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May 5, 1997

The Honorable Charles Taylor, Chairman
Subcommittee on the District of Columbia
Committee on Appropriations
House of Representatives

Subject: District of Columbia: Observations on Supplemental Budget Request
for Public Safety Programs

Dear Mr. Chairman:

The D.C. Financial Responsibility and Management Assistance Authority (the Authority) has prepared a fiscal year 1997 supplemental appropriation request of \$15.2 million for public safety programs. The supplemental budget request for public safety programs was based on the estimated costs of implementing two major recommendations in a recent Booz-Allen & Hamilton study of the Metropolitan Police Department (MPD). Because it was necessary to cancel the April 16, 1997 hearing at which we were to testify on our observations on this request, your staff asked us to provide in a letter the information we prepared for the hearing. This letter is our response to that request.

Although we have not done any specific audit work on the District's public safety programs, our comments on the Authority's supplemental appropriations request are based on our analysis of available documentation supporting the request, our review of the Booz-Allen study, and our knowledge of comparable processes and facilities at the federal level. In addition to the justification documents submitted to your subcommittee by the Authority, we obtained other information on assumptions underlying the request from the Authority and the D.C. Superior Court.

THE SUPPLEMENTAL BUDGET REQUEST

The Authority's supplemental budget request consists of two major parts. First, on the basis of Booz-Allen's finding that District police officers are paid less, on average, than officers in other police departments in the region, the Control Board on the behalf of MPD has requested \$8.8 million to fund an immediate 10 percent pay raise for District police officers for the last 6 months of fiscal year 1997. MPD estimates the fiscal year 1998 cost of implementing the pay raise at \$18.6 million.

Second, on the basis of the findings and recommendations of the Booz-Allen study, MPD stated that it has recently implemented changes in its operations that included placing an additional 400 police officers on the street and taking a more proactive, community-policing approach to law enforcement. According to the District, arrests have increased substantially since these changes were implemented in early March 1997. MPD and the Authority expect this higher level of arrests to continue through the remainder of fiscal year 1997, leading to additional workload and costs for the Pretrial Services Agency, the D.C. Superior Court (which includes probation services), the Office of Corporation Counsel, and the Department of Corrections. The Authority has requested a total of about \$6.4 million to fund this additional workload through the end of fiscal year 1997. Additional details about the supplemental budget request are provided in Enclosure I.

PAY RAISE FOR POLICE OFFICERS

Booz-Allen concluded that there is a crisis within MPD related to the compensation system and that immediate action needs to be taken. Booz-Allen noted that although a pay cut was recently restored, pay negotiations with the police officers' union are at an impasse, with no new contract negotiated and approved since 1995. Booz-Allen observed that new initiatives, such as those MPD recently implemented, require higher performance levels and quality of policing than MPD has demonstrated in the past. Booz-Allen also noted that pay is typically used as a strategic lever to compete for critical resources and provide incentives for employees to achieve desired performance levels. However, it concluded that the District does not use pay for such purposes, stating that the District's average officer pay scale is 14 percent below the average of other departments in the region.

The Authority has requested \$8.8 million to fund an immediate 10 percent pay raise for the final 6 months of fiscal year 1997. If the raise is not effective as of April 1, 1997, but made effective at a later date, the actual cost of funding a 10-percent raise for the remainder of the fiscal year is likely to be less than \$8.8 million.

Although Booz-Allen supported higher pay for MPD officers, it also stated that a more detailed benchmarking study was required to (1) determine MPD officers' "true"

compensation levels, including all benefits; (2) identify required basic and advanced skills; (3) identify the capabilities of current personnel; and (4) assess the pay levels necessary to attract and retain the best and brightest.

As the Booz-Allen study suggested, to be effective, any pay raise should be part of a broader plan to enhance MPD. Booz-Allen concluded that MPD operates at a very basic level in terms of performance management. On the basis of our prior work on personnel performance management issues, we agree with Booz-Allen that having effective performance standards for officers and other MPD personnel is an important step to help ensure that District citizens, Congress, and other stakeholders benefit from any pay increase. The Authority's justification for the pay raise supplemental request indicates that the raise would be tied to performance standards and changes in work rules. Booz-Allen also noted that MPD needs to address the issue of officer overtime, which it said appears to be high in comparison to all but one surrounding jurisdiction.

Booz-Allen suggested that funds for the pay raise could come from one or more of the following sources: District of Columbia taxes, congressional appropriations, savings from improved operational performance, and lower administrative costs. The Authority has proposed that Congress fund the immediate 10-percent raise through a supplemental appropriation. In the longer term, if MPD is able to achieve efficiencies in its operations, the savings could be used to fund at least part of this or any future pay raises for police officers. For example, Booz-Allen found that the percentage of civilian employees in MPD was one of the lowest of 10 major metropolitan police departments.¹ Booz-Allen preliminarily identified 256 positions held by police officers that it considered to be potentially appropriate for civilian employees.² Shifting these positions to civilians could potentially save money, because civilians are generally paid less than officers and have less generous pension benefits. In addition, Booz-Allen noted that civilians can be downsized, if necessary, more quickly than officers.

¹The high was 38.4 percent civilian employees in San Diego, and the low was 15.4 percent in Chicago. MPD was fourth lowest at 21.2 percent.

²Booz-Allen's findings were based on personnel assignments prior to the recent initiative which placed an additional 400 officers on the streets. We have no information concerning the effect, if any, of MPD's initiative on Booz-Allen's findings on civilian employees.

ADJUDICATION COSTS

The Authority requested a supplemental of \$55,000 for pretrial services, \$1,388,000 for Superior Court, and \$84,000 for the Office of Corporation Counsel to process the additional cases expected to result from MPD's initiatives through the remainder of fiscal year 1997.³ MPD made 8,597 arrests in March 1997, about 62 percent more than the 5,313 arrests made in March 1996, or an average of more than 100 additional arrests each day. If MPD's enhanced enforcement efforts continue to result in additional arrests, it seems logical to assume that the additional arrests would also result in increased workload and costs for the entire District criminal justice system, including pretrial services, adjudication, probation, and incarceration. The actual additional workload and the costs of processing that workload would depend upon a number of variables. These include the proportion of arrests that ultimately result in prosecutions, the mix of misdemeanor and felony cases, the proportion of felony cases the U.S. Attorney chooses to prosecute in federal district court,⁴ the proportion of defendants who receive court-appointed attorneys, the proportion of defendants who are detained in jail prior to trial, the proportion of cases that go to trial, the conviction rate for those prosecuted, and the sentences imposed upon defendants found guilty.

To better understand the workload assumptions underlying the dollars requested for Superior Court, you asked that we pursue this issue directly with the Court. The Executive Office of the District of Columbia Courts provided us with additional information on workload assumptions, as shown in Enclosure II. Basically, this information shows that the Superior Court's estimated increased workload was based on the assumption that the increase in case filings and other workload that occurred in March 1997 would continue through the remainder of fiscal year 1997, and that the Court's estimates were based on funding for 7 months of additional workload (March through September 1997).

³The District has included a separate supplemental request of \$302,000 for the Youth Services Administration within the Department of Human Services. The Youth Services Administration provides supervision of youths up to 21 years of age who are detained pending trial or who have been committed as delinquents to the District's care. The request is based on an anticipated increase of 32 detained or committed youths as a result of the MPD initiatives. We have no basis for commenting on this request.

⁴Within the District, all felony cases are prosecuted by the U.S. Attorney, either in D.C. Superior Court or the U.S. District Court. Where the charged offense is a violation of federal as well as D.C. statutes, the U.S. Attorney may choose to prosecute the case in federal court.

The Executive Officer of the D.C. Courts told us that he had prepared an initial estimate that showed the Court would likely need to make 400 additional attorney appointments for felony cases and 650 additional appointments for misdemeanor cases. These estimates were included in the Board's supplemental request. When we inquired about the basis for these estimates, the Executive Officer undertook some additional data gathering and analysis. This analysis resulted in an estimate that the number of additional court-appointed attorneys for the 7-month period would be 575 (for felonies) and 2,548 (for misdemeanors).⁵ These larger estimates appear to be based on a more detailed analysis of criminal filings for which court-appointed attorneys could be required than that originally provided in support of the supplemental request. The Executive Officer did not provide a revised cost estimate associated with this revised estimate of case filings. While we have no basis for supporting or questioning the Court's estimate of case filings, we note that the estimated cost of \$800 per case for court-appointed attorneys in felony cases is less than the average cost per case for court-appointed attorneys in the federal system.⁶

The Authority's request estimates that MPD initiatives will result in an additional 50 jury trials before the end of the fiscal year, with associated costs of about \$140,000, including juror and witness fees. The request includes \$8,000 for interpreters, based on an assumption that about 8 percent of all cases filed require an interpreter for non-English speaking defendants.⁷ The Authority's request also assumed a rise in the overall conviction rate from about 65 to 75 percent or more, but the anticipated impact of this rise was not specified.

The supplemental assumes that a large number of cases will be less serious offenses for which convicted offenders would be sentenced to probation. The request is based on 1,000 additional persons placed on probation during the remainder of fiscal year 1997. The request assumes 100 probationers for each District probation officer. This is a higher

⁵Because of the uncertainty in estimating the number of additional cases that would actually be prosecuted, the documentation indicated that the actual number of new cases requiring court-appointed attorneys could range widely.

⁶Court-appointed attorneys in the District are paid a flat rate of \$50 per hour. The standard rate for federal court-appointed attorneys is \$45 for each out-of-court hour and \$65 for each in-court hour.

⁷Available documentation indicated that the request would fund 198 additional requests for interpreters at \$250 per day, and that interpreters would be used for multiple cases each day. Using the assumption that interpreters are required for 8 percent of all cases filed in D.C. Superior Court, the request is based on an estimate of about 2,475 additional criminal case filings in D.C. Superior Court during the remainder of fiscal year 1997.

estimated workload per officer than the basic ratio of 57 probationers per officer used for estimating federal staffing needs.

We have no basis for assessing the need for, or reasonableness of, the \$55,000 requested for pretrial services⁸ or the Corporation Counsel's need for an additional \$84,000. We note only that to the extent MPD's initiatives result in increased arrests for offenses under the Counsel's jurisdiction, such as misdemeanor and juvenile delinquency offenses, it seems reasonable to expect that the Counsel's workload would increase.⁹

CORRECTIONS SYSTEM

The Authority has requested an additional \$4.9 million to house additional inmates resulting from the new policing initiatives instituted in March 1997. These funds are to permit the corrections system to continue to operate a medium security facility at the District's correctional complex in Lorton, VA, originally scheduled for closure this fiscal year. The Department of Corrections plans to send inmates currently housed in this facility to a contract facility beginning May 15, 1997. Based on data provided by the Department of Corrections, the request estimates that the cost of keeping the medium security facility at Lorton open is \$35,890 per day, or \$4,952,852 for the 138 days between May 15 and September 30, 1997.

We have no basis on which to question or support the need for, or the reasonableness of, this request for the Department of Corrections. Recent press reports indicate that the number of new inmates at the D.C. jail increased from 1,263 in March 1996 to 1,518 in March 1997. The jail has a daily capacity of 1,674 inmates. In its request, the Control Board has indicated that in order to make room for the entry of an estimated 680 new inmates resulting from MPD's initiatives, some of the inmates currently in the D.C. jail, which operates under a court-ordered population ceiling, would be moved to other facilities, including those at Lorton.¹⁰

⁸This includes \$30,000 for overtime and \$25,000 for a voice recognition system.

⁹The Office of Corporation Counsel prosecutes persons charged with misdemeanors, juvenile delinquency, and driving while intoxicated. Among the misdemeanors are "qualify-of-life" offenses, such as disorderly conduct, prostitution, and public drunkenness, which have been targeted by MPD's community-policing initiative.

¹⁰Generally, offenders detained prior to trial are housed at the D.C. jail. When these detainees are sentenced, they may be transferred to the Correctional Treatment Facility (CTF) adjacent to the jail for diagnostic testing. CTF also operates programs for substance abusers and women offenders.

AGENCY COMMENTS

The Director of Governmental Affairs at the D.C. Financial Responsibility and Management Assistance Authority provided official oral comments on a draft of this correspondence on May 1, 1997. The Director said suggested technical changes which we have incorporated into the report, as appropriate. The Director also provided a copy of the Authority's final supplemental request which included a net addition of \$29,500 for D.C. Superior Court. We incorporated those changes into the text and Enclosure I.

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We are sending a copy of this letter to the Ranking Minority Member of your Subcommittee. We plan no further distribution of this letter for 30 days, unless its contents are made public. At that time, we will send copies to the Chairman of the D.C. Financial Responsibility and Management Assistance Authority, and others upon request. Should you wish to discuss this information further, please contact me on (202) 512-3610. The major contributor to this letter was William O. Jenkins, Jr.

Sincerely yours,



Norman Rabkin
Director
Administration of Justice Issues

SUPPLEMENTAL BUDGET REQUEST FOR PUBLIC SAFETY PROGRAMSAdditional Detail

Function/Organization	Amount requested
Pay raise, Metropolitan Police Department	\$8,800,000
Superior Court	
Overtime processing	30,000
50 Jury trials	78,000
Witness fees	62,000
Interpreters	8,000
Court-appointed attorneys	710,000
Social Services (probation)	500,000
Subtotal Superior Court	\$1,388,000
Corporation Counsel	84,000
Pretrial Services	
Overtime	30,000
Voice recognition system	25,000
Subtotal Pretrial Services	\$55,000
Department of Corrections	4,900,000
TOTAL	\$15,227,000

Source: D.C. Financial Responsibility and Management Assistance Authority

ADDITIONAL INFORMATION PROVIDED BY THE EXECUTIVE OFFICER OF D.C. COURTS, APRIL 23, 1997, ABOUT THE ESTIMATES OF ADDITIONAL WORKLOAD FOR D.C. SUPERIOR COURT

Type of Workload	March 1996 Workload	March 1997 Workload	Additional Estimated Workload March - September 1997
Felony Filings			
New Filings	906 ^a	987	567
Felony bench warrants executed	210 ^b	231	140 ^c
Fugitive warrants executed	167 ^b	187	140
Subtotal	1,283	1,405	847
Less estimated 30 percent of new filings that would not result in prosecutions ^d	n.a. ^e	n.a.	-170
Net estimated additional felony filings	n.a.	n.a.	677
Misdemeanor Filings			
New filings	1,288 ^a	1,947	4,613
Less estimated 35 percent of new filings that would not result in prosecutions	n.a.	n.a.	-1,615
Net estimated additional filings	n.a.	n.a.	2,998
Cases Requiring Court-Appointed Attorneys^f			
Felonies	n.a.	n.a.	575
Misdemeanors	n.a.	n.a.	2,548
Jury Trials			
Assumed that 6.5% of felony arrests would result in jury trials, based on 1995 actual experience	n.a.	n.a.	53 ^g

^aMonthly average for calendar year 1996, when 10,877 new felony cases and 15,461 new misdemeanor cases were filed.

^bBased on hand-count of March 1996 felony bench and fugitive warrants.

^cAlthough the actual estimated number of additional filings for the period would be 147, in the documentation the estimate was rounded down to 140.

^dCases may not be prosecuted for a number of reasons. The Booz-Allen study found that for the 4-month period, November 1996 through February 1997, the number of arrests that did not result in the filing of formal charges against the offender ranged from 20 to 38 percent of the cases presented for prosecution.

^eNot available from documentation provided.

^fBased on the assumption that 85 percent of net filings will require a court-appointed attorney.

^gSupplemental actually requests funds for 50 additional jury trials. The estimated total of 53 is derived by multiplying 817 felony arrests by 6.5 percent. The total felony arrests used for this calculation excludes the additional estimated 140 fugitive warrants.

Note: Explanatory notes based on information provided by the Executive Officer of D.C. Courts.

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