Dept: Courtroom 35
 Judge: Hon. Christopher M. Klein

22 Plaintiffs,
 23 v.
 24 CITY OF STOCKTON, CALIFORNIA,
 25 Defendant.

26
 27
 28 ¹ While this declaration is made in support of confirmation of the Plan, out of an abundance of caution, and because the evidentiary hearing on Plan confirmation and the trial in the adversary proceeding share common issues, it is being filed in both the main case and the adversary proceeding.

1 I, Eric Jones, hereby declare:

2 1. I am the Chief of Police in the City of Stockton, California (“the City” or
3 “Stockton”). I make this declaration in support of confirmation of the City of Stockton,
4 California’s (“City”) First Amended Plan For The Adjustment Of Debts Of City Of Stockton,
5 California (November 15, 2013).

6 2. I have served in the Stockton Police Department in some capacity for over 20
7 years. I became the Chief of Police in March of 2012. Prior to becoming Chief, I served as
8 Assistant Chief from September 2011 to March 2012 and as Deputy Chief from March 2008 to
9 September 2011. I hold a bachelor’s degree in Criminal Justice from California State University,
10 Sacramento, and a Masters of Public Administration from National University. I am a member of
11 the Central Sierra Police Chiefs Association, California Police Chiefs Association, and the
12 International Association of Chiefs of Police. I hold certificates from the Commission on Peace
13 Officer Standards and Training, and am a member of the FBI’s National Academy Law
14 Enforcement Executive Development Association and Police Executive Research Forum.

15 3. On June 28, 2012, I executed a declaration in support of the Statement of
16 Qualifications the City filed on June 29, 2012 (the “June Declaration” or “June Decl.”). On
17 February 15, 2013, I submitted a declaration in support of the City’s Reply to Objections to
18 Statement of Qualifications Under Section 109(c) (the “Reply Declaration” or “Reply Decl.”).
19 *The Continuing Challenges To Public Safety In Stockton*

20 4. As of the date of this Declaration, all of my testimony in the June Declaration and
21 Reply Declaration continues to be true and accurate to the best of my knowledge. The City of
22 Stockton continues to suffer from a disproportionately high crime rate and low number of police
23 officers. Violent crime, despite a reduction in 2013, is still extremely high in Stockton. Already
24 in 2014 (as of March 25), there have been 12 homicides, compared to six homicides at this time
25 last year. Further, although violent crime reduced in 2013, overall crime did not.

26 5. Another major challenge is the continually understaffed police department. Not
27 including positions funded by Measures A and B, as of today the Stockton Police Department has
28 365 budgeted positions (which include the recent COPS hiring grant). Although we have made

1 some incremental progress in our hiring outpacing our attrition, the police department has so far
2 been able to fill only 351 of these positions. This is partly because hiring has outpaced attrition at
3 an extremely slow pace. From January 2012 to date (March 25, 2014), the Stockton Police
4 Department has hired 134 police officers; during the same time period, 104 police officers have
5 left the department through attrition. This attrition itself is a major challenge to public safety,
6 because it takes with it vast experience that is difficult to replace. In fact, the average tenure of
7 the Stockton Police Department's officers has dropped markedly. Comparing the 366 police
8 officers and sergeants (not including police managers and commanders) that the Stockton Police
9 Department had in July of 2009, and the 328 officers and sergeants Stockton has as of March
10 2014, the average tenure has dropped from 14.22 years in 2009 to 9.34 years in 2014.

11 6. Once the current 365 budgeted positions are filled, under Measures A and B the
12 authorized budgeted positions for the police department will increase to 485. The police
13 department believes that if aggressive hiring were to take place, we could potentially reach the
14 485 police officer level about three years from now. But even at the level of 485 police officers,
15 the officer-per-thousand-resident ratio would be only 1.6. This is still far from the 2.0 ratio
16 recommended in 2006 for the City of Stockton by Dr. Anthony Braga, as well as the 2.0 ratio
17 recommended in 2013 by criminal justice consultants David Bennett and Donna Lattin as part of
18 their Marshall Plan report. Stockton needs about 600 police officers to reach the recommended
19 2.0 officer-per-thousand-resident, and even at 485 officers, Stockton will be nowhere near this
20 level.

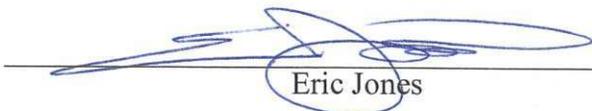
21 7. Additionally problematic is the fact that police officers are still leaving the
22 Stockton Police Department for other police departments. The Stockton Police Department is not
23 competitive in the marketplace with other police departments and this is drastically affecting our
24 retention and recruitment. Of the 104 police officers that left the department from January 2012
25 through March 25, 2014, 44 left for other police departments. I continue to speak with exiting
26 staff as well as various members of the department to keep a pulse on department morale. Most
27 officers, as well as my managers and commanders, continue to tell me that if the Department's
28 CalPERS contract is broken, they will depart to another agency. Others continue to say that they

1 will leave the Department if any additional compensation or benefit cuts occur, or even if they fail
2 to get any of their previous 20-30% cuts restored. The Department morale is fragile, and the
3 continued instability is causing police officers to depart or apply to other law enforcement
4 agencies. And all of this is happening at a time when Stockton most needs experienced, high-
5 quality police officers.

6 Importance Of Measure A

7 8. The passage of Measure A was critical for public safety in Stockton. Proceeds
8 from Measure A will fund the Marshall Plan, which will bring 120 additional police officers over
9 an approximate three year period and fund the Office of Violence Prevention and Neighborhood
10 Blitz teams. The proceeds will fund Stockton crime-fighting strategies that have been touted by
11 national experts like Stewart Wakeling of California Partnerships for Safe Communities, United
12 States Attorney for the Eastern District of California Benjamin Wagner, and COPS Office
13 Director Ronald Davis. Without the passage of Measure A and its future addition of staff, we
14 would not be able to combat crime effectively where we are the second-most violent City in the
15 State of California. Violent crime is still a very serious issue for Stockton, and although Stockton
16 experienced significant violent crime reductions in 2013, as of March 2014, Stockton is currently
17 on pace with the record-breaking homicide rate of 2012. Unfortunately, as explained above, even
18 with the passage of Measure A we will continue to be an understaffed police department.

19
20 Executed this 21st day of April 2014, at Stockton, California. I declare under penalty of
21 perjury under the laws of the State of California and the United States of America that the
22 foregoing is true and correct.

23
24 
Eric Jones