

March 10, 2013

To: Public Safety, Civil Rights & Technology Committee
From: Peter Harris, Central Staff
Re: C. B. adding resources to SPD for DOJ agreement implementation

Introduction

On February 5 the Mayor transmitted a Council Bill that would help implement the settlement agreement with the U.S. Department of Justice (DOJ) in three ways:

It would create four sworn and three civilian positions in the Police Department (SPD) for training, curriculum and policy development related to the DOJ agreement.

It would transfer \$2.77 million to SPD from the Finance General reserve for implementation of the agreement. This would cover the cost of the seven new positions and three other SPD positions created last fall for agreement compliance coordination, and also cover all other anticipated 2013 SPD costs for implementing the agreement.

It would raise the proviso limit on the amount remaining in the Finance General reserve from \$300,000 to \$925,000 in order to allow the City Budget Office (CBO) to pay the Monitor of the agreement for the full year.

An attachment to the Council Bill describes the relationship between these proposals and the DOJ agreement.

Discussion

The first and third of these actions are consistent with the Council's intent to support timely implementation of the agreement and with the implementation plans the Executive has developed so far. It is hard to tell whether seven new positions is exactly the right number, but given the unique nature of this project this is unlikely to be answered until the results of the implementation work are judged adequate by the parties to the agreement and the Monitor.

Whether SPD needs the full \$2.77 million now is a different question. Of this amount, \$1.42 million is for the new positions and related equipment and consultant costs, and \$1.35 million is for overtime. SPD has \$650,000 earmarked in its base overtime budget for DOJ agreement implementation. Its total base overtime budget is \$12.8 million, largely fungible. There is no apparent reason that SPD could not use this resource to support overtime for implementation of the DOJ agreement and be reimbursed for this by a later transfer from Finance General, beyond the \$650,000, when more actual costs are known. This would be more consistent with the Council's intent in reserving the funds in Finance General and placing a proviso on them. The Executive's main argument against this is the cost and time required to prepare the additional legislation later this year.

Options

1. Pass the ordinance as proposed.
2. Amend the ordinance to transfer \$1.42 million to SPD from the Finance General reserve for DOJ agreement implementation, rather than \$2.77 million, in order to cover the cost of the new positions, but not the anticipated overtime costs. Ask the Executive to propose additional legislation when more of the actual overtime costs for implementation of the agreement are known.

Conclusion

If you have any questions, please let me know.