

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Chief Financial Officer

Natwar M. Gandhi
Chief Financial Officer



MEMORANDUM

TO: The Honorable Linda W. Cropp
Chairman, Council of the District of Columbia

FROM: Natwar M. Gandhi
Chief Financial Officer

DATE: April 30, 2002

SUBJECT: Fiscal Impact Statement: “Involuntary Civil Commitment of Persons Who Because of Their Mental Retardation Are Likely to Injure Others Act of 2002”

REFERENCE: Bill Number 14-551

Conclusion

Funds are not sufficient in the FY 2002 through FY 2005 budget and financial plan to implement the proposed legislation. **The proposed legislation would result in between approximately \$3 million and \$17.7 million additional expenditures for the District annually in FY 2002 through FY 2005.** The wide range is based on the uncertainty of breadth of the retarded population affected by the proposed legislation.

Anti-deficiency laws, 31-USCA § 1341 (2000), prohibit District officers and employees from exceeding agency appropriations in any fiscal year. Should the Department of Mental Health, the Office of Corporation Counsel, and the Superior Court determine that funding is available to absorb the additional costs in FY 2002, then the net impact would be zero for that year. For subsequent years, the additional expenditure would need to be included as budgeted expenditures.

Background

The proposed legislation would permit persons with mental retardation who are alleged to be likely to injure themselves or others to be committed to a mental institution.

Financial Plan Impact

The proposed legislation would result in between approximately \$3 million and \$17.7 million additional expenditures for the Department of Mental Health annually in FY 2002 through FY 2005 based on the extent of the retarded population affected. It also would result in additional expenditures by the Office of Corporation Counsel, Public Defender, and Superior Court to process the cases that would result from the legislation in amounts that cannot be estimated at this time.

According to the Department of Mental Health, the legislation would result in significant costs to the department resulting from the opening of more units at St. Elizabeth's hospital to accommodate the people with mental retardation that would be committed as a result of this legislation. The table below provides an estimate of the annual population and costs expected to result from the legislation.

Estimated Annual Cost of Involuntary Commitments	
Cost per day at St. Elizabeth's	\$ 425
Estimated days	14
Estimated cost per person	\$ 5,950
Mildly retarded	16,500
Moderate or severely retarded	3,300
Total retarded population	19,800
Percentage alleged to be violent	15%
All estimated involuntary detentions	2970
Total cost of involuntary detention if only moderate or severely retarded affected	\$ 2,945,250
Total cost if all involuntary detentions	\$ 17,671,500

The low range figure of \$3 million reflects the estimated costs if only 15 percent of the moderately or severely retarded are involuntarily committed for allegedly being violent as a result of the proposed legislation. The high range of \$17.7 million reflects the estimated costs if 15 percent of the entire retarded population are involuntarily committed for allegedly being violent as a result of the proposed legislation.

According to DMH, it is unlikely that the costs would be limited to the involuntary detention of only the moderately or severely retarded because it is often difficult to determine the level of an individual's retardation without the commitment and evaluation that would occur.