

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



Jeffrey S. DeWitt
Chief Financial Officer

MEMORANDUM

TO: The Honorable Phil Mendelson
Chairman, Council of the District of Columbia

FROM: Jeffrey S. DeWitt
Chief Financial Officer 

DATE: January 26, 2016

SUBJECT: Fiscal Impact Statement – Neighborhood Engagement Achieves Results
Amendment Act of 2016

REFERENCE: Bill 21-360, Committee Print as shared with the Office of Revenue
Analysis on January 12, 2016

Conclusion

Funds are not sufficient in the fiscal year 2016 through fiscal year 2019 budget and financial plan to implement the bill. The bill will cost \$3.9 million in fiscal year 2016 and \$25.6 million in the four-year financial plan period.

Background

This bill, through seven titles, proposes significant changes to the District's criminal justice, public health, and public safety programs and policies. Below is a title-by-title summary of the key changes the bill proposes:

Title I– Criminal Justice and Public Health Reforms

Title I will start three new programs who are charged with providing intervention and behavioral modification programs for individuals at risk of engaging in violent criminal activity.

Subtitle (A) of Title I establishes a new Office of Neighborhood Engagement and Safety (ONES) within the Office of the Deputy Mayor for Public Safety and Justice. The ONES will set up and run a new intervention program that would recruit, each quarter, up to 50 individuals who might be at a high risk for criminal activity and offer mental or behavioral health services to discourage criminal activity. ONES can offer stipends to the recruits to ensure engagement. The Mayor will hire an executive director for ONES and could provide for additional funds for other employees or contract services of third parties. Otherwise ONES will rely on volunteers.

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Subtitle (B) of Title I establishes a new Office of Violence Prevention and Health Equity within the Department of Health (DOH) to disseminate information on crime prevention and intervention programs using the health and human services agencies and entities in the District. DOH must also assist the Office of Victim Services and Justice Grants to develop a hospital based retaliatory violence prevention program that would provide round-the-clock intervention and support services to anyone who arrives in a hospital emergency room as a victim of violent crime (or their families).

Subtitle (C) of Title I establishes the Metropolitan Police Department (MPD) Community Crime Prevention Team Pilot Program to ensure that the MPD can refer persons who might be homeless, have mental disorders, or substance abuse disorders to available services at the Department of Behavioral Health or Department of Human Services. MPD will begin with at least five teams comprised of mental health clinicians, outreach specialists, and MPD officers. MPD must file an annual report that details the number and type of referrals made through the program.

Title II - Policing Reforms

Subtitle (A) of Title II creates a ten-member working group with representatives from the government, non-profits, and community organizations to examine national best practices on community policing.

Subtitle (B) reestablishes¹ the Homicide Elimination Strategy Task Force to develop a comprehensive plan to eliminate murder in the District. The Task Force will have twenty members, half appointed by the Mayor and half appointed by the Council. The Task Force will hold at least three public meetings and produce a report on its recommendations.

Subtitle (C) requires the Criminal Justice Coordinating Council to conduct an opinion survey of police-community relations in the District of Columbia.

Subtitle (D) narrows² the list of actions that would be considered as an assault on a police officer. Specifically, the subtitle eliminates from the D.C. Official Code the terms "resisting, opposition, intimidation of and interference with a law enforcement officer." It also clarifies that resisting arrest would be considered a misdemeanor only if the arrest is lawful.

Subtitle (E) requires³ MPD to develop continuing education training program for sworn officers that focuses on community policing, prevention of bias-based policing, use of force, limitations on the use of chokehold and neck restraints, mental and behavioral health awareness, and linguistic and cultural competency.

¹ By repealing Section 260 of the New Columbia Statehood Initiative and Omnibus Boards and Commissions Reform Amendment Act of 2014, effective May 2, 2015 (D.C. Law 20-271; 62 DCR 1884); and by reviving and amending Section 501 of the Homeland Security, Risk Reduction, and Preparedness Amendment Act of 2006, effective March 14, 2007 (D.C. Law 16-252; D.C. Official Code § 22-4251).

² By amending Section 423 of the Revised Statutes of the District of Columbia (D.C. Official Code § 22-405).

³ By amending Section 203 of the Omnibus Police Reform Amendment Act of 2000, effective October 4, 2000 (D.C. Law 13-160; D.C. Code § 5-107.02).

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Subtitle (F) broadens⁴ the Police Complaints Board review authority to include firearm discharge incidents, in-custody deaths, unnecessary or wanton force, and the use of chokeholds. Under this subtitle, the Office of Police Complaints will have the sole authority to receive, dismiss, conciliate, mediate, or adjudicate any citizen complaint that alleges abuse or misuse of police powers. The subtitle also authorizes this Office to audit MPD internal affairs investigations related to citizen complaints.

Subtitle (G) expands⁵ data collection and reporting requirements for police stops and use of force incidents. Officers will be required to record place and time information, the justification for a stop and search, and the outcome of the interaction.

Subtitle (H) requires⁶ the Office of the Deputy Mayor for Public Safety and Justice to identify data trends in felony crime, and report to the Mayor and Council on the characteristics of felony defendants and their victims.

Subtitle (I) allows⁷ inspectors and higher ranked MPD officers to receive up to 80 hours per 12-month period of compensation time for overtime hours worked. The subtitle also changes police minimum hiring requirements to incentivize recruitment of new officers.

Subtitle (J) allows⁸ the Department of Forensic Sciences to rehire retired officers without jeopardizing a retired officer's retirement benefits.

Subtitle (K) makes permanent⁹ the Private Security Camera System Incentive Program. The program provides subsidies to residents, businesses, nonprofits, and religious institution to install outdoor security camera systems and register the systems with MPD. Residents are eligible to receive up to \$200 per installed camera, up to a maximum rebate of \$500 per address, and businesses, nonprofits, or religious institution are eligible to receive up to \$200 per installed camera, up to a maximum rebate of \$750. Rebates are contingent upon available funds. The subtitle also creates a Private Security Camera Incentive Fund to deposit appropriations from the District, grants, and donations and does not revert back to the general fund at the conclusion of the fiscal year.

Title III clarifies¹⁰ the ban on driving with an obstructed view.

⁴ By amending the Office of Citizen Complaint Review Establishment Act of 1998, effective March 26, 1999 (D.C. Law 12-208; D.C. Official Code § 5-1101 *et seq.*).

⁵ By amending Section 386 of the Revised Statutes of the District of Columbia (D.C. Official Code § 5-113.01).

⁶ By amending Subsection (c) of the Office of the Deputy Mayor for Public Safety and Justice Establishment Act of 2011, effective September 14, 2011 (D.C. Law 19-21; D.C. Official Code § 1-301.191(c)).

⁷ By amending Section 1103(f)(1) of the District of Columbia Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-611.03(f)(1)).

⁸ By amending Section 2 of the Retired Police Officer Redeployment Amendment Act of 1992, effective September 29, 1992 (D.C. Law 9-163; D.C. Official Code § 5-761).

⁹ Pursuant to Section 7 of the Fiscal Year 2015 and Fiscal Year 2016 Revised Budget Request Temporary Adjustment Act of 2015, enacted on October 22, 2015 (D.C. Act 21-171; 62 DCR 13979), and Section 7 of the Fiscal Year 2015 and Fiscal Year 2016 Revised Budget Request Congressional Review Emergency Adjustment Act of 2015, enacted on January 6, 2016 (D.C. Act 21-257; 63 DCR ____).

¹⁰ Section 2213 of Title 18 (Vehicles and Traffic) of the District of Columbia Municipal Regulations.

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Title IV allows¹¹ for temporary release of inmates at the Central Detention Facility or the Correctional Treatment Facility for employment, schooling, or other limited purposes. Current law specifically bans the release of inmates from these two institutions.

Title V increases¹² the monthly maximum number of good time credits an inmate can receive from 8 to 10. Inmates are eligible to receive good time credits when exhibiting good behavior, pursuing education, and participating in rehabilitation and work programs.

Title VI clarifies¹³ firearm control boundaries near the White House and U.S. Naval Observatory. These boundaries are already current law approved by the Fiscal Year 2016 Budget Support Clarification Temporary Amendment Act of 2015;¹⁴ the bill will make the changes permanent.

Title VII delays¹⁵ the requirement that all semiautomatic pistols be microstamp-ready by January 1, 2016 to January 1, 2018.

Title VIII eliminates¹⁶ the requirement that the Fire and Emergency Medical Services (FEMS) Chief adopt regulations before FEMS members under disciplinary investigation are banned from receiving pension or accrued benefits.

Financial Plan Impact

Funds are not sufficient in the fiscal year 2016 through fiscal year 2019 budget and financial plan to implement the bill. The bill will cost \$3.9 million in fiscal year 2016 and \$25.6 million in the four-year financial plan period.

Title I- Criminal Justice and Public Health Reforms

Subtitle (A) which establishes the new Office of Neighborhood Engagement and Safety (ONES) to run a violence prevention program, is modeled after the Operation Peacemaker Fellowship program operated by the Office of Neighborhood Safety in Richmond, California. Richmond's fellowship program identifies 50 individuals that are at high risk of committing a crime and links them to behavioral health supports, job training programs, and pays participants a stipend contingent upon meeting program goals. A program similar to this in the District is estimated to cost \$768,732 in fiscal year 2016 and \$4.9 million over the four-year financial plan period.

¹¹ By amending Section 1321(c)(1)(B)(xi) of Title 23 of the District of Columbia Official Code.

¹² By amending Section 3c(c) of the District of Columbia Good Time Credits Act of 1986, effective May 17, 2011 (D.C. Law 18-732; D.C. Official Code § 24-221.01c(c)).

¹³ By amending Section 907 of the Firearms Control Regulations Act of 1975, effective June 16, 2015 (D.C. Law 20-279; D.C. Official Code § 7-2509.07).

¹⁴ D.C. Act 21-202, Enacted on November 3, 2015, expires on February 21, 2016.

¹⁵ By amending The Firearms Control Regulations Act of 1975, effective September 24, 1976 (D.C. Law 1-85; D.C. Official Code § 7-2501.01 *et seq.*).

¹⁶ By amending Section 517 of the Omnibus Public Safety Agency Reform Amendment Act of 2004, effective September 30, 2004 (D.C. Law 15-194; D.C. Official Code § 5-1057).

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Projected Fiscal Impact of Title I (A) - Establishment of the Office of Neighborhood Engagement and Safety					
Fiscal Year 2016 through Fiscal Year 2019					
	FY16*	FY17	FY18	FY19	Total
Executive Director (Salary and Fringe) ^(a)	\$67,386	\$118,985	\$122,555	\$126,231	\$435,157
8 Program FTEs (Salary and Fringe) ^(b)	\$304,679	\$537,977	\$554,116	\$570,740	\$1,967,512
Cost of Supplies, Materials, and Travel ^(c)	\$134,167	\$236,900	\$244,007	\$251,327	\$866,401
Program Participant Stipend ^(d)	\$262,500	\$463,500	\$463,500	\$463,500	\$1,653,000
Total Fiscal Impact^(e)	\$768,732	\$1,357,362	\$1,384,178	\$1,411,798	\$4,922,070

* Assumes March 2016 start

Table Notes:

(a) ES grade-7 salary midpoint and 17.3% fringe benefit rate.

(b) Include 6 grade-11 Street Outreach Workers, 1 grade-12 Program Manager, 1 grade-9 Administrative Assistant.

Assumes 17.3% fringe benefit rate.

(c) Based of Richmond, CA Office of Neighborhood Safety program expenses in fiscal year 2016.

(d) Based off of Richmond, CA stipend of \$9,000 per participant.

(e) Adjusted by 3% annually to account for CPI inflation.

Subtitle (B) establishes an Office of Violence Prevention and Health Equity in the Department of Health. This Office already exists and has sufficient staffing to meet the requirements of the law. The subtitle also requires this Office to conduct a public information campaign. This campaign will cost approximately \$400,000, assuming a start date of October 1, 2016.

OVSJG currently operates the Crisis Continuum Project at Washington Hospital Center (WHC) which is similar to what is required under Subtitle (B) of the bill. The program serves victims and families of homicide or attempted homicide, sexual assault, and intimate partner violence. Approximately half of the program's budget of \$3.5 million is paid for with local funds and half through a federal grant that expires at the end of fiscal year 2017. As a result of this subtitle, the WHC program will require an additional \$500,000 to serve additional clients. This increases the total annual cost of the WHC program to approximately \$4 million. When the federal grant expires at the end of fiscal year 2017, the local fund obligation to the program will increase by \$1.75 million. The subtitle also requires that this program be expanded to include all emergency room departments in the District. This will cost an additional \$1.6 million in fiscal year 2016 and \$10.5 million over the four-year financial plan period. The total estimated cost of this subtitle is \$1.9 million in fiscal year 2016 and \$16.3 million over the four-year financial plan period.

Projected Fiscal Impact of Title I (B) - Establishment of the Office of Violence Prevention and Health Equity					
Fiscal Year 2016 through Fiscal Year 2019					
	FY16*	FY17	FY18	FY19	Total
DOH Information Campaign ^(a)	\$0	\$400,000	\$0	\$0	\$400,000
Cost of Washington Hospital Center program expansion and continuation ^(b)	\$291,667	\$500,000	\$2,317,500	\$2,387,025	\$5,496,192
Cost of expansion to all District Hospital Emergency Room Departments	\$1,516,667	\$2,678,000	\$2,758,340	\$2,841,090	\$9,794,097
Cost of 2 OVSJG FTEs ^(c)	\$107,683	\$190,138	\$195,842	\$201,717	\$695,380
Total Fiscal Impact^(d)	\$1,916,017	\$3,768,138	\$5,271,682	\$5,429,832	\$16,385,669

* Assumes March 2016 start

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Table Notes:

- (a) Estimate is based off of the cost of contracting with outside vendor to complete marketing campaign.
- (b) Federal funds expire at the end of FY17 requiring additional local funds.
- (c) Includes two grade-13 FTEs and a 17.3% fringe benefit rate.
- (d) Adjusted by 3% annually to account for CPI inflation.

Subtitle (C) establishes an MPD Community Crime Prevention Team Pilot Program. MPD is required to have five crime prevention teams comprised of mental health clinicians, outreach specialists, and MPD officers. MPD will not need to hire additional staff to work on crime prevention teams. Officers will be required to staff the crime prevention teams instead of being assigned to regular duties. The Department of Behavioral Health (DBH) and Department of Human Services (DHS) will need to hire additional personnel to staff these teams. Since the legislation requires at a minimum five teams, DBH will need to hire five additional clinical psychologists and DHS will need to hire five additional social workers. This subtitle is estimated to cost \$533,651 in fiscal year 2016 and \$3.4 million over the four-year financial plan period.

Projected Fiscal Impact of Title I (C) – the Community Crime Prevention Team Pilot Program					
Fiscal Year 2016 through Fiscal Year 2019					
	FY16*	FY17	FY18	FY19	Total
DBH Clinical Psychologists ^(a)	\$283,667	\$500,874	\$515,900	\$531,377	\$1,831,819
DHS Social Workers ^(b)	\$249,984	\$441,401	\$454,643	\$468,283	\$1,614,311
Total Fiscal Impact^(c)	\$533,651	\$942,275	\$970,544	\$999,660	\$3,446,130

* Assumes March 2016 start

Table Notes:

- (a) Includes five grade-13 FTEs and a 23.6% fringe benefit rate.
- (b) Includes five grade-13 FTEs and a 25.5% fringe benefit rate.
- (c) Adjusted by 3% annually to account for CPI inflation

Title II - Policing Reforms

There is no cost associated with subtitles (A), (D), (E), (F), (I), (J), and (K) and no impact on the District's budget and financial plan.

Subtitle (B) reestablishes¹⁷ the Homicide Elimination Strategy Task Force to develop a plan to eliminate murder in the District. This subtitle is estimated to cost \$270,000 in fiscal year 2016 and \$270,000 over the four-year financial plan period. The estimate is based off of the cost of producing the 2015 Vision Zero report.

¹⁷ By repealing Section 260 of the New Columbia Statehood Initiative and Omnibus Boards and Commissions Reform Amendment Act of 2014, effective May 2, 2015 (D.C. Law 20-271; D.C. Official Code § 22-4251) and amending Section 501 of the Homeland Security, Risk Reduction, and Preparedness Amendment Act of 2006, effective March 14, 2007 (D.C. Law 16-252; D.C. Official Code § 22-4251).

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Projected Fiscal Impact of Title II (B) – Re-establishment of the Comprehensive Homicide Elimination Strategy Task Force					
Fiscal Year 2016 through Fiscal Year 2019					
	FY16	FY17	FY18	FY19	Total
Homicide Elimination Task Force	\$270,000	\$0	\$0	\$0	\$270,000
Total Fiscal Impact	\$270,000	\$0	\$0	\$0	\$270,000

Subtitle (C) requires the Criminal Justice Coordinating Council (CJCC) to conduct a public opinion survey of police-community relations in the District of Columbia. The survey is estimated to cost \$220,000 in fiscal year 2016 and \$220,000 over the four-year financial plan period.

Projected Fiscal Impact of the Title II (C) - Police-Community Relations Survey					
Fiscal Year 2016 through Fiscal Year 2019					
	FY16	FY17	FY18	FY19	Total
Contracts and Other Services ^(a)	\$220,000	\$0	\$0	\$0	\$220,000
Total Fiscal Impact	\$220,000	\$0	\$0	\$0	\$220,000

Table Notes:

^(a) Estimate is based off of the fiscal year 2016 budget for the Department of Health's Behavior Risk Factor Survey. This survey uses landline and cellular telephones to question District residents.

Subtitle (G) expands¹⁸ data collection and reporting requirements for police stops and use of force incidents. Officers will be required to record place and time information, the justification for a stop and search, and the outcome of the interaction. MPD will need to modify its data collection system in order to meet the data reporting requirements under the subtitle. The subtitle is estimated to cost \$150,000 in fiscal year 2016 and \$150,000 over the four-year financial plan period.

Projected Fiscal Impact of Title II (G) – Improving Stop and Frisk and Use of Force Data Collection					
Fiscal Year 2016 through Fiscal Year 2019					
	FY16	FY17	FY18	FY19	Total
Contracts and Other Services	\$150,000	\$0	\$0	\$0	\$150,000
Total Fiscal Impact	\$150,000	\$0	\$0	\$0	\$150,000

Subtitle (H) requires¹⁹ the Office of the Deputy Mayor for Public Safety and Justice to identify data trends in felony crime, and report to the Mayor and Council on the characteristics of felony defendants and their victims. In order to conduct this annual report, the Office must hire one additional full time equivalent position. The subtitle is estimated to cost \$46,730 in fiscal year 2016 and \$301,767 over the four-year financial plan period.

¹⁸ By amending Section 386 of the Revised Statutes of the District of Columbia (D.C. Official Code § 5-113.01).

¹⁹ By amending Subsection (c) of the Office of the Deputy Mayor for Public Safety and Justice Establishment Act of 2011, effective September 14, 2011 (D.C. Law 19-21; D.C. Official Code § 1-301.191(c)).

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Projected Fiscal Impact of Title II (H) - Crime Data Collection					
Fiscal Year 2016 through Fiscal Year 2019					
	FY16*	FY17	FY18	FY19	Total
Personnel Costs ^(a)	\$46,730	\$82,512	\$84,987	\$87,537	\$301,767
Total Fiscal Impact^(b)	\$46,730	\$82,512	\$84,987	\$87,537	\$301,767

* Assumes March 2016 start

Table Notes:

^(a) Includes one grade-12 FTE and a 17.3% fringe benefit rate.

^(b) Adjusted by 3% annually to account for CPI inflation.

There is no impact on the District's budget and financial plan to implement Titles III, IV, V, VI, VII, and VIII.

Below is summary table of the cost of each title and subtitle in the legislation.

Projected Fiscal Impact of the Neighborhood Engagement Achieves Results Amendment Act of 2016						
Fiscal Year 2016 through Fiscal Year 2019						
Title	Program	FY16	FY17	FY18	FY19	Total
Title I (A)	Establishment of the Office of Neighborhood Engagement and Safety	\$768,732	\$1,357,362	\$1,384,178	\$1,411,798	\$4,922,070
Title I (B)	Establishment of the Office of Violence Prevention and Health Equity	\$1,916,017	\$3,768,138	\$5,271,682	\$5,429,832	\$16,385,669
Title I (C)	The Community Crime Prevention Team Pilot Program	\$533,651	\$942,275	\$970,544	\$999,660	\$3,446,130
Title II (A)	Community Policing Working Group	\$0	\$0	\$0	\$0	\$0
Title II (B)	Re-Establishment of the Comprehensive Homicide Elimination Strategy Task Force	\$270,000	\$0	\$0	\$0	\$270,000
Title II (C)	Police-Community Relations Survey	\$220,000	\$0	\$0	\$0	\$220,000
Title II (D)	Assault on a Police Officer	\$0	\$0	\$0	\$0	\$0
Title II (E)	Officer Training	\$0	\$0	\$0	\$0	\$0
Title II (F)	Office of Police Complaints Independent Complaint Review Authority	\$0	\$0	\$0	\$0	\$0
Title II (G)	Improving Stop and Frisk and Use of Force Data Collection	\$150,000	\$0	\$0	\$0	\$150,000
Title II (H)	Crime Data Collection	\$46,730	\$82,512	\$84,987	\$87,537	\$301,766
Title II (I)	Officer Retention and Recruitment Incentives	\$0	\$0	\$0	\$0	\$0

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Title II (J)	Rehiring of Retired Officers by the Department of Forensic Sciences	\$0	\$0	\$0	\$0	\$0
Title II (K)	Private Security Camera System Incentive Program	\$0	\$0	\$0	\$0	\$0
Title III	Traffic Citation Modernization for Operating a Vehicle	\$0	\$0	\$0	\$0	\$0
Title IV	Work Release	\$0	\$0	\$0	\$0	\$0
Title V	Good Time Credits	\$0	\$0	\$0	\$0	\$0
Title VI	Firearms Control Boundaries Clarification	\$0	\$0	\$0	\$0	\$0
Title VII	Microstamping Implementation	\$0	\$0	\$0	\$0	\$0
Title VIII	Firefighter Retirement While Under Disciplinary Investigation Clarification	\$0	\$0	\$0	\$0	\$0
	Total	\$3,905,131	\$6,150,286	\$7,711,390	\$7,928,827	\$25,695,634