

Government of the District of Columbia  
Office of the Chief Financial Officer



Natwar M. Gandhi  
Chief Financial Officer

**MEMORANDUM**

**TO:** The Honorable Vincent C. Gray  
Chairman, Council of the District of Columbia

**FROM:** Natwar M. Gandhi  
Chief Financial Officer 

**DATE:** December 16, 2009

**SUBJECT:** Fiscal Impact Statement – “Police Monitoring Enhancement Amendment Act of 2009”

**REFERENCE:** Bill Number 18-130, Draft Committee Print shared with OCFO on 11/24/09

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**Conclusion**

Funds are not sufficient in the FY 2010 through FY 2013 budget and financial plan to implement the provisions of the proposed legislation. The proposed legislation would cost at least \$69,843 in FY 2010 and \$280,378 in the FY 2010 through FY 2013 financial plan period. This is the cost of one additional FTE for the Metropolitan Police Department (MPD).

**Background**

The proposed legislation would amend the Office of Citizen Complaint Review Establishment Act of 1998<sup>1</sup> to require that the Police Complaints Board (“Board”)<sup>2</sup> make recommendations concerning the status and the improvement of the citizen complaint process, when appropriate, to District of Columbia Housing Authority<sup>3</sup>; monitor citizen complaints and the discipline proposed or imposed for any sustained complaints; and be given access to all information and supporting documentation of the covered law enforcement agencies related to the Board’s monitoring activities, including “unfettered access” to MPD’s documents concerning police complaints.

**Financial Plan Impact**

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<sup>1</sup> Effective March 26, 1999 (D.C. Law 12-208; D.C. Official Code § 5-1104).

<sup>2</sup> The Board is the governing body of the Office of Police Complaints.

<sup>3</sup> Currently, the Board is only required to make recommendations to the Mayor, the Council, and the Chief of MPD.

Funds are not sufficient in the FY 2010 through FY 2013 budget and financial plan to implement the provisions of the proposed legislation. The proposed legislation would cost at least \$69,843 in FY 2010 and \$280,378 in the FY 2010 through FY 2013 financial plan period. This is the cost of providing the MPD with *at least* one FTE; the exact number of FTEs needed is unknown as a result of the broad scope of the legislation.

The Board could use existing resources to implement the additional monitoring responsibilities.

<b>Fiscal Impact of Bill 18-130 "Police Monitoring Enhancement Amendment Act of 2009"</b>					
	<b>FY 2010</b>	<b>FY 2011</b>	<b>FY 2012</b>	<b>FY 2013</b>	<b>Four-Year Total</b>
<b>1 FTE (Grade 12)</b>	<b>\$69,843</b>	<b>\$69,990</b>	<b>\$70,177</b>	<b>\$70,369</b>	<b>\$280,378</b>

Assumptions:

- There are no cost of living adjustments or step increases
- Fringe benefits increase by 2 percent in FY 2011 and 2.5 percent in FY 2012 and FY 2013

The proposed legislation would provide the Board with "unfettered access" to MPD's documents concerning police complaints that were "received, investigated, sustained, or otherwise resolved." In order to meet this requirement, MPD would have to compile all of this information and redact the documents related to each complaint prior to giving access to the Board. The redaction is necessary to comply with current regulations on disclosure of personal information.<sup>4</sup>

The MPD was not able to provide an exact number on how many such complaints there are per year, but they estimate that it is over one thousand. This seems reasonable since, according to the 2007 Annual Report for the Office of Police Complaints (OPC), the OPC received 440 complaints and people are more likely to issue complaints directly with the MPD.<sup>5</sup> Even if the number of complaints were 500, the number of associated documents per complaint could be numerous.

The implementation cost of one FTE stems from the requirement that MPD compile all information pertinent to each complaint, and to redact confidential information. MPD does not have an open FTE position or the funds in their existing budget to accommodate this.

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<sup>4</sup> For example, personnel records are protected under Chapter 31A of the District Personnel Manual. The Manual prohibits unauthorized disclosure of personnel records, and contains a criminal penalty for the unauthorized disclosure of federal records.

<sup>5</sup> Additionally, MPD's Annual Report from 2000 states that there were 500 allegations of misconduct, but that "there may be more than one allegation for each complaint. The complaints for 2000 accounted for a total of 500 allegations."