

FISCAL NOTE FOR NON-CAPITAL PROJECTS

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Legislation Title: AN ORDINANCE related to the 2013 Budget; amending Ordinance 124058 by increasing appropriations to the Police Department and reducing appropriations to Finance General, creating seven new positions, amending Council Green Sheet 67-1-A-1, and ratifying and confirming certain prior acts.

Summary of the Legislation: This legislation creates four sworn positions and three civilian positions in the Seattle Police Department (SPD) and transfers \$1,422,110 from the 2013 Finance General Budget to the SPD for position costs, consultants, and minor capital to support SPD's work involving the Settlement Agreement (Agreement) between The City of Seattle and the United States Department of Justice (DOJ) signed July 27, 2012. It also amends Council Green Sheet 67-1-A-1 from a ceiling of \$300,000 to \$925,000.

Background:

The Agreement has extensive work requirements to ensure that police services are delivered to the people of Seattle in a manner fully consistent with the Constitution of the United States. In addition to this Agreement, the City committed through a Memorandum of Understanding to create a Community Police Commission (CPC) to provide guidance throughout this process. Staff began evaluating the availability of resources in order to respond to the Agreement in early 2012. By mid-2012, it was apparent that additional staffing and funding would be required by SPD and potentially in other departments in order to begin meeting the workload created by the Agreement and CPC.

As a result, by the end of 2012, a number of steps had been taken:

- 1) Six positions had been created in SPD through quarterly supplemental budget legislation;
- 2) The 2013 Adopted and 2014 Endorsed budgets contained funds in Finance General (FG) to support related staffing created in 2012 and add additional staff and funding support for SPD and the CPC;
- 3) Funding was set aside in FG to provide payments for the Federal Court Monitor; and,
- 4) The Executive, in collaboration with SPD, Council central staff, and Law Department, began drafting legislation to create and fund additional positions for 2013 in SPD and for the CPC.

This legislative package focuses on the Seattle Police Department response by:

- Creating seven new positions to provide immediate support in meeting the basic requirements of the Agreement;
- Providing 2013 salary and benefits for the seven new positions created through this Council action as well as for three SPD Compliance Office positions created in the fourth quarter of 2012. Note that these three positions were created after the adoption of the 2013 budget and funding was not included in the 2013 budget; and
- Providing funding for other non-staff support such as the use of information technology consultants and funding for leased vehicles for the FIT detectives.

This legislation moves funding set aside for these purposes during the 2013 budget process from the Finance General reserve to SPD Budget Control Levels for use. For additional descriptions of the SPD positions and additional funding, please refer to the attached spreadsheet (Movement of DOJ Reserve Funds to SPD ATT).

This legislation will also increase the funding limitation set forth in Council Green Sheet 67-1-A-1 from \$300,000 to \$925,000 to enable the City to pay for the DOJ Monitor for the remainder of the 2013 fiscal year and provide funding for positions currently on loan from other City departments in support of the Community Policing Commission until such time that additional legislation appropriates operational funding for this commission.

Modification of the reserve ceiling does not impact the Executive's monthly reporting of DOJ costs. Approximately, \$2,240,000 will remain in the Finance General DOJ reserve. The Executive anticipates requesting appropriation of these funds through subsequent legislation in 2013.

Below is a summary of anticipated Finance General reserve uses including this legislation:

Action	Amount
Monitor costs and initial commission staffing costs before Office of the Community Police Commission creation	\$925,000
SPD – new positions and funding in 2013	\$1,422,110
Remaining in Reserve	\$2,240,390
Total	\$4,587,500

☐ This legislation does not have any financial implications.

☒ This legislation has financial implications.

Appropriations:

Item	Fund	Department	Budget Control Level	Amount
1.1	General Subfund (00100)	Seattle Police Department	Deputy Chief of Staff (P1600)	\$915,810
1.2	General Subfund (00100)	Seattle Police Department	Criminal Investigations Administration (P7000)	\$91,100
1.3	General Subfund (00100)	Seattle Police Department	Violent Crimes Investigations (P7100)	\$30,000
1.4	General Subfund (00100)	Seattle Police Department	Field Support Administration (P8000)	\$385,200
1.5	General Subfund (00100)	Finance General	Reserves (2QD00)	(\$1,422,110)

Appropriations Notes:

Net impact of appropriation changes for this legislation is \$0.

Anticipated Revenue/Reimbursement Resulting from this Legislation:

None

Revenue/Reimbursement Notes: There are no new revenue increases or reimbursements related to this legislation.

Total Regular Positions Created, Modified, or Abrogated through this Legislation, Including FTE Impact:

Position Title and Department	Position # for Existing Positions	Fund Name & #	PT/FT	2013 Positions	2013 FTE	2014 Positions*	2014 FTE*
Info Technol Prof B – Police	TBD	General Subfund (00100)	FT	1.0	1.0	1.0	1.0
Video Specialist II – Police	TBD	General Subfund (00100)	FT	1.0	1.0	1.0	1.0
Management Systems Analyst Senior – Police	TBD	General Subfund (00100)	FT	1.0	1.0	1.0	1.0
Police Sergeant Detective – Police	TBD	General Subfund (00100)	FT	1.0	1.0	1.0	1.0

Police Officer Detective – Police	TBD	General Subfund (00100)	FT	3.0	3.0	3.0	3.0
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Position Notes: Four sworn positions and three civilian positions are being created.

Do positions sunset in the future? At this time, there is no known sunset date. The length of time these positions will be needed within SPD is dependent upon the determinations of the U.S. District Court, the Monitor, the U.S. Justice Department, and/or the City Council/Mayor.

Spending/Cash Flow:

Funds will be spent within 2013 fiscal year as required. There is no anticipated carryover at this time.

Spending/Cash Flow Notes:

Other Implications:

a) Does the legislation have indirect financial implications, or long-term implications?

The long term impacts are dependent upon future determinations of whether and when SPD meets the Settlement Agreement requirements as determined by the Monitor and the Court.

b) What is the financial cost of not implementing the legislation?

SPD is unable to absorb the overtime costs or workload associated with all of the DOJ activities. Failure to provide addition funding and staff could limit the Department's ability to meet timelines set forth in the Agreement and result in failure to achieve substantial compliance with the Agreement. The Executive and Council expect SPD to propose the transfer of additional funds from the Finance General reserve for implementation of the Settlement Agreement when actual overtime costs for this purpose are known.

The Council Green Sheet 67-1-A-1 allows no more than \$300,000 to be spent from Finance General for the purpose of the DOJ Agreement. Without amending the proviso, the City would be unable to pay monitor costs to the Federal Court beyond March.

c) Does this legislation affect any departments besides the originating department?

It affects the City Budget Office who manages Finance General. Appropriations in Finance General are used to provide payment to the Court for Monitor bills.

d) What are the possible alternatives to the legislation that could achieve the Same or similar objectives?

There are no alternatives that could achieve the same or similar objectives without

negatively affecting SPD's ability to provide its current level of police services.

e) Is a public hearing required for this legislation?

No public hearing is required.

f) Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?

No publication is required.

g) Does this legislation affect a piece of property?

No property is affected.

h) Other Issues:

No other issues.

List attachments to the fiscal note below:

Attachment 1: 2013 DOJ Settlement Agreement Related New Position Requests

2013 DOJ SETTLEMENT AGREEMENT RELATED NEW POSITION REQUESTS

Category	Proposal	New FTEs	BCL	Budget Request	Comment
SPD COMPLIANCE SECTION					
Compliance Coordination					
	<i>Funding to continue 3 positions added in Q4 2012</i>	0.0	Deputy Chief of Staff (P1600)	\$406,810	The Settlement Agreement (SA) requires SPD to hire or reassign someone to serve as a full-time Compliance Coordinator for the duration of the SA. During the Fourth Quarter of 2012, three positions were added to create a Compliance Section in SPD. These included an Executive 2, a Strategic Advisor 2, and a Administrative Staff Assistant. Per section 193 of the SA, the Compliance Coordinator (and staff) will serve as a liaison between SPD and the monitor and at a minimum: coordinate SPD's compliance and implementation activites; facilitate the provision of data, documents, and other access to SPD employees to the monitor and DOJ; ensure documents are maintained in accordance with the agreement; and, assist in assigning tasks related to the agreement within SPD. It is also anticipated that these positions will work closely with the staff of the Community Police Commission to ensure that they are briefed on SA activities.
TRAINING					
Curriculum Development		<i>SPD will develop a Policy/Training/Audit Team to help address various requirements of the SA. The team will be comprised of 6 Detectives with specialized training in policy development, curriculum development and delivery, and program review.</i>			
	Add 3 new Detective positions & Reassign 3 existing Detective positions ("Policy/Training/Audit Team")	3.0	Deputy Chief of Staff (P1600)	\$400,000	The SA requires SPD to write and/or revise policies, procedures, training curricula, and training manuals. SPD proposes that 3 new Detectives be added and 3 existing Detectives be reassigned to help satisfy the training, policy, and audit related requirements outlined in the SA. These 6 Detectives will receive specialized training in the three areas in order to perform various job functions such as policy development, curriculum development/delivery, and program review for the duration of the SA. SPD can absorb half of the personnel costs associated with this item. SPD has re-assigned 3 sworn to this work, but needs the additional 3 new detective positions to keep patrol strength and investigative staff at needed levels. SPD is absorbing the cost of the 3 existing re-assigned detective positions.
	Overtime for Policy/Training/Audit Team	0.0	Field Support (P8000)	\$800,000	SPD requires \$1,000,000 in new funding for overtime for sworn staff trainers. The requirements in the Settlement for training is extensive. The 6 Detectives comprising the Policy/Training/Audit Team will develop the training in conjunction with SPD's Training Section Staff and will work with them to identify and train trainers. The overtime will allow the trainers to deliver required training across the various shifts. SPD intends to absorb \$650K in current overtime budget to support this work. The overtime will primarily be used for the delivery of in-service training to sworn staff across the various shifts. SPD will be re-purposing up to 8 hours of current sworn training to meet the needs of the SA. The overtime requirement is high because of the need to train at the shift times that would be least impacted by taking officers away from street patrol. These times would not meet a normal 8 hour weekday shift from 9 a.m.to 5 p.m. While SPD will do everything to streamline and provide innovative training scenarios, overtime for the trainers can not be avoided.
		0.0	Deputy Chief of Staff (P1600)	\$200,000	

2013 DOJ SETTLEMENT AGREEMENT RELATED NEW POSITION REQUESTS

Category	Proposal	New FTEs	BCL	Budget Request	Comment
Training Development					
	Overtime for Crisis Intervention Training	0.0	Field Support (P8000)	\$100,000	SPD will need \$100K in overtime for existing Crisis Intervention Training staff and trainers for the development and delivery of new CIT training to all sworn staff as required by the SA. The CIT training has a very high critical level of requirement in the Settlement Agreement and in discussions held to date with the Monitor. These funds are necessary to allow SPD to meet the new and ongoing CIT training requirements outlined in the SA without adding staff.
	Video Specialist II	1.0	Criminal Investigations Administration (P7000)	\$91,100	SPD proposes that a new Video Specialist II be added to develop training videos and provide video retrieval support in connection with the SA. This position will assist with the preparation of video training materials to allow for remote training for officers, which will help SPD meet new and ongoing training requirements. The position will also be available to provide video retrieval support to teams and sections responsible for SA requirements, such as PSS, OPA, FIT, Compliance Team, etc. The SPD Video Unit does not have the capacity to absorb any of this work, even on an overtime basis.
DATA REQUIREMENTS					
	Management Systems Analyst Senior	1.0	Deputy Chief of Staff (P1600)	\$109,000	SPD proposes that a new Management Systems Analyst Sr or comparable position be added to meet the numerous data requirements of the SA. This position will be assigned to the Compliance Team and responsible for SA-mandated records retrieval and analysis, data manipulation, management of enhanced tracking systems, etc. This position will work closely with SPD's Information Technology Section in the development of new applications to aid in meeting all data-related requirements outlined in the SA.
	Info Tech Pro B	1.0	Field Support (P8000)	\$142,200	SPD proposes a new IT Pro B be added to support the department-wide data system requirements of the SA. The position will work closely with the professional analyst on the Compliance Team in the development of new applications and systems in various units to address the data requirements related to use of force, EIS/OPA, street checks and biased policing, and inventory of ammunition, OC, Taser, etc.
	SA based Consultant costs for IT	0.0	Field Support (P8000)	\$100,000	For IT consultant to provide development support for SA mandated training systems, streaming video, OPA & EIS systems, & street check enhancements.
SUPERVISION					
Force Investigations Team		<i>The SA requires SPD to develop an investigatory team to investigate use of force, or FIT.</i>			
					The FIT will be comprised of two Homicide Detectives. SPD will absorb personnel and supervisor training costs associated with FIT.
	Overtime for FIT staff	0.0	Violent Crimes Investigations (P7100)	\$60,000	SPD will need \$60K in overtime for the FIT sworn staff for callouts during off-hours. The overtime will also allow FIT Trainers to deliver required FIT training across the various shifts. The cost of overtime was calculated based on the current,, as well as projectec, callout rate and projected callout rate under the SA.
	Add 2 leased Vehicles for callouts	0.0	Violent Crimes Investigations (P7100)	\$30,000	Each FIT Detective will need a vehicle for off-hour callouts. The amount provided is for a lease of two vehicles, including gasoline, etc.

2013 DOJ SETTLEMENT AGREEMENT RELATED NEW POSITION REQUESTS

Category	Proposal	New FTEs	BCL	Budget Request	Comment
POLICY DEVELOPMENT					
<i>Policy Development</i>					
	Overtime for Professional Standards Section staff	0.0	Deputy Chief of Staff (1600)	\$85,000	SPD will need \$85K in overtime for the sworn staff in the Professional Standards Section who are responsible for policy development and review. These funds are necessary as many of the policy related items in the SA, especially those related to the Monitor, have tight deadlines that will require additional hours. The overtime cost related to policy development will decrease as department policy is accepted by the Monitor and implemented by SPD. .
OPA SUPPORT AND EARLY INTERVENTION					
	Overtime for OPA staff	0.0	Office of Professional Accountability (P1300)	\$100,000	SPD will need \$100K in overtime for the staff in OPA. These funds are necessary to allow SPD to meet the SA requirements, such as publishing an updated OPA manual and shortening the duration of internal investigations, without adding staff. OPA will also play a role in department policy review and training development/delivery.
	Police Detective Sergeant (Early Intervention)	1.0	Field Support (P8000)	\$143,000	SPD requests funding for the addition of a Police Sergeant to help upgrade the SPD Early Intervention System, as well as implement its results to meet the EIS requirements of the Settlement Agreement. The EIS is a critical system to ensure that officers in need of re-training will get the required and appropriate support for operational success. This position will work with both OPA and Human Resources staff to review available options for upgrading the current EIS to determine the best approach for meeting EIS-related requirements. SPD will consider in-house development, contract, and off-the-shelf options. The position will research and write potential new policies and procedures for the new system. This EIS oversight will be provided by a new Sergeant added to the HR section.
	TOTAL	7.0		\$2,767,110	