

#10

Marian Merkel / Peter Harris
SPD Movement of DOJ Reserve Funds ORD
January 31 / March 21, 2013
Version #34

CITY OF SEATTLE
ORDINANCE _____
COUNCIL BILL ~~117734~~ 117734

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.

WHEREAS, in July 2012 the United States of America and The City of Seattle entered into a Settlement Agreement with the goal of ensuring that police services are delivered to the people of Seattle in a manner that fully complies with the Constitution and laws of the United States, effectively ensures public and officer safety, and promotes public confidence in the Seattle Police Department and its officers; and

WHEREAS, some provisions of this Settlement Agreement require the Seattle Police Department to develop new policies and training curricula, improve the Early Intervention System and systematically collect and manage data on officers' use of force, and the Department has estimated the resources required to meet these provisions; and

WHEREAS, the Seattle Police Department is unable to absorb the required costs of executing some portions of the agreement and requires additional staff support and funding as previously planned for in the 2013 Budget Finance General reserve; and

WHEREAS, Council Green Sheet 67-1-A-1 indicates that no more than \$300,000 appropriated in the 2013 Budget for Finance General's Reserves BCL may be spent for the Settlement Agreement until authorized by future ordinance, and thereby limits The City of Seattle's ability to pay for the Federal Court appointed monitor; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The appropriations for the following items in the 2013 Budget are modified, as follows:

Item	Fund	Department	Budget Control Level	Amount
1.1	General Subfund (00100)	Seattle Police Department	Office of Professional Accountability (P1300)	\$100,000
1.21	General Subfund (00100)	Seattle Police Department	Deputy Chief of Staff (P1600)	\$1,200,810 \$915,810
1.3-2	General Subfund (00100)	Seattle Police Department	Criminal Investigations Administration (P7000)	\$91,100

1.43	General Subfund (00100)	Seattle Police Department	Violent Crimes Investigations (P7100)	\$90,000 \$30,000
1.54	General Subfund (00100)	Seattle Police Department	Field Support Administration (P8000)	\$1,285,200 \$385,200
1.65	General Subfund (00100)	Finance General	Reserves (2QD00)	(\$2,767,110) (\$1,422,110)

Funding in future years will be appropriated through the annual budget process.

Section 2. To carry out purposes of the appropriation in Section 1 of this ordinance, the following new positions are created in the Seattle Police Department:

Item	Department	Position Title	Position Status	Number of Positions
2.1	Seattle Police Department	Info Technol Prof B	Full-time	1.0
2.2	Seattle Police Department	Video Specialist II	Full-time	1.0
2.3	Seattle Police Department	Management Systems Analyst Senior	Full-time	1.0
2.4	Seattle Police Department	Police Sergeant - Detective	Full-time	1.0
2.5	Seattle Police Department	Police Officer - Detective	Full-time	3.0
Total				7.0

The Seattle Police Department Police Chief is authorized to fill this position subject to civil service and personnel rules and laws.

Section 3. The following budget proviso as adopted by Ordinance 124058 is amended as follows:

Department	Green Sheet	Proviso	Budget Control Level
Seattle Police Department	67-1-A-1	No more than (\$300,000) \$925,000 appropriated in the 2013 budget for Finance General's Reserves BCL may be spent for the Department of Justice Settlement Agreement until authorized by future ordinance."	Reserves - 2QD00

1 Section 5. Ratify and Confirm. Any act consistent with the authority of this ordinance
2 taken after its passage and prior to its effective date is ratified and confirmed.

3 Section 6. This ordinance shall take effect and be in force 30 days after its approval by
4 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
5 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

6 Passed by the City Council the ____ day of _____, 2013, and
7 signed by me in open session in authentication of its passage this ____ day of
8 _____, 2013.

9 _____
10
11 President _____ of the City Council

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13 Approved by me this ____ day of _____, 2013.

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15 _____
16 Michael McGinn, Mayor

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18 Filed by me this ____ day of _____, 2013.

19
20 _____
21 Monica Martinez Simmons, City Clerk

22 (Seal)

FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	CBO Analyst/Phone:
Seattle Police Department	Marian Merkel/684-5148	Candice Livingston/233-7274

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 ~~\$2,767,110~~ \$1,422,110 from the 2013 Finance General Budget to the SPD for position costs, ~~overtime~~, 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 additional overtime appropriation to SPD for (1) the development of new professional policies, curriculum, and training modules for new sworn trainers, program evaluation and analysis, (2) sworn officer training on revised policies and procedures in topic areas such as crisis intervention, bias-free policing, use of force among others (note that the Monitor will be reviewing these updated policies and procedures for approval), (3) callout support for the Force Intervention Team (FIT) Detectives, and (4) additional support for the Office of Professional Accountability to meet its Settlement Agreement requirements; 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, ~~\$895,000~~ \$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	\$2,767,110 \$1,422,110
Remaining in Reserve	\$895,390 \$2,240,390
Total	\$4,587,500

This legislation does not have any financial implications.

 X This legislation has financial implications.

Appropriations:

Item	Fund	Department	Budget Control Level	Amount
1.1	General Subfund (00100)	Seattle Police Department	Office of Professional Accountability (P1300)	\$100,000
1.21	General Subfund (00100)	Seattle Police Department	Deputy Chief of Staff (P1600)	\$1,200,810 \$915,810
1.32	General Subfund (00100)	Seattle Police Department	Criminal Investigations Administration (P7000)	\$91,100
1.43	General Subfund (00100)	Seattle Police Department	Violent Crimes Investigations (P7100)	\$90,000 \$30,000
1.54	General Subfund (00100)	Seattle Police Department	Field Support Administration (P8000)	\$1,285,200 \$385,200
1.65	General Subfund (00100)	Finance General	Reserves (2QD00)	(\$2,767,110) (\$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*
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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	3.01.0	3.01.0	3.01.0	3.01.0
Police Officer Detective – Police	TBD	General Subfund (00100)	FT	1.03.0	1.03.0	1.03.0	1.03.0

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					
<i>Compliance Coordination</i>					
	Funding to continue 3 positions added in Q4 2012	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 activities; 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					
<i>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.					
	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 projected, 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	



City of Seattle
Office of the Mayor

February 5, 2013

Honorable Sally J. Clark
President
Seattle City Council
City Hall, 2nd Floor

Dear Council President Clark:

I am pleased to transmit the attached proposed Council Bill that provides for additional positions and funding to support the Seattle Police Department (SPD) in its response to the U. S. Department of Justice (DOJ) Settlement Agreement (Agreement). This Council Bill creates seven new positions and transfers \$2,767,110 from Finance General to SPD. It also amends Council Green Sheet 67-1-A-1 to enable the payment of the court appointed monitor for the remainder of 2013 and to temporarily fund staff support to the Community Police Commission (CPC), pending separate legislation that would establish ongoing funding for commission staffing. This legislation has a net-zero impact on 2013 General Fund appropriations.

The Agreement has extensive work requirements which include program and policy evaluation and revision, data analysis and reporting, potential organizational changes, and revised training that must be provided to all sworn officers. This Council Bill focuses on the SPD response by creating and funding seven new positions to provide immediate support in meeting the basic requirements of the agreement as well as continuing funding for positions added in the fourth quarter of 2012 for compliance coordination. It provides overtime funding associated with development of new professional policies, curriculum, and training modules for new sworn trainers; program evaluation and analysis; Force Intervention Team (FIT) call-outs; and additional support for the Office of Professional Accountability. This Council Bill also funds non staff support, including the use of information technology consultants and leased vehicles for the FIT detectives off-duty call-out.

Due to the length of time that is required to create, advertise, background, and hire staff, the City Budget Office has created seven emergency positions to enable SPD to begin the hiring process. Timely passage of this legislation is essential to the continued work of SPD to meet the demands of the Agreement. Delays in adoption could have at least two potential consequences: SPD would need to shift resources away from patrol and other activities to absorb this workload, and/or SPD would need to reduce proposed work on the Agreement which could affect compliance. Additionally, the City's ability to continue prompt payments to the Monitor is contingent upon the passage of the attached ordinance.

With this context in mind, your prompt consideration of this legislation is urged and appreciated. Should you have any questions, please contact Bob Scales, the SPD Compliance Coordinator at 206-386-0450.

Sincerely,

A handwritten signature in black ink, appearing to read "m m g".

Michael McGinn
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

