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MANAGEMENT REFORM IN THE DISTRICT OF COLUMBIA

HEARING

BEFORE THE

OVERSIGHT OF GOVERNMENT MANAGEMENT, RESTRUCTURING AND THE DISTRICT OF COLUMBIA SUBCOMMITTEE

OF THE

COMMITTEE ON GOVERNMENTAL AFFAIRS UNITED STATES SENATE

ONE HUNDRED SIXTH CONGRESS

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MONDAY, MAY 3, 1999

U.S. SENATE,
OVERSIGHT OF GOVERNMENT MANAGEMENT, RESTRUCTURING,
AND THE DISTRICT OF COLUMBIA SUBCOMMITTEE,
OF THE COMMITTEE ON GOVERNMENTAL AFFAIRS,
Washington, DC.

The Subcommittee met, pursuant to notice, at 3:32 p.m., in room SD–342, Dirksen Senate Office Building, Hon. George V. Voinovich, Chairman of the Subcommittee, presiding.

Present: Senator Voinovich.

OPENING STATEMENT OF SENATOR VOINOVICH

Senator VOINOVICH. The meeting will please come to order. I would like to welcome Alice Rivlin, Mayor Williams, and Chairman Cropp to this hearing this afternoon.

I was thinking before I came in, it was March 1995 when I testified before a House Committee that was looking at the D.C. Financial and Management Assistance Authority and never thought that I would end up in the Senate and Chairman of the Subcommittee that has responsibility for the District of Columbia. But I must say that I am very pleased about that, particularly because of my experience in city government.

In the last 5 years, the District has undergone tremendous change. Now on the road to recovery, Washington, before appeared to be a city falling off the hill and sliding into the Potomac. I remember when I became Mayor of the City of Cleveland, there were people who said that the City of Cleveland was sliding into Lake Erie. The joke around town was, the last person leaving town, turn off the lights. But what is nice about cities is that if you get everyone together and make up your mind, you can make a difference.

Although the District has transformed fiscal year and accumulated deficits to surpluses more quickly than anticipated, the financial condition is one of convalescence. That is another thing I have learned, is you cannot ever take anything for granted. Sometimes things are going well, and then if you do not pay attention, they have a way of sliding back.

But as we all know, simply spending less money and balancing the budget are not sufficient. A city which generates fiscal year surpluses yet cannot educate and nurture its children or protect its citizens against crime or reduce a staggeringly high incidence of substance abuse is still dysfunctional. Problems still need to be addressed, including the constant problem of improving city services,

to which I know the Mayor is very dedicated, and the Council, to doing something about.

Having been a Mayor and Governor myself, I understand the difficulty in implementing systemic change. I applaud Mayor Williams for setting clear short- and long-term objectives that can be measured. By establishing a baseline performance measurement system for the city and its agencies, we should be able to address problems and concerns in a proactive fashion instead of participating in an ongoing exercise of triage. I want you to know, Mayor, I did go through these measurements. I think that they are terrific.

I encourage the District Government to improve the confidence of its citizens in the government by holding agencies accountable for achieving results. Agencies should develop strategic plans, outcome-based goals, an explanation of how the goals will be achieved, and the method for measuring progress. I say to my directors, if you cannot measure it, do not do it.

This Subcommittee will monitor and certainly encourage the implementation of a system to measure the progress and performance of management reforms in District programs and agencies. When I met with Dr. Rivlin and Mayor Williams, I said that I thought it would be good if you would come in and we could establish a baseline. I have been around government a long time, and so often what happens is that you get anecdotal stories about city services, and before you know it, some Senator or Congressman is off and running and they want to do this or do that. I think we are just better off saying, here is where we are. Here is what we have done and here is what we would like to do.

Before I introduce the witnesses, I would like to say what a pleasure it has been to have an opportunity to meet with Mayor Williams and Dr. Rivlin, and I look forward, as I mentioned to you, Chairman Cropp, to visit with you. I was supposed to meet with Eleanor Holmes Norton on Wednesday, but that got put off and so we will be doing that. The Mayor and I have talked about his coming to Cleveland. I notice you could not make that date, but we will reschedule it. They are all excited about you coming.

Mr. WILLIAMS. I am looking forward to it, Senator.

Senator VOINOVICH. At this time, I would like to welcome and introduce our witnesses, the Hon. Anthony Williams, Mayor of the District of Columbia, the Hon. Linda Cropp, Chair of the D.C. City Council, and Dr. Alice Rivlin, Chair of the D.C. Financial Authority.

Your cooperative efforts have been key to the city's success. I have always felt that Washington, DC, should be the shining city on the hill and I look forward to working with you to realize that potential.

Mayor Williams, if you would like to begin, we would certainly like to hear what you have to say.

TESTIMONY OF HON. ANTHONY A. WILLIAMS,[1] MAYOR, DISTRICT OF COLUMBIA

Mr. WILLIAMS. Mr. Chairman, we want to thank you and Members of the Subcommittee for your role in providing assistance to

[1] The prepared statement of Mr. Williams appears in the Appendix on page 19.

the District and, I think, the oversight we expect from our Council, from our Financial Authority, and from the Congress in a partnership to really bring our city forward. We are particularly delighted as employees and managers in our government to be able to work with you because of your experience in Cleveland and leading it back to recovery, your experience as a Mayor and a Governor and now as a Senator. So we are very delighted to have you here as the Chairman of our Oversight Committee.

I hope to learn lessons from you—for example, this trip to Cleveland—the way the community there has come together and is now leading the country, I understand, in production of housing in the city. It is something that we want to duplicate here in our city.

We have come a long way financially from a fiscal point of view, but there is still much work that needs to be done to not only improve the fiscal deterioration of the city's infrastructure, but more importantly, to rebuild the faith and confidence of our government.

In that respect, I wanted to just highlight a couple of the items that are in my written testimony, which I submitted for the record. But for the purposes of entering into a dialogue with you, Senator, I will just give you some highlights.

One is on the area of accountability and responsibility. We have set a number of goals for our city, how to make our city a cleaner city, a more customer-friendly city, a city that is more friendly to business, and a city that is really a beacon of hope and opportunity for everyone by providing the critical human service network activities that a city has to provide and that have been neglected in our city for some time.

In the first instance, we have set a series of short-term actions along those lines, and I am pleased to report, as I have included in my testimony, that on many of these measures, with the notable exception, I might say, of the Department of Motor Vehicles, and even there, I think there has been improvement, I have heard from our citizens, we are on the way.

I mentioned the Thomas Circle underpass, opening that up. That was a symbolic thing, not a major thing, but in terms of an irritant to our citizens, it proved to be important. Making headway on electrical inspections, again, not a major thing if you look at our overall operations, but again, giving the business community a sense that we are working in partnership with them to include not only the Department of Consumer and Regulatory Affairs but also reaching out to the Board of Zoning Appeals and making improvements there.

The Gateway Beautification Initiative, launching an effort, a multi-agency effort initially focused on our gateways, and then moving from there into looking at where we have our major traffic circulation, where we need to do a better job of sending out a good impression of our city, a Potemkin strategy. Catherine the Great's assistant Potemkin cleaned up the corridors as she traveled around the country. You know, it was criticized by historians because all they did was clean up the corridors, but if you can clean up the corridors and at the same time do the background work to improve the overall neighborhoods, it is not a bad strategy.

We are moving from these short-term agenda items to a long-term strategic planning process in the District, which is really

going to have a number of major components, chief among them performance indicators. We are going to be including in our budget submitted to the Congress a performance accountability plan, which will be the first step in moving in that direction.

As I have stated in my testimony, we have learned a great deal from our residents over the campaign trail, in talking to residents in a series of community meetings, but we are also launching an effort beginning with a customer survey we have underway to get an assessment from our residents of where we stand right now. Then using that, to begin by the fall of 1999, we hope, using both the resources from our government, but very importantly, resources from the foundation sector to begin building a citizen planning process out in our neighborhoods that we hope to eventually link up with the strategic planning process we are going to be engaging our agency and division directors in. So, ultimately, the work of our city as a whole, and I hope it is not just our government but our community as a whole, our agency directors, is going to be fed and informed by real citizen needs. So that is what I call the neighborhood strategies.

Another important feature here is that we are going to be developing a D.C. scorecard, informing the public of this goal setting and performance measurement system, and it has been an effective preliminary conversation to set these community expectations. We have worked with an organization called the D.C. Agenda, An Alliance for Redesigning Government, George Washington University's Center for Excellence in Municipal Management. We work with all these different organizations, developing a process for tracking changes in community conditions both critical to our residents and for engaging the public in gauging the performance of important services offered by the District Government.

Over the past year, this partnership has conducted research of similar priority-setting initiatives in other jurisdictions cited as best practices and they have come up with Portland, Oregon, Phoenix, Arizona, and Charlotte, North Carolina. In Attachment III, we list the indicators and associated measures that are going to guide the work of our agency heads. They are more outcome-oriented than they are output-oriented, though they are really not truly outcome measures in the sense that they really do not get to ultimately do what, for example, a department wants to accomplish, but they are well down that road.

Another device that we are going to be using, and we have begun to use it in the year 2000 budget, although we have much work to do, is the notion of benchmarking, asking our agency directors to compare their level of operations, compare their achievement of outcomes to the best practices around the country. There, in the work we have done already, we have used the cities of Detroit, Indianapolis, Philadelphia, Phoenix, and Portland, Oregon. Those are included in Attachment IV. Very importantly, there are ideas that our agency directors, our citizens have to have some way of comparison on an apples-to-apples, oranges-to-oranges basis to really understand what services we are performing in what kind of cost-effective way.

Finally, in terms of reporting, in addition to providing annual reports on performance to the District of Columbia City Council and

the U.S. Congress within the proposed and final budgets, we are going to institute monthly and quarterly reporting on agency level measures and quarterly reporting against these community indicators. The report format and procedures will be designed by the end of June and the first agency reports will be issued by mid–July.

All in all, again, what we are trying to do, Senator, is to listen to our citizens, listen to their statement of where we stand and build with them a consensus on where we want to go and then hold ourselves publicly accountable on the steps we have taken, the accomplishments we have achieved to reach that goal. So I believe it is very important and I have not really included it here in our testimony that this balanced scorecard that we are talking about is reviewed and validated by the Inspector General.

In appointing, or at least nominating for the Control Board and the Council's consideration a new Inspector General, I took a lot of time and effort to talk to the candidates about the need to do aggressive performance auditing, although I will regret this, I am sure, a year from now, but to do aggressive performance accounting and to take a real leadership role in taking this scorecard and comparing how we are doing on our scorecard with how these other best practice cities are doing.

I notice that in, for example, Phoenix and in Portland, Oregon, their city auditor did this kind of validation and I think it could be very useful to assure our citizens and assure the Council, the board, and ultimately the Congress that we have actually made the headway we are stating we have made.

That concludes my testimony. As you can expect, I would be happy to answer any questions you may have. I appreciate the opportunity.

Senator VOINOVICH. Thank you.

If it is all right with everyone, I would like to give Chairman Cropp and Dr. Rivlin a chance to testify and then we can open it up for questions.

I would like to say that one of the things I learned as Mayor is that the Council was 51 percent of the action. One of the nicest things that happened to me when I left the Mayor's job was there was a wonderful article in *USA Today*. It was an article about two individuals, the Mayor of the City of Cleveland, the short, white Republican, and the tall African American Council President that worked together to make things happen in our town.

Mayor, I have always said the Council is 51 percent of the action. If you know that, then you get along real well. We know that what the Council is doing is going to have a great deal of impact on how successful the Mayor will be and also how successful the Council will be. You have a symbiotic relationship with each other, so we welcome you today.

TESTIMONY OF LINDA W. CROPP,[1] CHAIRMAN, COUNCIL OF THE DISTRICT OF COLUMBIA

Ms. CROPP. Thank you very much, Senator. I appreciate your comments. The Mayor and the Council are working very closely to-

[1] The prepared statement of Ms. Cropp appears in the Appendix on page 38.

gether to make Washington, DC, the type of city that we would like for it to be.

We found ourselves being new roommates, however, and when you are new roommates, you have to decide whose turn it is to wash the dishes or vacuum the floor, and we are in the process of doing that. So we are in the process of learning all of that, but it is coming along and I think as we continue this approach, Washington, DC, will do much better.

The best thing about it is that we are willing to make sure that the arrangement is a successful one, and when there is the will for that and when there is the understanding that we need to have constant interaction, I do believe that we will be successful with it.

I am happy to be here with my colleagues, Mayor Anthony Williams and Alice Rivlin, today as we come before you to talk about the government's system for measuring the progress of performance of our management reform program and its agencies. Let me begin by saying that management reform is a collaborative process. The Council has been working in partnership with the Executive Branch and the Financial Authority to correct longstanding deficiencies in management and program operations. There are a number of ongoing management reform initiatives and each of us has a role in order to make sure that we have success in these initiatives.

The Council has set its 1999 and 2000 legislative agendas, the theme of which is community building and a government that works. In establishing our legislative agenda, there were four strategic priorities: Individual empowerment, neighborhood revitalization, economic growth, and government performance and accountability. It is our belief that when you do that in partnership, with the Mayor that it will help all of us to achieve.

The Mayor and the Council do not always agree on everything. I often say that I have been married to my husband almost 30 years this year. I love him madly, and I do not agree with everything that he says, but that is OK. I think that is part of good government, for us to move forward in that way. It helps to stimulate debate, and in stimulating the debate and when we come together in consensus, it will initially help the outcome to be an outcome that is more beneficial for everyone.

To ensure the long-term success of management reforms, the Council has already taken a number of steps, but there is much more to do. The Council has taken an active role in requiring performance measures for District agencies and publicly funded activities. In 1995, the Council enacted the Government Managers Accountability Act, which requires the establishment of performance measures and an accountability plan for every agency and activity in the District that uses any type of public funds.

This fiscal year, the Council is working closely with the D.C. auditor in monitoring the implementation of this Act, including assessing the reliability of the performance data, the accuracy of the performance measurements, and the level of success in achieving the performance measures.

In the past 2 years, prior to the budget process, the Council has had a set of hearings dealing solely on performance measures, and when we have held those hearings prior to the budget, we look at

what performance measures have been identified and we look at where they have been achieved and how they have been achieved. It also provides the public an opportunity to come in and share with the Council and also with the executive as they see the outcome of the public hearings, exactly where we may still need to have growth, what we need to strengthen, and also where we have done exceptionally well and how we can then move on into other areas. The Council has found these public hearings on performance measures to be beneficial not only to us, but we hope to the executive agency directors, too, as they hear concerns and as they hear where they have done well.

The Council has increased its oversight of agencies and their programs. We have instituted a comprehensive review of agency spending and performance outcomes. The Council has used performance measures as a tool in linking resources to results in its review of the fiscal year 2000 budget. We want to ensure that the government resources are linked to specific performance goals and measurements. Goals and measurements then can not only be tracked by the District Government, but by the District residents, as well.

Pursuant to its oversight responsibility, the Council has also established special committees to investigate specific management and operation issues when appropriate. Last year, the Council investigated the Metropolitan Police Department and issued a report with recommendations for management reform within that Department. It was a comprehensive report and comprehensive investigation that, hopefully, will help all of us to move in a more positive direction with the Metropolitan Police Department. Senator, if you do not have a copy of that report, we will make sure that you get a copy of it.

This year, the Council will undertake a similar investigation of the special education program within the D.C. Public Schools, an area of great concern for us, and we would like to be able to look at that issue, look at the concerns, and, hopefully, come together with a meeting of the minds with all who are involved.

The Council has also assisted in management reform initiatives by enacting legislation which encourages performance and accountability. During 1998, the Council enacted comprehensive personnel reform legislation, the Omnibus Personnel Reform Act of 1998. This creates a core of senior managers who will have at-will employment status, raises executive pay to recruit and retain top managers, creates a new system of performance evaluation that links employee step increases to performance, streamlines grievance and discipline procedures, and authorizes cash incentives and gain sharing programs for employees to encourage and reward good performance. This law that the Council passed is an excellent tool that can be utilized by the Mayor as he moves forward in trying to do his performance measures.

In 1996, the Council enacted procurement reform. The Procurement Reform Amendment Act of 1996 centralize the District's procurement activities under the direction of the Chief Procurement Officer. By working together, the Executive Branch and the Council, the District's procurement operation has greatly improved. This

has resulted not only in reduced costs of supplies and equipment, but also improved service delivery to District residents.

Along with the management reform initiatives, the District is implementing regulatory reform. Last year, the Council approved two comprehensive business regulatory reform bills. These legislative initiatives are part of the Council's ongoing efforts to address regulations which unnecessarily and inappropriately impair economic development in the District. The omnibus legislation addresses a number of regulatory reforms, including business licenses, insurance premium tax, health regulations, elimination of obsolete and redundant boards and commissions, building and land use regulations, vending regulations, and unemployment insurance and workers' compensation, which was no easy task. There was an awful lot of work that went into it, and a lot of really hard decisions, particularly when you look at the workers' compensation piece.

Finally, the Council has not exempted itself from management reform. The Council commissioned a study by the National Conference of State Legislatures and worked cooperatively with the Appleseed Foundation in their study of Council operations. The Council has already implemented some of the recommendations from these two studies and is in the process of implementing others.

In conclusion, the residents of the District and its employees alike will share in the results of management reform—improved quality of service, reduced costs, efficiency, and effectiveness. The Council will continue to work cooperatively with the Mayor and the Financial Authority in implementing management reform initiatives and monitoring the results of these initiatives.

And possibly more importantly, we are not going to slide into the Potomac, Senator. We have stemmed the erosion that is occurring. We have stabilized the shoreline and we have strengthened our infrastructure, and we are in the process of pulling out a cloth and shining up everything that is there so that we can be that beacon that we ought to be, the city that is the capital of this greatest country in the world.

There is a new sense of hope that can be seen very easily among District citizens. You see shoulders back and heads held high. It is with a new pride, a new hope, and a new determination that with all of us working together, we can make Washington, DC, the type of city that we all want it to be and know that it can be.

Senator VOINOVICH. Thank you. Ms. Rivlin.

TESTIMONY OF ALICE M. RIVLIN, PH.D.,[1] CHAIRMAN, DISTRICT OF COLUMBIA FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE AUTHORITY

Ms. RIVLIN. Thank you, Mr. Chairman. I, too, am very pleased to be here with my two colleagues from the D.C. Government, Mayor Williams and Chairperson Cropp. We have been seeing a lot of each other recently. I did not exactly think of us as roommates, but we have been working very hard in long meetings to work out D.C.'s budget, to keep it balanced, and to improve the services.

[1] The prepared statement of Ms. Rivlin appears in the Appendix on page 43.

The District of Columbia, as you said at the beginning, has come a long way since the dark days of escalating deficits, looming bankruptcy, and service breakdown that forced the Congress to create the Authority that I chair. The budget has been in surplus for 2 full years. Fiscal year 1999 will be the third. We are now working very hard to have a balanced budget in fiscal year 2000. The accumulated deficits are paid off. Our credit rating is improving.

I agree with Chairperson Cropp that we have a new spirit of hope. We have vigorous new leadership in the Mayor, a strong, active, very vocal Council under Linda Cropp's leadership.

The role of the Authority at the moment is to help forge a consensus on the budget that will contribute to the long-run fiscal strength of the District of Columbia and to encourage the efforts of the elected officials to improve the efficiency and the effectiveness of D.C.'s public services. We want to go out of business, but we want to go out of business leaving behind a very strong city.

We strongly support the Mayor's efforts to improve the services to D.C. residents and we believe he was right to start with some immediate short-run, visible progress and then move on to the harder, more complex problems that will take longer.

Performance measurement must be central to service improvement. We need to find out from a broad range of citizens what they want most from their government. We need to devise measures of success in delivering what people want. And we need to measure the outcomes and the cost of delivering them as accurately as possible and to keep a continuous record of what is actually happening so citizens can see the record and judge for themselves how well the government is doing.

Now, that sounds great, but it is not easy. I am a veteran of quite a few efforts over a long time, several decades, actually, to do this kind of thing, so I know how hard it is, although I believe that performance measurement is generally more feasible at the local level where services are delivered directly to people than it is at the State or the Federal level, where you often have a lot of intermediaries. The District of Columbia has the advantage of coming late to this process and can learn from the experiences of other cities, some of which the Mayor mentioned, that are doing a good job.

Let me point out a couple of hazards. It is easiest to focus on the services or the aspects of services that are easy to measure—waiting times, potholes filled, trees trimmed, those kinds of things that you can get at quite quickly—and these are not necessarily the most important things.

A second hazard is that the measures themselves, if you are not careful, can distort the outcomes. A classic example is a training program where the measure is people placed in jobs. If you take that measure, it generally leads to the people who run the program working hardest with the people who are easiest to place, many of whom might have had jobs anyway, or to concentrating on getting people into any job, however temporary, rather than one with long-term prospects. Teaching to the test is another example, or getting children placed in foster care without adequate screening or follow-up if the measure is placement.

So those kinds of things are all pitfalls which make it more difficult. This is emphatically not an argument for not doing performance measurement; it is an argument for doing it well. We will work hard with the Mayor and with the Council to give our support for a thorough, long-lasting effort to measure the performance of the D.C. Government and to get those results to the citizens and to the Congress. Thank you.

Senator VOINOVICH. Thank you.

Chairman Rivlin, have you had a chance to review the measurements that have been put in place and comment on them?

Ms. RIVLIN. We have had a chance to review them. It is sort of a continuous chance, because they are changing all the time and being improved. But, yes, we have, and we have access to it and, indeed, before the Mayor became Mayor, this effort got a good start, I think, under Chief Management Officer Camille Barnett.

Senator VOINOVICH. And you will be reviewing those and giving your opinion on them independently and sharing those with the Mayor and Council?

Ms. RIVLIN. We will. We are not shy.

Senator VOINOVICH. Great. That is good. They will have a chance to take advantage of your expertise. I have a series of questions here, but I would just like to comment on a couple of things. You are talking about your Department of Motor Vehicles, and I do not know if I mentioned this or not when you were in the office, but ours was in such bad shape that I went to the East Ohio Gas Company and asked them if they would lend us their top person who ran their whole motor vehicle division and they went to work for the city and spent almost a year and they trained the individuals there, a very fine person, but just did not have the background or education and experience to get the job done. It is amazing what a difference it made because of our making that person available.

You were talking about your gateway corridors that are really key in terms of the appearance of the city, and one of the partnerships that I want you to visit with is Clean Land Ohio, which is an organization that was set up by the private sector to take those most conspicuous parts of the city and have the private sector "adopt" them. Basically, they pay $3,000 to come in and then every year they pay $250 and a private outfit maintains these areas. It is quite interesting. There is a very nice sign that is there. It has made a big difference.

On the customer survey—what kind of a survey are you going to be using? I know you had one, but is this going to be a polling thing or how are you going to do this?

Mr. WILLIAMS. The initial survey—and I can give you more detail from Norman Dong, who has been working on this—but the initial survey is a series of focus groups as well as an instrument where we actually are doing a survey of city residents directly.

Mr. DONG. We will go out in July and actually do polling, telephone research. Right now, we are getting assistance in trying to figure out what the measures should be.

Senator VOINOVICH. Are you going to have a professional polling firm do this?

Mr. DONG. Yes. We have one under contract already, and I think it is the same firm that did a customer survey for the Financial Authority several years ago.

Senator VOINOVICH. I am interested in that. That is a motivator, because we used to do one every year. Unfortunately, I could not get the city to pay for it, so I had to use campaign funds, or I would get the Chamber of Commerce to do it. But there was a lot of interest in the various directors of the departments in terms of the results of that survey. It was something that they every year looked at and it was an incentive for them to do better.

Mr. WILLIAMS. We would like to elaborate on that survey and, beginning this fall, begin building real strategic plans out in the neighborhoods that would feed into the overall plan for the city and look for help from the private sector and foundations to help us defray the cost of that.

Senator VOINOVICH. The benchmarking, I think, is a good idea. In terms of your benchmarking, have you tried to find places that are similar, though, in terms of yours?

Mr. WILLIAMS. I think the cities that we have looked at for benchmarking, we thought for a variety of different reasons seemed to match up well, although it is a work in progress. Detroit, Indianapolis, Philadelphia, some of the same problems, some of the same issues. They are larger size, but you can do the measurements and you can control for size. Phoenix and Portland, because I think they are seen as model cities in their achievement, but I think this could vary.

The initial indicators—no one has really paid attention to this in the budget, but the initial indicators I get from looking at the benchmarking in the budget and in my former role as CFO is that we have got a lot of work to do. We have got some agencies where you have in a similar city one FTE may do, say, 700 units of work and in our city you have an FTE doing 20 or 25, so that raises a lot of questions. We did some benchmarking in my own office and found this to be the case, comparing to other executive functions.

So there is just a lot of work to be done and we are committed to doing it. It gives you a sense of where you need to go. I mean, you can always make—I will put it this way—it raises issues.

Ms. RIVLIN. If I may chime in on that, I think that is right, but one of the reasons is that the District is so far behind on computerization and on really having a modern kit of tools for employees to work with and training them in how to do it, and that is one of the challenges.

Ms. CROPP. One other piece, too, there is the upgrading of the infrastructure, but the other issue that is very important for us to get a handle on is the training of our workforce. As you stated with your DMV, it was not that the individual was not capable of doing it and did not have the intelligence to it, but sometimes they just did not know how to do it. We have found that in the District of Columbia.

What we are committed to doing now is doing an assessment of our workforce and training our workforce into doing a good job, and if they cannot do that particular job, then the Mayor through the Personnel Act has the flexibility to take whatever the appropriate steps are in training or moving them into another area. Hopefully,

after we move into this training of our workforce, we will really see a big difference.

Senator VOINOVICH. Do you have anything in your budget for training of individuals?

Ms. CROPP. Throughout the budget, we have different components with training in our budget. We have been looking at that, actually, for the past couple of years. One thing that I am really pleased with is that we are looking at our mid-level managers and we have a program in conjunction with several entities, a university, the World Bank, and others, where they send our workforce through a whole training program to train them how to do it. So we are looking at this somewhat comprehensively.

Senator VOINOVICH. One of the things that I was surprised at, we did not put any money aside. If you look at good businesses, you will find that they put a lot of money into training, and unfortunately in government, the training dollars are never available. So we started it and the city set aside money for training, and on the State level, in terms of working with our unions, they gave up some of their pay increase that we matched or doubled for training because they thought that was very necessary and they were willing to give up a little bit, and so were their members, just to get money for training. I think up to $1,200 a year is made available now to each employee, and they sit down with their supervisor and figure out where it is that they need it. I know it is an added burden on a budget, but I think it is the kind of thing that if you work at it year after year, it can be very helpful.

Ms. CROPP. It probably needs to be expanded as you go on, because I believe that the needs of the city will change constantly. So it is the type of thing where we will probably need to continually train and retrain our workforce in the area of need as needs of the city change.

Mr. WILLIAMS. Senator, what we have tried to do is to develop a labor strategy that includes a healthy component and a commitment to training, so we lined up a group of law firms in the city who donated their practitioners, partners to work with us and came up with a proposed labor strategy that we are now working with the Council and the Board and labor unions on. It has a component of training, trying to provide foundation training for every employee, rehabilitation training for employees who need additional work based on a skills assessment, and specialized training for employees in certain areas, as well as the government saying, if you are an employee and for purposes of upward mobility and advancement, you want to do some continuing education along career lines somewhere in the District, the government would match a certain percentage of your training costs below a certain threshold.

But to couple that training exercise with restructuring work down in the agencies and taking full advantage of this personnel reform that the Chairman was talking about, where we want to systematically go through the agencies and make sure that in all the mid-management positions, we have the very best people. I think we have made a mistake in the past of sometimes we have not spent enough training, and in some cases, we have done training but we have not done any associated restructuring or skills as-

sessment, basically, and the training is not always as effective as it could be.

Senator VOINOVICH. Who did your personnel plan?

Ms. CROPP. Actually, it was a combination. It was initiated actually through a Council retreat, when we looked at the areas of the District where we were very weak and personnel happened to have been one. So the Council worked in partnership with the Executive Branch and the Financial Authority and all came up, using some outside help in coming up with a new piece of legislation that would change our whole way of operating.

Senator VOINOVICH. Did you establish new classifications for all of your employees and benchmark them with the private sector, or how did you do that, or other governmental agencies?

Ms. CROPP. We are still in the process of doing that, actually, and, in fact, we are looking at compensation level and benchmarks and all of that now. The Mayor has affirmed that it is doing a study on that currently and we hope to have that completed soon. I think the timeline is the fall.

Mr. WILLIAMS. Right, to go through the agencies, set new positions with new classifications and compensation, do skills assessment, work with the unions, but then everyone in the organization will compete for the new positions. So we are doing that in the Department of Human Services as a way to reconstitute the workforce and I have a lot of confidence that this could prove to be very successful and allow us to get the best people in the right jobs.

Senator VOINOVICH. I would really be interested in what you are doing there, because I know this from experience, that it is very difficult, getting a good classification system. And, of course, you have some disruption with people who get reclassified. We did that when I was Mayor and it was tough. I hate to admit this, but we ran out of time on the State level. It was such a complicated thing. I know I said to the new Governor, Governor Taft, that if you are going to do this, you had better start in your first year because it is a long process. I would be really interested in having you share with me and the Subcommittee what you are doing in that regard.

One of the things that I must say, Mayor, that seems to be pretty ambitious on your part is this quarterly reporting. Do you have some kind of a software package that you put in place that makes it easier for your managers? Have you started to get their quarterly reports yet?

Mr. WILLIAMS. As you know, Senator, as a manager, it is hard to get any kind of report from your managers, just a regular narrative report. And I would agree that this is ambitious, but I have always believed that you ought to try to be somewhat realistic but to set an ambitious goal and work toward it, because if you set a relaxed goal, it is harder to get there.

I will say, as Alice was saying, there has been a lot of work done. I think one of the things that Camille Barnett left us was a lot of work done on the infrastructure performance measurements. They were actually farther along than one would think on the ability to do this reporting. But I would not underestimate the difficulty of it, having worked in the Federal Government trying to do it and as CFO trying to do it and now Mayor.

Senator VOINOVICH. It is very difficult. We finished up with our management audits and came back with recommendations. We gave out, what is it, the Eagle Award, but we had some fun with our directors. It was public that they had certain things that they should do and we stuck the needle into those that were not getting it done and rewarded those that were. But, really, you have to dedicate the time to it in order to get it done.

Do you have any things in place to encourage people to come up with suggestions on how they can improve the delivery of services or any kind of a reward program like the private sector has or anything like that?

Mr. WILLIAMS. We have in the budget, and I think the Council is in agreement with this, we have proposed that we institute a program of gain-sharing where we give our employees and our managers, our work units, the incentive to come up with new ideas and implement those ideas and then take the gain from those ideas into rewards for the employees and reinvestment in plant and equipment in the work unit. I think that is going to give our people the incentive to do that.

Also, I am a big believer—I did this when I was CFO, and I believe now that our managers and agency people, goal leaders—sometimes they are not the same—who accomplish a certain result, under budget and ahead of expectations, should be rewarded for that. I did that as CFO and it worked very well if you have the right people and the right conditions.

Senator VOINOVICH. There are a lot of packages out there that are employee incentive packages and I do not know how they fit in with what you can do legally, but we had a program in Ohio called Innovation of Ohio. We captured the suggestions from employees, individual employees and also we had total quality management, so we had teams. I gave out checks as much as $5,000 to State employees who came up with ideas that you could measurably show really saved money. Then they had a catalog of things they could choose, a television or something else, if they wanted to.

Mr. WILLIAMS. That is a great idea.

Senator VOINOVICH. And then, twice a year, I would be there to pat them on the back. It is amazing. It sounds like it is not that important, but it really made a difference.

In the procurement program, you have put that in place, is that correct?

Ms. CROPP. We passed new procurement legislation and there is a new procurement program that the executive is initiating in this year's budget. There is quite a bit of savings that we see coming out of the change in the procurement program. We hope that the laws and the legislation that was passed last year by the Council helps to make it go more smoothly. So we are hopeful. We still believe that there may be need for some additional changes. We will see what they are as we approach them. I guess the word may be flexibility as we watch and see what needs to occur.

But the fiscal year 2000 budget will show, I think, about $14 million in savings in procurement by a new process that has been developed by the Executive Branch in the procurement area, and that is actually wonderful. I was really happy to see new parts that

have been implemented and to see that it is really going to come to fruition and we will actually see savings from it.

Senator VOINOVICH. Do you have a minority set-aside program like the SBA 8(b) program or anything like that in the city?

Ms. CROPP. We have one set-aside. I will tell you, the Council also feels strongly that another thing that needs to happen in the city is that we need to keep business in the District as much as possible to help our economy. It seems to me that you need to first help at home and strengthen your economy, help your economy to grow, and then as you help your economy to grow, and if you do not have the wherewithal to do it in-house, then you go region, and then once you go region, then you go somewhere else.

But, yes, we do, but I think it goes beyond that. That is part of it, but also, the Council's mindset looks at helping the economy within the District of Columbia, then helping the economy within the region.

Senator VOINOVICH. I would be interested in your MBE program. it has been very difficult to maintain with the court cases, but——

Mr. WILLIAMS. We use the term local small disadvantaged business and try to use economic conditions, class, and status as proxy for official minority status, given all the case law and given where we are. We have put a good person in who is working with the Inspector General and even the FBI to see that we are doing what we are doing the right way and affording our contractors opportunities with big projects like Y2K, the convention center.

We have made an enormous amount of progress in procurement if you were here 3 years ago. There is night and day difference, although we still have a couple problems. One is we still have issues with the Federal Government in getting our Federal resources into the agencies and out on the street. There is still congestion in the procurement there.

I am worried about being able to do major initiatives like, for example, this major interchange, Barney Circle. We ended up not doing it. So in the last highway bill, thanks to some heroic work of folks like Congresswoman Norton, we were able to use these funds for local streets and change the ratios, a number of different things. It was great for the District. But we have to make sure we get these funds out into real improvements in the city, and what I have told our people is we have to leave on the table every means necessary to see that we get these resources out there.

Finally, there are simple things like cars. We do fleet management, and we have got to look at every possible way to do our fleet management in the most cost effective way possible, including having GSA do it for us if they can do it most cost effectively. I am not saying we should do that, I am just saying we need to look at all the different opportunities out there from procurement in to get to the intended result, which is better service for our people. Sometimes the tail ends up wagging the dog.

Senator VOINOVICH. I think that, as I said, I would be interested in the program that you have in place. That is one of the ways that you can responsibly help small businesses get into business. I think it is something that we all should strive to do within the framework of the new court cases that have come out.

I would like to welcome Congresswoman Eleanor Holmes Norton. It is nice to see you. We are glad to have you here today. I guess we are not going to get a chance to see each other Wednesday, but we are going to reschedule that and I am looking forward to that.

Mayor, one of the things that I would be interested in having you share with the Subcommittee is how are you going to deal with your directors in terms of holding them responsible for their performance? What do you anticipate? How do you plan on handling that?

Mr. WILLIAMS. In the first 6 months, as we went through this 6-month short-term action process, the performance contracts for our agency chiefs were pegged to these short-term goals. So if you were doing Department of Housing and Community Development, you committed to me you would turn over 100 units of housing into home ownership by the end of 6 months and that was a measure, ad hoc as it may be, that was factored into your performance contract. So everyone is operating under a performance contract.

Now we are asking for our agency heads, and we have begun to sit down with them with their what I would call interim strategic plans, a longer view to try to correlate their short-term items with their longer-term what I always call like Suez Canal projects, the long-term projects that every agency has to do. We fashioned these performance contracts now to incorporate the measures that you see here.

So we have the measures in Attachment III, I believe it is, that are driving the agencies. Those would be factored in the performance contracts. They are evaluated on a periodic basis. If the agency director is not making it with these measures, then, obviously, they have got to find another line of work. Alternatively, if they are doing a great job, then, again, I believe that they ought to be rewarded with a bonus.

Senator VOINOVICH. One of the things that I would also be interested in, you mentioned the performance evaluation the Council was looking into. I would be interested in what kind of a system you have, because that is another area that is tough. You hire people, get the contracts, and then have your managers do the performance evaluation of the people that work for them and then have the performance evaluation of their performance. As Mayor, the toughest job I had every year was to do the performance evaluation of my directors, which took just an enormous amount of time.

But I would be interested in what system you have in place to guarantee that those performance evaluations are, indeed, getting done and how are you going to monitor that they are really indeed getting done. That is really important to me. I think people ought to know whether they are doing good or bad. I think part of the problem in government today is that people do not think anybody is paying any attention, and if they have to come in once a year and you talk about what they have been doing good and what they have been doing not so good, even if it is bad, at least they know somebody cares. So I think that is really a big area, and again, I would like you to share with me how you intend to get that done.

Ms. CROPP. One of the things that is somewhat new that the District is doing is that a lot of the directors are signing performance

contracts and it is somewhat helpful in a lot of ways. It spells out the tasks, the expectation. It gives an expectation level and a way in which they can measure it and the evaluating person can also measure it. I think it is something that is very beneficial in the long run.

Senator VOINOVICH. One of the things that the Mayor and I talked about was quality management. I do not know, Chairman Rivlin, if we talked about it or not, but a lot of jurisdictions in the country today, a lot of governmental agencies are really looking at quality management as a way of involving their employees in decision making and creating teams.

I know, Mayor, you have got lots on your plate. I know how you must feel, probably overwhelmed. But probably the most worthwhile thing that we did in State Government is make a commitment to quality management and really got our unions involved in it. In fact, they really ended up being the drivers of it and it is continuing. It has really changed the lives of people who work in State Government, because for the first time, they are involved. They get the training, they create teams, and they are involved. Their ideas are being looked upon.

I do not know whether I shared this with the Mayor or not, but I had a terrible problem going back when I was Mayor in taking care of snow removal. We had all kinds of studies done and they came back. We implemented all these things. By the way, Mayor, this is a benchmark from around the country. It did not get done. So I finally just went crazy and just invited down all of the supervisors. They all came into my cabinet room and we spent about 3 hours together talking about why it was—I said it really bothered me that we just were not able to do snow removal. I said that the thing that should bother them, too, was that the suburbs were getting it done. It was like, well, now we are in Cleveland. It is not getting done. It was a bad reflection on our people.

They came back and basically laid out what was wrong. They laid it out. There were not enough routes. They did not have mechanics that were out there in the districts to do the repair. The snow plow blades were not uniform, and in some instances they did not even have the equipment to get the job done. From them, we followed their advice and today, to this day, our snow removal is as good as the suburbs. But had we not gone to them and asked them for their ideas on how to do it, I am not sure we would ever have gotten it done. That is something you might look at down the road.

Would you like to comment on anything else or share anything else with me?

Mr. WILLIAMS. I think from the quality management, we have initiated something called Labor–Management Partnership, which I take as an effort to bring labor and management together to produce the kind of results that you are describing. As I quoted to you when we met, our improvement in the tax refund business—we were like the last, 55th among the States in sending back refunds—really improved because, I think like your experience in the snow removal, we did not use any consultants. We just sat down with the employees and said, why is the refund process completely broken. They gave us 20 different reasons and we fixed those 20

reasons and it improved. We also made investments and everything, but it was really working with the employees.

So I am hoping that this Labor–Management Partnership, working not just at the top level where it has to exist but down in the agencies, can produce the quality results that you are describing and we are very excited about it.

Senator VOINOVICH. Chairman Cropp, anything further?

Ms. CROPP. Let me just conclude by saying that the District is moving forward. We are strengthening our structure. And I think we have established an excellent working relationship with the Financial Authority. In fact, the Mayor and the Chair of the Council have been invited to go into the meetings with the Financial Authority. I think it has been very helpful.

As we look into transitioning back to home rule without the Financial Authority, even though we have this good working relationship, I look forward to working with Alice Rivlin outside of the government because we are structurally sound and we have done those things necessary for that to occur. We would like to have all the support that we can in order to enable us to do that and get there as quickly as possible.

Senator VOINOVICH. I am looking forward to continuing to work with you. We have put together—Kristine Simmons, who is the staff director, worked for the Committee as a whole, so she is pretty familiar with what is going on, and we have hired John Shumake, who worked with David Catania, one of your colleagues on the Council. That is all he does every day, is work on the District. I think enough of it to have someone working full-time on it and working to see if we cannot be of help to you.

I am very grateful for your courtesy of coming here today and look forward, Mayor, to that visit to Cleveland. I am hoping that maybe a year from now, we can get together and find out how we are doing on some of these things that we have talked about today, if you just stay with it. Our motto in Cleveland was, "Together, We Can Do It," and together, you can do it. Thank you very much.

Mr. WILLIAMS. Thank you, Mr. Chairman.

Ms. CROPP. Thank you.

Ms. RIVLIN. Thank you.

Senator VOINOVICH. The meeting is adjourned.

[Whereupon, at 4:36 p.m., the Subcommittee was adjourned.]

APPENDIX

I applaud Senators Voinovich and Durbin and the entire committee for their foresight in asking the District government to address these issues. Preparing these comments has helped my office and the agencies we are working with to better communicate the systemic approach we are taking in setting performance measures. The structure of our performance measurement system is illustrated in Attachment I, but at its heart, it is a system driven by clear commitments of performance and accountability for meeting those commitments.

Accountability and Responsibility

As the elected leader of the District of Columbia's government, residents will hold me accountable for my success or failure. Those expectations are entirely appropriate—accountability must start with the leaders, and I will turn to the leaders who I can hold accountable—appointed agency directors. Agency directors will, in turn, hold their division managers and every employee throughout their department responsible for achieving the agency's goals.

Short-term Actions: At my first meeting with Department directors I called on them to identify problems that we could collectively solve within the first six-twelve months of this administration. We have made rapid and substantial progress in addressing this short-term action agenda. I have included a fact sheet [Attachment II] on the status of the Short-Term Action Items, but I would like to highlight a few.

- **Thomas Circle Underpass**: Closed since last fall due to legal wrangling, Art Lawson, acting director of DPW, committed to opening the underpass by February 15 and it was done three days early.
- **Electrical Inspections**: The Department of Consumer and Regulatory Affairs (DCRA) streamlined an electrical inspections process that that took as long as four months to complete a single permit to 48 hours.
- **Gateway Beautification Initiative**: DPW spearheaded a multi-agency initiative to remove accumulated trash and vehicles and begin landscaping at three entry-points to the Nation's Capital—New York Avenue, Georgia Avenue and East Capitol Street. Yet, just a few weeks after completing the initial clean up, the Department of Public Works reports that trash is again accumulating.

Long-term Strategic Planning: Short-term actions are encouraging at the outset, but they are not sufficient to provide quality service that residents deserve. While the agencies are aggressively pursuing their short-term action agendas, I have asked a group of agencies to develop strategic plans focusing on their missions and operational objectives. Departments participating in this effort are those that have the most impact on the daily lives of District residents—Public Works, the Police and Fire Departments, the Department of Employment Services, to name a few.

Performance Indicators: The ultimate success of both the short-term action agenda and the long-term strategic planning initiative will emerge from the day-to-day operations of District agencies. Residents should expect timely trash collection by the Department of Public Works and dropping crime rates due to the work of the Metropolitan Police Department.

Setting Clear Expectations—A Consultative Approach

I believe the residents of the District of Columbia should have the highest expectations for the delivery of services. Their initial expectations should be for significant and profound improvements and their long-term expectations should be for sustained and continuous improvements—backsliding is not an option.

I learned a great deal about what residents want on the campaign trail, at every town meeting I have attended and through letters and e-mail that have come to my office every day. However, we have real data available to us on what the District's residents want. The Control Board conducted a detailed survey of residents' priorities in the summer of 1997. We are building on that research through a series of structured interviews just completed with residents from all eight wards and with a follow-up set of focus groups and a survey later this summer.

Neighborhood Strategies: However, if we are to succeed in meeting expectations for improving the quality of life in the District of Columbia, government must form a partnership with all of the stakeholders in the community—residents, businesses, and community-based and faith-based organizations. The District of Columbia will begin engaging the larger community in a neighborhood-based strategic planning effort by fall 1999. We will tie those planning efforts closely to the agency's strategic plans and restructuring activities.

DC Scorecard: The DC Scorecard Partnership also informs our goals-setting and performance measures system, and it has been an effective preliminary conversation to set community expectations. Comprised of DC Agenda, the Alliance for Redesigning Government, and GWU's Center for Excellence in Municipal Management, the Partnership is developing a process for tracking changes in community conditions most critical to our residents and for engaging the public in gauging the performance of important services offered by the District government. Over the past year, the Partnership conducted research of similar priority setting initiatives in other jurisdictions cited as "best-practice" jurisdictions in the provision of government services—Portland, Oregon; Phoenix, Arizona; Charlotte, North Carolina. Attachment III lists the indicators and associated measures. I plan to adopt the Scorecard measures as the initial performance measures for the Office of the Mayor to address the question, "How am I doing in meeting the expectations of District residents?"

Benchmarking: The performance measures that we will include in the FY2000 Operating Budget and Financial Plan will be the baseline for District government operations. But we know we have a great deal to learn from other jurisdictions, and we intend to do so. The District conducted an initial benchmarking research effort in

January-March 1999, comparing a handful of operating and financial measures for a dozen District agencies with five "best practice" cities: Detroit, Indianapolis, Philadelphia, Phoenix and Portland, Oregon. [see Attachment IV] This summer, we will mount a more extensive benchmarking effort of services in these five cities and additional jurisdictions. Our selection criteria for benchmarking are:

1. **Neighboring Jurisdictions** in the region regardless of differences or similarities
2. **Comparable Urban Jurisdictions** around the nation similar in population size, demographic mix, geographical features and on other dimensions
3. **Best Practice Jurisdictions** regardless of differences or similarities

Benchmarking will help us understand how we compare to our neighbors, identify effective strategies used in similar settings and set our goals as high as the best performing jurisdictions in the nation.

Reporting: In addition to providing annual reports on performance to the District of Columbia's City Council and the U.S. Congress within the proposed and final Budgets, the District of Columbia will institute monthly and quarterly reporting on agency level measures and quarterly reporting against the community indicators. The report format and procedures will be designed by the end of June and the first agency reports will be issued by mid-July.

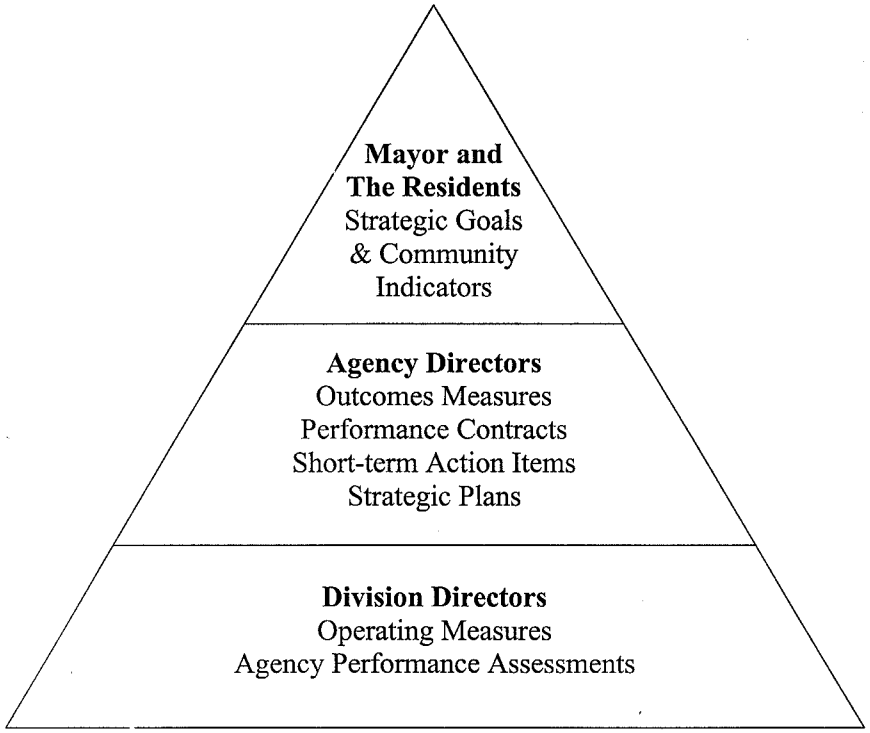
Measurement as a Management Tool

A well-designed performance measurement system is a powerful management tool for the Mayor of the District of Columbia. Having set clear expectations and developed measures of agency operations in meeting those expectations, my office can make resource allocation decisions, personnel decisions and policy decisions. Agency directors will have unambiguous statements of what the residents and the Mayor expect, and their regular reports will document their success or failure in meeting expectations. Congress and the Control Board will have compelling evidence of the progress of the District of Columbia's success in self-governance. And District residents will have objective indicators, designed to their specifications, that the city is moving in the direction they want. As I said earlier, accountability begins with the leaders.

Thank you. I will now be glad to answer any questions you might have.

Attachment I

Performance Measures Architecture



Attachment II

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ACHIEVING OUR GOALS

GOAL: A CLEAN CITY		
ACTION ITEM	PROMISED	DELIVERED
Thomas Circle Underpass Reopened	Feb. 15	Completed Feb. 12
Rid-a-Rat Campaign Launched	Feb. 28	Underway March 5
Pothole Blitz Launched: 95% of Reported Potholes Filled within 48 Hours	Feb. 28	Underway March 1
Gateway Beautification Launched along Georgia Ave., New York Ave., East Capitol St., and H St., N.E.	Feb. 28	Underway March 22
Graffiti Elimination Campaign Launched	March 31	Underway April 1
Public-Private Partnership to Clean Gateways Launched	March 31	Underway March 22
Rat Summit Held to Discuss Best Practices for Rat Abatement	April 17	Completed April 17
Selected Abandoned Buildings along New York Avenue Demolished	June 30	

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ACHIEVING OUR GOALS

GOAL: A SAFE CITY		
ACTION ITEM	PROMISED	DELIVERED
Enhanced Police Service in each Police District	April 15	Underway April 12
Reduced Response Time for Fire/Emergency Medical Services	May 15	
Crime Information to Officers Enhanced with Implementation of New Technology	August 31	
Open-Air Drug Market Abatement for Six Sites Launched	August 31	
Free Fire Inspections to District Homes Increased by 10%	Dec. 31	

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ACHIEVING OUR GOALS

GOAL: A BUSINESS-FRIENDLY CITY		
ACTION ITEM	PROMISED	DELIVERED
Decreased Waiting Time for Electrical Inspections to 48 Hours	Feb. 28	Completed Feb. 15
Expedited Building Plan Review	Feb. 28	Underway Feb. 28
Decreased Regulatory Hassles with the "Development Ambassador Program"	Feb. 28	Launched Feb. 28

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ACHIEVING OUR GOALS

GOAL: FIRST-CLASS CUSTOMER SERVICE		
ACTION ITEM	PROMISED	DELIVERED
Extended Hours on Wednesdays until 8:00 p.m. at Departments of Human Services, Employment Services, Motor Vehicles, Consumer and Regulatory Affairs, and Selected Public Libraries	March 17	Launched March 17
Enhanced "One Number" for District Government Agencies	March 31	Launched March 31
Improved Customer Service Centers at the Departments of Human Services, Employment Services, Consumer and Regulatory Affairs, and Motor Vehicles	March 31	Underway March 31 (except DMV)
Reduced Waiting Time at the Department of Motor Vehicles	March 31	Not Met
Neighborhood Drop Boxes for the Department of Motor Vehicles placed in Police Stations	April 30	
Applications for Licenses and Permits Available Online through the Department of Consumer and Regulatory Affairs	May 31	
Bestsellers Available in Libraries the Same Week They're Listed in the Post "Book World" Section	June 30	
"Answers, Please" Social Service Referral System Established	June 30	

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ACHIEVING OUR GOALS

GOAL: INCREASED EMPLOYMENT OPPORTUNITIES

ACTION ITEM	PROMISED	DELIVERED
Decentralized System for Welfare-to-Work Job Placement	Feb. 28	Completed Feb. 28
Bilingual Satellite Career Center Opened at the Latin American Youth Center	March 31	Completed March 31
Vocational and Undergraduate Education Provided to Qualified Welfare-to-Work Recipients	April 30	
Rates for Around-the-Clock Child Care for Welfare-to-Work Families Established	April 30	
6,500 Private and Public Sector Jobs Secured for the District's Youth Summerworks Program	May 31	
Department of Employment Services Revamped in Partnership with the Federal Government and the Private Sector	August 31	
Free Computer Training Program at the D.C. Public Library Trains over 3,000 Residents	Dec. 31	
Two Hundred Seniors Placed in Paid and Unpaid Positions	Dec. 31	

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ACHIEVING OUR GOALS

GOAL: A FAMILY-FRIENDLY, HEALTHY CITY		
ACTION ITEM	PROMISED	DELIVERED
All City Pools Opened On-Time according to Published Schedule	June 21	
Food Safety Inspections Increased and Compliance Rate for Food Safety Inspections Increased by 40%	June 30	
All District Playgrounds Brought Up to National Safety Standards	Dec. 31	
Over 1,000 Residents Placed in Addiction Treatment Programs	Dec. 31	
Thousands of District Families Newly Enrolled in Medicaid and Private Health Insurance Programs Under the "D.C. Healthy Families" Program	Dec. 31	

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ACHIEVING OUR GOALS

GOAL: ENHANCED NEIGHBORHOODS		
ACTION ITEM	PROMISED	DELIVERED
Neighborhood Stabilization Program Launched with 32 Neighborhood Inspectors	March 30	Launched March 30
Thirteen Neighborhood Learning Centers Opened for After-School Homework and Computer Assistance	April 30	
Backlog of 75 Home Improvement Loans Eliminated	June 30	
One Hundred Boarded-Up Houses in Columbia Heights and Shaw Neighborhoods Sold	July 31	
Three Recreation Facilities Developed: Banneker Ballfields, "THE ARC", and Southeast Tennis and Learning Centers	Sept. 30	

Attachment III

Mayor Williams Strategic Goals

I. Improve Government Services
II. Expand the Economy
III. Support Our Children
IV. Rebuild the Human Services Network

DC Scorecard Indicators

Preliminary Data Report

A. Healthy City ***Indicator/Data***	*Current Status*	*FY 1999 Goal*	*FY 2000 Goal*
1 Quality of Drinking Water - # days designated safe (EPA)	WASA	WASA	WASA
2 Quality of Rat Control - # of complaints to DPW (service requests abated)	4,764	DPW	DPW
3 Quality and Avail of Health Care for Infants & Children –	DoH	DoH	DoH
a) prenatal and physician care	DoH	DoH	DoH
b) lead screening	DoH	DoH	DoH
c) immunizations	DoH	DoH	DoH
4 Availability of Drug Prevention and Substance Abuse Treatment– waiting times or capacity/need	DoH	DoH	DoH
5 Uninsured Rate - %/# DC residents not under pub/private program	DoH	DoH	DoH
B. Safe City ***Indicator/Data***	*Current Status*	*FY 1999 Goal*	*FY 2000 Goal*
1. Murder Rate – number reported annually	260	Reduce 5%	Reduce 8%
2. Property Crimes – number reported annually	37,302	Reduce 3%	Reduce 5%
3. Response Times Police, Fire, EMS - % under x minutes			
a) Police: DC MPD reports time until 911 call answered, not call to scene arrival	6.9 sec avg	<5 sec avg	<3.5 sec avg
b) Fire (call to scene)	5:07 min	4:00 min	4:00 min
c) EMS: (call to scene)	10:53 min	10:30 min	10:15 min
4. Neighborhood Safety – (MPD survey for day time safety)[1]	62%	68%	80%
5. Drug-Related Crimes – number reported annually	MPD	MPD	MPD

[1] Percent residents responding "I feel safe alone outside in my neighborhood during the day."

C. Thriving Neighborhoods ***Indicator/Data***	*Current Status*	*FY 1999 Goal*	*FY 2000 Goal*
1 Rate of Poverty - # individuals living below poverty level			
2 Homeownership – rate of homeownership	43%	48%	53%
3 Trash Pickup – timeliness	77.8%	89%	89%
4 Abandoned Buildings – number of complaints of abandoned buildings * estimate of complaints on file at DCRA—citywide # of unidentified nuisance properties likely higher	1,000 complaints*	DCRA	DCRA
D. Educated and Skilled Citizens ***Indicator/Data***	*Current Status*	*FY 1999 Goal*	*FY 2000 Goal*
1. Standardized Test Scores for Public School Students[2]			
a)Elementary	DCPS	DCPS	DCPS
b) Middle	DCPS	DCPS	DCPS
c) High	DCPS	DCPS	DCPS
d) Special Ed	DCPS	DCPS	DCPS
2. High School Graduation Rate	DCPS	DCPS	DCPS
3. Measures of School Safety[3]			
a) Percent Principals rating own school safe	98%	N/A	N/A
b) Percent Teachers rating own school safe	71%	N/A	N/A
c) Percent Parents rating own child's school safe	73%	N/A	N/A
d) Percent Students rating own school safe	53%	N/A	N/A
e) MPD Crimes on school grounds/near schools	DCPS Contractor	N/A	N/A
4. Availability of Day Care and After School Programs	Universal[4]	Universal	Universal
5. Availability Job Training and Placement – DOES training enrollment			
a) JTPA Training Enrollment	7,762	DOES[5]	DOES
b) Other Jobs Programs (Job Corps, Seniors, Summerworks)	6,762	DOES	DOES
c) JTPA Retention (percent Title IIA participants on job 13 weeks after placement)	48%	59%	59%

[2] DCPS Improvement Goal is "Percent students rated "below basic" in prior year improving by one or more levels on the SAT-9 assessment. Score categories are Below Basic, Basic, Proficient and Advanced.

[3] 1997-98 Survey Result. DCPS does not set targets for survey responses. 1998-99 survey yet to be conducted.

[4] Daycare is available upon request at parents' neighborhood school on a space-available basis. If neighborhood school is over enrolled, child will be offered space at the next nearest school.

[5] DOES has not provided projections for training enrollment.

E. Employment and Business ***Indicator/Data***	*Current Status*	*FY 1999 Goal*	*FY 2000 Goal*
1. Unemployment Rate	8.8%	DOES	DOES
2. Number of Jobs/People Employed in Private Sector	388,300 0.8% gain	DOES	DOES
3. Number of New Businesses	DOES	DOES	DOES
F. Transportation/Mobility ***Indicator/Data***	*Current Status*	*FY 1999 Goal*	*FY 2000 Goal*
Timeliness of Street Repairs (potholes w/in 48 hours)	95% (goal)	95%	95%
Metro and Buses – satisfaction with service (Control Board Survey)	79%	N/A	N/A
3 Driver's Licenses and Vehicle Inspection – length of time[6]			
a) Licenses (avg service time)	17 min	15 min	15 min
b) Vehicle Inspection (avg service time)	15 min	15 min	15 min
G. Government Service/Performance ***Indicator/Data***	*Current Status*	*FY 1999 Goal*	*FY 2000 Goal*
1 Financial Health – fund balance (FY2000 Proposed Operating Budget)	$444,849,000		
2 Service Quality – general satisfaction (Control Board Survey)	15% Good/ Excellent 35% Fair 48% Poor/ Very Poor	N/A	N/A

[6] Both measures exclude wait time prior to service—the most significant complaint about DMV services.

Attachment IV
Operating Measures Benchmarking

Fire and Emergency Medical Services
FY2000 Proposed Operating Budget and Financial Plan

Pages C-18-20

FY 2000 Proposed Operating Budget

The Fire and Emergency Medical Services Department's FY 2000 proposed operating budget from all funding sources is $111,942,000 and 1,828 full-time positions, an increase of $7,064,000 and 64 full-time positions over the FY 1999 budget. The FY 2000 budget includes $3,242,000 to comply with an FY 1999 congressional mandate to place an additional 5 EMS units into service. Local funds comprise 99 percent of the department's total budget. The proposed FY 2000 local budget is $111,861,000.

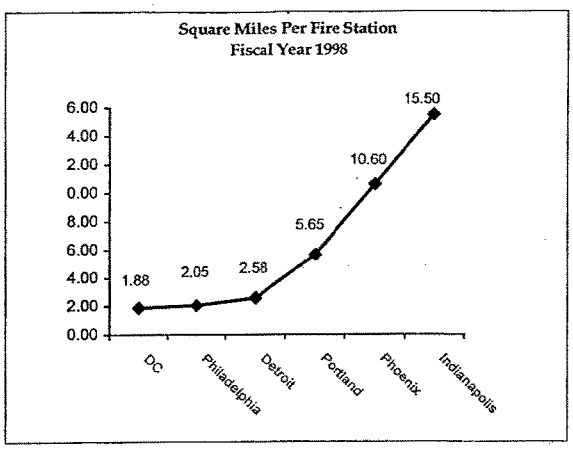
This funding level supports the provision of fire prevention, fire suppression, and emergency medical care from 32 fire stations throughout the city. Analysis of city fire services including the The Rivlin Report, Novemer 1990, suggests that areas of District may have redundant levels of coverage. Recent benchmarking surveys indicate that the District has more fire stations and higher FTE levels than peer cities.

As shown in Figure 1, each of the District's fire stations serves a smaller geographic area than peer cities. The District's Fire and Emergency Medical Services Department serves 1.88 square miles per fire station facility, compared to a peer average of 8.53 square miles per fire station. Geographic and demographic differences among these jurisdictions may explain some of the variances shown below.

Figure 1

The District Has More Fire Stations Per Square Mile Than Benchmarked Cities

Each of the District's fire stations serves a smaller geographic area than peer cities. The District's Fire and Emergency Medical Services Department serves 1.88 square miles per fire station facility, compared to a peer average of 8.53 square miles per fire station



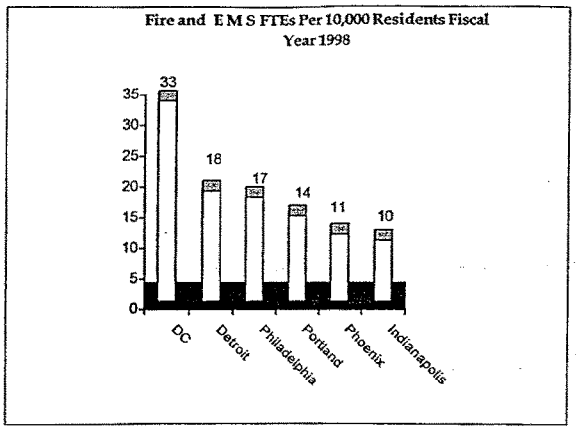
The District also has more employees per 10,000 residents than six cities that it has been benchmarked against. Normalizing for differences in population, DCFEMS employs 33 full-time equivalents (FTEs) per 10,000 District residents, compared to a peer average of 14 FTEs per 10,000 residents.

Although services provided by similar departments in peer cities are primarily the same, there are some differences that may effect staffing levels and thus should be noted. For example, the Indianapolis Fire Department operates and staffs the city's 911 call center. In the City of Portland, a separate agency, the Bureau of Emergency Communication receives all emergency calls and dispatches the appropriate emergency response vehicles. As a result, the City of Portland's Bureau of Fire, Rescue, and Emergency Services does not employ these positions. The City of Phoenix's 911 call center is staffed by a police dispatcher in the Police Department assigned to process the calls. The police dispatcher forwards fire and medical emergency calls to the Phoenix Fire Department and handles only police-related emergencies. The Philadelphia Fire Department operates the Fire Communications Center within the City's 911 system and has the additional responsibility of regulating all public and private ambulance services. As a result of such differences, staffing levels may be over or understated compared to peer agencies. Figure 2 compares DCFEMS FTEs per 10,000 residents to five other cities.

Figure 2

DCFEMS Has More FTEs Per 10,000 Residents Than Peer Cities

Employees per 10,000 citizens were calculated by dividing the jurisdictions total number of employees for FY 1998 by the corresponding population for FY 1998 divided by 10,000.



ATTACHMENT V

Sample Performance Measures

Metropolitan Police Department

The mission of the Metropolitan Police Department (MPD) is to eliminate crime, fear of crime and general disorder, while establishing respect and trust within the community.

PERFORMANCE MEASURES	Current Baseline	FY 1999 Target	FY 2000 Target
1. Part I Violent Crimes	8,988	Reduce 3%	Reduce 5%
2. Homicides	260	Reduce 5%	Reduce 8%
3. Aggravated Assaults	4,962	Reduce 5%	Reduce 8%
4. Part I Property Crimes	37,302	Reduce 3%	Reduce 5%
5. Auto Thefts	6,501	Reduce 5%	Reduce 8%
6. Burglaries	6,361	Reduce 5%	Reduce 8%
7. Homicides Cleared	40%	50%	65%
8. Telephone response time to 911 calls	6.9 seconds	5 seconds	3.5 seconds
9. Funded sworn positions filled(*assumes 200 additional positions funded in FY2000)	3,518 (97.7%)	3,546 (98.5%)	3,686(97%*)
CUSTOMER SATISFACTION MEASURES	**Current Baseline**	**FY 1999 Target**	**FY 2000 Target**
10. **Service to Victims**: Percentage residents reporting police are doing a very good job helping crime victims.	24 percent (Summer 98)	30 percent	45 percent
11. **Crime Prevention**: Percentage residents reporting police are doing a very good job preventing crime in their neighborhood.	24 percent (Summer 98)	30 percent	45 percent
12. **Fear of Crime**: Percentage of residents reporting they feel very safe being alone outside in their neighborhood during the day.	62 percent (Summer 98)	68 percent	80 percent
13. **Partnership**: Residents reporting police are doing a very good job working together with residents in their neighborhood to solve local problems.	24 percent (Summer 98)	30 percent	50 percent
14. **Problem Solving**: Residents reporting police are doing a very good job dealing with the problems that really concern people in their neighborhood.	25 percent (Summer 98)	30 percent	50 percent

[1] Baseline crime statistics are calendar year 1998 reported to the FBI's Uniform Crime Reporting (UCR) program.

TESTIMONY OF
CHAIRMAN LINDA W. CROPP
COUNCIL OF THE DISTRICT OF COLUMBIA

GOOD AFTERNOON. SENATOR VOINOVICH AND MEMBERS OF THE SUBCOMMITTEE, I AM LINDA W. CROPP, CHAIRMAN OF THE COUNCIL OF THE DISTRICT OF COLUMBIA. ON BEHALF OF THE COUNCIL, I AM PLEASED TO APPEAR BEFORE YOU TODAY WITH MY COLLEAGUES, MAYOR WILLIAMS AND DR. RIVLIN, TO TESTIFY ON MANAGEMENT REFORM AND THE DISTRICT GOVERNMENT'S SYSTEM FOR MEASURING THE PROGRESS AND PERFORMANCE OF MANAGEMENT REFORM IN PROGRAMS AND AGENCIES.

LET ME BEGIN BY SAYING THAT MANAGEMENT REFORM IS A COLLABORATIVE PROCESS. THE COUNCIL HAS BEEN WORKING IN PARTNERSHIP WITH THE EXECUTIVE BRANCH AND THE FINANCIAL AUTHORITY TO CORRECT LONG-STANDING DEFICIENCIES IN MANAGEMENT AND PROGRAM OPERATIONS. THERE ARE A NUMBER OF ON-GOING MANAGEMENT REFORM INITIATIVES AND EACH OF US HAS A ROLE TO ENSURE THE SUCCESS OF THESE INITIATIVES.

THE COUNCIL HAS SET ITS 1999-2000 LEGISLATIVE AGENDA, THE THEME OF WHICH IS "COMMUNITY BUILDING AND A GOVERNMENT THAT WORKS". IN ESTABLISHING OUR LEGISLATIVE AGENDA, THERE WERE FOUR STRATEGIC PRIORITIES: INDIVIDUAL EMPOWERMENT; NEIGHBORHOOD REVITALIZATION; ECONOMIC GROWTH; AND GOVERNMENT PERFORMANCE AND ACCOUNTABILITY.

TO ENSURE THE LONG-TERM SUCCESS OF MANAGEMENT REFORMS, THE COUNCIL HAS ALREADY TAKEN A NUMBER OF STEPS, BUT THERE IS MUCH MORE TO DO. THE COUNCIL HAS TAKEN AN ACTIVE ROLE IN REQUIRING PERFORMANCE

MEASURES FOR DISTRICT AGENCIES AND PUBLICLY FUNDED ACTIVITIES. IN 1995, THE COUNCIL ENACTED THE GOVERNMENT MANAGERS ACCOUNTABILITY ACT, WHICH REQUIRES THE ESTABLISHMENT OF PERFORMANCE MEASURES AND AN ACCOUNTABILITY PLAN FOR EVERY AGENCY AND ACTIVITY IN THE DISTRICT THAT USES PUBLIC FUNDS. THIS FISCAL YEAR, THE COUNCIL IS WORKING CLOSELY WITH THE D.C. AUDITOR IN MONITORING THE IMPLEMENTATION OF THIS ACT, INCLUDING ASSESSING THE RELIABILITY OF PERFORMANCE DATA, THE ACCURACY OF PERFORMANCE MEASUREMENTS, AND THE LEVEL OF SUCCESS IN ACHIEVING PERFORMANCE MEASURES.

THE COUNCIL HAS INCREASED ITS OVERSIGHT OF DISTRICT AGENCIES AND PROGRAMS. WE HAVE INSTITUTED A COMPREHENSIVE REVIEW OF AGENCY SPENDING AND PERFORMANCE OUTCOMES. THIS PAST FEBRUARY, EACH OF THE COUNCIL's STANDING COMMITTEES CONDUCTED A SERIES OF PUBLIC HEARINGS WHICH REVIEWED AGENCY SPENDING AND PERFORMANCE MEASUREMENTS FOR FISCAL YEAR 1998, AND FISCAL YEAR 1999 TO DATE. THIS REVIEW WAS IN ANTICIPATION TO THE FISCAL YEAR 2000 BUDGET REVIEW BY THE COUNCIL.

THE COUNCIL HAS USED PERFORMANCE MEASUREMENTS AS A TOOL IN LINKING RESOURCES TO RESULTS IN ITS REVIEW OF THE FISCAL YEAR 2000 BUDGET. WE WANT TO ENSURE THAT GOVERNMENT RESOURCES ARE LINKED TO SPECIFIC PERFORMANCE GOALS AND MEASUREMENTS, GOALS AND MEASUREMENTS THAT CAN NOT ONLY BE TRACKED BY THE DISTRICT GOVERNMENT, BUT BY DISTRICT RESIDENTS AS WELL.

PURSUANT TO ITS OVERSIGHT RESPONSIBILITY, THE COUNCIL HAS ALSO ESTABLISHED SPECIAL COMMITTEES TO INVESTIGATE SPECIFIC MANAGEMENT AND OPERATION ISSUES WHEN APPROPRIATE. LAST YEAR THE COUNCIL INVESTIGATED THE METROPOLITAN POLICE DEPARTMENT AND ISSUED A REPORT WITH RECOMMENDATIONS FOR MANAGEMENT REFORM WITHIN THAT DEPARTMENT. THIS YEAR, THE COUNCIL WILL UNDERTAKE A SIMILAR INVESTIGATION OF THE SPECIAL EDUCATION PROGRAM WITH THE D.C. PUBLIC SCHOOLS.

THE COUNCIL HAS ALSO ASSISTED IN MANAGEMENT REFORM INITIATIVES BY ENACTING LEGISLATION WHICH ENCOURAGES PERFORMANCE AND ACCOUNTABILITY. DURING 1998, THE COUNCIL ENACTED COMPREHENSIVE PERSONNEL REFORM LEGISLATION (THE "OMNIBUS PERSONNEL REFORM ACT OF 1998") THAT CREATES A CORPS OF SENIOR MANAGERS WHO WOULD HAVE "AT-WILL" EMPLOYMENT STATUS; RAISES EXECUTIVE PAY TO RECRUIT AND RETAIN TOP MANAGERS; CREATES A NEW SYSTEM OF PERFORMANCE EVALUATION THAT LINKS EMPLOYEE STEP INCREASES TO PERFORMANCE; STREAMLINES GRIEVANCE AND DISCIPLINE PROCEDURES; AND AUTHORIZES CASH INCENTIVES AND GAIN-SHARING PROGRAMS FOR EMPLOYEES TO ENCOURAGE AND REWARD GOOD PERFORMANCE.

IN 1996, THE COUNCIL ENACTED PROCUREMENT REFORM, THE "PROCUREMENT REFORM AMENDMENT ACT OF 1996", WHICH CENTRALIZED THE DISTRICT'S PROCUREMENT ACTIVITIES UNDER THE DIRECTION OF A CHIEF

PROCUREMENT OFFICER. BY WORKING TOGETHER, THE EXECUTIVE BRANCH AND THE COUNCIL, THE DISTRICT'S PROCUREMENT OPERATIONS HAVE GREATLY IMPROVED. THIS HAS RESULTED NOT ONLY IN REDUCED COST OF SUPPLIES AND EQUIPMENT, BUT ALSO IMPROVED SERVICE DELIVERY TO DISTRICT RESIDENTS.

ALONG WITH MANAGEMENT REFORM INITIATIVES, THE DISTRICT IS IMPLEMENTING REGULATORY REFORM. LAST YEAR, THE COUNCIL APPROVED TWO COMPREHENSIVE BUSINESS REGULATORY REFORM BILLS. THESE LEGISLATIVE INITIATIVES ARE PART OF THE COUNCIL'S ON-GOING EFFORTS TO ADDRESS REGULATIONS WHICH UNNECESSARILY AND INAPPROPRIATELY IMPAIR ECONOMIC DEVELOPMENT IN THE DISTRICT.

THE OMNIBUS LEGISLATION ADDRESSES A NUMBER OF REGULATORY REFORMS INCLUDING BUSINESS LICENSING; INSURANCE PREMIUM TAX; HEALTH REGULATIONS; ELIMINATION OF OBSOLETE AND REDUNDANT BOARDS AND COMMISSIONS; BUILDING AND LAND USE REGULATIONS; VENDING REGULATIONS; AND UNEMPLOYMENT INSURANCE AND WORKERS' COMPENSATION.

FINALLY, THE COUNCIL HAS NOT EXEMPTED ITSELF FROM MANAGEMENT REFORM. THE COUNCIL COMMISSIONED A STUDY BY THE NATIONAL CONFERENCE OF STATE LEGISLATURES AND WORKED COOPERATIVELY WITH THE APPLESEED FOUNDATION IN THEIR STUDY OF COUNCIL OPERATIONS. THE COUNCIL HAS ALREADY IMPLEMENTED SOME OF THE RECOMMENDATIONS FROM THESE TWO STUDIES, AND IS IN THE PROCESS OF IMPLEMENTING MANY

OTHERS.

IN CONCLUSION, RESIDENTS AND DISTRICT EMPLOYEES ALIKE WILL SHARE IN THE RESULTS OF MANAGEMENT REFORM: IMPROVED QUALITY OF SERVICE, REDUCED COSTS, EFFICIENCY AND EFFECTIVENESS. THE COUNCIL WILL CONTINUE TO WORK COOPERATIVELY WITH THE MAYOR AND THE FINANCIAL AUTHORITY IN IMPLEMENTING MANAGEMENT REFORM INITIATIVES AND MONITORING THE RESULTS OF THESE INITIATIVES.

DISTRICT OF COLUMBIA FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE AUTHORITY

Hearing before the
Subcommittee on Oversight of Government Management,
Restructuring and the District of Columbia
Committee on Governmental Affairs
United States Senate

Alice M. Rivlin
Chairman

Constance Newman
Vice Chairman

Robert Watkins
Authority Member

Eugene Kinlow
Authority Member

Darius Mans
Authority Member

Monday, May 3, 1999
For Release Upon Delivery

Good afternoon, Mr. Chairman and Members of the Subcommittee. It is a great pleasure to be here with you today. I welcome the opportunity to discuss the District of Columbia and its recent progress, as well as efforts to improve the delivery of public services.

First, I believe we are entering a new era in the District. It is an exciting time of new leadership and new opportunity. There is renewed energy in the city and a sense of hope that, through the cooperative efforts of the District, the region and the Federal Government, the progress that the Nation's Capital has made in the past few years will accelerate.

The District of Columbia Financial Responsibility and Management Assistance Authority (the Authority) has enormous respect for Mayor Williams. My four colleagues and I are working hard to build a collaborative and constructive relationship with him. We also are working closely with the new Council, which is endeavoring to build on the positive results that the City has recently achieved. All together, it is a promising time to be working for the revitalization of the Nation's Capital.

District's Status

As you know, the Authority was created by an act of Congress in April, 1995, to assist the District in restoring financial solvency and improving management effectiveness.

At the time of the Authority's creation, the District Government was virtually bankrupt: it was unable to pay its employees or its contractors, it was running a significant operating deficit and a large accumulated deficit. Since the District's bonds could not be sold at market rates, the U.S. Treasury was the City's only source of funds.

Moreover, the District at that time was not responding adequately to the needs of its citizens. Streets were filled with potholes and often went unplowed in winter. Citizens seeking ordinary services, such as motor vehicle inspections or building permits encountered long delays and confused records. Medical care for the needy, child welfare services, and assistance to the elderly were often lacking or inadequately provided. Crime was rising, neighborhoods were decaying, and the public schools were deteriorating. Residents and businesses were fleeing the City.

Now, four years later, the District is in much better shape. Thanks to the efforts of many people, including the former members of the Authority, Mayor Williams in his former position as Chief Financial Officer, Members of the Council, the President and the Congress, the District has not only stemmed the deterioration, it has considerably improved its overall condition. For fiscal year 1998, the City ran an operating surplus for the second straight year and was able to pay off its accumulated deficit. The City has greatly improved the integrity and internal controls of its budgeting process and

financial systems. The bills get paid, taxes are collected, and the District's securities sell at market rates. Just last week, Standard and Poor's upgraded the District's credit rating to investment grade. From a financial standpoint, the City's comeback has been remarkable.

However, while the fiscal progress has been gratifying, it is important to understand that the City still faces an uncertain financial future. Its tax base is narrow and can only grow if vigorous efforts to attract new residents and enhance business opportunities are sustained and successful. Deferred maintenance and inadequate investment have left a legacy of decayed and outmoded infrastructure -- from bursting pipes to leaky roofs and decrepit or non-existent computers -- that will take substantial resources to put right. And we must also make sure that resources are set aside for less prosperous times. So, we still have financial challenges before us.

Relationship with Elected Officials

In recognition of the new era in the District, the Authority and the Mayor in January signed a Memorandum of Agreement describing their new relationship. The memorandum made clear that, while the Authority retains all its responsibilities under the statute, the Mayor is in charge of the day-to-day running of the City and supervision of executive branch departments. The Mayor also has the responsibility for program and policy matters related to these departments and agencies. In

recognition of this new development in responsibilities, the Congress recently passed legislation that places this basic agreement into law.

To ensure effective cooperation and communication, the Authority has invited the Mayor to attend meetings of the Authority in a non-voting capacity. The Authority has extended the same invitation to the Chair of the Council. We have met numerous times under this arrangement and are communicating well.

I am very pleased by the strong working relationships that the elected and appointed officials of the City are developing. We have found shared purpose and common ground in our efforts to improve the District. Together, we are already working to achieve consensus in such areas as the Fiscal Year 2000 financial plan and budget, strategic plan priorities for the District, health care management, improving the labor-management environment, the National Capital Revitalization Corporation, and a strategy for accelerating economic development.

The Mayor has publicly stated his strong intentions to make immediate improvements in public services, and Authority Members have told the Mayor that he can count on our full support. And the faster the better! We believe that visible short-run improvements are feasible, but we are also conscious that many aspects of D.C. service delivery are still deeply broken and will take sustained effort to repair.

Service Delivery

Mr. Chairman, the Authority recognizes that improvements to service delivery are at the core of the District's revitalization. Safe streets, good schools and responsive government can make a major difference in the District's ability to attract and retain residents and businesses and to create a climate for sustainable economic development. That means we must be better able to respond tomorrow than we can today to the needs of our citizens. Children must receive a meaningful education that prepares them for the future in schools that are safe and clean. Our police force must be able to effectively prevent crimes and to quickly solve them when they do occur. The District will not reverse its population losses if people feel more vulnerable to crime here than elsewhere.

Citizens also expect that government will act in ways that are responsive to their everyday needs. They should not have to wait for hours and hours just to renew a driver's license. It should be relatively easy and quick for developers and business people to get permits and business licenses approved. After all, it is the community at large, not just the individual, that benefits from these investments and entrepreneurial spirit.

Mr. Chairman, the Authority takes very seriously its mandate to improve the delivery

of public services in the District. In November 1996 the Authority put in place a temporary system to operate the public schools after we determined that the schools were fundamentally unable to effectively and safely educate the District's children. Beginning in 1997, the Authority, working in collaboration with a number of other stakeholders, reformed the police department to help reduce crime and the fear of crime in our City. Moreover, in response to the National Capital Revitalization and Government Self-Improvement Act passed by Congress in 1997, the Authority has laid the groundwork for long term, sustainable improvements in the quality of public services. As the Authority's last annual report details, public services in many agencies are better than they used to be. With sustained effort, they will be even better in the near future. With your permission, I will submit a copy of this report along with my formal testimony.

One of the keys to improving the delivery of public service is performance measurement. In each important area of public service, we must be willing to establish a level of performance that meets citizens' critical needs and that achieves our overall objectives in improving the District. To be useful, performance measures must be focused carefully on measuring things that matter: waiting times, emergency response times, school graduation rates. It does little good, for instance, to measure the number of driver's licenses issued if it takes people all day to get one. And getting someone to answer a telephone faster is of little value if the person who answers it is rude or

unable to respond to citizens' questions.

At the same time, it is important not to get over focussed on aspects of public services that can be easily measured, to the detriment of more important aspects that are harder to measure. In child welfare services, for example, it is easy to determine whether or not case backlogs have declined, but such measures say nothing about the well-being and security of the children. We will need to find better ways to recognize when we have succeeded in these tough-to-measure areas.

The Authority is very pleased that the Mayor is taking strong steps to implement a performance measurement program in the District based on our common goals and structured on the program started under the Government Revitalization Act. We are encouraged by the work that has been done to date in helping agencies to focus on performance measures and improvement plans. Moreover, the Mayor's commitment to a Scorecard that embraces community involvement in setting priorities and evaluating government services is an important component in efforts to gain real improvements in those services that matter most. The Authority will continue to lend its support and assistance to the Mayor in this very important program.

Long-term Priorities

I would also like to mention a few of the long-term priorities that we are working on with the Mayor and the Council. One of the fundamental goals that we have agreed upon is accelerating economic development. In collaboration with Congress and the Administration, the District recently completed a strategic plan and funding plan for the National Capital Revitalization Corporation, a new entity that holds great promise for helping the City to make targeted economic development commitments and facilitate private development efforts throughout the District. We believe this Corporation can make an important difference in the District's ability to support strong economic development, and we hope that Congress is fully behind this endeavor.

The District, through a collaborative process with the private sector, non-profit organizations and community groups, last fall formulated an economic development strategy that focuses on a list of specific actions to leverage jobs and growth in the City. We view this approach as the beginning of an intensive effort to make the District more attractive to new business, retaining those businesses and Federal agencies that are already located in the City, and creating greater opportunity for neighborhood development – not just activity in the central business district. It is vital that we focus our attention on economic development: the economic health and future vitality of the District are directly tied to the success of our efforts in this area.

The Mayor, the Council and the Authority are also working together on improvements

in financial management, tax reform to create a more equitable structure, and targeted investments in technology and other infrastructure areas. We will give special emphasis to investing in our young people and the skills and vitality of our workforce.

The Authority is working closely with Superintendent Arlene Ackerman, who has charted an ambitious and impressive course, to strengthen the D.C. Public Schools. We are optimistic that the strides made in the last year to rebuild decaying schools, make facilities safer, and increase the quality of the education that all children receive, are laying the groundwork for sustained improvement in education. The Authority, in collaboration with the Superintendent of Schools, the Emergency Transitional Education Board of Trustees, and the Board of Education must make the schools a beacon of hope and opportunity for the District. We are optimistic that the Board of Education will implement the transition plan developed under the leadership of Dean Mary Futrell, for the return of authority to the Board on June 30, 2000. Along with the Mayor and the Council, we are also working closely with UDC to strengthen public higher education in the District.

Return to Normal Governance

Finally, the District must make the transition to normal governance. This City, like every other city in America, deserves to be managed by professional managers responsible to elected officials who, in turn, are responsible to an engaged electorate.

Democracy is the cornerstone of our nation's heritage, and the District should be an example of how well democracy can work, not a shameful exception.

We all recognize that the District is our nation's capital at the same time it is our local community. As such, it occupies a unique and sometimes complex place in our governmental structure. The District is fundamentally intertwined with the Federal Government. The City's prosperity, its well being, its future are all influenced by how we interact with the Federal Government and responsibly steward the resources that support the City – both the community and the capital.

In 1995 and 1997, the Congress was sufficiently concerned about the condition of the District that it passed laws aimed at improving the financial and management health of the City. The laws stipulate that control periods would remain in force -- and the Authority would remain active -- until certain conditions were met. The District was required to first run its operating budget without a deficit for four consecutive years, and to repay any borrowings by the Authority. More general provisions of the law mandated that the District improve the quality of its public services and strengthen the structure of government in the City, and help to sort out the functions between the District and the Federal Government.

Mr. Chairman, the District is on its way to accomplishing the goals and objectives of

the congressional statutes, but let me stress that we are not there yet. In my testimony today, I have highlighted some of the achievements made so far and some of the issues that we will be working on in the coming months. Through the cooperation that the Mayor, the Council and the Authority have established, I believe we will continue making progress in meeting the goals set by Congress so that the District can make the transition to normal governance as soon as possible. I know that the Mayor and the Council Chair join me in welcoming opportunities to come back to the Hill and report to the Subcommittee as we move toward the statutory objectives that will help to bring about a timely return to normal governance.

Conclusion

In closing, I wish to say again how pleased all the members of the Authority are that a new, more promising era is dawning in the District. We look forward to a close working relationship with the new Mayor and the new Council, and we also look forward to working with the Subcommittee. We all have the same goal: to bring about permanent and positive change for the citizens of the District and the nation's capital.

* * *

Mr. Chairman, this concludes my testimony. I would be pleased to answer any questions that you or the members of the Subcommittee have.

Linda Cropp
Chairperson of the Council

Jack Evans, Committee Chairperson
Kathleen Patterson, Committee Chairperson

Members:
Hilda Mason — C. Drew Jarvis
Harold Brazil — Harry Thomas
Carol Schwartz — Sharon Ambrose
David Catania — Kevin Chavous
Frank Smith — Sandra Allen

COUNCIL OF THE DISTRICT OF COLUMBIA
WASHINGTON, D.C. 20004

SPECIAL COMMITTEE ON POLICE MISCONDUCT AND PERSONNEL MANAGEMENT

Office of Special Counsel:
Vinson & Elkins, L.L.P.
1455 Pennsylvania Avenue, N.W.
Washington, D.C. 20004-1008
Special Counsel (202) 639-6660
Hotline (202) 639-6758
Fax (202) 639-6604

Mark H. Tuohey, III, Special Counsel
William E. Lawler, III, Deputy Special Counsel
Craig D. Margolis, Assistant Special Counsel
Jerome A. Swindell, Assistant Special Counsel

DRAFT

REPORT OF THE SPECIAL COMMITTEE ON POLICE MISCONDUCT AND PERSONNEL MANAGEMENT OF THE COUNCIL OF THE DISTRICT OF COLUMBIA

Councilmember Jack Evans
Councilmember Kathy Patterson
Co-Chairs

Submitted by:

Mark H. Tuohey III
Special Counsel
William E. Lawler III
Deputy Special Counsel
Jerome A. Swindell
Craig D. Margolis
Associate Special Counsel

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INTRODUCTION

On December 16, 1997, by emergency resolution, the Council of the District of Columbia created the Special Committee on Police Misconduct and Personnel Management (the "Special Committee"). Following hearings conducted by the Committee on Government Operations and the Committee on the Judiciary in Fall 1997, the Council declared that allegations of misconduct, mismanagement, inadequate recordkeeping and other improprieties in the Metropolitan Police Department ("MPD") necessitated an immediate legislative investigation to identify and correct problems in the operation of the police function and to restore public confidence in the MPD. The Special Committee consists of all members of the Council. Its co-chairs are Councilmembers Jack Evans and Kathy Patterson. The Special Committee appointed Mark H. Tuohey III, a member of the law firm of Vinson & Elkins L.L.P., as Special Counsel to assist and advise the Co-Chairpersons in the conduct of the investigation.

The Special Committee conducted its legislative oversight investigation of the MPD between February and September, 1998. It conducted extensive factfinding in a number of areas and held six public hearings.

Major recommendations detailed in this report are reflected in proposed omnibus legislation that will be introduced in the Council and referred to the Committee on the Judiciary.

In addition to the significant policy recommendations contained herein, the Special Committee proposes several areas for additional study through legislative oversight by the Council. Further, the Special Committee recommends that the Council adopt the intensive work of the Special Committee as a model for ongoing oversight undertaken by the District's elected legislature, with the goal of achieving an efficient and effective government in all other policy and program areas.

The Special Committee would like to acknowledge the valuable contributions of many persons without whose assistance the investigation and this Report could not have been possible.

- The members of the MPD and the District of Columbia community who took the time to meet with the Committee and the Special Counsel, speak about their concerns and ideas, and respond to our questions. In particular, Terry Ryan, the MPD's General Counsel, and Inspector Kim Dine, Director, Office of Professional Responsibility, served as the Department's liaisons to the Committee's investigation, and facilitated Special Counsel's review of numerous MPD files.

  Chief of Police Charles Ramsey and Executive Assistant Chief Terrance Gainer who immediately became engaged in the Committee's work and have taken the opportunity to discuss the preliminary findings and begin the process of implementation. MPD's Chief Financial Officer Eric Coard, Procurement Director Joseph Moore and TACIS Director Alfonza Kelly

have been helpful to the Committee. Finally, the Special Committee acknowledges the cooperation of the district commanders in the investigation.

- U.S. Attorney Wilma Lewis and her senior staff for their contribution of time and information, and their pledge of continuing cooperation to the Council.

- Chief Judge Eugene Hamilton and Judge Franklin Burgess of the Superior Court for their views on Court overtime.

- D.C. Inspector General E. Barrett Prettyman, Jr. and his staff for their cooperation with Special Counsel, and the Special Committee Co-chairs, on a regular basis.

- Richard Fite, the District of Columbia's Chief Procurement Officer, for his valuable assistance on procurement and property issues.

- Professor Samuel Dash of the Georgetown University Law Center for his assistance in shaping the methodology and procedures of this historic legislative oversight investigation.

- The professional staff of the Council Judiciary Committee, in particular, Michelle Sedgewick, and the Secretary of the Council, Phyllis Jones, for their insight, input, and assistance.

- Current and Former police executives and experts in the field of law enforcement who gave their time and experience to assist in the investigation and the formulation of best practices:

- Clifford L. Karchmer
  Police Executive Research Forum
  Washington, DC

- Patrick Murphy, Director
  Police Policy Board
  U.S. Conference of Mayors
  (Former New York City Police Commissioner)

- Cornelius Behan
  Training Consultant
  Maryland Department of Law Enforcement
  (Former Director of Training, New York City Police Department)

- John Timmoney
  Police Commissioner
  Philadelphia Police Department

- William Good
  Chief of Administrative Services Bureau
  Boston Police Department

- Lt. Timothy Ottmeier
  Director of Training
  Houston Police Department

- Michael Hoke
  Assistant Deputy Superintendent
  Chicago Police Department

- Sergeant Jean Roy
  Chicago Police Department

- William Bratton
  Former Police Commissioner
  NYC Police Department

- Jean Bernard and Janis Froelich
  Volunteer and Community Resources Division
  Montgomery County Police Department

- Ronald Goldstock
  Kroll Associates
  New York City

- San Diego Police Department

- Dallas Police Department

- Fairfax County Police Department

- Prince George's County Police Department

- International Association of Chiefs of Police

Chapter 1
EXECUTIVE SUMMARY AND MAJOR RECOMMENDATIONS

The Special Committee on Police Misconduct and Personnel Management ("Special Committee") conducted its legislative oversight investigation of the MPD between February and September, 1998. The Special Committee identified the types of misconduct and/or mismanagement that allegedly affected the MPD's ability to provide public safety in a professional manner throughout the District of Columbia. The Special Committee conducted fact-finding in each of the areas in order to determine the nature and extent of the problems and assessed what changes in laws, procedures and practices could be implemented to correct these problems. The Special Committee then held 6 public hearings, one on each major area, in order to inform itself and the public of the nature of the problems.

The Special Committee issued more than 150 subpoenas for witness testimony and documents, and Special Counsel conducted approximately 175 witness interviews and reviewed several thousand pages of documents. In addition, the Special Counsel sought citizen input by meeting with community groups in each of the police districts, and sought best practices by interviewing experts in law enforcement and representatives of other police departments.

The investigation focused on six issues that have significant implications for the MPD:

- Whistleblowers and Retaliation in the MPD;
- Recruiting, Training and Performance Evaluation;
- Management of Overtime and Off-Duty Employment;
- Management of Equipment, Property and Information Technology;
- Investigation and Discipline of Police Misconduct; and
- Citizen Interaction and Community Policing.

The Report identifies substantial problems in the prior leadership and management of the Department. In the recent past, the MPD suffered from a lack of leadership and professional management. The Special Committee believes that the failure of leadership has been a primary cause of lack of public confidence in law enforcement in the District and the overriding reason for internal strife, operational inefficiency and low morale among officers of the MPD. The many men and women of the MPD, sworn and civilian, demonstrate their commitment, dedication and professionalism each day. They deserve a work environment and a responsive command to match their devotion. Members of the Special Committee believe that the recommendations in this Report, once enacted and implemented, will create a more professional police department.

A core problem identified throughout the investigation is the lack of strategic planning in both the structure and operations of the MPD. For many years, the MPD adopted a purely reactive posture, and approached far too many problems with a crisis mentality. Moreover, ineffectual decisionmaking precipitated conflict between operational groups, a lack of stability within the command structure, poor hiring decisions, and an inadequate level of services to the citizens. As former New York Police Commissioner and District of Columbia Public Safety Director, Patrick Murphy, testified at the initial hearing, "the business of policing is all about dealing with people . . . and the tone has to be set at the top."

The following is a brief summary of the Special Committee's findings in each of the six major subject areas.

Whistleblower Protection

The Special Committee endorses the recent amendments strengthening existing whistleblower protection.[1] The statute affirmatively requires District employees to report misconduct and shields them from retaliation for fulfilling this duty. The Special Committee also recommends that the MPD designate an office responsible for receiving accounts of misconduct or mismanagement and will safeguard the identity of those who come forward.

Recruitment and Training

In recruiting and training, the Special Committee proposes a comprehensive statute as part of the proposed omnibus legislation establishing minimum standards for applicants. The proposal would include a thorough background review and mandatory training for both veteran police officers and new recruits. The mandatory training will include communication skills, report writing, tactical skills, weapons and automobile proficiency, diversity training, and domestic violence. It will require all supervisors and all officers to receive specialized instruction in their areas of responsibility.

Off-Duty and Overtime

The Special Committee also identified the management of overtime and off-duty employment as impediments to public safety. The Special Committee recommends legislation that will restrict off-duty employment (including an outright prohibition on work at ABC establishments), the type of off-duty work permitted, the administration of the work, and the maximum number of hours allowed. On the issue of overtime, the Special Committee recommends that the MPD's Chief Financial Officer work with the Chief Financial Officer for the District of Columbia and the Council to achieve "truth in budgeting" in developing realistic annual budgets for overtime. The Special Committee recommends that the Chief of Police, the Chief Judge of the Superior Court of the

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[1] See Whistleblower Reinforcement Act of 1998 (D.C. Act 12-398; to be codified at D.C. Code § ____) App, B, Doc. 3.

District of Columbia and the United States Attorney for the District of Columbia work together to develop a workable "on-call" system that will allow officers to remain on duty in their work environments, until needed for court appearances.

Equipment, Property, and Information Technology

No effective law enforcement agency can expect its members to serve and protect the community, and in the context of community policing become proactive problem solvers, without proper equipment and facilities. The Special Committee finds that the management of equipment, property, material and information technology has been substandard. The Special Committee commends the recent efforts of MPD officials in the areas of finance and procurement and District CPO Richard Fite for their efforts to streamline and professionalize the process by which equipment gets to the field and information to the police officer on the street. Nevertheless, more needs to be done. The Special Committee recommends a number of changes:

- a streamlined process that gives unit commanders the authority to set budgets for the purchase of equipment and holds them accountable for acquisitions;
- a revised system to procure, distribute and inventory property;
- a system of purchase and repair of police automobiles that ensures that there are, at all times, a sufficient number of functional vehicles to conduct police operations; and
- an immediate facilities audit in order to develop a plan for systematic renovation, repair and preventative maintenance on station houses and other facilities.

The Special Committee also finds the communication system for emergency police and fire services inadequate. Proposed information technology improvements must be expedited and sufficient funds must be allocated to assure that citizens will have adequate police, fire and ambulance response to preserve public safety and save lives.

Community Policing

In the area of citizen interaction with the Police Department, the Special Committee examined police/community relations in the new environment of community policing. The Special Committee is concerned that the MPD, in the attempt hurriedly to implement community policing, has failed to appreciate its core philosophy: police as problem solvers -- not just crime fighters. In so doing, MPD has not focused on management and operational issues involved in affecting a change in police culture. The MPD must ensure stability in the Patrol Service Area ("PSA") system by requiring officers and officials to sign onto minimum time commitments in the PSA. In addition, the Chief should take all steps necessary to assure that the PSAs have adequate staffing and training. The community prosecution program initiated by the United States Attorney's Office ("USAO") in the Fifth District should be extended throughout the seven police districts of the city. Finally, the

Special Committee strongly encourages the development of a citizen volunteer program that matches the needs of the police department with the resources of the community.

Discipline

In the area of department discipline, the Special Committee finds that the system for disciplinary investigations, including citizen complaints of police misconduct, needs substantial revision. The Special Committee recommends adoption of a system that assures that investigations of police misconduct are expeditious but thorough; fair but accountable. In addition, the Special Committee recommends the adoption of an early warning and intervention system for officers who are repeatedly the subject of complaints in order to confront problems before they become a matter of public safety. Finally, the Special Committee recommends the review and adoption of legislation to prohibit persons under disciplinary investigation from avoiding the imposition of discipline by retiring or resigning from the force.

The Special Committee did not find evidence of extensive or institutional police corruption, as that term is commonly understood – that is, instances of systematic and serious violations of law or policy by the police. Nevertheless, the investigation did uncover instances of misconduct by individual police officers that appeared to be violations of MPD policy and District of Columbia law. The Committee referred each such allegation to the appropriate law enforcement agency, including the MPD Office of Professional Responsibility, the District of Columbia Inspector General, or the United States Attorney's Office.

MAJOR RECOMMENDATIONS

1. Statutory Changes

The Special Committee proposes the following statutory reforms drafted as the District of Columbia Omnibus Police Reform Act of 1998 to be introduced in the Council and considered as expeditiously as possible. See Chapter 6 for the text of proposed legislation.

1.1 Recruiting and Training – The Council should adopt a comprehensive statute setting mandatory standards for recruiting and training for the MPD. First, the proposal sets minimum standards for candidates, including increasing the educational requirements to a minimum of two years of college training for new recruits. In addition, the statute prohibits the MPD from hiring an applicant without a full background check, including a review of juvenile criminal records. Each candidate would undergo a complete physical and mental health evaluation after the completion of the background check. Second, the statute requires a comprehensive recruit training program, including a specified minimum number of hours of instruction in constitutional and statutory law, criminal investigation, oral and written communication skills, report writing, community relations, crisis intervention, diversity training and domestic violence training. Third, the statute establishes an annual 32-hour mandatory in-service training program encompassing mandatory subjects and elective subjects consistent with the career development of the officer. Fourth, each officer is

required to complete annually a firearms recertification course and, where necessary, an automobile skills recertification course. Fifth, the statute establishes minimum instructor qualifications. Finally, it requires the Chief of Police to submit an annual training report to the Mayor and the Council.

1.2 Off-Duty Employment – The Council should adopt legislation revising the standards for off-duty employment. The proposed statute prohibits off-duty employment in establishments licensed by the Department of Consumer and Regulatory Affairs' Alcoholic Beverage Control Division ("ABC establishments") and establishes the maximum number of hours permitted for all police-related employment, including overtime, off-duty, and regular duty work. Finally, the statute will require the Chief to establish a comprehensive system for the administration of all off-duty employment including provisions for registration and remuneration of police officers performing a police function in an off-duty employment situation.

1.3 Seized Currency -- The Council should adopt legislation that authorizes the MPD to deposit monies seized or held in connection with law enforcement activity in an interest-bearing account in a financial institution pending criminal prosecution, forfeiture, or other disposition.

1.4 Retirement/Resignation While Under Investigation -- The Council should adopt legislation to prohibit persons under disciplinary investigation from avoiding the consequences of such investigation or any adverse findings in connection therewith by virtue of retirement or resignation from the police department.

1.5 Whistleblower Protection -- The Council has already enacted the Whistleblower Reinforcement Act of 1998, D.C. Act 12-398. The Council should monitor closely the implementation of this Act, particularly in the MPD, to ensure proper and fair enforcement.

1.6 Citizen Complaints -- The Council also has passed legislation (Bill 12-521), on a first reading, to re-establish a civilian review panel over the MPD. The Special Committee endorses this legislation, but believes that strict oversight is necessary to ensure that citizen complaints are handled in a fair, expeditious, and effective manner.

II. Regulatory Changes

2.1 The District of Columbia Personnel Regulations should be reviewed and amended to provide for new employment standards for the MPD consistent with the statute.

2.2 The Council should adopt new regulations for the implementation of citizen volunteers to work at the MPD in a non-law enforcement administrative support capacity.

III. Metropolitan Police Department Operating Procedure Changes

3.1 The MPD General Orders must be revised and reissued. Currently the General Orders are out of date, internally inconsistent, and, in some important aspects, lacking in specificity. The Special Committee urges the Chief to conduct a systematic review of the General Orders with the goal of issuing a streamlined, modernized set of rules and regulations.

3.2 All Special Orders or other directives from the Chief of Police or his designee should be reviewed to ensure consistency with the General Orders, clarity of policy, and uniformity of application. All directives from the Chief of Police that affect MPD policy should be reduced to writing and stated in either a General Order or a Special Order. Finally, all General and Special Orders should be made available to each member of the MPD in hard copy as well as in a form compatible with the information technology of the Department.

3.3 The Special Committee recommends that revised operating procedures for recruiting and training be adopted to conform with the recommended statute. These would include:

a. Recruitment Standards

b. Recruitment Procedures

c. Recruit Training

d. In-Service Training

e. Specialized Training

f. Minimum Standards for Instructors

3.4 The Special Committee recommends that the Department continue strict adherence to the court overtime procedures included in the recent Memorandum of Understanding ("MOU") between the MPD and the USAO.

3.5 The Special Committee recommends that the Department revise the procedures for the administration and approval of off-duty employment, consistent with this Report and the omnibus legislation, to eliminate officers "brokering" other officers' off-duty work.

3.6 The Special Committee recommends that revised operating procedures for procurement be adopted, consistent with the Procurement Reform Amendment Act of 1997,[2] to provide for the following:

D.C. Code § 1-1181.1, et seq.

a. procedures for the purchase of equipment and supplies at the district/unit level on an expeditious basis;

b. procedures for the purchase of uniforms and related equipment by individual police officers;

c. procedures for the procurement and regular preventive maintenance of police vehicles;

d. a policy to hold the drivers, vehicle maintenance officers and commanders accountable for the condition of such vehicles; and

e. procedures for improved inventory control.

3.7 The Special Committee recommends that the administrative handling and storage of evidence be separated from the Property Division. Revised operating procedures for the handling of evidence should be adopted, consistent with recommendation 1.3 above, providing for the deposit of currency in a financial institution pending criminal proceedings or other disposition.

3.8 The Special Committee recommends the Department overhaul the operating procedures for internal investigation of police misconduct to provide for a centralized system similar to that of the Chicago Police Department. These revised procedures should include:

a. initial referral to and overall coordination by the Office of Professional Responsibility;

b. a centralized system for tracking discipline within the Department;

c. a specialized recruitment and training program for Internal Affairs officers;

d. a comprehensive procedures manual for the Office of Internal Affairs that provides clear guidance on investigative procedures and liaison with other law enforcement agencies;

e. an early warning and intervention system for officers who are repeatedly the subject of complaints, including provisions for appropriate intervention;

f. revised procedures for the institution of discipline at the district/unit level and the department level; and

g. revised procedures for the review of disciplinary decisions by the Chief of Police.

3.9 The Special Committee recommends that MPD revise and/or create operating procedures for a citizen volunteer program to permit citizens to participate in the work of the MPD in non-enforcement, administrative capacities. The standards for the use of volunteers should be totally revamped to accommodate the wide range of resources in the community.

3.10 The Special Committee recommends that MPD establish procedures to institutionalize the role of citizen volunteers in the work of the MPD, to include procedures for interaction between the district commanders and the Citizens Advisory Council (CAC) on a regular basis, procedures for interaction and coordination with other community-based groups, e.g. Orange Hat patrols and similar civic efforts, and clearer procedures for informal individual complaints about police misconduct or management issues.

3.11 The Special Committee recommends that the MPD revise and reissue its policies on requirements for promotion to the Command Staff. Such policies should state that leadership positions in the Department will be based solely on merit, achievement, and experience.

3.12 The Special Committee recommends that the MPD review its policy concerning the payment of police overtime at private events, such as the MCI Arena, movie detail and community events and establish an equitable and consistent policy to cover such situations.

IV. Management Recommendations

4.1 The Chief of Police should create a centralized research and planning unit to develop a comprehensive long-term strategic plan for the entire department. This unit should have sufficient resources so that the Chief, Command Staff and all MPD officers have the information necessary to engage in problem solving in an informed and coordinated manner.

4.2 The Chief should implement a policy that promotions and retention of the Command Staff are based on merit, achievement and experience, rather than friendship, connections or loyalty.

4.3 In addition to the revision of the General Orders, the Department should take immediate steps to prepare a policies and procedures manual -- available in hard copy and on computer disk -- to assist each member of the Department to serve the community more effectively as a problem solver.

4.4 The MPD should evaluate immediately the adequacy of its planning and implementation for "community policing." Such evaluation should include a plan for short-term correction (e.g., bringing each PSA up to proper staffing level) and long-term implementation (e.g., proper training of officers and officials in problem-solving skills, career path track for PSA leaders, etc.).

4.5 The Department should move quickly to develop and implement a performance appraisal system for all Command Staff, police officers and civilian employees as called for and consistent with the recently passed Omnibus Personnel Act of 1998. The system should provide objective criteria for evaluation of an individual's performance and should allow for his views and opinions to be considered.

4.6 The MPD should develop an operating philosophy and methodology to hold Commanders and Supervisory Staff accountable for the performance of their officers and the goals and objectives of the Department as required by the Government Managers Accountability Amendment Act of 1995 ("GMAA")[5] and the Omnibus Personnel Act of 1998.

4.7 The MPD should continue the development of a new financial planning and budgeting process that provides for centralized informal budget plans and permits each commander to prepare, implement and be held accountable to an annual budget.

4.8 The MPD should implement all components of the Information Technology Initiative.

4.9 The MPD's information systems should be designed to provide measures of the performance of each unit and the Department as a whole. These reports should be routinely made available to the Mayor, the Council and the public.

4.10 The MPD's internal investigations and discipline function should be consolidated under the Office of Professional Responsibility and the Commanding Officer should report directly to the Chief of Police.

4.11 The MPD should require each officer to undergo physical and mental health examination at the Police and Fire Clinic once within each 24-month period of service. Additionally, if a supervisor of a police officer determines at any time that a physical or mental health evaluation is required in the best interests of the Department, the officer will be referred to the Police and Fire Clinic.

4.12 The MPD should designate an official within the Office of General Counsel or Office of Professional Responsibility to handle whistleblower and retaliation allegations. That official would prepare an annual report for the Council.

4.13 The MPD should present an overtime audit and progress report to the Council within one year.

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[5] D.C. Code § 1-615.1, et seq..

4.14 The MPD should publish an annual report to the public including information on crime statistics, department initiatives, police discipline, awards and commendations, and other information which the community would find to be of interest.

Chapter 2
FURTHER COUNCIL INQUIRY

The Special Committee's investigation of the Metropolitan Police Department represents the most intensive legislative oversight effort by the District of Columbia Council. The Special Committee recommends that this inquiry become a template for future Council oversight of the District of Columbia government generally. The success of such future efforts will depend in large part on the Council's follow through on this Report. The Council, particularly the Committee on the Judiciary, must take an active role in ensuring that the policy proposals contained in this Report are fully implemented. Below is an outline of areas that require further Council action:

- Enactment of legislation consistent with the proposed District of Columbia Omnibus Police Reform Act of 1998, see Chapter 6;
- Monitoring implementation of the Whistleblower Reinforcement Protection Act by the Council Committee on Government Operations to ensure that there is no "reverse retaliation" against supervisors for legitimate discipline of misconduct, see Chapter 4, § B;
- Oversight of the MPD's adoption of new recruit and in-service training programs and requirements, in consultation with law enforcement experts, see Chapter 4, § C;
- Oversight of the MPD's weapons certification process should ensure that all MPD officers receive appropriate weapons training and remain in compliance with weapons certification requirements, see Chapter 4, § C;
- Mandating a complete review and updating of all MPD General and Special Orders to ensure that the rules and regulations that guide MPD's activities are up to date, relevant to MPD's current operations, and are consistently applied and followed, see Chapter 4, §§ C, E;
- Mandating a MPD audit and progress report of its effort to control overtime expenditures, and its cooperation with the U.S. Attorney and the Superior Court in fashioning a workable "on-call" system for court appearances, see Chapter 4, § D;
- Ensuring that the MPD adopts a comprehensive system that regulates off-duty work by MPD officers and eliminates the abuses of off-duty work identified by the Special Committee, see Chapter 4, § D.
- Ensuring that the MPD adopts a comprehensive system that regulates overtime work assignments providing security at private and community events and ensures that the

security, economic and community needs involved in such assignments are addressed equitably and consistently, see Chapter 4, § D;

- Assessment of the MPD's efforts and progress, together with the District Chief Procurement Officer and Chief Financial Officer:

  (i) to streamline its procurement process,

  (ii) to ensure reliable fleet management,

  (iii) to modernize its communications capabilities, and

  (iv) implement the Information Technology Initiative, see Chapter 4, § E;

- Regular periodic review of the operations of the Office of Citizen Complaint Review and the revitalized Civilian Complaint Review Board to ensure that it does not suffer from the inefficiency and backlog of its predecessor, see Chapter 4, § F; and

- Ensuring that the MPD adopts a centralized, comprehensive system that fairly, efficiently, and equitably administers discipline for misconduct, see Chapter 4, § G.

Continuous and vigorous Council oversight along these lines will lend credibility to future legislative inquiries as well as ensure the immediate goal of promoting public faith and operational efficiency in the MPD.

Chapter 3
THE METROPOLITAN POLICE DEPARTMENT

A. Structure and Staffing

The Chief of Police is appointed by the Mayor and confirmed by the Council.[4] The current Chief, Charles H. Ramsey, was appointed on April 10, 1998. As of September 1, 1998, the Chief presided over a Department of 3555 sworn officers and 642 civilians, although the Department's authorized strength for 1998 is 3,800 sworn officers and 722 civilians.

For the past several years, the Department has been organized into five control centers:[5]

- **Office of the Chief of Police** provides departmental administration, including public information, legal counsel, and technical, financial and budgetary oversight. This control center also includes the Department's Office of Professional Responsibility which manages the Office of Internal Affairs.

- **Patrol Services Bureau**, headed by an Assistant Chief, delivers police service throughout the District through a network of seven geographically-based police districts, each headed by a Commander. In July 1997, as part of the transition to community policing, the MPD altered the boundaries of some districts and replaced the old "beats" with 83 Patrol Service Areas (PSAs). Each of the 7 police districts was divided into approximately 12 PSAs that are commanded by a PSA Sergeant and staffed by approximately 20 sworn officers.

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[4] Since 1975, when home rule legislation went into effect, the Mayor has had appointment power, subject to Council confirmation. The District of Columbia Self-Government and Governmental Reorganization Act, Dec. 24, 1973, 87 Stat. 820 (D.C. Code § 1-242). This appointment authority was modified by the passage of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, 109 Stat. 116, as amended, which created the Financial Responsibility and Management Assistance Authority (the "Control Board"), which has powers of removal and broad oversight jurisdiction over District affairs. In April, 1997, a coalition of District officials, including the Chairman of the Council, the Chief Judge of the Superior Court, the United States Attorney, and the Vice-Chair of the Control Board, signed a Memorandum of Understanding which provides for management oversight of the Police Department, and more recently signed an updated memorandum providing for ongoing management oversight. The Mayor named the new Chief of Police with the concurrence of the signatories.

[5] Shortly before publication of this Report, on September 9, 1998, Chief Ramsey announced a Department-wide restructuring of the Department.

- **Support Services Bureau**, headed by an Assistant Chief, consists of the Criminal Investigations Division (CID) which includes the homicide, sex, robbery and burglary branches; the Narcotics and Special Investigations Division ("NSID"); the Special Operations Division (SOD), which handles special events and unusual law enforcement situations; the Youth and Family Services Division; and the Traffic Division.

- **Human Resources Bureau**, headed by an Assistant Chief, consists of the Labor Relations Division; Disciplinary Review Division; Court Liaison Division; Medical Services Division; Training Division; Personnel Division and Recruiting Division.

- **Technical Services Bureau**, headed by an Assistant Chief, consists of the Information Services Division, Communications Division, Identification and Records Division, Fleet Management Division and Property Division.

Of the 3555 sworn officers, the vast majority work in Patrol Services and form the bulk of the community policing initiative. The number of sworn officers has not increased significantly since 1980, except for the congressionally-mandated action in 1989 to hire 900 additional officers. The Department hires approximately 150-200 officers each year.

The remaining sworn officers, augmented by civilian personnel, work in specialized areas of policing, including investigation, administration and technical support services. The proper allocation of sworn officers and civilian personnel, including the addition of a realistic civilian volunteer program that serves non-patrol administrative functions needs to be addressed. Notwithstanding the dedication of many police officers, it is the community's perception that there are far too few police officers working in the community as trained problem solvers. There is no greater or more urgent task for the new Chief than to staff fully the PSAs with trained officers and managers.

On September 9, 1998, Chief Ramsey announced a department-wide restructuring that will replace the "Bureau" system described above.[6] In its place, the MPD will be organized into three regional command centers ("ROCs"): the northern ROC (Second and Fourth Districts), the central ROC (First, Third, and Fifth Districts), and the eastern ROC (Sixth and Seventh Districts). An Assistant Chief will lead each ROC and maintain an office in the field rather than at headquarters. In addition, former headquarters-based units, such as Homicide, will be reorganized and reassigned to the districts. The PSA system will remain in place, but each PSA will be led by a lieutenant and up to six sergeants. While it is far too early to assess the success of the reorganization, the members of the Special Committee support the effort to enhance community policing by moving management

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[6] See MPD Reorganization Plan, App. H, Doc. 1.

into the community. Although this Report was drafted with the prior structure in mind, the Special Committee's recommendations should be readily adaptable to the new organization.

B. Leadership and Decisionmaking

The Chief of Police and the senior command staff set the vision, operational style and tone for the entire Department. The leadership sets standards for the performance of police officers and the involvement of the community. The MPD's historic failure to confront these responsibilities and make commanders accountable for performance affects the quality of public safety and diminishes the community's confidence in the police department.

The Special Committee heard substantial testimony and anecdotal evidence that in recent years MPD leadership failed to set a tone of professionalism and to develop a vision for the organization. Evidence points to arbitrary personnel decisions (e.g., promoting individuals based on loyalty rather than merit) and politically-inspired decisionmaking. In numerous and significant ways, the Department has been poorly managed. As a result, the rank and file officers are demoralized and the MPD's stature is diminished in the public's view. Recent reports of scandals at the top, including allegations involving former Chief Larry Soulsby, have further undermined the public's confidence in the police force.

The Special Committee believes that mismanagement of the MPD is the primary cause of public concern, and it is leadership and management issues that are the focus of the Report. The Special Committee welcomes Chief Ramsey's efforts to address management deficiencies, recently evidenced by the newly-announced reorganization.

Chapter 4
SUMMARY OF SPECIAL COMMITTEE'S WORK

A. Investigation Methodology

The Co-Chairs of the Special Committee, together with Special Counsel, developed a plan of action to conduct a thorough inquiry into alleged misconduct, mismanagement, retaliation and the appearance of impropriety in the MPD. Preliminary interviews with current and former MPD officials, law enforcement experts, citizens and representatives of other law enforcement-related agencies led to a focus on six primary areas that have department-wide application: (1) retaliation against police officers who report misconduct and mismanagement; (2) recruiting, training and performance evaluation; (3) management of overtime and off-duty employment; (4) management of equipment, property, material and information technology; (5) citizen interaction and community policing; and (6) investigation and discipline of police misconduct. In addition, the Special Committee drafted rules and procedures for the conduct of the investigation.

The Special Committee then began extensive factfinding through the issuance of subpoenas for testimony and documents, establishment of a telephone hotline and conducting informal

interviews. The Special Committee's Special Counsel interviewed more than 175 witnesses, issued over 150 subpoenas, reviewed several hundred documents, met with citizen groups throughout the District and sought the advice of law enforcement experts on the best practices. The Special Committee then conducted a public hearing on each of the six primary subject areas in order to inform itself and the public of the facts and potential solutions. The hearings held and the issues discussed were as follows:

February 26, 1998	Whistleblowing and Retaliation
March 27, 1998	Recruiting, Training and Performance Evaluation
April 29, 1998	Management of Overtime and Off-duty Employment
June 1, 1998	Management of Equipment, Property, Material and Information Technology
June 30, 1998	Investigation and Discipline of Police Misconduct
July 17, 1998	Citizen Interaction and Community Policing

The Report sets forth the Special Committee's findings and recommendations. The Special Committee submits these recommendations for appropriate action including statutory changes and further legislative oversight.

B. Whistleblowing and Retaliation Issues

1. Treatment of Police Officers Who Report Misconduct or Mismanagement

The Special Committee's inquiry began with a hearing focused on retaliation against officers who report misconduct or mismanagement in the MPD. Such persons, so-called "whistleblowers," serve a vital function in any public agency by bringing to light allegations of mismanagement or misconduct so that proper remedial action can be taken. Their role in a police department is particularly vital and difficult as traditional adherence by police to a "code of silence" has been well documented and is commonly known.[7] Police whistleblowers assist management in identifying and rooting out the weeds of corruption before they grow. As then-Interim Chief Sonya Proctor testified before the Special Committee, "employees who show the courage to come forward with legitimate

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[7] See Hon. Harold Baer, Jr. & Joseph P. Armao, The Mollen Commission Report: An Overview, 40 N.Y. Sch. L. Rev. 73, 79 (1995) (referring to "'code of silence' that keeps honest cops silent about the misdeeds of their colleagues"); The City of New York Commission to Investigate Allegations of Police Corruption and the Anti-Corruption Procedures of the Police Department, Commission Report 53 (1994) ("Mollen Commission") (reporting "Blue Wall of Silence" in NYPD); Herman Goldstein, Police Corruption: A Perspective on Its Nature and Control 6 (Police Foundation 1975).

information about improper or illegal conduct on the part of other employees are not just whistleblowers, but are professional employees who should be applauded, not victimized or ridiculed." Indeed, MPD General Order 201.26 requires officers promptly to report misconduct or violations of any MPD rules to their immediate supervisor.[8]

Whistleblowers, however, often shoulder the heavy burden of retaliation. Reporting mismanagement or misconduct to superiors may earn an officer a career-long reputation as a "snitch." The Council and the Special Committee have been repeatedly informed of retaliation against officers who bring misconduct or mismanagement into the open. Numerous witnesses in interviews by Special Counsel referred to the "long memories" of supervisors and officials that discourage whistleblowing in the MPD. Similarly, Special Committee witnesses testified to a pervasive culture of retaliation against, and ostracism of, whistleblowers in the MPD.[9]

As referenced above, the problem of whistleblower retaliation in the MPD first was presented by the predicament of Sergeants Hill and Sanders. The specific allegations are as follows. In November 1996, Sergeants Hill and Sanders were assigned to the MPD's Special Emphasis Unit, a special task force targeting gang activity between November 1996 and January 1997, and reported to Lieutenant Lowell Duckett. Hill and Sanders allege that Duckett ordered them to include Detective Ulysses Walltower on the unit's duty roster and time and attendance records. Walltower was a former member of Mayor Barry's security detail and an alleged friend of the Mayor's. Having neither seen nor heard of Walltower performing any work in the unit, Hill and Sanders refused to falsify the time and attendance records. Immediately thereafter, Duckett criticized Hill's and Sanders' performance on duty and had them transferred from the unit. On September 25, 1997, Hill and Sanders testified about this retaliation before the Council's Government Operations Committee.

In an attempt to verify these allegations of retaliation, the Special Counsel investigated the matter and subpoenaed additional witnesses who had personal knowledge of these events.

Two Metropolitan Police Department employees who were responsible for the time and attendance records of the Special Emphasis Unit from November 1996 through January 1997 stated that each had been directed by Lt. Duckett to enter time for Walltower despite the fact that there was no contemporaneous record reflecting that Walltower had worked during the relevant pay periods and Walltower had not submitted information concerning his time. Both witnesses said that they refused Lt. Duckett's directive to enter time without proof that Walltower had actually worked in the Unit during the work periods in question. When Duckett insisted that Walltower's time be entered, one of the time and attendance clerks told Duckett that he would have to certify in writing that

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[8] General Order 201.26, App. B, Doc. 1.

[9] On September 25, 1997, Sergeants Hill and Sanders testified before the Council's Committee on Government Operations about retaliation that they allegedly faced for refusing to falsify the time and attendance records of a former member of the Mayor's security detail. Their testimony was a major factor in the Council's decision to establish the Special Committee.

Walltower actually worked those hours.[10] Duckett then certified in writing that Walltower had worked those hours in the Special Emphasis Unit.[11]

Additional witnesses informed the Special Counsel that a MPD inquiry was conducted which raised serious questions about the integrity of the information submitted regarding Walltower's employment. As a result of the new information learned by the Special Counsel, the Special Committee believes that there is credible evidence supporting the prior testimony of Sergeants Hill and Sanders, and that further investigation is warranted. Accordingly, the Special Counsel has communicated with the United States Attorney's Office and referred the matter to that office for further investigation.

The Special Committee encountered several similar accounts of retaliation by MPD managers against so-called "whistleblowers," notwithstanding Interim-Chief Proctor's testimony that she was not aware of whistleblower retaliation in the MPD. Situations described in the public hearing before the Special Committee include alleged retaliation for refusing to withdraw a citation for a moving violation issued to another officer, retaliation for assisting another officer in preparing a grievance against an official, retaliation against a detective for reporting poor working conditions to the Financial Responsibility and Management Assistance Authority (the "Control Board"), and retaliation against a Homicide official for criticizing the Chief of Police.

A former shop steward of the Fraternal Order of Police also testified about the common perception among MPD rank-and-file that the Seventh District serves as a dumping ground for "problem" officers and targets of retaliation. The witness testified that the Seventh District is commonly referred to as "Alcatraz" or "the Rock," because of this perception and the difficulty of transferring out of the district.[12] After a series of interviews, and review of MPD files, Special Counsel cannot confirm an actual policy of retaliatory transfers to the Seventh District. Nevertheless, a number of officers throughout the MPD have presented anecdotal evidence that such a practice exists. The testimony of these witnesses, and interviews of many other officers, suggest that there is the perception among MPD officers of a culture of retaliation against "whistleblowers" in the MPD. Following the hearing, the Office of Internal Affairs initiated an inquiry into this matter.

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[10] The other clerk refused to enter time for Walltower altogether.

[11] Walltower declined to be interviewed by Special Counsel asserting, on the advice of counsel, his Fifth Amendment rights.

[12] The Special Committee is not suggesting that the officers of the Seventh District are in any way deficient. To the contrary, the Seventh District includes some of the city's most troubled neighborhoods, and the officers there are widely considered to be among the hardest working and most proficient on the MPD. Nevertheless, because of its high concentrations of crime, the Seventh District is considered by many in the MPD to be one of the less favorable assignments. The current Seventh District Commander acknowledged this fact during his testimony before the Special Committee.

In order to ferret out mismanagement or misconduct where it exists, MPD leadership must act swiftly and forcefully to counter this culture of retaliation. Whistleblower protection should be among the MPD leadership's most important priorities.

2. Whistleblower Protection

The Special Committee recognizes that there is no simple solution to the complex problem of whistleblower protection. Prior to the adoption of new legislation described below, District law included a whistleblower protection provision that had not been utilized extensively. D.C. Code § 1-616.3 provided that District government employees who report violations of law or misuse of government resources or funds to a public body, defined as the United States Congress, the Council, any state legislature, or any federal, state, or local public agency, authority, or judicial body, could not be subjected to retaliation by the District government.[13] A current or former District employee subjected to retaliation could bring a lawsuit in D.C. Superior Court seeking injunctive relief and compensation for lost wages and benefits and attorney's fees. The District also could seek attorney's fees and court costs if the court determined that the employee's action was not well grounded in fact or warranted by existing law. The statute did not impose personal liability on supervisors engaged in retaliation or define the burden of proof for the employee to make his case. To strengthen and clarify this existing whistleblower protection, the Council enacted the "Whistleblower Reinforcement Act of 1998," signed by the Mayor on June 23, 1998 (D.C. Act 12-398; to be codified at D.C. Code § ____).[14] The bill amends and expands the definition of a public body to include the D.C. Office of Inspector General, the Office of the District of Columbia Auditor, and the Control Board. It expands the types of disclosures that are protected to include evidence of gross mismanagement, abuse of authority, and threats to public health and safety, and extends to disclosures with respect to violations of regulations and contracts. Whistleblower protection available to current and former government employees is expanded to applicants for employment. The bill also imposes a duty on District government supervisors to report evidence of violations of laws, regulations and contracts and provides for discipline for failure to report, including discharge.

The statute also includes significant amendments to the whistleblower protection private right of action. It clarifies that an aggrieved employee is entitled to a jury trial and need not first exhaust administrative remedies before bringing suit in Superior Court. A key provision clarifies the burden of proof for an aggrieved employee. Once the plaintiff has demonstrated by a preponderance of the evidence that reporting misconduct was a contributing factor in the alleged retaliation, the burden of proof shifts to the employing District agency to prove by clear and convincing evidence that the alleged action would have occurred for legitimate, independent reasons even if the employee had not engaged in activities protected by this section. This burden-shifting provision is modeled on the burden of proof included in the federal Whistleblower Protection Act, and eases the burden on

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[13] D.C. Code § 1-616.3, App. B, Doc. 2.

[14] See App. B, Doc. 3.

whistleblowers to show retaliation.[15] A violation of the Act also is a complete affirmative defense for a whistleblower to a prohibited personnel action (i.e., retaliation) in a subsequent administrative review of or challenge to that action. The statute also deletes the previous provision that permitted the District to obtain attorney's fees from a plaintiff. Moreover, the statute imposes a modified form of personal liability on supervisors who engage in retaliation. In an administrative or judicial enforcement proceeding, the supervisor may be disciplined, including discharge, and in a lawsuit, may face a civil fine up to $1000. These improved whistleblower protections should encourage District government employees to come forward and report misconduct with reduced fear of retaliation from supervisors.

While the Special Committee believes that the new statute will be an effective means of whistleblower protection, it is not specifically tailored to the MPD's unique circumstances. Expert witnesses Ronald Goldstock and Patrick Murphy testified before the Special Committee about whistleblower protection issues presented in the police context.

Mr. Goldstock is the Managing Director of Kroll Associates in New York, the Chair of the American Bar Association Criminal Justice Section and is a former Director of the New York State Organized Crime Task Force. Although he agreed with the laudable goal of whistleblower protection, he warned the Special Committee about its potential unintended consequences. Goldstock believes that officers who are themselves guilty of misconduct may claim whistleblower protection to avoid discipline. Faced with the possibility of a whistleblower lawsuit, including the potential of personal liability, supervisors may choose to overlook police misconduct rather than face the threat of reverse-retaliation.[16] Accordingly, Goldstock thought that the Council must tread carefully in enacting whistleblower protection legislation, and, at a minimum, should provide managers with some form of "qualified immunity" from suit if they acted in good faith. Goldstock suggested that a more appropriate method for protecting whistleblowers may be to establish an internal authority within each agency, including the MPD, to investigate alleged incidents of retaliation as they arise. Potential retaliation problems would be handled administratively rather than through the courts, and, as a result, supervisors would not be deterred by the threat of a lawsuit from engaging in legitimate management activity.

Mr. Murphy has had a long and distinguished career in law enforcement, including serving as the former Police Commissioner of New York and Detroit, the Chief of Police of Syracuse, New York, and the Public Safety Director of the District of Columbia. Currently, Mr. Murphy is serving as a special advisor to the U.S. Conference of Mayors on law enforcement issues. The Special Committee sought Mr. Murphy's views on the investigation and the MPD, in general. Mr. Murphy

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[15] Compare Section 1554 of the "Whistleblower Reinforcement Act of 1998," signed by the Mayor on June 23, 1998 (D.C. Act 12-398; to be codified at D.C. Code § _____) to 5 U.S.C. § 1214(b)(4)(B).

[16] This problem is analyzed at length in Frank Anechiarico and James B. Jacobs, The Pursuit of Absolute Integrity 63-72 (1996).

testified that the MPD is an exceptional police department with a distinguished history and good officers, but currently is suffering from a lapse of management. In Murphy's view, proper management is the key to police effectiveness and efficiency, and as a result, to public safety. With respect to whistleblower protection, Murphy testified that a culture of silence and retaliation cannot be countered solely from outside the MPD. Rather, police management must make a sustained commitment to the effort, and Murphy concurred with Goldstock's views with respect to establishing an internal mechanism for addressing whistleblower protection.

Members of the Special Committee believe that an effective whistleblower protection statute is a necessary component in an overall strategy of countering retaliation in the MPD, but are sensitive to Goldstock's concerns about "reverse retaliation." Although the statute as enacted does not include a provision providing for "qualified immunity" for supervisors, the Special Committee suggests that the Council consider an amendment including such a provision consistent with federal civil rights law. Qualified immunity would protect supervisors by ensuring that they cannot be exposed to personal liability unless it is proven that their actions were in violation of clearly established law.[17] The employing agency, however, should not be permitted to claim such protection. Moreover, such protection should serve only to protect the supervisor from personal liability for damages. The supervisor should still be open to discipline or other forms of injunctive relief without the benefit of qualified immunity. Such protection would ameliorate the "reverse retaliation" concern while continuing to provide whistleblowers with meaningful protection under the statute.

The Special Committee agrees with the advisability of establishing an authority within the MPD with the responsibility for monitoring and addressing whistleblower protection concerns, and suggests that the Office of Professional Responsibility ("OPR") designate an official, outside of the general chain of command, to whom an officer may report misconduct without fear of retaliation. That official should have a direct report to the Chief for serious instances of misconduct, and the identity of whistleblowing employees must be kept strictly confidential. That official should be charged with prompt investigation of retaliation complaints, particularly with respect to retaliatory transfers, in those cases in which an officer has alleged misconduct against a higher-ranking official. In such cases, there may be a conflict of interest for an investigation to be handled within the unit. Furthermore, should the OPR find prima facie evidence of retaliation, the MPD should freeze the personnel action (e.g., retaliatory transfer, demotion) until the incident is fully investigated.

OPR also should prepare an annual report, to be transmitted to the Council, detailing the investigation and handling of whistleblower and retaliation allegations. This reporting requirement

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[17] See, e.g., Hunter v. Bryant, 502 U.S. 224 (1991); Anderson v. Creighton, 483 U.S. 635 (1987); Harlow v. Fitzgerald, 457 U.S. 800 (1982).

is similar to that imposed under federal whistleblower protection law on the U.S. Office of Special Counsel of the Merit Systems Protection Board.[18]

3. Recommendations

The Special Committee recommends that the Council:

(1) **Monitor the implementation of the Whistleblower Protection Reinforcement Act and consider including a "qualified immunity" provision to guard against the reverse-retaliation concerns enunciated by the expert witnesses who appeared before the Special Committee.**

The Special Committee recommends that MPD:

(1) **Designate an official within the Office of Professional Responsibility responsible for handling whistleblower and retaliation allegations. That official should prepare an annual report for the Council on whistleblower issues in the MPD.**

C. Recruiting, Training and Performance Evaluation

1. Recruiting

The MPD maintains a separate operating unit that serves the function of recruiting new sworn members. The office is responsible for the identification of new candidates and for conducting background investigations of each candidate prior to hiring. The Special Committee interviewed the then-commander of the Recruiting Division, Captain Verna Olszewski, two of her lieutenants, four investigators assigned to the Recruiting Division and other officials involved in formulating the MPD's recruiting policy.

The Special Committee held a hearing concerning the MPD's recruiting efforts on March 27, 1998. Captain Olszewski and Lieutenant Corey Sharkey testified on behalf of the Recruiting Division. Then Interim Chief Sonya T. Proctor also testified concerning her views of the MPD's recruiting program.

Generally, while the recruiting process appears on the surface to be working, there are significant issues to be addressed. First, the number of trained background investigators needs to be increased. Second, no applicant should be admitted to the Training Academy until a thorough background investigation, physical examination and psychological screening are completed. Third,

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[18] See App. B, Doc. 4.

the Department should not be able to suspend the rules at the whim of certain high-ranking officials, which has resulted in the past in hiring unqualified individuals to be police officers. The Special Committee proposes to address these issues by enacting statutory and/or regulatory language prohibiting suspension of the written hiring policy under all but the most pressing emergencies. Finally, the minimum standards for employment need to be raised.

The statute proposes to increase the minimum educational requirements for becoming a police officer. In light of this increase, the Special Committee further proposes that the MPD become more aggressive in its outreach on college campuses, and investigate creative means of assisting college graduates retire their educational loans. Finally, the Special Committee is making a number of management recommendations, including recommendations concerning the use of juvenile records to exclude applicants from employment and the ability of the MPD to seek reimbursement of expenses from applicants who decline offers of employment.

a. **The Application Process**

Today, an applicant for a position as a sworn member of the MPD must be a U.S. citizen, be at least twenty and one-half years old, possess a valid driver's license, and have a high school diploma. The applicant also must pass a written examination and a physical agility test.

Once an applicant meets these minimum requirements, the Recruiting Division conducts a comprehensive background examination. Most of the thirty-nine[19] sworn personnel assigned or detailed to the Recruiting Division are involved in the investigation process. The background investigation includes a review of the applicant's military records, credit history, local police records, employment history, driving record, civil litigation records, business licenses and financial records. Investigators also conduct interviews of family, friends, co-workers and neighbors.

An applicant then undergoes a full physical and psychological examination. The investigator reviews the entire file and makes a recommendation to hire or to reject the applicant.[20] The entire file, with the investigator's recommendation, is forwarded to the investigator's sergeant. Assuming that the sergeant concurs, the case will be forwarded to a second sergeant. Once the two sergeants concur on a recommendation, a lieutenant and then the captain review the file. The sergeants, the lieutenants and the captain all may send the file back down the chain of command for correction of defects or deficiencies. In addition, if any of those supervisors disagrees with the investigator's recommendation, they can write a cover memorandum stating the reasons for their disagreement.

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[19] This figure is down from a high of fifty sworn officers in 1997.

[20] The investigator can recommend not hiring the applicant at any time during the process, upon finding sufficient negative information. Once that decision has been made, the applicant is given certain appeal rights.

The memorandum should remain with the file so that anyone reading it will have the benefit of an opposing viewpoint. Successful applicants then are sent an offer of employment.

The applicant acceptance rate is low. Between April and December 1997 over 6,200 people submitted applications.[21] Over 1,000 of those were rejected immediately for various reasons leaving 5,200 to sit for the written examination and take the physical agility test. Nearly 3,000 passed both the written and physical examination and had their names placed on the registers. Full background investigations resulted in the rejection of 2,000 of those applicants. The Department hired 289 recruits and 524 applications remained pending at the time of the hearing. Eighty-seven applicants declined job offers after completing the background investigation.

Officials from the Recruiting Division believe that the current rate of new hires probably is enough to keep up with current attrition rates. The Department loses 20-25 officers per month due to retirement, firings, and other causes. The MPD needs, however, to hire an additional 245 officers in order to reach its 1998 allocated strength of 3,800 sworn officers. Current staffing at the Recruiting Division will not allow the MPD to reach that goal.[22]

b. **Minimum Standards for Employment**

On June 30, 1998, Chief Ramsey proposed changes to the education requirements for applicants, essentially concurring with the view of the Special Committee. Under this proposal, by Fall 1999 all applicants must have completed two years of college. By Fall 2000, all applicants must have completed four years of college. The Special Committee has included these requirements in the omnibus legislative proposal.[23] The Special Committee notes, however, that increasing the educational requirements will remove a significant number of otherwise qualified individuals from the applicant pool. Therefore, the Special Committee recommends that the MPD review the staffing level at the Recruiting Division to ensure that it can keep up with attrition despite the shrinking applicant pool. Vigorous and consistent recruiting efforts are essential to maintain workforce levels.[24] The Special Committee believes that the MPD must pursue an aggressive nationwide recruiting effort, that includes visits to college campuses and military facilities where qualified recruits are likely to be found. This is critical because MPD competes with many other reputable law enforcement agencies in the Washington, D.C. metropolitan area for qualified applicants.

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[21] 1997 Status Report at 1, App. C, Doc. 1

[22] The 1999 budget authorized a sworn force of 3,600. With its current complement of 3,555 officers, the MPD is much closer to its full strength under the new budget.

[23] Omnibus Bill, chapter 6.

[24] One witness testified that there have been periods of time when the MPD has done no recruiting at all. The Special Committee believes that the MPD recruiting efforts must be year round.

On a related note, the Special Committee also recommends that the MPD investigate the possibility of participating in tuition assistance programs and tuition forgiveness programs. Attracting college graduates can be difficult given the debt burdens that many students face upon graduation. Large monthly loan payments force students to seek employment in the private sector where salaries generally are higher. Many public service organizations attract students by participating in debt forgiveness programs that make public service affordable for today's college graduates. The MPD should review these programs to determine whether its recruiting efforts would benefit from participation. In addition, the MPD should promote expansion of educational opportunities for current officers by providing some degree of tuition reimbursement. Many private sector employers have recognized the importance of investing in human capital and the MPD should do no less.

c. **Juvenile Records**

One issue that came to the attention of the Special Committee was the inability of the MPD to use an applicant's juvenile record as a reason for rejecting the application. For instance, under the current policy, MPD could not reject anyone found guilty of murder if the incident occurred while the applicant was a juvenile. The Special Committee's omnibus legislation proposes to correct this deficiency in the law by allowing MPD to reject applicants based upon certain crimes even if the conduct occurred while the applicant was a juvenile.[25]

d. **Unaccepted Offers of Employment**

The MPD spends roughly $3,000 on each applicant who completes the entire application process. A large portion of this -- approximately $1,300 -- is expended near the end of the process for the physical and psychological examinations. Last year, 87 applicants declined offers of employment at the end of the process at a total cost to the MPD of over $260,000.[26] Testimony revealed that a number of these individuals had applied to other law enforcement agencies and cited as a reason for declining the MPD's offer the fact that they would be required to reimburse certain expenses to those other agencies if they declined the competing offers. The MPD is perhaps the only law enforcement agency in the area that does not require applicants to reimburse expenses if they decline employment. The Special Committee contends that the MPD must require individuals who decline offers of employment to reimburse the MPD for the expenses associated with the recruiting process. The omnibus legislation includes this requirement.

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[25] Omnibus Bill at chp. 1, § 1(a)(6) (chapter 6 of report).

[26] 1997 Status Report at 3-4, App. C, Doc. 1.

e. Contingent Hiring

The Special Committee learned that in late 1996 certain officials in MPD suspended the normal hiring process and established a contingent hiring program. Under this program applicants were hired and sent to the Training Academy ("Academy") after the MPD performed only a perfunctory background examination. At the time, it was intended that full background examinations would be conducted while the applicant was in the Academy. MPD hired 113 recruits under this policy in January and February 1997.

In March 1997, Assistant Chief Sonya T. Proctor became the Human Resources Officer. Upon learning of the contingent hiring program, Proctor ordered a halt to the process. The testimony showed that by April 1997, MPD failed to start full background investigations for many, if not all, of the candidates. Ultimately, once background investigations were completed, 22 recruits were fired based upon the findings from the background investigations conducted by the new staff at the Recruiting Division. Attorneys representing some of the terminated individuals raised the possibility that the city may have to defend itself in court for actions taken in this regard.

The Special Committee disapproves of any attempts to take a shortcut in hiring police officers. The vital function that officers serve and the authority given to them over the life, liberty and property of our citizens demands that officers be of the highest caliber. Efforts to simply get bodies in uniform, even when in response to political pressure, will cost the District in the long term. Therefore, the Special Committee includes in its omnibus legislation provisions that will prevent any attempt to circumvent the approved application process. Most notably, the legislation prevents the MPD from enrolling anyone at the Academy prior to completing the background investigation.[27] The legislation is not designed to micromanage the recruiting process. For instance, the legislation does not prescribe what constitutes a full background investigation. Instead, it is designed merely to require that the MPD adhere to its written procedures at all times. Thus, the MPD can continue to refine its investigatory procedures in a manner that is consistent with evolving law enforcement practices.

f. Recommendations

The Special Committee recommends that the Council:

(1) **Adopt legislation that codifies certain necessary recruiting practices; establishes new educational requirements; and removes the discretion of the MPD to enroll recruits at the Academy prior to completing a full background check. The legislation also allows the MPD to disqualify an applicant based on certain conduct which occurred while the applicant**

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[27] Omnibus Bill at chp. 1, § 1(a)(8) (chapter 6 of report).

was a juvenile, and requires reimbursement of recruitment-related expenses from applicants who decline offers of employment.

The Special Committee recommends that MPD:

(1) **Evaluate the staffing requirements of the Recruiting Division to ensure that the MPD can maintain its current workforce.**

(2) **Appoint a direct liaison between the Recruiting Division and the Research and Development Unit to examine short and long-term recruiting needs.**

2. Training

The MPD maintains a separate operating unit, the Training Division, that is responsible for officer training. Currently, the Training Division has primary responsibility for recruit training, and nominally is responsible for in-service training and specialized training. As the Special Committee learned, however, the Training Division's involvement in in-service and specialized training is less than ideal. Even more disturbing is the lack of involvement in the training process by top management. The Special Counsel extensively interviewed Steven L. Cass, the Director of the Training Division, his supervisory staff, and a number of instructors assigned to the Training Academy. In addition, the Special Counsel inspected the Academy's physical plant and interviewed the official in charge of the firing ranges. Finally, Special Counsel interviewed most of the district commanders for their views of the in-service training program.

On March 27, 1998, the Special Committee held its hearing concerning the training program. Testifying at the hearing were Mr. Cass, Interim Chief of Police Sonya T. Proctor, and Commander Winston Robinson of the Seventh District. Additionally, Tim Ottmeier, the director of training for the Houston Police Department, who was unable to be present at the hearing, presented his views through the Special Counsel.

Generally, the Special Committee found that the recruit training program was functioning adequately despite inadequate facilities and lack of budget support. The Special Committee's finding is qualified, however, by the fact that the preliminary assessment prepared by the former training director of the New York City Police Department demonstrates the need for a detailed assessment of the curriculum.[28]

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[28] The Special Committee requested that Cornelius Behan, who recently retired as the Director of the Maryland Department of Law Enforcement, conduct an evaluation of the MPD's training program. A copy of Mr. Behan's report is contained in the Appendix. App. C, Doc. 2. __

In contrast, the in-service training and specialized training programs of the MPD are in shambles, notwithstanding the regular requests of the Training Director for the leadership of the Department to take actions. Budget cuts and lack of attention by a number of former chiefs and their command staffs have caused training to be placed at the lowest priority. In order to facilitate this prioritization, the Special Committee proposes legislation to establish mandatory training requirements. While the proposed legislation covers both recruit and in-service training, the real focus is on ensuring that veteran officers remain on the cutting edge of law enforcement techniques and that supervisors receive regular training in management skills.

The Special Committee recommends action on the physical condition of the Academy. The Special Committee requests that the Chief report to the Council in 6 months on the progress of correcting the issues addressed below.

a. **Recruit Training**

Currently, the 6-month recruit training program consists of 1053 hours of instruction, including a 2-week residential component. The Special Committee's investigation included a preliminary qualitative assessment of the curriculum, that recommends an in-depth evaluation of content and instructor qualifications as soon as practicable.

An obvious problem with the recruit training program is the staffing level. Management anticipates that roughly 300 recruits per year will participate in the training program. Yet, the Academy continues to lose instructors. At the time of the hearing 7 recruit classes -- each with 20-25 recruits -- were engaged in various phases of training but the Academy had only 14 instructors. Expert testimony suggests that at least 25 instructors are needed to properly serve 7 recruit classes.

Despite the lack of budget support and despite the deteriorated physical plant (discussed below), the Special Committee believes that the Training Division is performing its function with respect to recruit training. Commanders interviewed by the Special Committee noted that they were happy with the quality of the new officers fresh from the Academy.

One troubling issue relating to the recruit training program concerned the timing and use of On-The-Job Training ("OJT") by the MPD. OJT is a normal part of the training process. Under ordinary circumstances, recruits are given OJT assignments in patrol districts near the end of the 16-week training process -- after they have completed the firearms, tactical and survival skills, and other training blocks necessary to perform the police function on the street. The Special Committee learned that two recent recruit classes were assigned prematurely to OJT positions after completing their firearms training but prior to completing some of the other necessary training blocks. The assignments were made over the objections of the Training Director and his faculty. The Special Committee was assured by the Interim Chief that the recruits had been assigned only to

administrative duties in support of a special anti-drug campaign. A review of the OJT critiques submitted by the recruits made it clear that this was not the case.[29]

A number of recruits reported walking beats alone, assisting in arrests, participating in "jump-outs," and performing other non-administrative tasks. Some recruits expressed concern that they were not prepared for the assignments. The Special Committee is disturbed that the MPD would place the lives of the new recruits, as well as the lives of citizens, in jeopardy by placing untrained officers in potentially dangerous situations. Other recruits participated in door-to-door canvasses of neighborhoods asking that citizens fill out questionnaires designed to improve police/community relations. Some of these recruits questioned the wisdom of having recruits who may or may not be assigned to the particular PSA at some future date engaged in an exercise designed to get to know the community. Indeed, logic dictates that the officers already assigned to the PSA should perform this duty to become more familiar with the community in which they work. Finally, placing many of the recruits in support functions precludes the recruits from receiving the customary OJT experience. OJT is intended to give the nearly fully-trained recruit an opportunity to experience the work environment under normal working conditions. This goal cannot be accomplished when the MPD assigns recruits to OJT before they can reasonably participate in the full spectrum of police activities.

Once again the MPD placed itself in a situation in which it disregards its own standards in order to fill a short-term need. In this instance, the MPD placed recruit officers in positions that they were not fully prepared to handle. The Special Committee finds that such a policy is not in the best interests of the citizens or the recruits and it recommends that OJT occur only after recruits have completed all of the training blocks necessary for performing the full range of patrol officer functions. The omnibus legislation includes a provision to ensure that this problem is not repeated.

b. **In-Service Training**

Training should not stop once the officer receives a gun and a badge. Law enforcement techniques constantly evolve, and a metropolitan police force must keep abreast of those changes. The Special Committee finds, disturbingly, that the MPD's in-service training program is virtually non-existent.[30] Since 1993, the Training Division's budget, over the strong objections of the

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[29] Interim Chief Proctor testified that the recruits were performing only support functions. After her testimony, the Special Counsel wrote to Interim Chief Proctor and expressed concern about the discrepancy between her testimony and the facts of the recruits' work arrangements. The letter requested that Interim Chief Proctor explain or justify the discrepancy. Proctor did not respond, and this matter was brought to the attention of the Executive Assistant Chief of Police who has assured the Special Committee that this situation would not occur in the future. Proctor retired from the Department in September 1998.

[30] The in-service training program is governed by General Order 404.6. (App. C, Doc. 3) The Special Committee recommends that the General Order be amended, as needed, to reflect the policy changes suggested below. More importantly, however, it appears that the current General Order is not followed. For

Director, has been reduced by 67% to an amount barely sufficient to cover the anticipated budget for recruit training, thus eliminating any resources for an in-service program. While some in-service training is conducted at the unit level, the Training Division has no control over the quality or quantity of what little instruction is given. Testimony revealed that most in-service training consists of brief sessions during roll call. According to the district commanders, this method of training, while helpful in some respects, is totally inadequate for today's police officer. Each commander commented that roll-call training usually consists of mere dissemination of information. It does not provide training with respect to specific skills. Nor does it provide officials with a means to measure the officers' understanding of the material.

One recent innovation was the distance learning computer. The MPD placed computer terminals in each district that allow officers to review material concerning twelve topics. The computer can test each officer's mastery of the material and the Training Division can then track the scores of each individual. The computer also allows the MPD to track responses to particular questions so that it can examine trends or particular deficiencies that affect the entire department. The system completed its pilot implementation in December 1997.[31]

In-service training must be a top priority for the MPD. The Special Committee finds that prior Chiefs of Police were not engaged in the process of developing the training curriculum or establishing training as a priority. Witnesses stated that the lack of involvement from upper management fosters a culture of indifference toward training issues among the rank and file. Expert testimony demonstrated that leadership in this area must come from the top. Notwithstanding any law that could be enacted by the Council, the culture of the MPD cannot change until the Chief demonstrates leadership in this area.

The Council also has a role to play in ensuring that Washington, D.C. has the best trained police force in the nation. The Special Committee's investigation revealed that the District is the only jurisdiction in the nation without mandatory in-service training requirements. This will change with the passage of the omnibus legislation.[32] Under the Special Committee's proposal, officers will now be required to complete a minimum amount of in-service training each year in order to retain their police powers. While the proposed legislation does mandate a specified number of hours to be spent on a few core subjects, it also provides flexibility in that it allows officers to choose "electives" based upon their individual interests and career goals. Officers can satisfy many of the

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example, the General Order provides that the director of training is responsible for the in-service training program. Yet, testimony revealed that the director of training has little input over the quantity or substance of current in-service training efforts. Additionally, the record-keeping provisions of the General Order are flagrantly ignored. MPD management must do a better job of ensuring compliance with whatever laws, regulations or policies are in effect.

[31] December 1997 Report on Training at 1, App. C, Doc. 4.

[32] Omnibus Bill at chp. 1, § 3 (chapter 6 of report).

requirements by participating in approved programs offered by other law enforcement agencies or organizations dedicated to providing continuing education to the law enforcement community.

The MPD should offer specialized training for officers who seek employment in specialized fields, such as homicide, sex crimes, or juvenile issues. The skills required to be a patrol officer differ from the skills needed to perform a successful criminal investigation. In particular, the MPD must ensure that detectives who work with victims of sex offenses and juvenile victims are properly trained to deal with the issues specific to those situations. Therefore, the Special Committee recommends that the MPD establish a rule requiring officers seeking assignments in specialized units to complete mandatory courses in the skills necessary for performing that specialized function.

Finally, the Special Committee also recommends the curriculum include courses in oral and written communication skills. A large part of a police officer's job consists of communicating with the public and writing reports. Based on witness testimony and a review of report writing skills throughout the department, the Special Committee recommends that regular skills training and testing in this area will improve the quality of investigation and enhance problem solving in the community. Composition and grammar courses regularly are offered by other police departments across the nation.

c. Specialized Training

Like the in-service program, budget cuts and poor leadership have resulted in inadequate specialized training programs. For example, all new supervisors and sergeants should be required to undergo management training upon promotion and regularly thereafter. Sergeants and lieutenants are responsible for managing their subordinates, creating and implementing policy, and interacting with community and government leaders. Their training must match their responsibilities. The MPD simply must allocate sufficient funds to allow its members to take advantage of available training programs.

Lack of budget support, however, is not the only reason for the poor state of the MPD's specialized training. The Special Committee learned just prior to its March hearing that significant numbers of officers had not requalified to use their firearms as required by MPD regulation.[33] In this case the MPD largely failed to comply with these regulations. Moreover, there was no budget-related reason for the failure -- only poor management. When MPD's leadership was alerted to this issue, the MPD rushed to qualify its members by extending operating hours of the firing ranges virtually round the clock. The Special Committee believes that the MPD has survived far too long

[33] Sworn members must requalify according to the following schedule. Members of the rank of Sergeant and below must qualify twice per year while members at the rank of Lieutenant or above must qualify only once per year. General Order 901.1, App. C, Doc. 5. The Special Committee's investigation revealed that a majority of the MPD had failed to qualify according to that schedule.

on the management-by-crisis style typified by the firearms issue. New management must improve the planning and oversight processes so that crisis problem-solving can be eliminated.

Another issue bearing in the discussion of training involves the proper operation and maintenance of police vehicles. A significant number of accidents involving police vehicles are found to be avoidable. Currently, there is a virtual lack of driver skills training because of budget constraints. Additionally, witnesses testified that many of the repairs performed on the fleet are the direct result of abuse and neglect by officers in the field and the vehicle maintenance officers assigned to care for the vehicles. The Special Committee recommends that MPD establish a mandatory driver skills training program for all recruits and specialized driver skills training as a particular job responsibility requires, or where an officer is referred for additional in-service training due to performance evaluation. Further, we recommend regular preventative maintenance training for all drivers and vehicle maintenance officers.

d. **Physical Plant**

The working and training conditions at the Academy are unacceptable. The problems range from such mundane issues as the need for a fresh coat of paint, to fire hazards such as missing door knobs on fire doors, to environmental and health hazards associated with both firing ranges. These problems appear to be caused both by lack of budget support and by poor facilities management.

The Special Committee recommends that MPD completely renovate the Academy as soon as possible. The Special Counsel toured the Academy and reports that the conditions under which officers must teach and learn are inadequate. Many of the desks and tables at the academy are so old and worn that they sag in the middle, making it very difficult for recruits to take notes comfortably. The Academy has at times gone for months without hot water, making it uncomfortable for recruits to shower after physical training. Supplies are difficult to keep on hand.

Safety and health issues are of particular and immediate concern to the Special Committee. Our investigation revealed that the air handling system at the indoor firing range has been inoperable for over two years.[34] A heavy smell of gunpowder pervades the administrative areas near the firing range where civilians and sworn employees work for eight hours each day. Academy officials stated that they have tried to get the Department of Public Works to fix the air handling system on numerous occasions, to no avail. Additionally, the Special Committee subpoenaed documents reflecting that prior Chiefs were well aware of the problem, and did nothing to correct it.[35] The outdoor range also is a cause for concern. Officers shoot at targets against the backdrop of a large hill. Bullets pass through the targets and land in the soil at the foot of the hill. No personnel interviewed could recall a time when the soil behind the range was cleaned or tested for lead

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[34] December 1997 Report on Training at 1, App. C, Doc. 4.

[35] Id.

contamination. Furthermore, the groundwater underneath and adjacent to the range empties into the Potomac River. The Special Committee urges the MPD to act on these issues by replacing the air handling system in the indoor range and testing and cleaning the soil behind the outdoor range. The Special Committee also recommends that the Council support capital expenditures to address these deficiencies on an ongoing basis.

e. The General Orders

Another basic problem identified by the Special Committee is the poor state of the General Orders. Many General Orders simply are outdated or obsolete. For example, the order pertaining to firearms still refers to an officer's weapon as a "service revolver" when, in fact, no officer now carries a revolver.[36] There are a number of Special Orders that remain in effect, notwithstanding that Special Orders are intended to be temporary policy statements that would later be incorporated into permanent General Orders.[37] The Special Committee recommends that the MPD overhaul the General Orders to simplify them, bring them up to date, and eliminate those orders that no longer serve any useful purpose. Furthermore, in consideration of the MPD's progress toward upgrading its information technology, the Special Committee suggests that the MPD investigate the possibility of making the General Orders accessible by mobile digital computer. The current three-volume set of the General Orders is much too bulky to be of any use to the officer in the field. By placing the General Orders on-line, officers can take advantage of their guidance as the need arises.

f. Recommendations

The Special Committee recommends that the Council:

(1) **Adopt legislation consistent with the proposed omnibus bill, including statutory requirements for recruit and in-service training. The omnibus legislation proposes a yearly requirement for continuing education. The legislation also calls for an annual report that will assist the government in its oversight function. Officers who do not meet the in-service requirement will have firearms confiscated until the officer meets the in-service requirement.**

(2) **Conduct an assessment of the quality of the recruit training curriculum and the quality of the recruit instructors, in consultation with law enforcement experts.**

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[36] General Order 901.1, App. C. Doc. 5.

[37] See, e.g., Special Order 96.6, App. C. Doc. 6 (Special Order relating to discipline that has been in effect for more than 16 months).

The Special Committee recommends that MPD:

(1) **Authorize On-The-Job Training only after recruits have completed all the training blocks necessary to perform the full range of patrol officer functions.**

(2) **Repair the physical plant at the Academy. The District may be at risk for legal claims arising from health and environmental hazards. Funds must be set aside for repair of the air handling system at the indoor range and cleaning of the soil behind the outdoor range. The MPD also must set aside funds for routine maintenance of all other aspects of the Academy.**

(3) **Overhaul the General Orders. If possible, the General Orders should be accessible by officers in the field via the new mobile digital computers so that officers can obtain instant guidance in the field.**

3. **Performance Evaluation**

a. **Overview**

A critical component of supervision and accountability is performance evaluation, a process common to virtually all organizations, public and private. The majority of urban police departments have a department-wide personnel performance appraisal system. Through interviews with various commanders, including the training director, and a review of numerous personnel files, we learned that the MPD's performance evaluation system lacks consistency of application and fails to take into account important information which would enable informed personnel decisions to be made.

Officers and citizens alike agree that MPD would benefit from a uniform system of performance appraisal. Management will sense how well its message is getting across. Supervisors will be able to assess the particular skills of officers in the field. The feedback to line officers will help them develop confidence and competence and correct errors. The Department will be able to deter misconduct and weed out those who cannot or will not perform.

Medical and psychological evaluation is an important component of this process. As a 1991 study of the Los Angeles Police Department points out, improved screening of applicants is not enough:

> Police work modifies behavior. Many emotional and psychological problems may develop during an officer's tenure on the force, causing burn-out, alcohol related problems, cynicism or disenchantment. A person's susceptibility to the behavior-modifying experiences of

> police work may not be revealed during even the most skilled and sophisticated psychological evaluation process. Report of the Independent Commission on the Los Angeles Police Department, 1991, at xvi.

Officers should be tested periodically -- at least every two years -- to determine both physical and psychological fitness for duty. This holistic evaluation process, together with the development of an early warning system to detect misconduct (as set forth in Section G.8, below), will create a healthier and more productive environment for police work and public safety.

b. Recommendations

The Special Committee recommends that MPD:

(1) **Develop and implement a performance appraisal system for all police officers and civilian employees which provides evaluation of individual's performance and feedback both to the officer and the department, consistent with the recently-enacted Omnibus Personnel Act of 1998.**

(2) **Use the performance appraisal system to develop a career path program for each member.**

(3) **Develop a method to regularly evaluate each unit -- divisions, district commands, PSAs, etc. -- to hold these units accountable for achieving goals and objectives, as required by the Government Managers Accountability Act.**

(4) **Require sworn officers to undergo physical and mental health evaluations and testing every two years at the Police and Fire Clinic. The MPD should expand the resources of the Police and Fire Clinic to handle this responsibility. In addition, supervisors must understand that their role includes training and counseling officers to cope with the problems policing may entail so that they may be addressed before an officer loses control or requires disciplinary action.**

D. Management of Personnel: Overtime and Off-Duty Work

1. Police Overtime

a. Overview

One of the Special Committee's areas of significant concern is the MPD's significant annual overtime expenditures and its overtime budgeting process. As of August 1, 1998, one and one-half months before the end of the fiscal year, the MPD had spent approximately $17.04 million on overtime.[35] This figure is in line with recent historical trends on overtime spending. From FY 1991-1997, the MPD has spent an annual average of approximately $16 million on overtime. The MPD's budgeted overtime expenditures over the past several years, however, have been considerably lower. Overtime budgets for FY 1997, 1996, and 1995, were approximately $11.7 million, $9.2 million, and $5.4 million, respectively. Actual gross overtime expenditures for these years were $23.9 million (FY 97), $12.1 million (FY 96), and $10.8 million (FY 95).[36] Accordingly, the MPD consistently was over budget on overtime by several million dollars for each of those fiscal years. To fund the resulting overtime deficit, the MPD relies on "lapsed salaries," which is the annual budget surplus that results when the MPD fails to hire up to its fully authorized police force which in 1998 was 3800 members. The Special Committee is concerned that MPD's reliance on "lapsed salaries" provides disincentives for the MPD to hire its fully authorized allotment of officers. This practice also results in poor fiscal management. Rather than rely on "lapsed salaries," the MPD should strive to reduce its overtime expenditures and budget honestly by bringing its annual overtime budgets in line with historical data on actual expenditures.

The MPD has implemented several initiatives to curb overtime spending to the extent feasible. There are two broad forms of police overtime: court overtime and non-court, or "programmatic," overtime. The MPD incurs court overtime expenditures when officers are summoned to appear in court by the USAO outside of their regular duty hours. Programmatic overtime results from all other police-related work that an officer performs outside of a regular duty assignment with the exception of off-duty employment. The Special Committee's investigation revealed instances in which both court and programmatic overtime may have been subject to abuse and mismanagement, as described fully below. Working in cooperation with the USAO, however, the MPD has taken steps to curtail unnecessary court and programmatic overtime expenditures. The efficacy of these measures must continue to be closely monitored by the MPD and the Council.

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[35] This overtime represents gross expenditures and is not adjusted for reimbursements the MPD receives for grant funds and other payments from the federal government.

[36] See Table: Overtime, App. D, Doc. 1; Chart: Overtime Trends (Dollars) FY 1993-97 (chart), App. D, Doc. 2.

b. Court Overtime

MPD incurs a significant portion of the MPD's overtime expenditures through officers' court appearances. In four of the past six years, court overtime represented more than 45% of the MPD's total overtime expenditures.[40] In dollar terms, in FY 1997, court overtime cost the MPD $6.9 million. These substantial outlays are, however, largely beyond the control of MPD management. The USAO controls whether and when an officer appears for court, and, to some extent, the duration of the appearance. This situation has given rise to some frustration among MPD fiscal managers struggling to curb overtime expenditures, and some friction between prosecutors and police management.

It is clear that police officers must appear in court. Arrests cannot be processed, cases investigated, or prosecutions brought without police testimony. Court appearances are therefore a regular police function, and it is expected that effective police officers will appear frequently in court. In order not to disrupt police scheduling, and to prevent short-staffing, it is also expected that officers oftentimes will not be able to appear during their regular tour of duty. Indeed, officers working the so-called "midnight" shift (11 p.m.–7 a.m.), by necessity, will appear in court only when off-duty. Officers who appear in court off-duty are paid at an overtime rate. The challenge for MPD management and the U.S. Attorney is to ensure that officers appear in court only the minimum number of hours necessary to prosecute cases effectively. Otherwise, unduly long or frequent court appearances result in unwarranted overtime expenditures.

There has been a longstanding concern among MPD management that court overtime has been abused. To understand the potential for abuse, a brief explanation of the MPD's court appearance process is necessary. Officers appear in court through a CANS (Computer Automated Notification System) notice, which is issued by a prosecutor. The CANS notice is processed through the MPD's Office of Court Liaison, which arranges for the officer to be served with a notice in his or her unit. CANS notices are issued not only for actual court appearances (e.g., trial, hearings) but for any officer appearance at the USAO. For example, if a prosecutor must meet with an officer for trial preparation, a CANS notice for a "witness conference" will be issued. Similarly, officers may be summoned to the grand jury via a CANS notice while a case is under investigation.

When an officer appears pursuant to the CANS notice, he/she must "check in" with the Office of Court Liaison. The officer is given a form (PD 140) on which is noted the case(s) for which the officer checked in, the nature of the appearance, the time spent, and the prosecutor for whose case the officer has checked in.[41] The officer must have that prosecutor sign the PD 140 to account for time spent "checked in" to court. At the end of the court appearance, the officer must

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[40] See Chart: Overtime Trends (Dollars): Court, Budgeted, Total, FY 1993-97, App. D, Doc. 3.

[41] PD 140, App. D, Doc. 4.

"check out" with Court Liaison with a completed PD 140. That form, with the prosecutor's initials, is the authorization for the officer to be paid overtime.

Former directors and officials at Court Liaison supplied the Special Committee staff with evidence of problems with this system. Officers would "check in" to court for a witness conference with a prosecutor often to find the prosecutor unavailable to meet when scheduled. Several officers recounted instances of being forced to wait hours until the prosecutor was available, or of meetings that were not canceled until after the officer arrived. Of course, the officer is paid overtime while waiting for the prosecutor, and the scheduling difficulties result in unnecessary overtime expenditures.

Of greater concern was the practice of issuing so-called "blanket CANS" notices. Over time, prosecutors became frustrated with their inability to ensure that officers would appear for court when needed and that basic investigative work was not being performed on cases. As a result, CANS notices were issued for a greater number of officers than actually were needed in order to ensure that some minimum of officers actually appeared. Some prosecutors reportedly fell into a practice of regularly issuing CANS notices for entire squads of officers regardless of their actual role in the case. The PD 168, a form prepared during "papering" (i.e., initial processing) of a case, lists the names of officers involved and therefore authorized to be issued CANS notices for subsequent court appearances.[42] "Blanket CANS" notices were issued, which simply named all of the officers listed on the PD 168, even if fewer officers actually were needed for a particular appearance.

This practice provided opportunities for overtime abuse and manipulation of the system. A former supervisory sergeant at Court Liaison informed the Special Committee staff about the following regular practice among certain detective squads, particularly Homicide and certain Vice units. Officers without any substantial role in an investigation would nonetheless arrange to be listed on the PD 168 so that they would be included on the subsequent CANS notices. One example of such abuse would be the effort to involve as many officers in the "chain of custody" for evidence as possible in order to expand the number of officers on the CANS list. Reportedly, entire squads would be included on the CANS notice for relatively simple investigations. Fearful of jeopardizing their investigations or being unable to prosecute cases effectively, prosecutors either were unable or unwilling to curtail this practice. As a result, a greater number of officers earned court overtime than was necessary.

Furthermore, officers were issued court appearance CANS notices to perform routine investigative work. Police "on duty" investigative work on a case generally ended with the arrest of a suspect. More often than not, however, a case requires additional investigative work before trial. Prosecutors issued court appearance CANS notices to officers so that the officers could complete the investigation. Officers would perform investigative tasks while checked into court, receiving overtime, although the officers were not actually at court or the USAO. Some detectives eagerly

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[42] PD 168, App. D, Doc. 5.

sought such opportunities because of the lucrative overtime. These detectives, many of whom were exceptional investigators, would volunteer their services to prosecutors with whom they had worked on prior cases. In turn, some prosecutors would issue CANS notices to these detectives to perform investigative work, even on cases to which the detectives were not assigned. These "freelance" investigators would be issued multiple CANS on multiple cases and therefore received a disproportionate share of court overtime. In MPD records subpoenaed by the Special Committee, the same officers routinely appear on the list of the Department's top overtime earners, oftentimes doubling or tripling their regular salary. The Special Committee questions the appropriateness of having officers conducting investigative work while checked into court, particularly on cases originating from other units. The availability and need for the service of these "freelance" detectives also implies deficiencies in the investigative work of other detectives or investigators in the department.

Both the USAO and the MPD's Office of Court Liaison have long been aware of these concerns and recently have been working together to address these issues. On December 13, 1996, the parties executed a Memorandum of Understanding ("MOU") on the Principles and Rules of the Officer Court Appearance System.[43] The MOU outlines the procedures for prosecutors to issue appearance CANS notices intended both to streamline the process and curtail the aforementioned practices. Prosecutors are only to sign PD 140s for officers who actually appear in court and are to schedule meetings and appearances, in so far as possible, during an officer's regular tour of duty. The MOU also established an Administrative/Investigative CANS notice through which officers would be required to perform routine investigative work, for the USAO, during their regular tour of duty.[44] Because of administrative difficulties, many of the MOU's provisions were implemented only in the spring and summer of 1998. Since that time, the USAO and the MPD began a pilot project for the Administrative/Investigative CANS notice with the Sex Crimes and Mobile Crimes squads. The MPD hopes eventually to expand use of the Administrative/Investigative CANS notice to the department as a whole in the near future. Testifying before the Special Committee, United States Attorney Wilma Lewis expressed her support for the CANS MOU procedures and stated that her office will move to implement them as expeditiously as possible.

The MPD also has taken steps on its own to address court overtime issues. Most notably, the MPD designed and implemented a computerized personnel tracking system called TACIS ("Time, Attendance, and Court Information System"). Since June 1995, the CANS and court check-in process has been fully automated through TACIS. That system permits MPD supervisors to monitor closely individual officers' overtime expenditures and court activity. As of April 15, 1998, all MPD members' time and attendance have been fully tracked through TACIS. The system was demonstrated to Special Committee staff, and, if fully utilized, TACIS would prove an invaluable

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[43] MOU, App. D, Doc. 6.

[44] Administrative/Investigative CANS, App. D, Doc. 7.

management tool and would give MPD management, rather than the USAO, greater control over overtime work.[45]

Through TACIS and Court Liaison, the MPD also has redesigned the PD 140 and PD 168 forms. When checked into court, officers are now required to account for their time in half-hour increments, each of which must be initialed by a prosecutor. When a case is initially processed, an MPD supervisor must complete the redesigned PD 168, which authorizes the issuance of subsequent CANS to a maximum of only nine officers on that case. The supervisor must certify that the "members on this form actively participated in the investigation of this offense and/or arrest of the defendant(s) and are actively involved police witness(es)." Additional officers may be added to the PD 168 only through completion of a second form (PD 168-A)[46] with the approval and signature of a prosecutor. These new procedures are designed to ameliorate, if not eliminate, the practice of issuing unnecessary "blanket CANS" notices for court.

To address the problem of officers' failure to appear in court, the MPD has implemented a strict disciplinary policy that results in automatic imposition of an adverse action (i.e., suspension, fine, or termination) for a second unexcused absence or tardiness in a twelve-month period. See Subsection G, infra (discussion of discipline).

Court attendance statistics for 1997 demonstrate that the majority of police court appearances (44.7%) were for trials. Papering (initial processing of arrests) resulted in the next highest percentage at 18.9%. The two areas suspected of resulting in court overtime abuse, witness conferences and grand jury appearances, represented 12.4% and 11.5% of appearances, respectively. These data suggest that the bulk of court overtime expenditures is affected by court scheduling rather than by the MPD or the USAO. Unfortunately, it also appears that much of court overtime for trials is wasted. Although approximately 300 Superior Court cases are set for trial each month, only approximately 30 cases actually are tried. Most officers arrive at court only to have the case continued for a later date. Even for those cases that go to trial when scheduled, officers must remain at court without doing anything productive. As Chief Judge Eugene Hamilton of the Superior Court of the District of Columbia testified before the Special Committee, the effective functioning of the criminal justice system may require this allocation of police resources. Nevertheless, and as discussed in further detail below in the Special Committee's recommendations, Chief Judge Hamilton, the U.S. Attorney, and the Chief of Police may be willing to experiment with a limited "on call" system on a trial basis that would obviate the need for officers to spend countless hours awaiting testimony in court.

The Special Committee recommends that the MPD, the USAO, and the Superior Court implement an on-call system for officers' court appearances on a trial basis. Because most officers

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[45] For a description and demonstration of TACIS operations, see App. D, Doc. 8.

[46] See App. D, Doc. 9.

carry pagers or cellular phones, prosecutors can contact the officers without difficulty. It should be possible to fashion a system that enables officers to be available, on short notice, for court appearances while conducting regular police business in the meantime.

c. **Programmatic Overtime**

As the following numbers indicate, unnecessary court overtime expenditures, however, are only half the problem. In FY 1997, FY 1996, and FY 1995, the MPD spent $16.9 million, $7.6 million, and $3.6 million, respectively on non-court overtime. In FY 1997, programmatic overtime spending alone exceeded the MPD's total overtime budget by more than $5 million. While some of the programmatic overtime spending is reimbursed through federal and other grants, the bulk of the expenditures come from the MPD's own coffers. Substantial spending on programmatic overtime is not, by itself, suspect. Special crime fighting initiatives may warrant increased spending for overtime pay. Nevertheless, the Special Committee is concerned that, at least historically, the results achieved through programmatic overtime expenditures are not justified.

One case study examined in detail by the Special Committee involved programmatic overtime use by the MPD's Homicide Branch. Captain William Corboy, a former Homicide official, provided the Special Committee with a copy of a report that he prepared indicating that certain Homicide squads' high use of overtime did not result in a correspondingly high case closure rate.[47] In an effort to improve the Homicide closure rate in July 1996, then-Chief Larry Soulsby authorized unlimited overtime for Homicide detectives. Towards the end of 1996, Corboy reported to Homicide supervisors his belief that certain detectives were abusing the policy. He believed that certain squads were collecting a significant amount of overtime that was not justified by their relatively low case closure rates and workloads. The report also found that the Safe Streets and Cold Case squads both were among the biggest consumers of overtime (17.94% and 12.13%, respectively), but the Platoon in which both squads were assigned had the lowest case load. Corboy suggested that this Platoon in general, and the Cold Case and Safe Streets squads in particular, consumed a disproportionate amount of the Homicide Branch's total overtime in relation to the Platoon's small number of cases and contribution to the overall case closure rate. Although not mentioned in the report, it is plausible that the Cold Case squad -- the purpose of which is to investigate complex, older homicides which may not have current leads -- would legitimately consume a disproportionate amount of overtime because of the nature of its case load.

In any event, the report suggested the need for further study to determine if increased overtime use had any positive effect on case closures. This study was never done, and Corboy eventually was transferred from Homicide. Interviews with several Homicide officials indicated that

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[47] In October 1997, Corboy testified before the Council Committee on the Judiciary on his study of overtime. Like the September 1997 testimony of Hill and Sanders, Corboy's testimony contributed to the Council's decision to establish the Special Committee.

Chief Soulsby was aware of the situation in the spring of 1997, but he did not act on the information before his resignation in November 1997.

This report was significant in three respects. First, it strongly suggests that there is not a direct correlation between high levels of overtime and improvement in performance statistics. It would counter the argument that the best way to fight crime is to increase police overtime. Second, the report demonstrates a need for a more extensive follow-up inquiry expanding upon these issues. MPD should review in detail questions regarding the effective use of overtime and its abuse. For example, apart from the statistical information contained in his April 1997 report, Corboy discussed his impression with Committee staff that individuals within the Homicide Branch abused overtime by performing little or no effective work while "on the book" and instead conducted core investigative work while being paid overtime. Third, the report suggests the need for more controlled monitoring of overtime use and effectiveness. Some controls are being implemented through the CANS MOU and the TACIS system, as discussed above, and the utility of those controls should be monitored. A more detailed study may also identify further controls that should be implemented.

To that end, as MPD Chief Financial Officer ("CFO") Eric Coard testified before the Special Committee, the MPD has instituted a new approval process for programmatic overtime. Implemented January 1998, MPD policy requires that the CFO and Chief of Police review and pre-approve all overtime. Previously, there had been a practice of field officials authorizing, and officers working, overtime without preapproval. As a result, there was little monitoring of overtime consumption. Under the new policy, each MPD command (e.g., district, headquarters unit) is given an annual overtime budget.[48] When a commander requests overtime, he or she must submit a form to the CFO's office that specifies the extent and duration of the overtime detail, the expected costs, and the results hoped to be achieved.[49] The CFO then determines whether the overtime request is within the originating command's budget and forwards it to the Chief of Police for approval. The Chief then determines whether the overtime detail's expected results justify the expenditure. If a command already has expended its overtime budget, the Chief may nonetheless approve the detail depending on need. Upon the Chief's approval, the TACIS group creates a special computer code for the overtime detail. The computer code is of limited duration and expires at the end of the detail. This control is important, as officers cannot be paid without the TACIS code. It is expected that this overtime pre-approval process will substantially reduce MPD overtime expenditures. Initial data

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[48] Currently, commanders are not apprised of their overtime budget for fear that, if the budgets were known, they would automatically be expended. Coard indicated, however, that the MPD is considering sharing some of this budgetary information with commanders in order to improve overtime planning. The Special Committee believes that a confidential budget does not assist commanders to plan overtime details and fix their own overtime budgets. It is recommended that the overtime budget information be shared with the commanders.

[49] , Overtime Approval Form, App. D, Doc. 10.

seems promising: in the second quarter of FY 98, overtime expenditures were $1.6 million as compared to $8.6 million in the second quarter of FY 97.

Continued progress should be closely monitored through the Council Judiciary Committee's regular oversight over the MPD. Given the past concerns raised above, the MPD should also conduct an audit of overtime use. The results of this audit should be presented to the Council's oversight committees in addition to a progress report on the MPD's overtime control efforts no later than one year after the publication of this Report.[50]

d. "Lapsed Salaries"

MPD consistently exceeds its annual overtime budget. Indeed, the MPD exceeded its overtime budget from FY 1993-1997 by several million dollars per year. The current fiscal year is not likely to be an exception. Dr. Abdusalem Omer, the District of Columbia's Deputy Chief Financial Officer, Office of Budget of Planning, testified before the Special Committee that, as of March 31, 1998, MPD was expected to exceed its overtime budget by 100% ($9.2 million budget with forecasted expenditures of $19 million). Actual data supplied from the MPD's TACIS group indicate that, as of August 1, 1998, MPD overtime expenditures were approximately $17.04 million. The data signify that, each year, the MPD faces a significant overtime budget deficit that must be otherwise funded.

This overtime budget deficit is funded through a budget pool which is colloquially known as "lapsed salaries." This budget pool is created when the MPD fails to hire up to its fully authorized complement of sworn officers (3800 in 1998). The MPD's current force is 3,555 sworn members. The difference between the authorized complement of 3,800 officers and the 3,555 actual force results in a budgeted salary surplus of approximately $10 million. Over the last several years, this "lapsed salary" surplus has been used to fund the overtime budget deficit. Omer and Coard both testified that the MPD apparently has come to rely on this "lapsed salary" pool. Omer indicated that the MPD could face a dire financial crisis if it were ever to hire its fully authorized 3800 member force, thus expending the "lapsed salary" pool.[51]

Dr. Omer raised several potential causes for the consistently over-budget overtime expenditures in his testimony. As stated earlier, court overtime is difficult to control, and sworn officers have come to view overtime, both court and programmatic, as an entitlement. In Omer's

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[50] Another subject of concern to the Special Committee was the policy concerning the payment of overtime expenses for police security at special events such as the MCI Arena, movie detail, community events, etc. While MPD policy ordinarily requires private entities to pay for police security, application of the policy has been inconsistent. The Special Committee recommends that MPD review this matter and adopt, publish and follow a consistent written policy.

[51] As discussed earlier in this report, perhaps as a result of these concerns, the MPD lowered the authorized force to 3,600 in the FY 1999 budget.

view, overtime has become institutionalized, rather than an occasional exception to regular practice. Omer testified, "[u]ltimately overtime is a management issue. Leadership must come from the Chief and the District commanders if the Department is to control overtime."[52] The Special Committee wholeheartedly endorses Dr. Omer's position.

Several Special Committee members expressed concern that reliance on "lapsed salaries" provides disincentives for the MPD to hire its full complement of officers. In effect, the "lapsed salary" pool is regularly used to disguise the fact that the MPD regularly has exceeded its overtime budget. The Special Committee is not suggesting that the MPD's overtime expenditures necessarily should be cut, although management should closely scrutinize such overtime. Reliance on a "lapsed salary" pool, however, is basically an accounting gimmick and detrimental to responsible financial planning and budgetary honesty in the District government.

MPD's overtime budget should reflect historical usage data, with an adjustment to account for the efficiency of new overtime controls. The ultimate goal is to have an accurate overtime consumption assessment for budgeting purposes. In the context of this analysis, the MPD should consider whether its authorized staffing level should be adjusted. Indeed, the FY 1999 budget reduces the authorized number of sworn officers to 3600, and allocates the savings elsewhere. This signals a move away from reliance on "lapsed salaries." Further monitoring will be necessary to ensure the MPD does not revert to prior practice.

e. Recommendations

The Special Committee recommends that:

(1) **Within one year after publication of this Report, the MPD present to the Council an audit and progress report on overtime use and control measures.**

(2) **MPD and the District's CFO strive for truthful budgeting for overtime expenses, and discontinue reliance on "lapsed salaries."**

(3) **MPD, the USAO, and the Superior Court adopt a pilot "on-call" system for officers' court appearances.**

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[52] See Omer testimony, App. D, Doc. 11.

2. Off-Duty Employment

a. Overview

In 1982, the Council authorized MPD officers to engage in off-duty employment subject to regulations established by the Chief of Police. Since that time, a significant portion of MPD members have engaged in some form of police-related off-duty employment for a variety of employers (e.g., banks, retail establishments, restaurants, bars, night clubs).[53] The MPD's Office of Labor Relations reports that about 820 MPD members (23% of the force) are currently authorized to work off-duty employment. The Special Committee is concerned that officers working off-duty make their off-duty assignments their primary focus.

The Special Committee examined several areas of concern. The Special Committee uncovered an "underground" economy of MPD members brokering other officers' off-duty employment in apparent violation of General Order 201.17, which prohibits officers from acting as third-party employers or referral agents.[54] The Special Committee considered whether the MPD should sharply limit, or eliminate, off-duty employment at establishments regulated by the Alcoholic Beverage Control Division of the Department of Consumer and Regulatory Affairs ("ABC establishments") including bars and nightclubs. As a case study, the Special Committee examined off-duty employment at the Ibex Club -- the site of the tragic shooting death of Officer Brian Gibson who was murdered in February 1997 by a patron who had been ejected from the club by an off-duty officer working at the Ibex. The Special Committee also considered whether the current off-duty employment hour limit of thirty hours per week was too high and resulted in officer exhaustion and inefficiency. Various means of managing and reforming the off-duty employment system also were examined, including the expert testimony of a manager of the Boston Police Department, which uses a centralized off-duty system.

b. Off-Duty Employment Policy

General Order 201.17 sets forth MPD's policy on off-duty employment. Generally, officers may engage in off-duty employment, subject to departmental approval, except in the following areas:

- employment in any business over which the MPD exercises a special supervisory or regulatory function,

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[53] This report is not concerned, for the most part, with non-police related off-duty employment. Police-related employment is any job which is conditioned on membership in the MPD and potential use of a service weapon (i.e., Security Services).

[54] General Order 201.17, App. D, Doc. 12.

- employment as a private investigator or to enforce "house rules" at an ABC establishment,
- employment that would constitute a conflict of interest.
- employment that requires access to confidential police records.
- employment in a capacity that directly or indirectly interferes with proper and efficient performance of police duties.
- employment by another agency of the District government (except where specifically approved), and
- employment by a U.S. or foreign governmental agency.

The General Order also states that "[m]embers shall not in their official capacity solicit or act as referral agents between other members seeking police-related outside employment and potential employers. No member shall be approved as a third-party employer." Similarly, the General Order prohibits members from "providing private guards (officers) or special police officers to commercial establishments or other individuals" and "providing off-duty services of other members of the department for police-related activities to such individuals or commercial establishments."[55]

In order to obtain approval for off-duty work, an officer must first submit completed forms PD 180 and PD 180-B to his direct supervisor.[56] A completed PD 180 indicates the name and address of the prospective employer, the type of business, a detailed description of the duties to be performed, and the number of hours per week to be worked. The PD 180-B is an employer agreement which states the conditions for off-duty employment. For police-related employment, the employer must procure a certificate evidencing at least $100,000 in liability insurance, and the employer must pay a $20 quarterly uniform fee. After the officer submits this paperwork, the officer's direct supervisor approves the off-duty employment and forwards the forms to the Labor Relations Office for final approval. For members of the rank of Lieutenant and above, the Chief of Police approves the request. After the officer's off-duty work is approved, he must submit quarterly reports (form PD 180-A) listing the hours worked.[57] If he fails to submit the quarterly reports, the Department may revoke his off-duty work authorization. Officers currently may work up to 30 hours per week off duty.

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[55] General Order 201.17, App. D, Doc. 12.

[56] PD 180, App. D, Doc. 13; PD 180-B, App. D, Doc. 14.

[57] PD 180-A, App. D, Doc. 15.

Once the MPD approves the off-duty employment, it takes no further active role in regulating or monitoring the officer's conduct, other than the collection of PD 180-A forms each quarter. The MPD's Office of Labor Relations maintains files containing the PD 180, 180-A, and 180-B forms for officers both currently approved to work off-duty and for officers whose off-duty approval was canceled or revoked. Members are required to inform Labor Relations if they have stopped working off-duty. Labor Relations maintains a computer database that lists the names and employers of members currently approved to work off-duty. Apart from this paperwork, the MPD does not appear to monitor compliance with General Order 201.17.

Records subpoenaed from Labor Relations appeared to be either incomplete or inaccurate. The Special Committee subpoenaed records from a cross-section of off-duty employers. Over 50 officers working off-duty did not appear on Labor Relations' list. The Special Counsel referred this information to the Office of Professional Responsibility. OPR's investigation concluded that the majority of the officers were, in fact, approved to work off-duty, and that Labor Relations data were erroneous. Moreover, while records as to current off-duty employment in the paper files appear reasonably complete, files as to past off-duty employment are spotty and occasionally purged. The Special Committee believes that tracking off-duty employment through TACIS, as recommended below, may help solve these recordkeeping problems.

c. **Off-Duty Employment Practice – "Brokering"**

Notwithstanding the clear prohibition in General Order 201.17 against officers acting as "referral agents" or third-party employers for off-duty employment, several members act as off-duty employment "brokers" for other officers. These "brokers" schedule other officers to work off-duty, assist officers in preparing their MPD approval paperwork, act as liaison between the off-duty employer and the other-off-duty officers, and select the officers who work off-duty. In some instances, the "broker" actually works off-duty along with the other officers. In other cases, the "broker" is compensated solely for his or her scheduling and other services. The Special Committee also encountered circumstances in which the off-duty employer compensated the "broker" directly, usually at some fixed rate, and one case in which the officers paid the "broker" a "scheduling fee." Interviews with MPD members and documents subpoenaed from off-duty employers suggest that the practice of using "brokers" is relatively widespread. Indeed, there appears to be an underground economy of MPD members providing scheduling, referral, and hiring services for off-duty employers District-wide, although the full extent of this practice is difficult to detect.

As a case study, the Special Committee investigated the "brokering" activities of a former MPD District Commander, Joseph Adamany. Adamany provided "brokering" services for at least two employers, Winn Management and Hines Interests, both of which are management companies for commercial and residential rental properties in the District. Documents subpoenaed from these employers, and the MPD, and interviews of officers "brokered" by Adamany paint the following picture of his activities. Adamany provided a full range of services for both employers. He selected and scheduled officers to work, filled scheduling gaps if there were cancellations, assisted officers in preparing MPD paperwork, acted as liaison between property managers and police, and

occasionally "dropped by" the properties to check in on the officers' work. Officers stated that employers did not interview them: rather, Adamany was responsible for their selection.[58] Adamany provided "brokering" services for Winn Management from approximately September 1993 when he was a Captain in the Seventh District until March 1997 when he became the Director of Court Liaison. At that time, according to Adamany, he canceled his off-duty employment for Winn Management out of concern for a conflict of interest because security work at Winn's apartment complexes was "arrest intensive." Adamany continued brokering for Hines until he was promoted to Commander of the Third District in February 1998, at which time he voluntarily canceled his off-duty work.

In interviews before the Special Committee staff and in testimony before the Special Committee, Adamany denied that his scheduling services violated General Order 201.17. He steadfastly maintained that the text of the General Order nowhere prohibits scheduling, and he claimed that his services were limited to that role. He denied having acted as a third-party employer or as a referral agent, notwithstanding the testimony and interview statements of several officers that he selected them for employment and generally supervised their conduct.

Adamany's statement that he believes that his off-duty work was proper was belied by what the Special Committee found to be significant efforts to conceal the nature of his off-duty work from the MPD. Adamany provided his services to Winn Management through a business, Management Services, that he allegedly owned and operated with his wife. There is no indication on Adamany's approval paperwork that he was providing scheduling services for off-duty officers. On the PD 180 approval form that Adamany submitted on November 21, 1993, Adamany described his off-duty work for Management Services to "provide consulting services, managerial audits, and service inquiry audits for retail and or property managers."[59] Adamany's PD 180-B states that his work is non-police related. Neither document references his scheduling services. More troubling is the manner in which Adamany was compensated. Rather than paid directly for his scheduling services, Commander Adamany apparently was paid through his wife, who was on the Winn Management payroll. Several officers who worked at Winn stated that Adamany's wife did not provide any scheduling services nor did she assist Joseph Adamany in his duties. One officer stated that Mrs. Adamany was paid instead of Joseph Adamany to conceal his direct involvement at Winn from MPD management because of the conflict of interest inherent in his "brokering" officers at apartment complexes in his district. At that time, Adamany was a Captain in the Seventh District where some Winn-managed apartments were located. Commander Adamany maintained that his wife sporadically assisted in providing "scheduling" services but acknowledged that he was the primary "scheduler." He claimed that she was on the Winn Management payroll rather than himself because

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[58] Winn Management required MPD members to complete a separate employment application and submit to a drug test. However, these officers submitted the paperwork only after Adamany selected them to work.

[59] Adamandy PD 180, App. D, Doc. 16

of unspecified tax reasons that were not fully explained to the Special Committee. At Hines, Adamany was paid directly a set fee per week.

Notwithstanding Adamany's denials of impropriety, the Special Committee concluded that Adamany acted at least as a "referral agent," if not a "third-party employer," in apparent violation of General Order 201.17. In addition to Adamany's admitted scheduling services, several police witnesses informed the Special Committee that Adamany provided a range of other services, including preparing MPD paperwork, acting as a liaison to management, and, most significantly, selecting the officers to work at Winn and Hines. Although the off-duty employers paid the officers directly, Adamany had control over which officers worked and their schedules. He was essentially running a private security service. Commander Adamany resigned from the MPD after being given the option of demotion in June 1998, two months after his testimony before the Special Committee.

Adamany's conduct is a single example of the type of "brokering" services that were provided by MPD members. Detective Kenny Rodgers, who also testified before the Special Committee, provided scheduling services for a series of Wendy's Restaurant franchises in Washington owned and operated by DavCo, Inc. Rodgers provided many of the same services as Adamany, including selecting officers to work, scheduling officers, helping officers prepare paperwork, and acting as a liaison with the employer generally. Unlike Adamany, Rodgers received no compensation from the employer for his services. Rather, Rodgers charged his fellow officers a "scheduling fee" of $60 per month. Although Rodgers claimed that officers were not required to pay this fee to work, the Special Committee was unable to find an example of an officer currently working who had not paid the fee. In addition, no officer arranged employment with Wendy's on his or her own. If an officer wanted to work off-duty at those restaurants, apparently he or she would have to go through Rodgers. In his testimony before the Special Committee, Rodgers stated he does not believe that his activities violated General Order 201.17, which he believes is vague on the question of whether scheduling other officers is permitted.

The above-referenced circumstances are not unique. The Special Committee encountered anecdotal evidence, and interviewed additional witnesses, regarding other "brokers" operating throughout the District of Columbia. Although further investigation would be necessary to confirm the impression, it appears that many of the off-duty employment opportunities in the District of Columbia are controlled by one or more police "brokers." The Special Committee believes that General Order 201.17, as presently written, prohibits this conduct.

Nevertheless, since witnesses claimed the General Order was ambiguous regarding "brokering," General Order 201.17 must be clarified strictly to prohibit such activity. The corresponding Montgomery County policy prohibits an officer from acting as "an intermediary between a particular employer and a group of employees employed as watchmen/security guards for

the purpose of scheduling, coordinating or any other similar activity."[60] The omnibus legislation adds similar language added to General Order 201.17.

Because of the inherent potential for conflict of interest presented by off-duty employment, the Special Committee believes that the MPD should take further steps to regulate off-duty work. Other jurisdictions are models for managing off-duty employment in which they exercise a far greater degree of control. For example, William Good, the Chief of the Administrative Services Bureau of the Boston Police Department, testified before the Special Committee on Boston's centralized "paid detail" system. There, off-duty employers contract directly with the police for security services. In turn, full time "paid detail" clerks at each police district schedule officers to work, and the "paid detail" is treated like any other duty assignment. Rather than paid directly by the private employer, officers are paid by the Department. A similar system is in place in Metro Dade County, Florida. The model off-duty employment policy of the International Association of Chiefs of Police (IACP) proposes adoption of such a centralized system.[61] Such a system eliminates the potential for conflict of interest and dual loyalty to employers, and standardizes the terms of off-duty employment generally. As MPD Chief Ramsey testified before the Special Committee, however, this system is not without pitfalls. It would require an additional MPD bureaucracy to operate. Moreover, the Boston system has been criticized as a "public works program" for police officers due to local law that requires police officers to be employed at any construction site.[62]

Fairfax County uses a hybrid of Boston's "department-contract" system and the MPD's "officer-contract" system.[63] There, an officer signs up at his district for off-duty employment. Personnel at the district schedule the off-duty work, which is treated as a regular duty assignment, although the employer pays the officer directly. The minimum salary for off-duty employment also is fixed by the Department.[64] This system also eliminates brokering and conflict of interest concerns, and therefore has many of the same strengths of the department-contract system without the same level of bureaucracy. In fact, this system currently appears to operate in the MPD via sign-up for off-duty details at the MCI Arena, which are open to members assigned to the Special Operations Division and the First District.

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60 MCP Labor Agreement, Art. 27, Section E, ¶ 7, App. D, Doc. 17.

61 IACP Policy, App. D, Doc. 18.

62 For materials on Boston's "paid detail" system, see App. D, Doc. 19.

63 These terms were coined by Professor Albert J. Reiss, Jr. in his study of off-duty employment for the National Institute of Justice. See Albert J. Reiss, Jr., National Institute of Justice, Private Employment of Public Police 3 (1988). He described three models for off-duty employment: Officer Contract (officers contract directly with employers), Union Brokerage (unions control off-duty employment), and Department Contract (department contracts directly with private employers). The MPD employs the first model, which of the three, presents the least regulation of off-duty employment. Id.

64 Fairfax General Order 340, App. D, Doc. 20.

The Special Committee recommends that the MPD leadership consider adopting a model along the lines of either Boston or Fairfax that provides for increased control over off-duty employment and eliminates or greatly reduces the potential for conflict of interest.

d. Off-Duty Employment Practice – ABC Establishments

Another issue of concern is the employment of off-duty police officers in ABC establishments. Off-duty employment at ABC establishments makes up a relatively small proportion of off-duty employment in the District generally. Nevertheless, officers currently are employed in a variety of ABC establishments ranging from hotels, restaurants, bars, nightclubs, and adult entertainment establishments. Documents subpoenaed from the MPD indicate that, as of March 1998, a total of 184 officers were employed in 43 such establishments. The majority of such officers (115) were employed in nightclubs and bars, where presumably the primary source of revenue is the sale of alcoholic beverages.[65]

The Special Committee is concerned about the safety issues, inherent potential for conflict of interest, and the appearance of impropriety resulting from police off-duty employment in ABC establishments. One tragic case study illustrates this concern. At the Ibex nightclub, in February 1997, Officer Brian Gibson was murdered while sitting in his police cruiser by a club patron who had just been ejected by a police officer who was working there off-duty. There is no suggestion that off-duty officers working at Ibex were in any manner responsible for Officer Gibson's death. There is a concern, however, that off-duty officers were employed as security at a club that appears to have been a flashpoint for crime in the community in which it was located. Months prior to the shooting, the club's landlord had been attempting to address the security and crime problems there. Working with the Fourth District community relations officer, the landlord compiled crime statistics indicating that on the Ibex's so-called "go-go" nights, crime rates in the neighborhood skyrocketed. Conversely, on the nights when the club was closed, the neighborhood remained comparatively quiet. Despite repeated meetings between the club managers and police officials, including the district commander, action was not taken to address security at the club until after Officer Gibson's shooting. After his death, the club immediately was closed.

For some time prior to the shooting, officers worked off-duty at the Ibex. Judith Anderson, the former community relations officer for the Fourth District and an ANC Commissioner and community group leader, believed that officers were brought in to improve the security situation at the club. In her view, however, the officers did not, and could not, have had much effect. On "go-go" nights, the club was full of patrons, and a few police officers could not make a tangible impact in policing literally hundreds of club-goers. Of greater concern is the appearance of impropriety that results from having officers employed at such an establishment. As Anderson testified before the Special Committee, putting young officers in clubs is a recipe for trouble. Early in their careers, these officers lack significant professional experience and judgment. They are placed in a position

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[65] For a breakdown of ABC Establishments that employ MPD officers, see App. D, Doc. 21.

rife with the potential for conflict of interest as they owe dual loyalties to the police and to their off-duty employer. For example, an officer is duty bound to enforce liquor regulations even while working off duty but may hesitate to impose penalties on his or her off-duty employer for underage drinking violations. These officers, many of whom Anderson believes may be living beyond their means, are dependent upon off-duty employment as a salary supplement. The Special Committee shares her concern that having officers working in such ABC establishments is fraught with risk, both in terms of the health and safety of the officers and because of the potential for conflict of interest and corruption.

The Special Committee proposes that the Council immediately adopt legislation prohibiting off-duty employment in ABC-licensed establishments. Chief Ramsey's immediate predecessor, interim-Chief Sonya Proctor, previously issued a directive prohibiting approval of any new employment in ABC establishments while grandfathering existing arrangements. The Special Committee recommends that this prohibition should be extended retroactively to eliminate all employment at ABC establishments. It should also be noted that neither Fairfax County nor the IACP model policy permit off-duty employment in most types of ABC establishments.

e. **Off-Duty Employment Practice – Hours and Unauthorized Moonlighting**

The Special Committee considered whether the hour limit on off-duty employment is too high. From the inception of the off-duty program in 1982 until 1996, the off-duty hour ceiling was 24 hours per week. In 1996, the Council passed legislation raising the ceiling to 30 hours per week. A review of surrounding jurisdictions' hour limits and interviews of police commanders suggest, however, that 30 hours per week is excessive. One of the primary concerns with off-duty employment is whether it interferes with officers' primary police duties. Certainly, if officers are exhausted from "moonlighting," they cannot function effectively on the job. First District Commander William McManus testified before the Special Committee about his concern that officers were working too many off-duty hours. These officers appeared for work fatigued and their police work correspondingly suffered.

For the health and safety of the officers, and to improve police effectiveness, the Special Committee believes that the Council should revisit this 30 hour limit. For example, in Montgomery County, Maryland, off-duty employment in uniform is limited to a maximum of 16 hours in a 40 hour work week, days off excluded.[66] In Fairfax County, Virginia, an officer is not permitted to work more than 16 hours per day, including regular duty hours, off-duty work, and scheduled overtime (including court). Moreover, the total number of regular duty hours and off-duty in any pay period (two weeks) cannot exceed 120 hours, and there must be at least 8 continuous hours of no

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[66] MCP Labor Agreement Act 27, § F, ¶ 9, App. D, Doc. 17.__

employment (including no off-duty work) between shifts.[67] These hour limits appear better to balance an officer's police obligations with off-duty employment than the current MPD hour limit. Indeed, the Special Committee is not aware of any limit on overtime employment in the District. Conceivably, therefore, an officer could work 40 hours regular duty, 30 hours of off-duty work, and additional hours of overtime each week. Although officers are unlikely to work such long hours, MPD regulations should limit even the potential for officer exhaustion.

Rather than prescribe separate hour maximums for regular duty and off-duty employment, the Special Committee believes that the Council should follow Fairfax's example by setting a comprehensive hour policy that accounts for all types of police-related employment (regular duty, off-duty work, and overtime). The Special Committee does not propose an hour limit at this time, but recommends that the Council adopt a limitation in consultation with Chief Ramsey and MPD leadership. The Special Committee also suggests that the TACIS system, through which all officers are currently paid regular salary and overtime, be programmed to capture off-duty work. If the MPD were to take over the scheduling function, as is done in Fairfax, then the TACIS system appears to provide the perfect mechanism for scheduling and regulating off-duty work. Through that system, the MPD could monitor where officers are working and their hours. Failure to report hours or to adhere to limits should result in strict discipline.

The Special Committee also received information that salaries for off-duty employment vary considerably, leading to competition among officers for the higher paying jobs and exacerbating brokering problems. The Special Committee believes that wages for off-duty employment should be standardized.

The Special Committee also is concerned that a significant number of officers may be working off-duty employment without authorization. Documents subpoenaed from a small cross-section of off-duty employers and the MPD's Office of Labor Relations yielded the names of more than 50 officers who worked off-duty but did not appear on the MPD "approved" list. This data suggest that either the MPD off-duty database is inaccurate or incomplete or that many officers are working off-duty without departmental approval. The Special Committee referred this matter to the MPD Office of Internal Affairs for further investigation.

f. **Recommendations**

The Special Committee recommends that the Council adopt legislation that:

(1) Explicitly prohibits "brokering."

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[67] Fairfax General Order 340, App. D, Doc. 20.

(2) **Requires MPD to consider a more centralized and regulated off-duty employment system modeled along systems in place in Boston or the Fairfax Police Departments.**

(3) **Prohibits off-duty employment in any ABC establishment.**

(4) **Eliminates the off-duty employment weekly hour maximum, establishes a ceiling on total police-related employment hours (regular duty, off-duty, and overtime) per week, and monitor compliance through TACIS.**

The Special Committee recommends that MPD:

(1) **Review its policy concerning payment of police overtime salaries for providing security at private events, such as the MCI Arena, the movie detail and community events and establish and publish an equitable and consistent policy to address such situations.**

E. Management of Equipment, Property and Information Technology

Throughout the Special Committee's investigation one of the more consistent themes heard from every quarter of the MPD and from citizens has been the apparent lack of resources available to officers in the field. Many officers and officials complained about the state of the MPD's equipment and facilities. They also noted MPD's inability to supply officers with the basic necessities for executing their mission.

The current situation of resource shortages has a number of causes. Budget cuts clearly have exacerbated the MPD's poor management capabilities. In turn, the MPD has failed to invest wisely what money it has received in infrastructure and long-term solutions. Instead, the MPD has chosen to manage its finances on a crisis-by-crisis basis. The unacceptable physical condition of the Training Academy, described in Section C above, is but one example. The Special Committee investigated other examples of the MPD's property management practices -- the MPD's automobile fleet; uniforms, equipment and other property; communications equipment; and information technology.

In addition to looking at issues peculiar to these specific areas, the Special Committee reviewed the MPD's budget and procurement processes generally. The Special Committee also heard testimony from two citizens who, through their community groups, assisted the MPD in making certain procurements.

MPD officials testified that great progress had been made over the course of the past year. Assistant Chief Michael Fitzgerald stated that his bureau was "leaps and bounds" above where it was a few years ago and that his personnel was "working smarter." Mr. Joseph Moore, head of the

MPD's procurement office, testified that officers are getting their requests filled faster than before.

Tangible results are hard to find. For example, one issue of particular concern to members of the Special Committee was the reported lack of radar guns. In response to questions from members of the Special Committee, the MPD stated that the Department usually purchases radar guns with grant funds. The Special Committee learned that the real problem with radar guns is the failure to repair them. The MPD has only one person qualified to repair the guns and does not maintain a repair service contract with the manufacturer. Furthermore, testimony revealed that a recent request for funds to purchase spare parts had been denied by the Chief Financial Officer.[68] The radar gun issue is but one example of the lack of foresight demonstrated by the MPD. The planning and budgeting process should take into account such obvious items as equipment repair. To the extent that the MPD does not require the manufacturer to perform repairs, the MPD itself must allow for and provide the resources to keep all of its equipment in proper working order.

1. **The Procurement Process**

The procurement process, although improving, still is not up to par. Eric Coard (Chief Financial Officer), Joe Moore (Procurement Officer), and Assistant Chief Michael Fitzgerald (Technical Services Bureau) testified concerning the many planned improvements for the MPD's procurement process. Additionally, Richard Fite, the District of Columbia's Chief Procurement Officer (CPO), testified concerning his plans for improving the procurement process with respect to all of the District's agencies, including the MPD.

The Special Committee contends, as Mr. Fite stated, that much of the MPD's procurement problems are traceable to inefficient contracting policy. Over 80% of the MPD's procurement transactions are valued at under $25,000. Yet, because the system is not automated, MPD expends nearly the same energy and resources on smaller transactions as it expends on million dollar procurements. This inefficiency causes the MPD to experience unnecessarily high transactions costs for small procurements. The MPD is not alone in this regard. Mr. Fite stated that every agency within the District government suffers from the same problem. To combat this problem, his office is installing the Management Requisition System ("MRS"), an automated system that will allow MPD and other city agencies to requisition items subject to blanket purchase agreements ("BPA") electronically. Part of this process is the creation of the "3-in-1" form. This new form, which had already been designed at the time of the hearing, will reduce three requisition related forms to one. Mr. Fite's staff currently is working with the MPD, and the District's Fire Department, Emergency Medical Services Department and the District of Columbia Public Schools to identify items that should be the subject of BPAs. Once these items are placed on BPAs, the costs associated with small procurements should be reduced dramatically. Moreover, the speed with which the

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[68] Mr. Eric Coard, MPD's current CFO, was unaware of the request and promised the Special Committee that he would review the issue and provide an update.

procurements are executed should increase, thereby providing the MPD with the items it needs when it needs them.

Testimony indicated that the MRS should be fully operational by the end of October 1998. In this initial phase, MRS will allow the MPD to make procurements through the General Services Administration ("GSA") in accordance with a Memorandum of Understanding with GSA that already is in place. As the MPD continues to organize its affairs and improve its performance, the Special Committee anticipates that reliance upon GSA should decrease. The MPD must begin moving toward establishing BPAs with vendors in the private sector and avoid the fees paid to GSA for its procurement services. A significant factor in the anticipated success of the MRS is that it will force the MPD to plan ahead. Many of MPD's current problems are due to a lack of strategic planning for procurements. The current effort headed by Mr. Fite will help eliminate poor planning habits.

2. **The Technical Services Bureau**

As stated above, the Special Committee reviewed the condition of four operating units (Fleet Management, Property, Communications, and Information Services) within the MPD's Technical Services Bureau that have responsibility for procurements or managing the MPD's property. Each unit has issues peculiar to its specific function. Nevertheless, the Special Committee found that the units had some significant issues in common. For instance, each unit recently has made or is planning to make major structural changes in the way it makes procurements.

3. **Fleet Management**

At the time of the hearing on June 1, 1998, the MPD owned a total of 1,405 vehicles. The management of the MPD's automobile fleet has seen some tangible improvements over the past year. Today, more cars are on the street due to a change in the way the MPD procures services for collision repair. Nevertheless, problems continue to exist. For example, the MPD's non-collision repair cost could be reduced by instituting a routine maintenance program. The MPD also could better project its budget for such repairs if it would maintain a regular replacement schedule so that the age of the fleet would not have large fluctuations from year-to-year.

4. **Vehicle Repair**

Robert Rose, director of the Fleet Management Division ("FMD") testified that FMD maintains five blanket purchase agreements ("BPAs") with private vendors to perform collision damage repairs. This is a new system that MPD has been using since January 1998.[69] The current system has decreased paperwork and increased efficiency. Most cars are returned within two weeks.

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[69] Under the old system each car needing collision repair would be subject to its own purchase order and cars would be out of service from 3-6 months.

As of March 21, 1998, only three cars were down for repair.[70] Witnesses and members of the Special Committee noted a visible improvement in the presence of vehicles on the street.

Repairs other than collision work are performed in-house at FMD. FMD maintains BPAs with vendors for parts and supplies.[71] Staffing shortages remain a major concern for FMD's repair efforts. FMD is authorized to employ 57 positions (26 of which are mechanics). FMD, on paper, has a roster of 43 people, including 20 mechanics. Six mechanics, however, are unavailable due to extended (over 2 years) worker's compensation claims. Two mechanics perform the new car preparation and one works exclusively on motorcycles.[72] Because of these staffing problems, FMD is unable to perform routine maintenance on the fleet. When a car comes in for repair, FMD can perform lube service but is unable to perform routine transmission, engine, and other tests to ensure that the systems are operating properly. The lack of a scheduled maintenance program increases long-term costs because FMD cannot detect and correct minor problems before they become major costs. Mr. Rose testified that FMD needs 3 or 4 additional mechanics in order to establish a scheduled maintenance program.

Across the nation, there are wide variations in the way different police departments manage their fleets. Thus, a direct comparison of the MPD's staffing level with the staffing of other departments would not be fruitful. Nevertheless, it is clear that FMD's staffing level has a negative impact of FMD's ability to perform its mission. Due to disability, retirement, and other personnel problems, FMD has only 13 of its authorized 26 mechanics available to work on over 1150 cars. This is not enough to get the job done.

Mr. Rose further testified that one way the MPD can reduce costs is by cutting down on the abuse and neglect that the fleet suffers at the hands of officers in the field. Rose stated that most of the in-house repair work could be prevented if drivers operated their vehicles more responsibly, and if vehicle maintenance officers ("VMO") at the district level promptly reported minor problems. Rose also noted that abuse and neglect could have a negative impact on the MPD's ability to outsource management of the fleet because most private fleet managers would require the MPD to pay separately for repairs caused by abuse and neglect.

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70 In order to control costs, FMD retains an appraiser to provide an estimate of repair costs. Vendors usually come in under the estimate. On those occasions when the costs exceed the estimate, FMD will try to negotiate with the vendor to reduce the price.

71 Currently, the MPD has a supply inventory in excess of $350,000. MPD officials are working to reduce that figure to $125,000. The Special Committee assumes that the BPAs with parts vendors will be placed on the MRS system, thereby allowing FMD to better control its parts inventory.

72 The MPD currently owns 275 motorcycles.

Commander Monroe stated that the MPD needs to hold drivers, VMOs, and commanders responsible for the condition of the vehicles.[73] He stated that officials must raise awareness on the part of the officers to take pride in the MPD's property. He also suggested allowing districts to use neighborhood vendors to perform routine jobs, such as oil changes and providing more driving skills training to officers. The Special Committee supports holding officers, VMOs and Commanders responsible for abuse or neglect of MPD property. The Special Committee also recommends that the MPD provide more driving skills training as a component of its in-service training program. As for using local vendors, the Special Committee believes that decision is best left to the management discretion of the MPD.

The problems at FMD have been exacerbated by questionable management decisions. For example, at MPD's expense, MPD sent one officer to "appraisal school." The rationale was that a trained MPD appraiser presumably would reduce dependence on an outside appraiser. Shortly after he finished school, the MPD transferred that officer to patrol duty in its recent effort to put more uniformed officers on the street. Thus, the MPD derived no benefit for its expenditures on that officer's appraisal training and continues to rely solely on the advice of one retained outside appraiser.

Another issue adversely affecting FMD's ability to perform its mission is the lack of certain necessary equipment. For example, FMD does not have the equipment necessary to perform engine emissions tests. Thus, the MPD may be using vehicles that do not satisfy federal emissions standards. FMD also does not own any engine diagnostic equipment that would allow it to identify engine problems at an early stage.

5. <u>Vehicle Purchases</u>

The Department's purchases of vehicles has been inconsistent, at best. Due in part to budgetary constraints the MPD has purchased hundreds of cars in some years and less than 10 in other years.[74] Because of this inconsistent purchasing, the average age of the fleet varies from year to year. For this reason, FMD is unable accurately to predict maintenance costs. The MPD needs to purchase approximately 150 cars per year just to keep the fleet operational. MPD should purchase 200 vehicles per year for the next 5 years in order to achieve an optimal replacement schedule. After that, the MPD should be able to purchase 100 vehicles per year to maintain a five-year replacement schedule. This year the MPD has budgeted the purchase of only 66 vehicles.[75] These cars were

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[73] A vehicle maintenance officer is the officer at each unit who is charged with the responsibility of maintaining the unit's fleet. The VMO acts as a liaison with FMD and should be aware of and report any problems with the fleet.

[74] Chart, Real vs. Ideal Automobile Distribution, App. E, Doc. 1.

[75] The MPD has received an additional $3 million from federal Management Reform Funds toward the purchase of new vehicles. The MPD already has received 88 1997 Ford Crown Victoria models

ordered through the GSA in November 1997.[76] The Special Committee confirmed that FMD received 66 1998 Ford Crown Victoria vehicles in July 1998.[77] The MPD recently commissioned a consulting firm to conduct a study of the MPD's fleet procurement and maintenance practices. The study revealed that the MPD is at the high end of the scale in terms of total costs for its fleet.[78] The MPD has been investigating alternatives to the current system, including the total or partial outsourcing of the fleet. Assistant Chief Fitzgerald indicated that MPD was leaning toward participating in the District's Master Lease Program beginning in FY 1999-2000 whereby the MPD would begin leasing all of its vehicles. The MPD also is close to issuing a Request for Proposals for fleet procurement and maintenance, in response to Mr. Coard's May 27, 1998 recommendation to outsource fleet management.[79]

The Department also needs to work with other agencies to facilitate the sale or other disposal of surveyed and seized vehicles. The MPD has had difficulty getting vehicles to auction due to poor record keeping by the Department of Public Works ("DPW"). DPW will not allow MPD to sell a vehicle without a title. There have been a number of occasions in which DPW's records inaccurately reflected that there was no title for a particular car. The MPD actually has produced titles to cars when DPW asserts that none exists. One suggestion for remedying the problem is to require DPW to send a copy of each title to FMD and the Property Disposal Unit of the Department of Administrative Services. This could help facilitate better record keeping and quicker disposal of unusable vehicles. The Property Disposal Unit also has delayed the disposal process because that organization has been unable to auction MPD vehicles due to alleged problems with the lease on the lot used for auctions. Thus, many cars have been stored under the overpass next to FMD because Property Disposal has not held auctions.

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and expects to receive approximately 75 1999 Ford Taurus vehicles through GSA in the coming weeks.

[76] Some witnesses testified that working through GSA is not efficient and that the MPD could have received a competitive price and had delivery much sooner by working directly with local dealers. As noted above, the Special Committee believes that as the MPD improves its procurement capabilities with the assistance of the District Office of Contract and Procurement, it will no longer need to rely upon the assistance of the GSA.

[77] Most new cars are sent directly to the patrol fleet. Due to harsh driving conditions cars should be rotated out of patrol after two years and placed in a less rigorous assignment.

[78] The MPD spends $.42/mile to maintain its fleet. The median for the police departments surveyed in the report was $.25/mile. See Fleet Cost Analysis, App. E, Doc. 2. While some officials noted that the MPD's figure may include such costs as overhead and rent for the FMD facility, the figure remains high even after that adjustment.

[79] The RFP has been issued and the MPD is awaiting final bids for the outsourcing of the maintenance function. The MPD also has budgeted the acquisition of 200 additional vehicles under the Master Lease program for the next fiscal year. The purchasing function, however, is not included in the current RFP.

Finally, the Special Committee noted that FMD's facilities, which also house the mobile crime unit, are in excellent condition. Unfortunately, the city does not own the property. Currently, the MPD pays $75,000/month in rent on a lease that runs through April 2000. The Special Committee recommends that the MPD investigate the feasibility and benefits of acquiring the property.

6. **Property Division**

The Property Division is responsible for the handling of evidence, uniforms and equipment, and material management. The current commander of the Property Division is Inspector Abraham Parks.

Inspector Parks recommended that the evidence function be separated from other property functions. He noted that a civilian could manage the non-evidence functions. The Special Committee reviewed the practices of Chicago and Boston and 12 other police departments through the assistance of staff of the Police Executive Research Forum ("PERF"). Each other department surveyed separates the administration of evidence-related property from other property functions. The Special Committee recommends that the MPD review the current organizational structure of the Property Division in light of what appears to be the standard for law enforcement agencies across the nation.

7. **Criminal Evidence**

Members of the Special Committee were very concerned that MPD keeps seized currency at the facility rather than deposit it in an interest-bearing account at a financial institution. Failure to deposit seized currency raises security concerns and results in the District government foregoing substantial interest that could otherwise be earned. It was Co-Chair Evans' understanding that the United States Attorney has no objection to depositing cash. Assistant Chief Michael Fitzgerald testified that he understood that the USAO was in the process of writing a policy on the issue. Inspector Parks stated that it was his understanding that the D.C. Code required the money to be stored, rather than deposited in a bank. The Special Committee was unable to determine the cause of the confusion, but the conflicting statements indicate that on this issue, as on many others, the problem is the refusal of the various agencies involved to take the initiative to correct known problems. The USAO apparently has no objection. Indeed, Department of Justice policy provides for such deposits.[80] The MPD has no objection. Indeed, the MPD wants to deposit cash into an interest-bearing account. Nevertheless, the problem persists.

In the absence of MPD initiative, the Special Committee has drafted a statute specifically addressing this issue, which is included in the omnibus legislation. The proposed legislation authorizes the MPD to photograph all seized cash and record the serial numbers of each bill. The

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[80] Seized Cash Management Policy, App. E, Doc. 3.

MPD will then make the photographs available to the U.S. Attorney for use in criminal trials. After the photographs have been taken, the MPD will deposit all seized cash into an interest bearing account. If currency has a particular evidentiary value (e.g., because of a dye marker), a prosecutor with his or her supervisor's approval could request a waiver from the policy on a case-by-case basis.

With respect to evidence generally, the Special Committee is satisfied that MPD's procedures are sufficient to protect the integrity of evidence used in criminal cases. The MPD has been using a computerized tracking system since 1995. At the time of the hearing, Property Division had a 20-year backlog of evidentiary property. MPD has established a 6-member "purge team" whose sole responsibility is the appropriate disposition of old evidence. The team reviews felony cases every year, misdemeanor cases every 6 months, and found property every 90 days for destruction. MPD also is working with the USAO to identify dated evidence that can be destroyed. The Special Committee supports the MPD in its efforts to destroy unnecessary evidence, and applauds the agencies' cooperation in this area.[81]

8. Uniforms and Equipment

MPD had operated under a quartermaster system for decades.[82] A new system directs officers to order uniforms directly from two vendors. This system permits MPD to purchase items as needed, rather than accumulate excess inventory. One vendor is responsible for blouses and shirts for the Class A uniforms. The second vendor is responsible for utility uniforms and other items. Contracts with vendors for uniforms have not been working as well as anticipated. The vendors have been in litigation with each other over the scope of the contracts and one vendor has been substantially unable to perform. Inspector Parks testified that the non-performing vendor simply does not have the capacity to handle an organization as large as the MPD.

An alternative arrangement is an allotment system. Officers could obtain suitable garments from any vendor selling approved goods, using a cash allotment provided by the Department each

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[81] The Special Committee notes that many statements of Booz-Allen and Hamilton critical of the performance and security at Property Division have been retracted. Booz-Allen's preliminary report issued on August 6, 1997, made a number of statements concerning security and management at the Property Division that were false or misleading. Booz-Allen later retracted most of those statements in its status report released on November 7, 1997. For example, the preliminary report stated that two cases had been dismissed in recent years due to lost evidence. This statement was false and later was retracted by Booz-Allen. There were at least eight other criticisms levied against the MPD's Property Division that later were retracted. See Summary of Booz-Allen Findings, App. E, Doc. 4.

[82] Under the quartermaster system the MPD purchased uniforms and equipment based on anticipated need and accumulated inventory in a warehouse. It appears, however, that the MPD grossly overestimated its need for many items that now are unusable. Indeed, the MPD still owns nearly $300,000 in unusable inventory. For example, MPD owns 998 size ten female pants, 90 size 54 belts, and 180 size 24 belts.

year. Once the officer uses his entire allotment, he must use personal funds to obtain any additional equipment. The Special Committee has reviewed other departments (e.g., Boston, Chicago) that have such a system. The system apparently works well in those departments because it is efficient and promotes accountability among the officers. Another option is the expansion of MPD's current voucher system to include any vendor who could supply conforming goods. The MPD could provide each officer with a non-cash voucher allotment that could be used to purchase goods from any vendor selling approved equipment. Under either system, officers would be issued MPD specifications to ensure consistency of uniforms.

9. **Material Management**

Material management encompasses the delivery of procured items (e.g., office supplies) to the units in the field. Generally, the current material management system appears to function effectively; however, the system in the past has been plagued with material shortages and delivery difficulties. Previously, the system permitted vendors to deliver supplies and equipment to the individual who made the request. Currently, the Property Division receives most deliveries and distributes the items to the requesting parties. While this system adds a level of administration, it helps inventory control and ensures that MPD receives goods of a consistent quality regardless of which unit placed the order. The Special Committee believes that use of a computer tracking (i.e., bar code) system would further improve inventory control.

Despite the improvements made under the new system, problems remain with respect to the distribution of supplies to field units. One witness called the requisition process "uneven" in that certain items inexplicably are easier to obtain than others. Moreover, the Special Committee noted that many citizens still complain about officers and police districts lacking basic supplies such as fax paper, copy paper, etc. The Property Division assured the Special Committee that such complaints should no longer be an issue, but reports of such problems persisted as of the Special Committee's final hearing on July 17, 1998. An MPD volunteer at the Third District testified about acute shortages of office supplies during critical weekend shifts and instances of officer hoarding of such supplies. To the extent that communication problems may be a cause of the apparent disconnect among the Property Division, the field units and the citizens (i.e., officers being unaware that the Property Division can supply certain goods), the Special Committee recommends that the MPD take steps to ensure that these problems are corrected.

Finally, as with the Fleet Management Division, the Special Committee is concerned about the status of MPD's lease on the facility housing the Property Division. Currently, MPD occupies the Shepherd facility on a month-to-month lease. Testimony revealed that significant development is occurring in the neighborhood and there is concern that the landlord eventually will evict the MPD. The Special Committee recommends that the MPD plan to secure an alternative suitable site as soon as possible. Storing evidence in a facility subject to a month-to-month lease is not acceptable.

10. **Communications Division**

The Communications Division is responsible for handling emergency and non-emergency telephone calls and all radio dispatches.[83] Captain Joel Maupin is the acting director of the Communications Division.

a. **The 911 System**

The communications system actually is two systems. First, there is the Bell Atlantic Enhanced 911 System, which citizens use to place emergency (911) and non-emergency (727-1010) calls. The system separates and prioritizes calls by the number dialed and forwards them to telephone receipt clerks. The telephone receipt clerks are the individuals who interact with citizens making calls for service. They obtain the information necessary for dispatching officers. The second system is the Computer Automated Dispatch ("CAD") system. After receiving the caller's information, the telephone receipt clerks prioritize the call and send the information to the dispatcher through the CAD system. The dispatcher's job is to transmit the information to an officer in the field via radio dispatch.

The Special Committee's primary concern with respect to the Communications Division was the number of citizen complaints about delays in getting through on the emergency line and alleged instances of rudeness on the part of the emergency operators. MPD's own statistics show that the Division is not meeting its stated goals: to answer emergency calls within 5 seconds and non-emergency calls with 12 seconds.[84] In fact, the delay has gotten worse each year for the past 3 years. Despite the increasing delays, Captain Maupin assured the Special Committee that citizens should never hear a busy signal. If the call is not answered between 7 and 9 rings, then the caller receives a recording instructing them to wait for the next available operator. Capt. Maupin cautioned that the caller should never hang up and call back because they will lose their place in line to receive a response.

The Special Committee finds that a primary cause of the poor performance of the Communications Division is related to personnel issues. The current 911 and CAD systems support 15 telephone receipt clerks and eight dispatchers. Communications has a minimum staffing requirement of 10 telephone receipt clerks and 11 dispatchers. If fully staffed according to Communication Division guidelines, 10 clerks and 11 dispatchers adequately would serve the MPD's needs; however, Communications often does not have its full complement of personnel. The testimony showed that the Communications Division often does not meet its own minimum staffing

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[83] The Inspector General conducted a similar investigation of the 911 system shortly after the Special Committee began it work. The findings detailed in the Inspector General's report are consistent with the Special Committee's own findings. See Inspector General's Report, App. E, Doc. 5.

[84] Communications Division 911 Report, App. E, Doc. 6.

standards. There are times when the Communications Division may have as few as 5 telephone receipt clerks on duty due to employee absence. This is due, in part, to high civilian turnover. At the time of the hearing, Communications had approximately 30 vacancies requiring the unit to spend over 100 hours of overtime each week. For example, from January 1998 to the July 17, 1998 hearing, Communications lost 5 civilians and replaced only 2. Of those 30 vacancies, 22 were vacancies for telephone receipt clerks. This vacancy rate has remained fairly stable over time. Additionally, the low staffing rate appears to be related to abuse of sick leave.

Testimony indicated that the high turnover and the abuse of sick leave can be traced to high stress levels and low pay. The current entry level pay for a telephone receipt clerk is DS-6 at an annual salary of $22,000. This rate of compensation is significantly lower than similar jobs in other jurisdictions.[85] Moreover, when added to the stress caused by the nature of the job (over 4,500 calls are received each day),[86] high turnover and high absences are a foreseeable result. The Communications Division conducted a desk audit of all positions in Communications and has requested a pay raise for the entry level position to DS-7 at an annual salary of $23,000 and a corresponding one level raise for all other positions. The Special Committee supports the increase in pay for civilian employees at the Communications Division. Furthermore, the Special Committee recommends that the MPD investigate methods of reducing stress for all employees of the Communications Division, and that MPD provide resources to assist employees in dealing with the stress attendant to that function.

The Special Committee inquired as to whether the MPD had a "reverse 911" system in place. A "reverse 911" system would allow the MPD to notify community leaders and other citizens in the event of an alert. Maupin stated that MPD operates the "Citywatch" program. The Citywatch program is a computerized system that allows the MPD, among other things, to send voice or fax messages to an unlimited number of telephone destinations. Contact lists can be developed for neighborhoods, government leaders, or community activists to instantly provide them with needed information. The Special Committee is unaware, however, of any situations in which the system has been used.

The Communications Division also is in the process of obtaining a new Computer Automated Dispatch system that also services the D.C. Fire and Emergency Medical Services Department. While the primary causes of poor service are related to personnel issues, the Communications equipment also is inadequate. The current system allows the Communications Division to keep track of only 75 patrol cars, whereas the MPD may have in excess of 200 cars in service at any given time. Any new system obtained by the MPD must be capable of tracking at least 200 cars. A new system, along with the installation of mobile digital computers ("MDCs"), will assist in shortening officer

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[85] Communications Division Chart, App. E, Doc. 7.

[86] Indeed, it appears that telephone receipt clerks have a much larger number of stressful contacts with citizens than officers on the street.

response time by decreasing the amount of air traffic through dispatchers.[87] Over-the-air dispatches should be reserved for the most serious emergencies. The new system and Communications personnel will occupy a new facility on MacMillan Drive in December 1999.

11. Information Services Division

The Information Services Division ("ISD") is responsible for the procurement, installation, and management of all of the MPD's information technology. This office reviews and approves all requests for information technology. Ms. Deborah Wright is the current head of ISD.

a. The IT Initiative

Ms. Wright testified concerning the MPD's plans to acquire new information technology. These plans are detailed in the MPD's "IT Initiative," which is a four-year $48.9 million plan to carry the MPD's information systems into the 21st century.[88] Among other things, the initiative includes plans to replace all outdated computers with new high performance personal computers, the installation of new criminal identification systems, and the installation of mobile digital computers in all patrol cars and many detective cars. The plans also include the replacement of the MPD's aging mainframe computer. A number of these plans already are underway and are awaiting full funding.

Eric Coard testified concerning the current plans for funding the IT Initiative. The current plans are as follows:

FY 1998
$4.8 million of the $10 million in Management Reform is earmarked to IT.
$2.6 million in grants already awarded to MPD.
$4.8 million expected after receiving letter of intent to award COPS MORE grant.

FY 1999
$17.9 million from capital budget.
$2.0 million from COPS MORE grant.

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[87] MDCs are computer systems that are installed in the patrol cars. They provide officers with instant access to information that in prior years they could receive only through dispatchers, such as license and registration checks and warrant information. Currently, the MDCs only allow officers to receive information regarding individuals, automobiles and other property. Eventually, as the MPD completes its Information Technology Initiative, the computers will allow for electronic dispatch.

[88] IT Initiative, App. E, Doc. 8.

FY 2000
$9.6 million from capital budget.

FY 2001
$7.6 million from capital budget.

The ultimate goal of the IT Initiative is to reduce the time that officers spend on routine paperwork. For example, the Records Management System, mobile digital computers, and automated police reports – all of which are underway – will allow officers to file reports electronically rather than having an officer travel to the district to file a paper report. Another goal of the IT Initiative is to integrate all of the city's information technology. For example, the MPD hopes that civil protective orders from the courts eventually will be accessible via the MDCs, thereby allowing officers to be more responsive to domestic violence situations.

As with the Communications Division, ISD is experiencing significant personnel problems. The public sector faces intense competition with private sector employers for IT professionals. The District's pay scale is well below both the private sector and the federal government pay scales. Because of the salary differential, the MPD frequently is unable to hire top personnel. Even when the MPD is able to hire good people, it is unable to keep them because of the lure of higher salaries from other employers. Moreover, there are no funds available for Information Services ("IS") training. Information technologies are changing rapidly and it is necessary to train professionals to keep up with emerging technologies. Because of these personnel challenges, Wright believes that MPD wastes money on paying outside consultants for work that could be done in-house if ISD were properly staffed, trained, and compensated. The Special Committee makes two recommendations in this regard. First, the Special Committee recommends establishing a separate pay scale for IS professionals designed to keep salaries in parity with federal government positions. Second, the Special Committee recommends that MPD earmark funds for the continuing education of IS professionals.

Finally, the MPD assured the Special Committee that all new technology acquisitions and any upgrades to existing technology will be Year 2000 compliant.

12. Recommendations

The Special Committee recommends that MPD:

(1) **Establish a routine vehicle maintenance program for all vehicles.**

(2) **Hold drivers and vehicle maintenance officers accountable for abuse or neglect of MPD property.**

(3) **Reduce the overall cost of fleet maintenance, either through outsourcing or internal reforms.**

(4) **Separate the administrative functions for handling evidence from the remainder of Property Division functions.**

(5) **Consider alternatives to the current uniform procurement system, including an allotment system or increasing the number of vendors participating in the voucher system to ensure that non-performance by any one vendor will not adversely affect the MPD.**

(6) **Implement a bar code or similar computer-automated monitoring system for better inventory control.**

(7) **Conduct a comprehensive facilities audit, including a review of all leased properties with a view toward purchase of the property or occupancy of a suitable facility under a long-term lease.**

(8) **Increase salaries for Communications Division personnel. Provide enhanced stress relief resources for Communications Division employees.**

(9) **Fund the IT Initiative.**

The Special Committee recommends that the Council adopt legislation:

(1) **Consistent with the proposed omnibus bill to authorize the deposit of cash in an interest bearing account with an approved financial institution.**

F. Citizen Interaction and Community Policing

1. Overview

The MPD's track record with respect to citizen interaction has not been exemplary. In the wake of the notorious leadership scandals of 1997, public trust in the police department appears to have eroded considerably. Full adoption of and commitment to community policing would go far toward remedying these shortcomings. The MPD's fledgling community policing initiative -- the Patrol Services Area ("PSA") model -- is at a crossroads. Effective July 1997, MPD altered the boundaries of some of its police districts. Further, MPD replaced the old Police Service Areas ("PSAs") with 83 smaller scout car beats. Since the inception of the program, the PSA system has been struggling with a lack of staffing and stability but has nevertheless garnered substantial community support. With further commitment of manpower and resources, the PSA concept holds great promise to forge new ties of cooperation between police and citizens in combating crime.

Other avenues of citizen participation and volunteerism also must be explored. The MPD's volunteer program is modest at best, and its procedures for addressing citizen complaints lack public legitimacy. There are some existing avenues for reform. A pilot volunteer program is under way in one police district, and citizen volunteer groups and civic associations work closely with police to improve the quality of life in their communities. Moreover, the proposed reinstitution of a system for citizen review of police misconduct holds great promise.

In order to reap the full rewards of community policing, the MPD must forge new and stronger community ties. MPD leaders must tap further into the existing network of citizen activism and ethic of public service that runs deep in the District of Columbia.

2. Citizen Complaint Procedures

Citizens interviewed by the Special Committee staff were largely disappointed with the MPD's procedures for addressing citizen complaints and concerns. Numerous calls on the Special Committee's hotline raised concerns about police officers' failure to respond. Although the MPD has procedures for handling citizen complaints, the public perceives them to be inadequate.

General Order 1202.1 provides that all citizen complaints shall be recorded on a PD 99 (Citizen Complaint Form). The PD 99 documents, at the initial stage, all complaints registered against officers by citizens, whether the complaint is lodged in person, by correspondence, or by telephone.[80] When the complaint is made, it is to be brought to the immediate attention of the watch commander who designates an official to interview the complainant.

If the interviewing official believes that there is no evidence of misconduct, the official is directed to attempt to resolve the complaint by explaining the matter to the citizen. If the citizen is satisfied, the citizen is asked to acknowledge his satisfaction by signing the form. If the complainant refuses to sign or is not satisfied with the explanation, the official immediately refers the matter to the watch commander, who must interview the complainant. If the watch commander is unavailable, a lieutenant will conduct the interview. If the watch commander or lieutenant concurs that there is no evidence of misconduct, he will sign the form and inform the citizen of the resolution.

If the watch commander believes there are grounds for an investigation, he notifies the Office of Internal Affairs. In this manner, the Office of Professional Responsibility, which includes Internal Affairs, tracks the progress of citizen complaint investigations.

Most often, the investigation is handled at the unit of origin (i.e., where the complaint is made and the subject officer is assigned). The investigating official submits a report with recommendations to the unit commander, who in turn determines whether misconduct occurred. If he determines that misconduct has not occurred, disciplinary action is not warranted. He then

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[80] General Order 1202.1, App. F, Doc. 1.

contacts the citizen and advises him of this decision. If discipline is taken, the sanction is recorded on the PD 99, and the citizen is advised accordingly. Once the investigation is completed and the matter is disposed of, the PD 99 remains on file with the Office of Identification and Records.

Interviews with Commanders suggest that actual practice departs from the Department's official policy. Citizen complaints are generally handled informally. When a citizen comes to the station to lodge a complaint, he generally speaks first to the desk Sergeant who may attempt immediately to mediate the dispute. If the matter is not serious (e.g., a complaint relating to an unwarranted traffic ticket) and the citizen's concerns are addressed immediately, the desk sergeant may not fill out a PD 99. Other more serious matters are recorded on a PD 99, and the official process begins.

Some citizens complain, however, that MPD fails to provide adequate or prompt notification as to the progress of their complaints. Citizens also are concerned about the conflict of interest inherent in having their complaints against police investigated and judged by fellow police officers.

In part to address these conflict of interest concerns, the Council established the Civilian Complaint Review Board ("CCRB") in 1980 to review citizen allegations of misconduct against police officers. Appointed by the Mayor, the Council, the MPD, and the police union, the review board was composed of 7 members -- 5 civilians, 1 police official, and 1 union representative. The board had exclusive jurisdiction to review citizen allegations of police harassment, excessive force, or abusive language. According to General Order 1202.1, the MPD could not investigate such allegations itself but referred them to the CCRB. A source of later difficulties, the Board reviewed all allegations thoroughly, regardless of severity and nature, and held hearings at which all seven members questioned witnesses. Its decisions had no independent effect; rather, it issued recommendations to the Chief of Police for discipline.

Overwhelmed by a staggering backlog of cases, the CCRB was dismissed as a failure. The CCRB received approximately 300-400 cases per year, and was noted for inefficiency. By the time the Board conducted a hearing on a case, often more than a year after the filing of an initial complaint, memories had faded and witnesses were no longer available. The CCRB lacked legitimacy both among the MPD, which considered it to be hopelessly biased against the police, and among citizens, who complained about the long delays. In the thick of a budget crisis, citing the CCRB's failures, the Council eliminated the Board's funding in the FY 95 budget and repealed the legislation which established the CCRB. At that time, the CCRB had a backlog of approximately 800 cases, two-thirds of which were over 2 years old. The CCRB transferred all pending cases to the MPD's Office of Internal Affairs for investigation.[90]

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[90] For a detailed analysis of the former CCRB's shortcomings, see the report prepared by the law firm of Piper & Marbury L.L.P. for the American Civil Liberties Union of the National Capital Area, Analysis of the District of Columbia's Civilian Complaint Review Board and Recommendations for its Replacement (1995), App. F, Doc. 2.

Many citizens were dissatisfied with this course of action, and there has been renewed interest in reestablishing an improved CCRB. The need for an independent civilian watchdog to police the police counsels in favor of this move. It is imperative, however, that a new CCRB avoid the mistakes of its predecessor. A more efficient, and streamlined, complaint review process must be established that can quickly dispose of frivolous claims and prioritize and expeditiously process serious allegations.

With these goals in mind, in July 1998, the Council passed the "Office of Citizen Complaint Review Establishment Act of 1998," passed on 2nd reading on September 22, 1998 (enrolled version of Bill 12-521).[91] The legislation would create an independent Office of Citizen Complaint Review and a Citizen Complaint Review Board comprised of 5 members (4 civilians and 1 MPD member). The Board would set general policy and oversee the Office's function. The Office itself would handle complaints. An Executive Director, selected by the Board, would manage the Office. This person in turn would hire staff members to assist in investigating and processing complaints. The Director also would establish a qualified pool of persons to act as conciliators, mediators or complaint examiners, who would be the actual decisionmakers on individual complaints. The Office's jurisdiction would be to receive, dismiss, conciliate, mediate, and adjudicate complaints relating to: harassment; use of unnecessary or excessive force; use of insulting, demeaning, or humiliating language; discrimination based on race, sex, national original, and other factors; and retaliation against a person for filing a complaint.

The legislation sets forth the following procedures for handling complaints. A complaint must be received within 45 days of the date of the incident, in writing and signed by the complainant. The Executive Director shall screen the complaint and may dismiss it with the concurrence of one Board member, refer it to the USAO for possible criminal prosecution, conciliate the complaint, refer the complaint for mediation, or refer the complaint for investigation. A complaint may be dismissed because it lacks merit, the complainant refuses to cooperate with the investigation, or the complainant refuses to participate in good faith with the mediation process. The Office would employ investigators to investigate complaints, and the Executive Director could subpoena witnesses and documents for use in the investigation. MPD members would be directed to cooperate with the investigation, and would be subject to discipline for non-cooperation.

After completion of an investigative report, the Executive Director could dismiss the complaint, order additional investigation, or refer it to a complaint examiner to make a merits determination of the factual allegations. The complaint examiner could conduct an evidentiary hearing if necessary to determine fairly the merits of the complaint. The complaint examiner could also attempt to resolve the complaint through conciliation or mediation. Upon reviewing the investigative file, the complaint examiner would make written findings of fact as to each allegation. If one or more allegations were sustained, the Executive Director would transmit the complaint file

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[91] Bill 12-521 (enrolled version), App. F, Doc. 3.

to the Chief of Police for appropriate action. If no allegations were sustained, the Executive Director would dismiss the complaint and notify the parties of the disposition.

If a complaint is sustained, the Chief would designate a group of officers, not from the same organizational unit as the subject offer, to review the file and propose a penalty within 15 days. The officers could propose that the matter be returned to the Office of Citizen Complaint Review for a final review panel if they conclude that the complaint examiner's merits determination clearly misapprehends the record and is not supported by substantial, reliable and probative evidence. After notifying the parties of the recommendation and giving them an opportunity to comment, the Chief would have 15 days to issue a decision on discipline. That decision must be in writing and give a concise statement of reasons therefor. The Chief also could not reject the merits determination unless he concludes, with supporting reasons, that it clearly misapprehends the record and is not supported by substantial, reliable, and probative evidence. The Chief could not supplement the evidentiary record. The Chief's decision on discipline would be final, except that if the Chief rejects the complaint examiner's record as specified above, the matter would be returned for a final review by three complaint examiners appointed by the Executive Director. The final review panel could reverse or sustain the decision of the initial complaint examiner, in part or in its entirety, and either dismiss the complaint or return it to the Chief for a supplemental decision on discipline.

An order dismissing a complaint from the Office would be final and not subject to judicial review but would not bar the complainant from seeking other remedies, judicial or administrative.

The MPD would also be permitted to initiate disciplinary proceedings against an officer with respect to a charge of misconduct within the Office's jurisdiction prior to the filing of a complaint. The MPD could continue disciplinary proceedings in a pending matter if a complaint is filed with the Office regarding the same conduct after the MPD's investigation began. The MPD could not initiate disciplinary proceedings against a member after a complaint has been filed. No officer could be punished twice for the same conduct arising from the same incident.

The procedures set forth in Bill 12-521 significantly streamline the previous complaint investigation and adjudication process. Moreover, the new system would rely heavily on conciliation and mediation to resolve amicably police-citizen disputes; a process that can enhance public confidence in the police. The Office may investigate complaints expeditiously, largely without the involvement of the Board (except for a summary dismissal in limited circumstances). The fact that the Board has a general supervisory function, rather than direct involvement in decisionmaking, should greatly expedite the complaint review process. The new Office of Citizen Complaint Review would act as an independent check on police misconduct. Under the proposed system, should a citizen feel that a complaint is not being adequately addressed by the MPD, he may turn to the Office for redress.

Chief Ramsey testified before the Special Committee on his plans to reform the disciplinary review process in the MPD, including the establishment of new procedures for processing citizen

complaints. To the extent feasible, the two systems should be complementary, and together, should enhance public trust in the police department.

The Special Committee endorses the re-establishment of the CCRB and recommends that the Office of Citizen Complaint Review should be closely monitored to ensure that the new process not suffer from the inefficiency and backlog of the old.

3. Chief's Citizens Advisory Council ("CAC")

Each district has a Citizens Advisory Council, comprised of citizens who meet monthly to discuss issues of concern to the community with the MPD leadership.[92] These community leaders provide valuable feedback on community policing and outreach efforts but are underutilized. The Special Counsel and staff members attended CAC meetings in each of the police districts during the course of the investigation. Each expressed the same general concerns: the lack of resources, inadequate staffing, and insufficient police presence in the city's neighborhoods. All felt that PSAs are chronically understaffed, and that not all PSA Sergeants were sufficiently responsive to community needs. Mr. James Berry, the Chairman of the CAC, testified before the Special Committee concerning the need for the MPD fully to commit to the community policing project. He also testified, in general, to the MPD's failure to listen to the community's needs and concerns. Berry's view is that the police superficially tolerate citizen input, but rarely act on citizen recommendations.

4. Citizen Volunteer Efforts

District citizens are willing to devote their time and talent to assist the MPD in its public safety mission. The District is fortunate to be served by an extensive network of sophisticated community and civic associations. Representatives of several of these neighborhood associations testified before the Special Committee on their experiences working with the MPD. Their testimony demonstrates that MPD receptiveness to citizen assistance is uneven. Some citizens, including Orange Hat Citizens Patrol members, recounted extremely positive experiences in working with police. Others testified to the resistance that they encountered, primarily from headquarters, in organizing a citizen volunteer program. On balance, volunteer efforts have been successful but ad hoc. There does not appear to be any effective MPD plan or program for encouraging or coordinating citizen volunteer efforts.

Frank Hornstein, the Public Safety Chair of the Dupont Circle Citizens Association, testified with respect to his efforts to establish a citizen volunteer group in the Third District. Through persistence and determination, he has been able to recruit a cadre of 26 committed volunteers to assist in a variety of administrative tasks. Although the MPD purports to have a volunteer

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[92] CAC Roster, App. F, Doc. 4.

coordinator and program,[93] Hornstein recounted a series of difficulties encountered in trying to become an MPD volunteer. He had to make three separate visits to police headquarters to get his picture taken for a volunteer identification card. He suffered through the outdated training video MPD uses to "train" volunteers. Officials rejected his offer to assist in producing a new video. There also was no manual available for volunteers at the Third District and Hornstein was forced to draft his own. Commander José Acosta of the Third District testified that he welcomes Hornstein's and the other volunteers' assistance, but the MPD must develop a program that promotes and capitalizes on volunteer resources.

Although the MPD does not have an organized volunteer program, citizen activism is flourishing in the District. The Special Committee heard the testimony of Everett Lyles, the president of one of the District's many volunteer Orange Hat groups. These neighborhood groups, named for the orange hunting caps worn by the volunteers, organize community patrols to rid their neighborhoods of crime. Lyles' organization, which covers three PSAs in the Sixth District, currently has twelve members and patrols three nights per week. Lyles patrols by car almost nightly. He also obtained surplus police radios which have been programmed with a special police frequency. Other citizens regularly call Lyles to report problems and emergencies, which he in turn reports to the police by radio, when citizens are unable to reach the police via 911. Similarly, Roland Chavez of the Near Northeast Citizens Against Crime and Drugs testified about his efforts at community organization. Working closely with PSA 510 Sergeant Diane Groomes of the Fifth District, Chavez publishes regular PSA newsletters relating crime statistics and the neighborhood's organization efforts.[94] Chavez and other organization members have forged a close working relationship with Sergeant Groomes. Their police-neighborhood partnership illustrates the great potential of community policing. Laura Shell, coordinator of the Old City Coalition Citizens Patrol, is another example of a community activist who has forged a partnership with local police. These citizens demonstrate the wealth of volunteer capital available in the District should the MPD be able to mount a sustained and organized volunteer effort.

The Special Committee strongly recommends that the MPD develop a new volunteer program. As a potential template for its volunteer program, MPD leadership should look to the Montgomery County Police Department's Volunteer & Community Resources Division. The National Crime Prevention Council has recognized it to be among a small number of model volunteer programs across the nation. According to the Division's vision statement, the purpose of the program is "to promote an environment in which county residents are encouraged to work in partnership with law enforcement officers. This partnership educates citizens and engenders public support for the police while expanding the scope and quality of police services delivered to this community." The Division Director, Jeanne Bernard, and Janis Froelich, an Assistant Director,

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[93] On paper, the MPD has a volunteer program operated through a Volunteer Services Bureau; however, the program does not appear to exist in practice.

[94] For an example of the newsletter, see App. F, Doc. 5.

provided the Special Committee with copious information on the program. A citizen began the volunteer program in the Silver Spring District in 1988 as a pilot project. Within 6 months, the program grew to 25 volunteers and has since grown exponentially. After overcoming initial resistance among the police, the Montgomery County volunteers are today in great demand.

Now a division within the Montgomery County Police Department staffed by several full-time, paid police employees, the Volunteer & Community Resources Division coordinates and supervises the activities of approximately 250 volunteers.[95] There are 4 separate programs:

- Volunteers in Policing ("VIP") which is the primary volunteer corps;
- the Law Enforcement Apprenticeship Program ("LEAP") which is made up of interns interested in a law enforcement career;
- the Community Assisting Police ("CAP") program which is staffed by AmeriCorps members who are paid a grant-funded stipend; and
- the Victim Witness Assistance Services branch which is staffed by Victim Assistants, some of whom are AmeriCorps members and others are VIP volunteers.

These citizens provide non-law enforcement administrative support services throughout the Montgomery County Police Department in a variety of roles. The qualifications and experience of volunteers range from high school students to professionals to retirees, all of whom bring their particular skills to bear in assisting the police. Admission to the program is selective. Candidates undergo rigorous background checks and must sign confidentiality agreements. Volunteers are expected to contribute 8 hours per week, with a minimum of 6 months of service. As to liability issues, the Montgomery County workers compensation policy covers volunteers. The County provides insurance for third-party liability.

The benefits that such a program could bring to the District of Columbia are immediately apparent. An organized and vigorous volunteer program would provide citizens with a means to involve themselves in the community policing effort. Volunteers could serve a key function in the MPD's attempt to increase the number of sworn officers in the PSAs. While certainly not a substitute for sworn officers or civilian employees, civilians can augment support personnel and make a constructive contribution to the delivery of services to the public.

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[95] For an organizational chart, see App. F, Doc. 6.

The Special Committee is not suggesting that the MPD adopt the Montgomery County program. Nor does the Special Committee suggest that MPD immediately create a department-wide program. According to Ms. Bernard, for a volunteer program to be effective, it must win the support and confidence of both the police and citizens alike. Rather, the MPD must develop a program that is uniquely suited to the District of Columbia. It would be prudent for the MPD to begin with a district pilot program, like the one currently underway in the Third District, that would develop the framework and infrastructure for a department-wide volunteer effort. Once it is conclusively demonstrated how citizens can assist the police in one district, it is expected that other districts will follow suit.

While a successful program can and should begin with a pilot project, the volunteer effort must have the full support of MPD management. The Special Committee recommends that the MPD establish a volunteer advisory board to be overseen by a senior Commander or similar high-ranking official. This board could be comprised of the leaders of existing citizen groups throughout the District, including the CACs, Orange Hat patrols, and various civic associations. The input of such community leaders will be crucial in developing an effective volunteer program. In addition, the Montgomery County Volunteer & Community Resources Division leadership has generously offered its assistance in establishing a program in the District. The Special Committee strongly recommends that MPD take advantage of this invaluable resource.[96]

5. **Community Policing**

Clifford Keenan, current chief of the USAO's Community Prosecution Project and himself a former MPD member, testified that community policing is about problem solving. Before the new community policing initiative, the police role was limited to reacting to radio runs on crimes already committed. Community policing has officers taking a more proactive approach. It is a holistic method of engaging citizens in improving the quality of life in the District's neighborhoods.

The MPD has attempted to implement this philosophy through the PSA system. Since July 1997, semi-autonomous PSA teams provide police services within a particular geographic area. As envisioned, the PSA system promotes community policing by making a small number of officers accountable to a particular neighborhood. The officers are to forge relationships with citizens living in their PSAs, hold regular community meetings, and engage their assistance in combating crime. The hope is to develop a free flow of information whereby the police can learn of the "trouble spots" in a community and respond promptly to the community's concerns.

The PSA system, as presently constituted, has fallen short of this ideal. In meeting with community groups, Special Committee staff repeatedly heard concerns relating to staffing, training, and support for the PSAs. PSA rosters do not account for officer absences due to sick leave, court appearances, vacations, etc. Accordingly, PSA staffing levels on paper are considerably higher than

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[96] Extensive materials on the MCP volunteer program are included in App. F, Doc. 7.

actual police presence in the field. Sergeant Diane Groomes testified that at the PSA model's inception, each PSA was promised a staffing level of between 20 to 25 officers. She currently has only 16 officers in PSA 510. Oftentimes she has only 12 to 14 officers available to staff 3 shifts. Sergeant Marilyn Cook of PSA 702 voiced similar complaints in her Special Committee testimony. Because a PSA may cover a relatively large geographic area, the staffing shortfalls are acutely felt. Civilians could perform many of the administrative functions currently performed by sworn members, thereby permitting reassignment of those officers to PSA patrols. Chief Ramsey has made a firm commitment to review MPD staffing at all levels and to bolster PSA personnel as soon as feasible. The Chief's recently announced department-wide restructuring and decentralization hopefully will achieve this result.

While some PSA Sergeants are models of community policing, citizens complain that other PSA Sergeants are not responsive. For example, Roland Chavez's neighborhood borders two PSAs, PSA 510 and PSA 103. He testified that the difference in leadership is palpable. In PSA 510, Sergeant Groomes holds regular community meetings and events, helps distribute newsletters, and has forged strong community ties. She has assisted the neighborhood in forming Orange Hat patrols and has sponsored block parties, Easter Egg hunts, and similar community building efforts. Her proactive community policing philosophy has achieved results. In the first quarter of FY 1997, PSA 510 outperformed all other PSAs in crime reduction (dropping from 60-80 crimes per month since the inception of the program to 20 crimes per month). In sharp contrast is PSA 103. For several months, PSA 103 has had no sergeant. When a PSA Sergeant had been assigned to PSA 103, citizens complained about his general unresponsiveness. He attended existing community meetings but did not sponsor his own PSA meeting or community events. He failed to provide crime statistics for the community newsletter. He was difficult to reach by pager or telephone. Chavez reports that the difference in the PSA leadership also makes a difference in crime for the two areas. Detecting a lapse in leadership in PSA 103, drug dealers have moved into that area from PSA 510, where Sergeant Groomes' leadership is strong.

Sergeant Groomes suggests that the MPD emphasize certain skills in selecting PSA sergeants. Effective PSA Sergeants require a certain aptitude in community-relations building that is not part of what has been considered traditional police work. The MPD also must make a firm commitment to stability in PSA leadership. Turnover is counterproductive, as it undermines the effort to build trust in the community. Sergeant Groomes again serves as an example. Despite her success in leading PSA 510, she was involuntarily transferred to the Homicide Branch as a supervisor in September 1997. Groomes had no prior investigative experience and her skills at community relations were not utilized at Homicide. Only after repeated complaints to her supervisors, as well as citizen complaints to the district commander, did Sergeant Groomes return to her PSA in July 1998. Within 2 weeks, she had organized the community's first Orange Hat patrol. The MPD management's decision to remove an effective PSA Sergeant from her PSA demonstrates the Department's previous uneven commitment to the PSA model.

With respect to community policing, the MPD should undertake a number of reforms of the PSA system. The MPD's upcoming re-structuring is an opportune time to reassign sworn members

to the PSAs. The goal should be to fully staff the PSA structure (i.e., 20-25 officers per PSA or greater) within the next three months. Officers who are on prolonged sick leave or other forms of administrative leave, or who are on details to other units or administrative posts, should not be included on the PSA roster.

To improve responsiveness, PSA officers should provide citizens with updated lists of PSA officers and telephone, voice mail, and pager numbers. Officers should be required to attend PSA meetings so that each officer has an opportunity to meet and interact with citizens in the area. Officers should be encouraged to sponsor community outreach events, and be issued commendations or other career-enhancing accolades for participating in such events. For example, MPD might create a "community police officer" award for each district.

More importantly, the MPD should undertake a thorough review of PSA leadership. As part of the reorganization, Chief Ramsey has announced that PSAs will be led by a Lieutenant and as many as six Sergeants rather than a single Sergeant. Whatever their rank, PSA leadership should be selected among those officers who demonstrate a clear commitment to community outreach as well as proficiency in crime reduction. To promote stability, PSA lieutenants, sergeants, and officers commit a minimum time in the assigned PSA (perhaps 2-3 years), waivable at the Chief's discretion or on an emergency basis. PSA officers who show promise may be candidates for promotion to PSA leadership when vacancies become available. Extensive in-service training on community relations, which should be mandatory for all PSA members.

To enhance the prominence of patrol duty, PSA leadership should lead to career advancement within the MPD. The overall goal should be to foster a future leadership cadre for the MPD consisting of former PSA officials who are committed to the concept of community policing. The MPD should consider requiring any officer seeking promotion to the rank of Captain or above to have served at least one rotation in a PSA and to have received high performance ratings in that capacity.

The reorganization proposal to assign lieutenants to head PSAs is, on balance, a positive development. The MPD should strive to reinforce community policing ideals in all levels of its leadership. Nevertheless, there may be a disadvantage to expanding the number of officials (Lieutenants & Sergeants) leading the PSAs. It is imperative that PSA leaders forge close ties with community leaders. Increasing the number of officials may result in a dilution of PSA leadership and citizen accountability. The MPD must monitor the reorganization carefully to guard against "bureaucratization" of the PSA structure.

Consistent with the community policing philosophy, the MPD also should endeavor to be responsive, at all levels, to citizen requests for information. To that end, the Special Committee recommends that the MPD issue an annual report that provides information on crime statistics, department initiatives, police discipline, awards and commendations, and other information that the community would find of interest. Included in the appendix is an example of such an annual report

issued by the Boston Police Department.[97] A monthly newsletter also should be published for each PSA providing, at a minimum, a schedule for PSA meetings, a breakdown of crime statistics for the PSA, and a list of names and contact numbers for emergencies is one way to provide information to a neighborhood. A newsletter could also advertise police-sponsored community events or community initiatives, such as Orange Hat patrols. The MPD should pursue other avenues of communication with the public, such as establishing an Internet website for the MPD and the PSAs. Some PSA groups already have active websites, and it is suggested that others follow suit to the extent feasible.[98]

6. Community Prosecution Program

Beginning in June 1996, the USAO initiated the Fifth District Community Prosecution Pilot Project under the direction of the Chief of the Community Prosecution Section, Assistant United States Attorney Clifford T. Keenan.[99] Similar in concept to community policing, community prosecution assigns prosecutors to PSAs in the Fifth District, and targets the crimes in the area that have the greatest impact and are of the most concern to the community's residents. Keenan's testimony before the Special Committee provided an overview of the community prosecution program and an update on its progress.

Like the police, prosecutors are service providers for the community. The community prosecution program puts prosecutors in direct contact with the citizens they serve. Prosecutors take a holistic view of community service. Rather than focusing solely on the most objectively "serious" crimes (e.g., murders, armed robberies, serious assaults), the prosecutors target community "quality of life" concerns (e.g., public drunkenness, disorderly conduct, destruction of property). For example, community prosecutors recently were able to prosecute an alcoholic who had terrorized the Brookland neighborhood but who had not been previously prosecuted because he had not committed any "serious" offenses. Prosecutors were able to secure a felony plea for the defendant because of destruction of property and have him diverted to a treatment facility. The prosecutors also work closely with PSA Sergeants and community leaders to identify priorities.

Keenan testified that the USAO remains committed to the community prosecution project. The Council has previously adopted a resolution praising the community prosecution project and urging the USAO to expand the project throughout the city. The Special Committee endorses that view and believes that the community prosecution program fits perfectly with community policing.

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[97] Boston Police Department 1996 Annual Report, App. F, Doc. 8.

[98] For example, PSA 108 has an Internet Website. See http://crime.washingtondc-online.com.

[99] Keenan began his career as a member of the MPD before becoming a prosecutor and personally values and appreciates the change in culture wrought by community prosecution and policing in the District.

Working together, these two programs hopefully will serve as a nationwide model of police-prosecutor-community cooperation.[100]

The Special Committee urges the USAO to expand its pilot community prosecution program District-wide as soon as possible. The Special Committee also recommends that the MPD and the USAO develop procedures for PSA Sergeants to work in close contact and cooperation with community prosecutors and community leaders to develop a joint strategy for crime prevention and prosecution.

7. Recommendations

The Special Committee recommends that the Council:

(1) **Should closely monitor the operations of the Office of Citizen Review and the new Civilian Complaint Review Board through oversight by the Judiciary Committee.**

The Special Committee recommends that MPD:

(1) **Reassign as many sworn members as feasible from administrative functions to the PSA system.**

(2) **Fully staff the PSA system, within 3 months from adoption of this Report. Officers on administrative leave or detailed to non-PSA assignments should not be included on the PSA roster.**

(3) **Foster greater citizen-community interaction in the PSA system. PSA officers should attend community meetings and sponsor community events.**

(4) **Stabilize PSA leadership and staffing.**

(5) **Select PSA leaders on the basis of community relations skills as well as other traditional criteria.**

(6) **Require PSA leaders to commit 2-3 years in the PSA, with waivers of the policy only on personal order of the Chief of Police.**

(7) **Establish an awards program for exemplary PSA leaders and officers.**

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[100] Materials on the Community Prosecution Project are included in App. F, Doc. 9.

(8) **Provide extensive in-service training for community policing.**

(9) **Encourage PSA leaders to establish open lines of communication, by several methods, with citizens and neighborhood associations.**

(10) **Publish an annual report to include information on crime statistics, department initiatives, police discipline, awards and commendations, and other information which the community would find to be of interest.**

(11) **Explore the feasibility of expanding the USAO's community prosecution initiative District-wide.**

(12) **Utilize fully volunteers in a non-law enforcement administrative service capacity. Develop an extensive and vigorous volunteer program, beginning with a pilot program, and expanding District-wide.**

G. Disciplinary Proceedings Against Sworn Members of the Metropolitan Police Department

There is a perception that the public that the MPD does not enforce discipline among its members. For this reason, the Special Committee conducted an extensive review of the MPD's disciplinary system. The Special Committee did not find widespread instances of lax enforcement of discipline,[101] rather the Special Committee found a system that is too complex to administer discipline fairly and promptly.[102]

Years of negotiation between the MPD and the Fraternal Order of Police ("FOP") shaped the current disciplinary system.[103] There are two levels of punishment – corrective actions and adverse actions. Corrective actions (dereliction reports, letters of prejudice and official reprimands) are reserved for minor offenses and are usually administered at the unit level. Corrective actions are not approved or monitored by the MPD's command staff or the Office of Professional Responsibility ("OPR"). Instead, they are kept in the officer's unit personnel file up to three years.

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[101] There are, however, some instances of poor investigatory procedures that lend credence to the claim that some officers are given special consideration. For example, in the Hill and Sanders case discussed in § 4B1 the Special Committee learned that some witnesses with probative evidence against Walltower had not been interviewed by Internal Affairs.

[102] See generally Disciplinary Procedure Chart, App. G, Doc. 1.

[103] Only officers and sergeants can be members of the Fraternal Order of Police. Sworn personnel holding the rank of lieutenant and above are not formally subject to the same rules, although for the most part the rules are followed in practice regardless of rank.

Adverse actions (suspensions, demotions and terminations) are reserved for more serious acts. The unit to which an officer is assigned or OPR may initiate an investigation. The member's supervising official ordinarily conducts the investigation. Under the union contract, the MPD must serve an officer a notice of proposed adverse action within 45 days from the time it knew or should have known of the offending conduct. The investigatory file passes through the chain of command until it reaches the Human Resources Officer ("HRO"). The Department Disciplinary Review Officer ("DDRO") is the official who actually recommends the charges and the penalty range. Once the recommended charges and penalty is determined, the DDRO returns the file to the unit commander.

If the recommended penalty is 10 days suspension or less, the unit Commander holds a resolution conference with the member to attempt to reach an agreement on the discipline. The unit commander may go outside the DDRO's penalty range if the commander provides adequate justification to the DDRO. If the commander and the member do not agree on the penalty, the regular adverse action process follows.

If the penalty is greater than 10 days or suspension or if the commander and the member do not agree on a penalty that is less than 10 days, the commander serves the member with a notice of adverse action. The member has 10 days within which to respond to the charges in writing. The DDRO and the HRO review the member's response, if any, and issue a final notice of proposed adverse action.

If termination is proposed, the member may request an adverse action hearing consisting of a panel of 3 officials. The adverse action panel conducts an evidentiary hearing, and issues findings of fact and a recommended penalty. The HRO reviews the panel's recommendations but is not required to accept its recommendation. The final determination remains within the HRO's discretion. No adverse action panel is convened for penalties short of termination. A member can appeal the HRO's final notice of proposed adverse action to the Chief of Police for final agency action.

The HRO is the individual most directly responsible for the issuance of discipline throughout the MPD. The HRO usually has the final word on most adverse action cases. Investigations, however, must go through a number of administrative hurdles before reaching the HRO's desk. An adverse action investigation begun at the unit level must be reviewed by the officer's supervisor, the unit Commander, and the head of the officer's Bureau must review an adverse action investigation before reaching the HRO.[104]

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[104] Notwithstanding the four levels of review, Asst. Chief Sonya T. Proctor, the former HRO, stated that one of her major concerns is the unacceptable number of incomplete investigations she receives from the field. She believes that unit commanders must do a better job of providing the HRO with thorough investigations. This is of particular concern because the 45-day rule sometimes prevents the HRO from sending the file back for further investigation. In those cases, the HRO must make a discipline recommendation based upon incomplete information.

1. **The Appeal Process**

The Special Committee's primary concern with regard to the appeal process is the Office of Labor Relations' apparent lack of independence. As noted above, the HRO makes the initial determination of discipline for adverse action cases. An officer then has a right to appeal that decision to the Chief of Police for final agency action. When the officer appeals, the investigatory package goes to Labor Relations for review. Labor Relations then makes a recommendation to the Chief of Police as to the disposition of an appeal. Labor Relations, however, reports directly to the HRO. Thus, Labor Relations' recommendation is forwarded to the Chief of Police through the HRO. In effect, the Labor Relations Officer is reviewing -- and potentially criticizing -- the recommendation of his superior. The Special Committee is unaware of any specific case in which Labor Relations was less than candid in its recommendation to the Chief of Police based upon a fear of disagreement with the HRO; however the then acting Labor Relations Officer testified that there had been occasions on which he had been directed by the HRO to change his recommendation on the proper disposition of an appeal. Nevertheless, the Special Committee recommends that the MPD consider an alternative reporting relationship for the purposes of adverse action appeals so as to reduce even the appearance of undue influence on the part of the HRO. The Special Committee believes that an alternative reporting relationship can be achieved without increasing the MPD's administrative burden.

Another appeal-related issue that concerned the Special Committee was the MPD's record in arbitrations. As noted, the Chief of Police's decision on an appeal constitutes final agency action. A dissatisfied officer may then request arbitration. Testimony suggested that the MPD loses approximately 73% of arbitration cases. This record is unacceptable and indicates that some of the MPD's final disciplinary decisions are unfounded. The Special Committee does not express an opinion regarding the harshness of particular instances of discipline. These determinations are properly left to the MPD. The Special Committee is concerned, however, about the cost to the taxpayers in lost productivity, back pay awards, legal fees, and other costs when the MPD presents an unsupportable position. To that extent, the Special Committee recommends that the MPD consider carefully the likelihood of prevailing on the merits when taking cases to arbitration. Neither the MPD, the officer, nor the citizen benefits from keeping officers off the street as the MPD fights unwinnable battles.

2. **Court No-Shows and Preventable Automobile Accidents**

The Special Committee learned that most discipline cases relate to either court "no-shows" or preventable auto accidents.[105] All court-related absences and late appearances are considered

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[105] The leading four types of misconduct that resulted in recommendations for adverse action in 1997 were court no-shows (572 cases), preventable accidents (140), false statements (78), and neglect of duty (64). See Misconduct for 1997, App. G, Doc. 2.

under the rubric of court no-shows.[106] Some district commanders suggested that the MPD's policy with respect to no-shows and first preventable accidents is too severe. For example, the second unjustified lateness or no-show for a court appearance within a twelve-month period must be forwarded to the HRO with an adverse action recommendation regardless of the impact on the case.[107] First preventable accidents carry a recommended five-day suspension from duty, regardless of the severity of the accident or the degree of the officer's negligence.

Interviews with various district commanders revealed that many of them believe that the discipline for court no-shows and preventable accidents is too harsh. They believe that commanders should have flexibility to determine the proper penalty depending on the severity of the conduct and its impact. For example, an officer who is late for court twice out of 100 appearances in one year, with no adverse consequences to the case, should not be treated the same as an officer with 2 latenesses out of 5 appearances. Similarly, with respect to car accidents, a careless fender bender should be treated differently than a serious accident resulting from gross negligence during a high speed chase.

In order to avoid what they view as an unjust result, some commanders decline to send reports to the HRO. Assistant Chief Proctor assured the Special Committee that the HRO considers all mitigating and aggravating circumstances in recommending a penalty. In any case, the situation points out the need for uniform disciplinary procedures.[108]

It is disturbing that MPD officials circumvent the disciplinary process. Commanders cannot demand respect for the rules from their subordinates while they disregard the MPD's stated disciplinary procedures. One of the reasons for having a central disciplinary officer is to ensure that similar misconduct receives similar punishment throughout the MPD. Only the HRO has the perspective of weighing factors that affect the entire agency. Circumventing the written procedures can lead to wide variations in the way similar conduct is punished from district to district. Therefore, the Special Committee recommends that the MPD ensure that all personnel adhere to the letter and

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[106] The MPD was unable to provide the Special Committee with information indicating the extent to which lateness or absence resulted in some adverse impact on the prosecution of a criminal case. The Special Committee suggests that the MPD endeavor to track such information.

[107] See Special Order 96.6 (May 15, 1996), App. G, Doc. 3.

[108] The Special Committee also notes that Chief Ramsey is considering ways to reduce the number of court related discipline cases. Ramsey stated that he had met with Chief Judge Hamilton of the Superior Court of the District of Columbia to discuss the possibility of moving Court Liaison back into the courthouse to allow the office to maintain better contact with officers appearing in court. MPD also will explore certain scheduling changes -- particularly with respect to traffic court and certain misdemeanors -- to reduce the burden on officers and reduce the MPD's overtime expense. Adoption of an on-call system likely also would reduce court no shows.

spirit of the MPD's own rules, and hold accountable those individuals who circumvent the rules based on their individual perception of equity.

3. Tracking Discipline

In his testimony before the Special Committee, Chief Ramsey outlined a new system for reporting and tracking discipline cases.[109] He stated that he has designed a system that is "timely, credible, and which can withstand the scrutiny of others." He outlined a disciplinary and complaint process built on the six following principles:

1) The MPD will conduct internal investigations on misconduct on the basis of fairness and consistency;

2) All employees of the MPD will comply with the law and the MPD's rules and regulations in both spirit and intent. Sworn officers will be held strictly accountable for their conduct;

3) The community will be provided with easy to use mechanisms to register complaints and obtain information regarding their complaints;

4) Investigations will be conducted fairly and impartially with due respect for the rights of members according to the Constitution and the bargaining agreement;

5) The Department will aim to prevent misconduct; and

6) All employees must understand their role and perform their obligations in preventing, reporting, and investigating misconduct.

The Chief then announced a new procedure to take effect immediately: all complaints received are brought to the attention of a supervisor. The supervisor then has one hour to report the matter to the Office of Professional Responsibility. OPR will then assign the case a case number for tracking.[110]

Automated tracking will help prevent individual cases from slipping through the cracks. For example, Captain Maria Alvarenga testified concerning her experience with the disciplinary process. Alvarenga was charged with two counts of misconduct on February 24, 1997. The HRO's initial

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[109] Statement of Charles H. Ramsey (June 30, 1998), App. G, Doc. 4.

[110] The new reporting and tracking procedures are identical to the procedure used by the Chicago Police Department. See App. G, Doc. 5.

recommendation was for Alvarenga to serve a 20-day suspension. Alvarenga responded timely to the HRO who, in turn, timely denied that response. Alvarenga then appealed to the Chief of Police on April 9, 1997. Under MPD procedure, the Chief had 15 days to respond to her appeal. Alvarenga did not receive the MPD's response until March 31, 1998, almost one year later. That decision dismissed one count and reduced the recommended suspension to ten days. Because of the delay in obtaining final agency action, Alvarenga may have a viable claim for arbitration irrespective of the merits of the MPD's position. Employing a tracking system of the type suggested by Chief Ramsey may help prevent such situations.

On a related note, the Special Committee recommends that the new tracking system follow the disciplinary proceeding from the complaint stage through arbitration. The Special Committee was surprised to learn that the HRO's computer files are not integrated with Labor Relations files. Thus, the HRO is unable readily to access information regarding the disposition of an appeal to the Chief of Police or a submission to the arbitrator.[111] The Special Committee believes that one system should allow officials involved in the disciplinary process quick access to all relevant information. The Chief's proposed system should achieve that result. Moreover, the system should provide the MPD with the capability to perform meaningful analyses of the information based upon such factors as race, gender, unit, and offense type.

4. Miscellaneous

As previously discussed, the union contract covers only officers and sergeants. At the time of the incident giving rise to her disciplinary case, Alvarenga was a lieutenant in the Fourth District and had recently sat for the captain's examination. Alvarenga was seventh on the list for promotion to captain; that list was to expire in August 1998. Alvarenga was charged with one count of making a false statement and one count of insubordination. The HRO's initial recommendation was that Alvarenga receive a 20-day suspension for the charges. The union contract provides that the MPD may hold in abeyance the promotion of any individual who has a pending suspension of 20 or more days. Because Alvarenga was a lieutenant at the time the charges were made, the contract did not apply to her situation. Yet, the MPD chose to hold Alvarenga to the terms of the union contract and blocked her promotion. The MPD had no written policy concerning the treatment of officials subject to discipline. While the Special Committee lauds the MPD for attempting to treat officers and officials equally, the MPD must ensure that every employee has adequate notice of the rules that may affect his or her livelihood. Therefore, the Special Committee recommends that the MPD place all such rules in writing and provide appropriate notice to all potentially affected personnel.

Alvarenga's case illustrated another issue of concern to the Special Committee; i.e., the level of discretion given to the individual who recommends the charges in the first instance. In Alvarenga's case, the MPD first recommended a 20-day suspension for the two charges. Alvarenga

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[111] Indeed, lack of information regarding the outcome of arbitrations may be a contributing factor to the MPD's poor arbitration record.

received no explanation concerning the basis for the 20-day recommendation. MPD made no attempt to show that the punishment was consistent with similar cases. This especially concerned the Special Committee for two reasons. First, because the 20-day threshold has such a major impact on a individual's promotional prospects, more care should be given when making a recommendation of that magnitude. Second, the false statement charge was eventually dropped for lack of evidence and the recommended penalty reduced to 10-day suspension. Thus, Alvarenga's promotion was delayed due to a charge that arguably never should have been asserted. The Special Counsel recommends that the MPD review its disciplinary procedures to ensure that recommended punishments are not arbitrary but are based on a combination of the likelihood of proving the charges, the severity of the infraction and valid and articulated precedents.

One way to prevent unreasonable initial recommendations that the MPD may consider would be to narrow the penalty ranges for certain types of misconduct. While this issue was not addressed specifically in the hearing, the Special Committee notes that the penalty ranges set forth in the General Orders gives the individual making the recommendation wide latitude in setting the penalty.[112] Obviously, the MPD needs flexibility in setting penalties based upon the mitigating or aggravating circumstances of each case. Nevertheless, the Special Committee finds it problematic that most violations allow for penalties to range from reprimand to removal for the first offense. Having such a wide range of penalties can have the undesired effect of permitting wide variations in the relative severity of punishments based upon the philosophy of the command staff at any given time. The Special Committee suggests that the MPD review the penalty ranges so that penalties will remain consistent and predictable regardless of the disciplinary philosophy of any one particular official. The proposed tracking system should help achieve this result.

Finally, the Special Committee heard anecdotal reports of veteran officers retiring or resigning while under disciplinary investigation. Under current MPD policy, officers may decide unilaterally to retire and collect pension rights and other benefits[113] accrued during tenure on the department. Officers who have served the requisite number of years to accrue full pension rights are colloquially known to be members of the "KMA" or "Kiss My Ass" club, because they consider themselves beyond the reach of department discipline. Moreover, high-ranking officials accused of misconduct appear often to opt for retirement before an investigative finding because their length of service affords them full pension rights.[114] An additional incentive for a high-ranking official to

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[112] General Order 1202.1, Table of Penalties, App. G, Doc. 6.

[113] Accrued benefits other than pension rights that are payable upon retirement or resignation may include lump sum distributions for unused leave or compensatory time.

[114] The retirement of former Chief Larry Soulsby in November 1997 is an example. Soulsby retired under investigation for his potential involvement in the alleged misconduct of Lt. Jefferey Stowe, a friend and associate of Soulsby, including Stowe's renting of a luxury apartment under false pretenses (claiming it was to be used for a police undercover investigation). Soulsby shared the apartment with Stowe. Notwithstanding the seriousness of the allegations and the pending investigation, Soulsby retired will a full

retire when under investigation is that his pension is calculated according to the rank he held at retirement. If an official is demoted after a disciplinary investigation, resulting in a corresponding reduction in salary, his pension also will be reduced if he subsequently retires at a lower rank.

OPR Director Inspector Kim Dine assured the Special Committee that the Office of Internal Affairs does not terminate an ongoing disciplinary investigation because of a subject's retirement. Even if the investigation continues to a finding, however, currently MPD cannot impose any discipline. Regardless of the severity of the officer's misconduct -- assuming that the officer is not subject to criminal prosecution -- he is permitted to retire unscathed, with full accrued pension rights and other benefits.

The Special Committee believes that officers who are under disciplinary investigation should not be permitted to escape entirely the consequences of their misconduct. One avenue to consider would be whether the MPD could refuse to accept an officer's tender of retirement during the pendency of a disciplinary investigation into that officer's conduct. The Special Committee proposes that the MPD could conditionally accept the officer's retirement, but withhold payment of pension or other accrued benefits until a disciplinary investigation is concluded and findings are made. Should the officer be exonerated or the allegations not be sustained, he would receive full pension and benefits. Should the allegations be sustained, a fine could be imposed equal to the number of days of suspension that the officer would have received if he had remained on the force. That fine could be offset against the officer's final paycheck or lump sum distribution of benefits or withheld over time from pension payments.[115]

The Special Committee recognizes there are potential difficulties with this approach. For example, the question arises whether the MPD must continue to pay officers who have "conditionally retired" until their formal separation from the department. Preferably, an officer who has voluntarily retired under investigation should not collect salary; rather, he should be deemed to have voluntarily taken unpaid leave pending the investigation. In addition, it is unclear whether federal and local law, or the MPD Labor Agreement, would permit "conditional retirement" or offset of benefits. Even if benefits could not be offset, there may be value in creating a status of "retirement under disciplinary investigation" and making information about officers who retire under disciplinary investigation available to potential future employers or other interested parties.[116]

Officers' rights, of course, must be protected. If an officer were to retire without knowledge of a confidential disciplinary investigation, he should not be penalized. Similarly, to ensure that an

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annual pension of $74,800 per year.

[115] Current D.C. law permits the District to deduct debts owed to the government from an employee's salary, except for retirement pay. D.C. Code §§ 1-630.3 to 1-630.4. The omnibus legislation permits exaction of a disciplinary fine as a "debt" upon retirement.

[116] Such a status would not be unlike a dishonorable discharge from military service.

officer's reputation and benefits are not jeopardized by minor disciplinary infractions. "conditional retirement" should be reserved for certain enumerated serious offenses (e.g., felony criminal convictions, fraud, theft, excessive force, perjury). Finally, officers who are in "conditional retirement" should be provided the same opportunities to participate in the disciplinary process as they would have been afforded had they remained on the force (i.e., notice and opportunity to be heard).

The Special Committee recommends that the Council adopt legislation consistent with the omnibus proposal that establishes a "conditional retirement" system.

5. The Office of Internal Affairs

There are no specified procedures or written guidelines that determine whether a disciplinary investigation should be handled at the unit level or by OIA. Currently, the system relies on the experience and professional discretion of the investigators at OIA to determine whether OIA should get involved. Also, there is no formal system for the field units to apprise OIA of all discipline investigations, such as corrective actions, within the MPD. Unless the investigation is initiated by a PD 99 (citizen complaint), there is no formal process to inform OIA of allegations of misconduct.[117] The Special Committee recommends that the MPD draft written guidelines addressing the circumstances under which investigations should be conducted at the unit level and provide a mechanism for OIA to obtain information concerning all allegations of misconduct, including corrective actions.

Prior to 1994, the bulk of internal investigations were handled by OIA. In that year, however, a new mission statement was issued that permitted OIA to use professional discretion in deciding which cases to handle and which cases to "farm out" to the units. Generally speaking, Internal Affairs handles complex investigations that involve on-going violations rather than an after the fact investigation of a discrete incident. OIA also tends to handle offenses that can result in serious discipline such as a 30-day suspension or more. Serious offenses or discipline investigations also can be handled at the district level, including excessive force cases. In many police departments, certain serious cases, such as excessive force and bribery cases, are referred solely to Internal Affairs. There are no such clear referral lines currently in the MPD. Instead, referrals to the units are made on an ad hoc basis.

Internal Affairs initiates investigations through citizen complaints, referrals from commanders, and from the USAO. OIA maintains regular contact with the Public Corruption Section of the USAO and participates in a recently-established task force with the USAO and the Federal Bureau of Investigation.

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[117] The previously discussed automated tracking system recently installed by Chief Ramsey should correct this deficiency.

As mentioned, OIA handles allegations of corruption involving other all District agencies. To that extent, OIA's jurisdiction currently overlaps with that of the D.C. Inspector General. Police departments around the nation appear to be split as to whether a police internal affairs division should investigate corruption in other government agencies. For example, the Chicago Internal Affairs Division only investigates the police department and there is a separate Inspector General to investigate allegations of corruption for other city agencies. In contrast, the Illinois state police internal affairs branch is authorized to investigate any executive branch employee. MPD officials thought that both approaches had strengths and weaknesses. On the one hand, because of Internal Affairs investigatory expertise, it makes sense for OIA to investigate corruption in any agency. On the other hand, depending on OIA's work load, investigating all District agencies could overload the resources of the office. The Special Committee concludes, therefore, that the jurisdiction of OIA is best left to the professional discretion of the MPD.

6. **Internal Affairs Staffing**

The Office of Internal Affairs has between 31-33 agents, four lieutenants, and two captains. Agents are either sergeants or detectives. Of the 33 agents, approximately 18 are sergeants and the remainder are detectives. Previously there was a seniority requirement for people assigned to OIA. OIA investigators needed to be at the rank of sergeant or above. In 1994, however, detectives were assigned for the first time to OIA in order to reinvigorate the branch. The Department believed that detectives could supply broader investigatory expertise.

Persons assigned to OIA serve at the discretion of the Chief of Police or the Director of OIA, and they relinquish their union rights. Investigators apply for the job at OIA, which conducts a background check reviewing the basic credit and criminal records and the officer's disciplinary records. The background checks do not include polygraph examinations, interviews, or reinterviewing of neighbors or references. Because of the sensitive nature of the position, the Special Committee recommends that the MPD conduct full background investigations of OIA applicants similar to the investigations conducted of new applicants by the Recruiting Division.

Currently, there is no minimum investigatory experience requirement for OIA. As a practical matter, OIA personnel generally have at least 5 years on the job and 3 years investigatory experience. The Special Committee recommends that the MPD formalize this requirement. In interviews with Special Committee Staff, Executive Assistant Chief Terrance Gainer raised the idea of recruiting officers directly out of the Academy to work at OIA. By recruiting officers from the Academy, the MPD can utilize them in undercover operations before the officers become familiar to other members of the force. Gainer stated that Chicago, Los Angeles, New York City, and Detroit recruit officers out of the in-training academies to work at OIA. It is an approach worth consideration. Currently, if OIA requires the assistance of investigators for undercover operations, it will use FBI agents or persons on assignment from neighboring police departments.

Executive Assistant Chief Gainer also stated that OIA may be too small given its responsibility for investigating corruption throughout the city government. The Chief will review

OIA's case-load and statistics before making any decisions. Gainer believed it likely that OIA will receive more personnel.

7. **OIA's Relationship with Other Agencies**

OIA is working on strengthening its relationships with other agencies. This is of particular importance considering the high level of interdependence between OIA and certain other agencies. For example, OIA frequently seeks the assistance of FBI agents for undercover investigations.

OIA's reliance upon other agencies is best illustrated by the recent investigation of misconduct within the District of Columbia Water & Sewer Authority ("WASA"). While the hearing testimony did not describe the details of the matter, it was disclosed that the problem concerned the USAO's delay in handing down indictments relating to corruption in the WASA. Commander Lloyd Coward noted that while the relationship between OIA and the USAO generally is healthy, there are some ways in which it could improve.[118] First, he cited with approval the recent institution of the USAO, OIA, FBI task force. Coward also suggested that the USAO might assign a prosecutor to OIA much like the community prosecution program that appears to be working well in the Fifth District. This would allow the agencies to avoid problems such as the WASA case by having a prosecutor dedicated to OIA who could put the proper time and energy into such cases. Investigators also would benefit by having a prosecutor close at hand to provide insight and feedback.

An opposing viewpoint was offered by Sergeant Phil Burton (Ret.). Mr. Burton was the agent assigned to the Water & Sewer investigation. He resigned as a result of what he saw as an unreasonable delay in bringing indictments on the part of the USAO and a perceived lack of support by his superiors at OIA. Burton cautioned the Special Committee on Commander Coward's suggestion of a prosecutor assigned to OIA. His experience with the WASA case led him to the conclusion that a prosecutor can effectively co-opt officials at OIA and delay a case. Instead, Burton suggested assigning a prosecutor to each agency of the government so that the prosecutor would develop some expertise in the operations of and issues of concern to that agency and have a stake in rooting out corruption within that agency.

Burton also suggested that OIA provide introductory training and orientation to new agents in OIA so that everyone is familiar with how the office operates. This is particularly important considering that OIA has a number of policies that are different than those of other MPD units.

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[118] Commander Coward now commands the Fifth District. During the Water & Sewer investigation, however, he was the Director of the Office of Professional Responsibility.

8. Recommendations

The Special Committee recommends that MPD:

(1) Overhaul the operating procedures for internal investigation of police misconduct to provide for a centralized system similar to that of the Chicago Police Department. These revised procedures would include:

i. initial referral to and overall coordination by the Office of Professional Responsibility;

ii. a centralized system for tracking discipline within the Department;

iii. a specialized recruitment and training program for Internal Affairs officers;

iv. a comprehensive procedures manual for the Office of Internal Affairs that provides clear guidance on investigative procedures and liaison with other law enforcement agencies;

v. an early warning and intervention system for officers who are repeatedly the subject of complaints, including provisions for appropriate intervention;

vi. revised procedures for the institution of discipline at the district/unit level and the department level; and

vii. revised procedures for the review of disciplinary decisions by the Chief of Police.

(2) Alter the reporting relationship of Labor Relations with respect to appeals of adverse action cases to the Chief of Police in order to prevent even the appearance of undue influence from the HRO.

(3) Ensure that all of its stated disciplinary procedures are followed in both letter and spirit.

(4) Improve its arbitration record by more carefully selecting cases for arbitration based upon likelihood of prevailing on the merits.

Chapter 5
REFERRALS FOR INVESTIGATION

The Special Committee investigated allegations of individual police misconduct involving potential violations of MPD policy and District of Columbia law. The Special Counsel and in some instances Special Committee Co-Chairs received information regarding such allegations through witness interviews, calls to the hotline and other sources. Each allegation was reviewed, and if the facts suggested a possible violation, the matter was referred to the appropriate law enforcement agency. Violations of MPD policy were referred to MPD's Office of Professional Responsibility. Violations of law were referred to the District of Columbia Inspector General and the U.S. Attorney.

The Special Committee referred for investigation approximately 65 such cases of alleged police misconduct. The allegations ranged from specific violations of MPD policy to potential violations of criminal law.

The Special Committee referred to the Office of Professional Responsibility for further investigation allegations of violations of MPD regulations and District of Columbia law, including:

a. False statements in connection with employment applications;

b. False statements in connection with testimony before a governmental body;

c. Theft of MPD equipment;

d. Abuse of police powers;

e. Frequenting the premises of known prostitutes;

f. Frequenting the premises of known drug dealers; and

g. Unauthorized off-duty employment.

The Special Committee referred to the Office of the Inspector General for further investigation allegations of violations of District of Columbia law, including:

a. Diversion of MPD funds;

b. Theft of MPD property; and

c. Violation of off-duty regulations and conflict of interest.

The Special Committee referred to the Office of the United States Attorney for the District of Columbia for further investigation information concerning the allegations brought to the attention of the Council by MPD officers in October and December 1997.

The Special Committee recommends that the MPD, the U.S. Attorney, and the Inspector General expeditiously investigate these matters so as to remedy alleged MPD misconduct.

Chapter 6
PROPOSED LEGISLATION

The District of Columbia Omnibus Police Management Reform Act of 1998

Chapter 1. Recruiting and Training

Section 1. Minimum Standards for Members of the Metropolitan Police Department

(a) Prior to appointment, an applicant to become a sworn member of the Department must:

(1) be a citizen of the Untied States at the time the application is made;

(2) be [18-21] years of age at the time the application is made;

(3) be fingerprinted and be subjected to a search of local, state and federal records and fingerprint files to disclose any criminal record;

(4) not be on any court-ordered community supervision or probation for any criminal offense;

(5) not have been convicted of any misdemeanor above a Class __ misdemeanor within the five years immediately preceding the date of the application;

(6) not have ever been convicted of an offense that is a felony in the District of Columbia. This requirement is inapplicable if the conviction concerned conduct that occurred while the applicant was a minor and the conviction was not for a crime of violence as defined in D.C. Code § 22-3201. Notwithstanding the foregoing, the Chief of Police is authorized to deny employment to any applicant based upon conduct occurring while the applicant was a minor if, considering the totality of the circumstances, the Chief of Police determines that the applicant has not displayed the good moral character or integrity necessary to perform the duties of a sworn member of the Department;

(7) be of good moral character;

(8) be subjected to a thorough, comprehensive background investigation and be interviewed personally prior to enrollment at the academy by the Chief of Police or his designee;

(9) have successfully completed at least two years of post-secondary education, and by December 31, 2000, have successfully completed four years of post-secondary education;

(10) be examined by a licensed physician and be declared in writing within 180 days before the date of employment:

(A) to be physically sound and free from any defect which may adversely affect the performance of duty; and

(B) to show no trace of drug dependency or illegal drug use;

(11) be examined by a licensed psychologist or psychiatrist and be declared in writing within 180 days of employment to be in satisfactory psychological and emotional health;

(12) not have been discharged from any military service under less than honorable conditions including, specifically:

(A) under other than honorable conditions;

(B) bad conduct;

(C) dishonorable; or

(D) any other characterization or service indicating bad character;

(13) not have been the subject of a prior involuntary termination of employment from the Department; and

(b) Each applicant appointed to the Department must successfully complete the initial training program pursuant to Section 2 of this Chapter, except that the Chief of Police is authorized to waive this requirement for:

(A) any applicant who is a former sworn member of the Department who has been separated from employment with the Department for less than three years; or

(B) any former member of another federal, state or local law enforcement agency who has completed training similar to the Department's initial training program and has been separated from employment with a federal, state or local law enforcement agency for less than three years.

(c) For the purpose of this section, the Department shall construe any court-ordered community supervision, probation or conviction for a criminal offense to be its closest equivalent under District of Columbia law if the offense arose from a penal provision of any state, federal, military or foreign jurisdiction.

(d) A classification of an offense as a felony at the time of conviction will never be changed because District of Columbia law has changed or because the offense would not be a felony under current District of Columbia laws.

Section 2. Reimbursement of Expenses

The Department shall bear all costs attributable to the application process, provided however, that the Department shall require any applicant who declines a bona fide offer of employment from the Department to reimburse the Department for reasonable and necessary expenses relating to the review of that applicant, including the costs of any background check or medical examination.

Section 3. Mandatory Initial Training Program for Members of the Metropolitan Police Department

(a) Prior to deployment, each applicant selected for appointment as a sworn member of the Department shall successfully complete an initial training program developed by the Department unless the applicant receives a waiver pursuant to section 1 of this Chapter.

(b) With the exception of firearms training, the initial training program consist of a minimum of 1100 hours of instruction.

(c) The initial training program may include supervised initial deployment of the applicant prior to actual deployment as a sworn member, provided however that such initial deployment shall not commence until after the applicant has completed the mandatory subjects of coursework provided in subsection (d).

(d) Mandatory Subjects - The following subjects shall be included as part of every applicant's initial training program:

(1) Constitutional and statutory law;

(2) Administrative duties;

(3) Patrol techniques and responsibilities;

(4) Traffic;

(5) Criminal investigation;

(6) Emergency medical care;

(7) Communications;

(8) Report writing and composition;

(9) Community Relations and Community Policing;

(10) Crisis intervention;

(11) Protective strategies and tactics;

(12) Emergency vehicle operations;

(13) Prisoner processing and security;

(14) Trial testimony;

(15) Civil rights, racial and ethnic sensitivity, and cultural diversity; and

(16) the recognition and documentation of cases that involve the abuse, neglect or exploitation of minors, domestic violence, sexual assault, and issues concerning sex offender characteristics.

(e) Prior to deployment, each applicant shall successfully complete an initial firearms training program developed by the Department.

(f) The Department shall determine the appropriate sequence, content and duration of the initial training program and the initial firearms training program.

(g) The Department is authorized to utilize the services of other law enforcement agencies or organizations engaged in the education and training of law enforcement personnel in order to satisfy any portion of the initial training program or the initial firearms training program.

Section 4. Mandatory Continuing Education Program for Sworn Members of the Metropolitan Police Department

(a) The Department shall develop and implement a program of continuing education for its sworn members. Each sworn member of the Department shall be required satisfactorily to complete the continuing education program each calendar year; except that participation in the continuing education program shall not be required of sworn members until the calendar year after the officer's successful completion of the initial training program in accordance with Section 2 of this Chapter.

(b) The Chief of Police may grant an extension of time not to exceed 90 days for completing the continuing education program under the following conditions:

(1) Illness or injury;

(2) Military service;

(3) Special duty or assignment performed in the public interest;

(4) Administrative leave involving the determination of worker's compensation or disability retirement issues, full time educational leave or suspension pending investigation or adjudication of a crime; or

(5) Any other reason documented in writing on an individual basis by the Chief of Police.

(c) The Department's continuing education program shall consist of the following required components:

(1) community policing, civil rights, racial and ethnic sensitivity, cultural diversity; and

(2) the recognition and documentation of cases that involve the abuse, neglect or exploitation of minors, domestic violence, sexual assault, and issues concerning sex offender characteristics.

(d) The Department's continuing education program shall consist of 32 hours of training each year with a minimum of 10 hours devoted to the required components outlined in subsection (c). The remaining hours shall consist of additional topics selected by the Chief of Police or his designee.

(e) If a sworn member fails to complete any portion of the mandatory 32 hours of continuing education by December 31 of any calendar year, the Department shall add the number of hours missed in that calendar year to the 32 hours required in the following year.

(f) Each calendar year, in addition to the 32 hours of mandatory continuing education, each sworn member of the Department shall be required to successfully complete a firearms training program established by the Department. If a sworn member fails to successfully complete the firearms training program by December 31 of any calendar year, the Department shall confiscate the member's firearm until the member successfully completes the firearms training program.

(g) No member shall be eligible for promotion until he has successfully and fully completed the continuing education requirements as provided herein, including any accumulated hours resulting from failure to complete the program in any calendar year.

(h) The Department is authorized to utilize the services of other law enforcement agencies or organizations engaged in the education and training of law enforcement personnel in order to satisfy any portion of the 32 hours of required continuing education or the firearms training program. The Chief of Police shall establish guidelines for the approval of any such training program.

(i) Nothing contained in this Chapter shall be construed as prohibiting the Department from establishing standards exceeding the standards set forth in this Chapter, including, but not limited to, increasing the sanctions for sworn members failing to comply with the requirements of this Chapter.

Section 5. Qualifications of Instructors

(a) An instructor of any component of the Department's initial training program, continuing education program or firearms training program shall:

(1) Meet the minimum standards for members of the Metropolitan Police Department as set forth in section 1 of this Chapter;

(2) Be at least 21 years of age;

(3) Have substantial experience in education or in the special field or subject area to be taught, defined as:

(A) three years experience as a law enforcement officer;

(B) a college degree and two years of teaching experience; or

(C) a post-graduate degree;

(4) Have successfully completed an instructor training course or its equivalent, as determined by the Chief of Police; and

(5) Not be under or administrative leave involving the determination worker's compensation or disability retirement issues or suspension pending investigation or adjudication of a crime.

(b) The Chief of Police is authorized to grant a waiver of subsections (a)(1) and (a)(3) of this section to a person of specialized skill to conduct a training program in that person's area of expertise.

Section 6. Annual Recruiting and Training Report

(a) The Chief of Police shall, not later than November 31 of each calendar year, deliver a report to the Mayor and the Council concerning the Department's initial training program, continuing education program, and firearms training program.

(b) The report shall include:

(1) A detail of the number of applicants who have successfully completed the application process;

(2) A detail of the number of applicants who have completed the initial training program;

(3) A detail of the number of sworn members who have completed the continuing education and firearms training programs; and

(4) A plan for the following calendar year's recruiting efforts and initial and continuing education programs, including plans for correcting any deficiencies indicated by the data from the preceding calendar year.

Section 7. Effective Date.

Each section of this Chapter shall become effectively immediately upon adoption by the Chief of Police of regulations to implement that section. The Chief of Police shall adopt regulations to implement Sections 1 and 2 within 30 days of enactment of this Chapter. The Chief of Police shall adopt regulations to implement Sections 4 through 6 within 120 days of enactment of this Chapter.

Chapter 2. Regulation of Off-Duty Employment

Section 1. Findings

(1) The Council finds that off-duty or "outside" employment by members of the Metropolitan Police Department in private businesses requires strict regulation to

prevent conflicts of interest and to ensure that such off-duty or outside employment does not interfere with the members' performance of their police duties.

(2) The Council finds that the Metropolitan Police Department's current system for regulating outside employment does not provide sufficient safeguards or oversight to ensure that existing regulations are followed.

(3) The Council finds that there is a widespread practice of members of the Metropolitan Police Department acting as referral agents and third-party employers or other members of the Metropolitan Police Department in violation of police General Order 201.17 and Section 2.5:3 of the Regulation Enacting the Police Manual for the District of Columbia enacted January 14, 1972 (Reg. 72.2: 18 DCR 417).

(4) The Council finds that the practice of officers scheduling, brokering, or acting as referral agents for other officers who engage in outside employment presents an inherent conflict of interest.

(5) The Council finds that excessive outside employment and overtime can result in police officer exhaustion and interfere with an officer's performance of his police duties.

(6) The Council finds that a significant number of members of the Metropolitan Police Department who engage in outside employment are employed at ABC establishments.

(7) The Council finds that outside employment by members of the Metropolitan Police Department at ABC establishments constitutes an inherent conflict of interest because the police regulate such establishments, at least in part.

Section 2. Definitions

(1) "ABC Establishment" means any business licensed or required to be licensed by the District of Columbia Department of Consumer and Regulatory Affairs Alcoholic Beverage Control Division and which sells alcoholic beverages for consumption on the premises.

(2) "Brokering Outside Employment" means any practice whereby one member of the Metropolitan Police Department acts as an intermediary, liaison, referral agent, consultant or third-party provider of police-related outside employment between a current or potential outside employer and any other member of the Metropolitan Police Department for the purpose of scheduling, coordinating, or any other similar activity.

(3) "Outside Employment" means the engagement in any line of business or the performance at any time for the purpose of obtaining wages, salary, fee, gift, or other compensation, of any work of service of any kind for any person, firm or corporation other than that required by one's official position in the Metropolitan Police Department.

(4) "Overtime" means any employment for the Metropolitan Police Department outside of a member's regular tour of duty and for which a member receives compensation from the District of Columbia government.

(5) "Police-Related Outside Employment" means any outside employment which is conditioned upon membership in the Metropolitan Police Department and/or possession and potential use of a member's service weapon and/or police powers.

Section 3. Outside Employment at ABC Establishments Prohibited.

Section 2.5:3 of the Regulation Enacting the Police Manual for the District of Columbia enacted January 14, 1972 (Reg. 72.2; 18 DCR 417) is amended to include the following:

"No member shall engage in outside employment for any person, firm, or corporation as a private detective, civil process server, or in any capacity at any commercial establishment licensed by or required to be licensed by the District of Columbia Department of Consumer and Regulatory Affairs Alcoholic Beverage Control Division and which sells alcoholic beverages for consumption on the premises."

Section 4. Brokering for Outside Employment Prohibited.

Section 2.5:3 of the Regulation Enacting the Police Manual for the District of Columbia enacted January 14, 1972 (Reg. 72.2; 18 DCR 417) is amended to include the following:

"No member shall act as an intermediary, liaison, referral agent, consultant or third-party provider of police-related outside employment between a current or potential outside employer and any other member of the Metropolitan Police Department for the purpose of scheduling, coordinating, or any other similar activity. No member shall solicit any other member to work outside employment. No member shall be approved as a third-party employer of other members."

Section 5. Discipline of Members who Engage in Brokering.

Any member of the Metropolitan Police Department who engages in brokering outside employment shall be subject to department discipline at the discretion of the Chief of Police, including adverse action. Any member of the Metropolitan Police Department at the rank

of Captain or above who engages in brokering outside employment shall be subject to adverse action.

Section 6. Regulation of Outside Employment: Report.

Within 120 days of the effective date of this Act, the Chief of Police shall propose regulations and prepare a report, for consideration and adoption by the Council, of a comprehensive outside employment policy addressing the following subject areas. The proposed policy and report shall be referred to the Council Committee on the Judiciary.

The Chief of Police shall propose a policy that sets the maximum number of hours any member of the Metropolitan Police Department can work outside employment, overtime, and regular duty per week. Such policy shall include a requirement of at least 8 continuous hours without outside employment or overtime between regular duty shifts. Such policy shall not permit any member to work more than 25 hours of outside employment per week, or more than 16 hours per day of total police-related employment, including outside employment, regular duty, and overtime.

The Chief of Police also shall consider alternative methods of regulating outside employment, including a system whereby the Metropolitan Police Department contracts directly with private employers to provide members to engage in police-related outside employment and for which members are compensated by the police department rather than directly by private employers. If the Chief of Police concludes that such a department-contract model for outside employment is not advisable, he shall consider alternative methods for regulating outside employment in use in other jurisdictions. The Chief of Police also shall consider use of the Time, Attendance, and Court Information System to monitor outside employment. The proposed policy shall include provisions setting minimum wages for outside employment. The policy shall include provisions relating to liability of the Metropolitan Police Department to third parties approved by members engaging in outside employment and indemnification by outside employers to the Department for such liability.

Section 7. Effective Date. Retroactivity.

This Chapter shall be effective immediately upon enactment and applied retroactively, provided however that no member of the Metropolitan Police Department shall be disciplined for having engaged in conduct in violation of this Act prior to its effective date in conformity with the then-existing rules and regulations of the Metropolitan Police Department.

Chapter 3 Deposit of Seized Currency

Section 1. Definitions

(1) "Seized currency" means any currency or negotiable instrument with monetary value, including personal checks, commercial checks, cashier's checks, traveler's checks, bearer bonds, or money orders, seized by the Metropolitan Police Department or other District of Columbia law enforcement agency pending criminal or civil forfeiture proceedings.

Section 2. Seized Currency Deposited in Financial Institution

(a) Pending final disposition of forfeiture proceedings, seized currency shall be deposited promptly in an interest-bearing escrow account in a financial institution to be administered by the Corporation Counsel. To the extent practicable, foreign currency or negotiable instruments in foreign currency shall be converted to U.S. currency and deposited.

(b) Upon dispositions of forfeiture proceedings, seized currency deposited shall be transferred to a general revenue fund for the District of Columbia, together with any accrued interest, or returned to the owners thereof as directed by the Court.

Section 3. Exception

(a) Pursuant to a request from the United States Attorney for the District of Columbia, the Chief of Police may grant an exception to this policy in extraordinary circumstances provided that the seized currency is to be used as evidence and has some independent evidentiary value. Seized currency retained pursuant to an exception shall be stored according to routine evidentiary procedures determined by the Chief of Police.

(b) "Independent evidentiary value" as used in subsection (a) of this section includes, but is not limited to, the presence of fingerprints, written notations, or dye markings; packaging in an incriminating fashion; or traceable amounts of narcotic residue or other identifying substance.

(c) In determining whether an exception shall be granted, the Chief of Police in consultation with the United States Attorney for the District of Columbia shall consider whether other means of preserving the independent evidentiary value of the seized currency is feasible, including photography.

(d) If only a portion of the seized currency has independent evidentiary value, the remainder shall be deposited pursuant to this Chapter.

(e) This Chapter does not apply to currency advanced from appropriated funds for use in undercover activities.

Section 4. Implementation

In consultation with the United States Attorney for the District of Columbia and the Corporation Counsel, the Chief of Police shall promulgate regulations to implement this Chapter within 30 days of its enactment. This Chapter shall be retroactive and all seized currency within the possession of the Metropolitan Police Department shall be promptly deposited upon enactment of this Chapter and adoption of the regulations.

Chapter 4: Retirement Under Disciplinary Investigation

Section 1. Findings.

(1) The Council finds that members of the Metropolitan Police Department currently are permitted to retire or resign from the police while under disciplinary investigation without ramifications for their potential misconduct.

(2) The Council finds that no member who is under investigation for alleged misconduct should be permitted entirely to escape discipline through retirement or resignation while under investigation.

Section 2. Definitions.

(1) "Conditional Retirement" means that a member has retired from the Metropolitan Police Department while under disciplinary investigation for serious misconduct.

(2) "Disciplinary Investigation" means any official investigation by the Metropolitan Police Department, including but not limited to the Office of Internal Affairs, of allegations of serious misconduct by any member of the Metropolitan Police Department.

(3) "Serious Misconduct" means any felony violation of federal, local, or District of Columbia law, making of a false statement under oath, falsification of official records or reports, unnecessary force, compromising a felony or assisting a person to escape investigation or prosecution thereof, use of illegal controlled substances, or other violations as determined by the Chief of Police by General Order.

(4) "Retirement" means the voluntary separation of a member from the Metropolitan Police Department after the member's pension rights, retirement pay, or other benefits have accrued and vested as provided by federal or District of Columbia law or regulation.

(5) "Resignation" means the voluntary separation of a member from the Metropolitan Police Department before the member's pension rights have accrued and vested.

Section 3. Completion of Disciplinary Investigations.

The Metropolitan Police Department shall complete a disciplinary investigation, including issuing findings pursuant to the General Orders, of a member regardless of whether that member resigns or retires while under investigation.

Section 4. Conditional Retirement.

A. Should a member of the Metropolitan Police Department retire or resign while under disciplinary investigation, that member shall be deemed to be in conditional retirement until the disciplinary investigation is completed and factual findings are made.

B. A member who is in conditional retirement shall not be paid a pension or receive other accrued benefits of any kind, including salary, compensatory time, or accrued leave, during the pendency of the disciplinary investigation into his alleged misconduct.

C. The Metropolitan Police Department shall complete the disciplinary investigation of any member in conditional retirement within 25 days from the date that the member retired or resigned. If the police department has not completed the investigation 25 days from the date or retirement or resignation, the matter shall be deemed to be closed and the allegations of misconduct not sustained.

D. If at any time during a member's conditional retirement, the Metropolitan Police Department finds that the allegations of serious misconduct are not sustained or are unfounded, the matter shall be deemed to be closed and the member's pension rights and accrued benefits shall be paid retroactive to the date at which the member initially retired or resigned from the department.

E. If the Metropolitan Police Department sustains the allegations of serious misconduct, the disciplinary process shall proceed as if the member in conditional retirement continued to be a member of the Department. The member shall be accorded all rights to which he is entitled under federal and District of Columbia law and regulations, police regulations, and any applicable labor agreement.

F. Should the Metropolitan Police Department ultimately determine that a member in conditional retirement should be subjected to discipline as provided by law and regulation, the member shall be subject to penalties in lieu of discipline as provided in Section 5.

G. A member who retires or resigns from the Metropolitan Police Department without knowing that he was under disciplinary investigation for serious misconduct shall not be deemed to be in conditional retirement, but shall instead be provided the opportunity to continue employment with the Department during the pendency of the disciplinary investigation. Should the member decide to retire or resign after he has been informed of the disciplinary investigation, he shall be deemed to be in conditional retirement as provided in this Section.

Section 5. Penalties in Lieu of Discipline for Members in Conditional Retirement.

A. The Metropolitan Police Department shall set the level of discipline for a member in conditional retirement as if he continued to be a member of the Department.

B. For each day of suspension that a member in conditional retirement would have received as discipline had he remained a member of the Department, the member shall be assessed a penalty of $100 up to a maximum of $5,000.

C. If a member in conditional retirement would have been terminated from the Department as discipline for serious misconduct, the member shall be assessed a penalty of no less than $1,000 and no greater than $5,000 in the discretion of the Chief of Police.

Section 6. Payment of Penalties.

Penalties assessed against a member in conditional retirement as provided in Section 6 shall be treated as a debt owed to the District of Columbia government and shall be deducted from the member's pension, retirement pay, or any other accrued benefits.

Section 7. Administrative Procedures Act.

A member in conditional retirement may challenge the imposition of penalties as provided in Sections 6 and 7 is an administrative proceeding before the District of Columbia Office of Employee Appeals pursuant to the District of Columbia Administrative Procedures Act D.C. Code § 1-1501, et seq.

Section 8. Severability and Construction.

This Chapter should be broadly construed to effect its remedial purpose. If any provision of this Act is ultimately judicially determined to be invalid, any remaining provisions not so found shall be given full effect where possible.

Section 9. Effective Date. Retroactivity.

This Chapter shall be effective immediately upon adoption of regulations by the Chief of Police to implement this Chapter. The Chief of Police shall adopt such regulations within 60 days of enactment.

Responses to
Senate DC Government Subcommittee
Follow-up Questions

1. District Strategy for Training and Human Resource Development

The District of Columbia's training strategy is addressed in *FY 2000 Key Budget Issues*, Chapter 6, "Human Resource Development: Developing a More Capable Workforce."

- See **ATTACHMENT A**

2. What is the plan for benchmarking District services against other jurisdictions?

The District of Columbia will build on two benchmarking studies conducted by the Office of Budget and Planning in 1998 and 1999. The first study attempted to benchmark 15 district agencies against comparable agencies in nine cities but found that many measures used by District agencies were not directly comparable to parallel agencies in other jurisdictions. This is a common problem in benchmarking and was reflected in data mismatches among the benchmark sites. Even with the data mismatches, useful benchmarking data was incorporated into the FY 1999 Operating Budget and Financial Plan

The follow-up study focused on five cities that Mayor Williams had visited on a fact-finding tour—Detroit, Indianapolis, Philadelphia, Phoenix and Portland, Oregon—and informed the budget formulation for the FY2000 Proposed Operating Budget. Based on the lessons learned about comparability, great emphasis was placed on identifying a few comparable measures among the five sites rather than requesting many sites to match the way data is gathered and reported in the District. The focus of this study was on efficiency in terms of costs, personnel and facilities. For instance, the study revealed that the Fire and Emergency Services Department serves a smaller geographic area, has more fire stations per square mile and has more employees per 10,000 residents than any of the comparable benchmark sites. (See **ATTACHMENT B** from May 3 testimony).

In summer 1999, the District will expand upon this research with follow-up research in the five jurisdictions cited above. The initial focus will be to benchmark the DC Scorecard measures against these five sites as well as against neighboring jurisdictions to learn how the District compares against cities and counties in the surrounding region. The District is also participating in the *Regional Performance Measurement Consortium*, whose membership includes Alexandria, Arlington, Fairfax County, Herndon, Prince William County, and Virginia Beach, Virginia as well as Montgomery County and Prince George's County, Maryland. This effort will provide comparative data as well as support multi-jurisdictional cooperation on a variety of initiatives including, but not limited to, economic development, combating crime and establishing performance-auditing standards.

3. Status of Position Reclassification Initiative

The D.C. Office of Personnel has awarded Deloitte and Touche consulting firm with the contract to design a new automated Classification/Compensation System, which will be directly linked to the new Performance Evaluation System also underway. These initiatives will be completed by September 30, 1999, at which time proposals will be submitted to the Mayor, and to the D.C. Council for approval.

The objective is to design new systems to:

- Reflect organizational values and objectives;
- Align with D.C. government's strategic business goals;
- Meet legislative requirements;
- Objectively measure employee performance; and
- Accurately classify positions directly tied to a competitive pay structure.

Deloitte & Touche will ensure these two new systems are designed to reflect the "best practices" being utilized today, as well as the vision, goals, and objectives of the Mayor. Specifically, over the next several months, Deloitte & Touche consultants will conduct individual management interviews with agency heads, members of the D.C. Council, union representatives from the Labor/ Management Partnership Council, and other key stakeholders. A representative sample of employees will also be invited to participate in focus group sessions to provide their viewpoints on our current performance evaluation and classification/compensation systems, and, to develop ideas for redesigning these two systems. Customized salary surveys will be sent to peer organizations, including major cities, local municipalities and government agencies, and local private sector companies to assess our competitiveness in the market.

The rollout across various agencies will be decided after this approval process. This will include the reclassification of all positions and the training all managers on the new system.

- See **ATTACHMENT C**, Statement of Work, District of Columbia Classification/ Compensation System.

4. District of Columbia Incentive Programs for Employees

Existing incentive awards programs
The District has a wide variety of awards programs that include tangible and honorary awards. Employees may receive cash awards for suggestions of process improvements that yield tangible or intangible benefits:

- Up to $25,000 for suggestion with a tangible benefit (proportional to benefit)
- $5,000 or 10% of employee salary for suggestion with an intangible benefit

Additional incentives to recognize outstanding service on a short-term project or over a long period of time include:

- Time-off without charge to accrued leave
- Reward of tangible items no more than $50 value for excellent efforts (e.g., baseball or movie tickets)
- Recognition awards (certificates of appreciation)

Finally, DC employees can earn quality step increases based on performance up to a full additional step.

Incentives under development
District employees will be able to benefit through gain sharing programs and to compete to provide services under managed competition. Managed competition contracts may also feature gain sharing if the employees so design their bid.

- See **ATTACHMENT D**, FY 2000 Key Budget Issues, Chapter 7, "Managed Competition: A Strategy for Improving Services."

5. Minority Business Participation Programs.

Small business set-asides in the District of Columbia are identified under the designation of "local, small and disadvantaged businesses." The Department of Human Rights & Local Business Development administer this program. The mission of DHR/LBD is to foster economic growth and development of Local, Small and Disadvantaged businesses through supportive legislation, business development programs, agency and public-private sector compliance.

- See **ATTACHMENT E,** Department of Human Rights & Local Business Development fact sheet and organization chart.

6. Monitoring Performance

The DRAFT *District of Columbia Management Report* describes the District of Columbia's performance management system.

- See **ATTACHMENT F**.

7. How are employees are involved in decision-making and developing quality management programs?

The Williams Administration believes that employees must play a meaningful role in decision making especially with regard to identifying ways to improve service delivery. The employees who know the work of an agency best will be best positioned to propose and design process improvements and reforms.

The primary vehicle to engage District government employees in decision making on a variety of issues, not just developing quality management programs, is the Labor Management Partnership Council. The Council was established to facilitate a new labor-

management culture in the District of Columbia. In particular, the Council will incorporate employee participation in decisions and train both management and labor to make the cooperative process work. As a result, the District government will improve service delivery and will create a better work environment for all of its employees.

The Partnership is co-chaired by Mayor Anthony A. Williams and Josh Williams, President of the Washington Council, AFL-CIO.

In addition to the activities outlined in the attached report by the Federal Mediation and Conciliation Service, in summer 1999, the District will conduct a survey of employees to complement a survey of District residents on the quality of government services. In addition to gauging employees' opinions of the quality of service delivery, the survey will seek to elicit employee opinions on agency culture, success factors for managing change in each agency's culture and factors of each agency's culture that may inhibit change.

- See **ATTACHMENT G**, Labor Management Partnership Progress Report, Federal Mediation and Conciliation Service, April 1999.

Attachment A

Human Resource Development:
Developing a More Capable Workforce

FY 2000 Key Budget Issues
Chapter 6

HUMAN RESOURCE DEVELOPMENT

Developing a More Capable Workforce

Executive Summary

To realize the dream of transforming the District into a model American city requires the District to deliver world-class service. Like the athlete visualizing a gold medal and embarking on the journey to reach it, the District workforce needs a vision to focus on and the appropriate tools and training to achieve it.

However, while millions of dollars are allocated for training, ostensibly to improve the workforce's efficiency and effectiveness, the impact this training has on service delivery in the District is unknown. Several conditions exist which prevent current training from being more effective. The District lacks:

- A strategic plan for training or an office that coordinates District-wide training;
- A mechanism to monitor and certify the quality of training; and
- A system to assess the impact of training on government operations and services.

Currently, the Center for Workforce Development, administered by the Office of Personnel, provides training to the District workforce. However, the current structure is not capable of meeting the needs of the District employees so that they can fulfill the vision and meet the priorities articulated by the Mayor. Likewise, the Human Resources Development Fund, created to fund training activities, is now used to support other activities.

This paper proposes that the Human Resources Development Fund, originally created to fund training activities in the District, be solely directed toward funding a District-wide training program that will provide the necessary knowledge and skills to help achieve the goal of becoming a model American city. This report offers a framework for training programs, a plan for accountability, and a centralized training office to coordinate these efforts. The reconstituted training program will have three components:

1. A comprehensive training program with multiple sites, methods of delivery, and program options designed to meet the identified training needs of the workforce;
2. A systematic assessment process that measures the quality of training and ensures the accountability of both employees and trainers; and
3. A central office that is responsible for developing the comprehensive training program, managing the assessment process, and making adjustments to programs and policies as necessary.

Background

Every athlete that competes in the Olympics has one thing in common; they were all once beginners. The transformation from beginner to world-class athlete requires extensive training, practice, and even failure. To realize the dream of transforming the District into a model American city requires the District to deliver world-class service. Like the athlete visualizing a gold medal and embarking on the journey to reach it, the District workforce needs a vision to focus on and the appropriate tools and training to achieve it.

An examination of the current state of training in the District, including funding, organization, and results, leads to the following conclusions:

- The District lacks a strategic training plan that outlines the role and expected outcomes of training, both centrally and at the agencies;
- There is no method of ensuring or measuring the quality of training;
- The lack of data about training expenditures, quality, and outcomes prevents informed decision-making about training-related activities and funding;
- The lack of a centralized training function to develop policy, or coordinate, monitor, evaluate, and implement training procedures and policies has resulted in an unfocused, uncoordinated approach; and the impact of training on job performance and productivity cannot be determined.

In Fiscal Year 1997, the District government recognized the need for training the employees of the District of Columbia. By Mayoral Order, the Human Resources Development Fund (HD) was created and provided with $12 million for training. HD was charged with facilitating and managing investments in the workforce. As shown in Exhibit 1, over the course of the last three fiscal years, the funding for the HD has decreased because the office has been unable to expend its funds.

Exhibit 1: Human Resources Development Fund Expenditures (in millions)

Item	FY 1997	FY 1998	FY 1999
Funding	11.5	6.0	6.7
Expenditures	6.5	3.5	3.8
Percent Expended	57 %	58 %	N/A

Note: Because FY 1999 figures include pre-encumbrances and encumbrances, an accurate reflection of percent expended is not possible.

While the purpose of this fund has been to provide training-related programs, in FY 1999 only 42 percent of total funding is allocated for training related expenditures. Currently, District-wide training is provided through the Center for Workforce Development (CWD), funded through HD and a part of the Office of Personnel. Out of a $6.7 million budget in FY 1999, only $2.8 million is devoted to CWD or training activities. The remainder is devoted to other personnel related activities, such as developing a classification compensation structure, executive searches, and performance evaluation.

CWD runs three major training programs, as shown in Exhibit 2. However, these programs are passive in that the employee must aggressively pursue this training in order to receive it.

Exhibit 2: FY 1999 Center for Workforce Development Training Programs

Program	Funding
Center for Excellence in Municipal Management (CEMM)	$500,000
Leadership Integration and Empowerment Program (LIEP)	$250,000
Skills Development Institute at UDC (SDI/UDC)	$670,000
Total	**$1,420,000**

Agencies also conduct training on their own. For example, the Metropolitan Police Department conducts firearms training and Fire and Emergency Medical Services conducts fire suppression training. The District of Columbia Public Schools devotes the largest amount of resources to training, over $1 million annually. Currently, there is no method of knowing exactly how much is spent on training at each agency, and thus District-wide on training-related activities. A review by agency of expenditures for tuition for employee training shows that expenditures in FY 1998 totaled only $4.7 million district-wide. Appendix A provides a list of these expenditures for Fiscal Year 1998. While this figure does not include what agencies spent for training at conferences, and through contracts, it provides an indication that training is not a large part of agencies' budgets. What makes assessing the state of training in the District so difficult is this present inability to track training expenditures or results.

ctions Necessary for a Successful Training Program

The District must take steps to develop a training program that will assist our workforce achieve the vision of providing the service expected of a model American city. These steps include:

- Develop a strategic training plan consistent with the Mayor's priorities. This plan should outline the role and expected outcomes of training, both centrally and at the agencies. The plan should include the overall framework and specific steps for implementation.
- Measure training and performance data in order to determine training options for employees. Informed decisions regarding training require accurate information. Tracking training data will play a key role in developing, monitoring, and managing the training program.
- Develop a centralized training office to develop policy, coordinate, monitor, evaluate, and implement training procedures and policies. A central training office will be accountable for ensuring training quality, coordination, and results. It will also ensure that the strategic training plan is developed and implemented.
- Track the performance of employees in training programs and the impact of training on job performance and productivity. While it is possible to track aggregate numbers of people who take training, currently, it is not possible to track the impact of training on employee

performance. Developing a system to certify the quality and results of training will be a requisite step of a successful training program.

- Track the quality and performance of trainers. Tracking training expenditures does not necessarily translate into improved employee performance. Only by ensuring that the training classes meet standards of quality can we be sure that they will have an impact on employee performance.

These are necessary actions to obtain value on the investment made in training. Simply investing more resources into this current state is not the answer. In order for training to provide benefit to the employees and to the District, a new approach must be developed for training our employees. Training must be viewed as an integrated process for better performance and service quality, not a one-time event.

The Omnibus Personnel Amendment Act of 1998 provides additional imperative for better training - including management training. Among its provisions, it creates a management supervisory service (MSS) which will be an "at-will" appointment. In order for managers to maintain their appointment, they must be trained in effective management and leadership skills so that they can effectively lead their organizations.

Human Resources Development: A New Beginning

Performance improvement occurs when training is integral to organizational process and woven into the fabric of the organization. When conceptualized and implemented as part of a strategic plan, training can play a significant role in the recruiting, developing, and retaining quality staff. It improves customer service and productivity. To reap these benefits, training must be aligned with defined organizational goals and needs and also address the needs of the individual.

Implementation of an effective training organization involves a three-pronged approach:

- Identify training needs and develop a comprehensive set of training programs, both on a District-wide basis and an agency-by-agency basis;
- Develop a systematic process for measuring the quality of training and ensuring the accountability of both employees and trainers; and
- Create a central office that is responsible for developing and managing the training programs, carrying out the assessment process, and using what is learned from the assessments to adjust the programs as necessary.

Exhibit 3 provides an illustration of how these three components of the training program would interact to provide an effective District training program.

Exhibit 3: Model for Implementing a Training Program in the District of Columbia

In general, these three components would interact in the following manner:

1. The Training Program Management Office would develop training programs through the use of internal and external resources.
2. The activity in the training program would be monitored for quality and results by the Program Accountability function of the Training Office.
3. The data from Program Accountability would be used to continuously improve the quality of the Training Programs as well as report to the District the impact training is having on the ability of the District to delivery quality services efficiently and effectively.

The type of activities envisioned in each component of the model is described in further detail below.

Component 1. Developing Training Programs

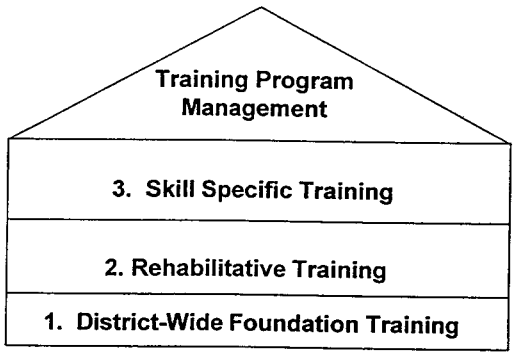
The relationship between an employer and an employee is a partnership. The employer provides the employee compensation for an agreed upon level of performance. Additionally, the employer provides the employee with the tools necessary to accomplish the employee's duties. Increasingly, in an era of a rapidly advancing technological wave, those tools are

intellectual. Therefore, the mix of classes offered must address the tools workers need to stay ahead of the wave.

In addition to a variety of class subjects to address various employee needs, the methods of delivery should also be varied to accommodate different adult learning styles. Internal trainers, vendors and partnerships will all be required to ensure this program is a success.

The training model below provides an illustration of how training will be implemented in the District. Training programs will address the needs of above-average, average, and below-average performers, administered by a training office responsible for program development and quality assurance.

Exhibit 4: Model for Implementing Training in the District



1. District-wide Foundation Training

a. **District-wide Orientation.** Maintaining focus on a common vision of creating a model municipal government is a challenge for any city. The District has embraced this challenge. This challenge requires that District employees be cognizant of their contribution to realization of this vision. This can be accomplished through a Foundation curriculum. These awareness classes will be provided to all District employees both initially at their orientation, and on an ongoing basis. These classes consist of the following:

- New employee orientation that provides complete and consistent information about the District government and its mission, goals, values, structure, operations, and policies;
- Customer service training both initially and on an ongoing basis;

- Sexual harassment awareness training that articulates the District's policy and complaint procedures;
- Training on the performance appraisal process to enable employees to be full participants in the appraisal process and better manage their own performance to meet their goals;
- Code of Conduct training that provides employees full and fair notice of their ethical and professional responsibilities as public servants.

Internal trainers will develop and provide this mix of classes. Training in each of these areas will be provided as part of a comprehensive new-hire orientation. Additionally, employees will be provided opportunities to enhance their knowledge in these subjects on an on-going basis.

b. **Basic Management Skills for First-tier Managers.** The linchpin for service delivery in any organization is the first-tier manager. The success and reputation of an organization rests with this individual's ability to manage and motivate their staff. Frequently, however, these managers are promoted to first-tier management positions based on their functional expertise displayed as a line employee. First-tier managers frequently have had no formal management training. The organization does a disservice to these managers and the employees they supervise if basic management training is not readily available. This training should address basic management competencies enabling these managers to function in the variety of roles they must fill on a daily basis. The competencies this curriculum addresses include:

- The performance appraisal process (writing job descriptions, documenting performance, providing feedback, and evaluating employees),
- Time management,
- Presentation skills,
- Corrective counseling techniques,
- Problem solving,
- Sexual harassment awareness for managers (recognizing problems and handling complaints),
- Managing diversity,
- Written communication skills,
- Situational leadership,
- Team building, and
- Myers-Briggs analysis.

The key to providing managers will the tools they need to manage is to make the training accessible and ongoing. Internal trainers and appropriate vendors will be used to provide this training. Other classes will be developed as needs are identified. Various methods of delivery will be used to enhance skills and mastery of management competencies.

c. **Higher Management Skills.** The District government has entered into a partnership with The George Washington University School of Business and Public Management and the Center for Excellence in Municipal Management to create the District of Columbia Certified Public Manager Program. The purpose of this program is to develop a highly skilled, well-trained managerial and executive corps. Employees must apply for this program. Applicants compete in the following areas: application evaluation, supervisory evaluation, writing sample, and interview. This is a yearlong program that leads to a certification in public management.

With the creation of the management supervisory service, this higher management training becomes even more critical. As the District demands greater performance from its employees, it will also require higher standards of performance from its managers. In order for these managers to be effective, it will require training on effective management and leadership.

2. Rehabilitative Training

Admittedly, some segments of the workforce may have already been overtaken by this relentless wave of skill requirements. Rehabilitative training will be offered to redress this situation. This training will include, but is not limited to the following:

- Written communication skills at the beginner, intermediate and advanced levels
- Math skills at the beginner, intermediate and advanced levels;
- Computer literacy and applications beginning with the basics of keyboarding and continuing through use of commonly used applications in the government at beginner, intermediate and advanced levels;
- Language skills courses to address the growing need for bilingual workers in customer contact positions; and
- Basics of budgeting and accounting.

This mix of skill training will provide employees with the tools to meet the requirements and expectations of their job. Various methods and providers will be used to deploy this training, such as internal trainers, vendors, and partnerships such as the existing partnership with the University of the District of Columbia. Emphasis will be on appropriateness, accessibility, and variety of training methods used to achieve the highest degree of retention and mastery of the subject matter.

Participation in the special skills program will be dependent upon the skills assessment currently being conducted at the agencies. This training will also be linked to duty descriptions, which indicate the need for a particular skill, and to what level that skill must be met. As specific skill deficiencies are identified, classes to address those deficiencies will be developed and made available to the population.

3. **Skill Specific Training**

a. **Financial and Personnel Systems Training.** The implementation of new financial and personnel systems requires the District to adequately train its employees in the use of these systems to fully leverage the potential for improving internal operations through better systems. Training on the Comprehensive Automated Personnel/Payroll System (CAPPS) and the System of Accounting and Reporting (SOAR) is required District-wide. This training is being proposed as a continuation of the training that has been ongoing.

b. **Procurement Training.** A critical District government mission is fiscal stability, accountability and integrity through comprehensive financial management. Vital components of financial management include project management, contracts administration, and writing accurate statements of work. The criticality of these areas and their impact on the ability to accomplish this mission requires that procurement training be required of individuals who perform these functions. Furthermore, the Council has passed legislation mandating that the District conduct procurement training for its employees.

An important component of sound financial management performance is comprehensive project management. Project management is a disciplined approach to project implementation that stresses control and comprehension of all phases of the project cycle. A starting point for comprehensive project management is writing accurate statements of work (SOW). Lack of adequate training in the formulation of SOWs may result in unsatisfactory contract performance due to vaguely written SOWs. Further consequences of inadequate training are significant revisions and corrections. Contract administration is another important component to sound financial management performance due to the importance of providing well-written contracts that provide goods and services to the District.

To increase the collective capacity to manage projects and enhance project success, training classes in project management, contracts administration, and writing SOWs will be offered on an ongoing basis. Initially this training will be offered by outside vendors.

c. **Tuition Assistance Program.** The Tuition Assistance Program supports long-range District goals for maintaining a high-quality workforce and enhancing professional and personal development, recruitment, and retention. It does this by providing educational opportunities in the form of tuition assistance for coursework toward an undergraduate or graduate degree. This program is designed for dedicated, intelligent employees who need additional educational credentials in order to progress in their career. The program forges a partnership between the employee and employer because of shared monetary responsibility. The District will reimburse the employee for a share of their tuition costs, but the employee will have to provide the remainder. Additionally, participation in this program would mandate a minimum grade to be eligible for reimbursement. Employees will be restricted to District colleges and universities – so the money will stay in the District.

4. Other Training Activity

a. **Agency Training.** In addition to the training activity being conducted District-wide through the aforementioned programs, there are also training activities taking place within the agencies. While data on agency training activity is limited, there is no doubt that this training should continue. Agencies such as Metropolitan Police Department, Fire and Emergency Medical Services, and the District of Columbia Public Schools require specialized skills of their employees. Agency funds should continue to fund these activities.

Appendix A shows all the training expenditures in Object Class 419 (Tuition for Training). In FY 1998, agencies, including HD, spent $4.7 million on training personnel. The conclusion that can be drawn from this limited information is that while agencies recognize the value of training and are allocating resources to it, the results of training are unknown.

What the Training Program Management Office can do is monitor agency training activities so that they can be better coordinated with the District training. Furthermore, economies of scale are possible if there is an awareness of the activity-taking place at the agency level.

Finally, to report on activity in the District requires coordinating training activities and knowledge with the agencies. A true picture of training activity, expenditures, and results are not possible without this information.

b. **OCFO Training Program.** The OCFO is currently attempting to implement several of the initiatives describe above. The OCFO training program can serve as an incubator for several initiatives that may be beneficial for the entire city. These programs include:

- Code of Conduct training,
- New hire orientation (that addresses the topics noted under the Foundation Training Program),
- First-tier manager training,
- Tuition Assistance Program (proposed),
- Computer Based Training (proposed), and a
- Certification Program (proposed).

Since the OCFO is independent, it provides a unique opportunity to initiate pilot training programs before District-wide implementation.

c. **Computer-Based Training.** If the District expects training to have an impact, it must leverage all the available means of training its employees including computer-based training. Some of these special skills training programs discussed earlier can take advantage of computer-based training (CBT). According to the American Society for Training and Development's 1998 State of the Industry report, "A solid relationship does exist between a company's performance and its workplace learning and development practices. Companies that use innovative training practices are likely to report improved performance over time and better performance than their

competitors." Computer based training (CBT) is an innovative practice that provides a tremendous enhancement to existing instructor-led classes. A computer lab at major work population centers of District employees provides a convenient and accessible means to access training. CBT is an excellent mechanism for self-paced learning and refresher classes. By providing open labs during office hours employees are able to set their own time to perform training.

Component 2. Ensuring Quality and Efficacy of the Training Program

Developing a training program utilizing multiple methods of delivery and subjects is only one of the three parts of the training program. The second leg of the tripod is to ensure quality of the training programs and monitor its impact on employee performance. For training to be results-driven there must exist a method of measuring the quality of classes and impact on performance. Measurement of training will be accomplished three ways:

1. Contractor training will be evaluated before it is given and while it is offered,
2. Participants will be tested to ascertain competence in subject matter necessary to perform their job, and
3. Supervisors will be surveyed to determine impact of training on job performance.

1. Ensuring Training Quality

"There is no relationship between investment in computer technology and corporate performance," according to Paul Strassmann, author of *The Squandered Computer* and former CTO of General Foods. Implementation of new technology is difficult and complex. Frequently, implementation of a major IT system is accompanied by polarization within the organization where one side maligns the new system, the other laments that employees can't or won't learn the system. Neither side is really at fault. The weak link in IT implementation has historically been the training associated with it. Frequently individuals who are not experienced in instructional design hastily develop that training. User manuals and training display a distinct lack of quality. The training itself emphasizes what the system does and how it does it, instead of concentrating on the people who will use the system to accomplish their jobs.

Training for results begins with contractor-provided training on the major computer systems (CAPPS/SOAR) implemented by the District. Proactive measures are required to ensure that training is the critical link ensuring successful system implementation and not the weak link explaining less than optimal system performance. Therefore, training components of vendor proposals will be carefully scrutinized:

- To confirm instructor credentials,
- To training effectiveness and quality of participant materials,
- To identify prerequisite specifications of the training so that all attendees are prepared and ready to learn,
- To include examinations to ensure participants are retaining the necessary information to perform effectively on the job using the new system, and
- To determine consistency and sustained quality through evaluations and auditing.

2. Ensuring that Employees Learn

In addition, standards of performance indicating the level at which employees must be able to operate and utilize systems must be established. Once this occurs, employees completing training will then be tested to ensure they meet established standards. Participants with exceptional scores will receive further training to become internal trainers on the new system. An internal cadre of system instructors ensures that new hires receive instruction on the system and users have access to refresher or upgrade training. Additionally, help groups will be established composed of the highest scoring students. These groups will provide system users several experts they may contact to get questions answered and replace the help desks currently provided by the contractor.

The certification program will also be extended to off-the-shelf computer software applications that are necessary tools for employees to accomplish their duties. Employees desiring positions, which require these computer skills, will be required to certify on the programs to be eligible for the position.

3. Ensuring Performance Improvement as a Result of Training

Reinforcing the principle that training is an ongoing process integral to work, not separate from it, means involving supervisors and managers in the process. Upon successful completion of training and on-the-job application of the new skills, employees' supervisors and managers will be surveyed to ascertain the impact the training had on job performance.

Component 3. Central Coordination of the District's Training Program:

The third component is organizing an office to coordinate, plan, monitor, and execute the training program. Centralized planning and decentralized execution of District training programs will be accomplished by the District Training Office in the Office of Personnel. This office will remedy the findings addressed previously by achieving the following:

- Develop a Training Strategic Plan aligned with District goals and priorities.
- Coordinate with city agencies to develop a comprehensive report on training in the District that will provide at a minimum:
  - Number of employees trained by class and District-wide,
  - Per capita expenditures,
  - Total training expenditures,
  - Master list of all training subjects offered,
  - Attendance by subject,
  - Number of classes by subject,
  - Methods of delivery, and
  - Training results--number of students tested, pass rate, student satisfaction with training, supervisor satisfaction with training impact on job performance.

- Coordinate training requirements of agencies to achieve economies of scale for widely requested vendor training.
- Benchmark District training with other city governments and private industry.
- Coordinate with project offices to provide training evaluation assistance during contract proposals.
- Manage an employee training certification program for those subjects identified in the Training Strategic Plan as critical job performance skills.
- Develop policies and procedures governing the various aspects of the training program.

Conclusion

Development of its intellectual capital, through investment in the workforce, will determine if the District is capable of attaining its vision. However, that investment must be managed to be effective. Initially, managing requires planning for training that meets the current needs of the workforce and responds to emerging needs. Accordingly, training must be organized in a way that addresses the right mix of training and maximizes its availability and accessibility. Also, a central training function must be established that does more than manage discrete programs, but also directs the District-wide strategy by articulating goals, objectives and policies to the agencies. Finally, training must be results-driven. Training for results requires that all stakeholders be held accountable for their respective roles. The District's prospect for attaining its vision rests with its ability to employ and maintain this management strategy.

Appendix B shows the cost breakout of the various proposals discussed in this paper. These proposals have been funded in the Mayor's FY 2000 Budget through a combination of existing baseline resources from the Human Resource Development Fund of $6.5 million and new funding of $6.1 million. These funds have been re-allocated in the following manner:

- $11.5 million in the reorganized Human Resource Development Fund to finance rehabilitative training, foundation curriculum, management training, computer based training, procurement training, tuition assistance program, DC Training Office, and Center for Excellence in Municipal Management;
- $1.1 million in the Office of the Chief Financial Officer (OCFO) for systems training and the OCFO training program.

Appendix A: FY 1998 Actual Training Expenditures by Agency[1]

Agency	Code	FY 98 Expenditures
DC Public Schools	GA	$ 1,389,123.90
Human Resources Development Fund	HD	$ 1,318,620.54
Office of the Chief Financial Officer	AT	$ 409,558.76
Water and Sewer Authority	LA	$ 307,114.92
Fire and Emergency Medical Services	FB	$ 276,353.63
Department of Administrative Services	AS	$ 97,096.30
DC Superior Court	FC	$ 92,797.59
Metropolitan Police Department	FA	$ 92,471.91
Department of Corrections	FL	$ 71,227.01
Business Services and Economic Development	EB	$ 70,901.47
DC Public Libraries	CE	$ 67,147.51
Office of the Inspector General	AD	$ 47,200.85
University of the District of Columbia	GF	$ 42,129.77
Pretrial Services	FF	$ 42,097.33
Department of Employment Services	CF	$ 40,341.33
Department of Public Works	KA	$ 38,180.03
Office of Personnel	BE	$ 34,944.32
Office of Emergency Preparedness	BN	$ 34,501.00
Department of Human Development	JA	$ 30,501.50
Department of Health	HC	$ 29,510.00
DC Lottery Board	DC	$ 21,853.00
Office of the Corporation Counsel	CB	$ 16,101.00
Public Service Corporation	JB	$ 14,348.07
Department of Insurance and Securities Regulation	SR	$ 11,813.25
DC Retirement Board	DY	$ 11,117.00
Office of the City Administrator	AE	$ 10,936.63
Office of the People's Counsel	DJ	$ 8,267.50
Department of Parks and Recreation	HA	$ 7,966.95

[1] This table does not capture training expenditures through contracts (OC 409) or reported elsewhere

Agency	Code	FY 98 Expenditures
National Guard	FK	$ 7,476.00
Council of the District of Columbia	AB	$ 7,165.00
Office of the DC Auditor	AC	$ 4,307.75
DC Energy Office	JF	$ 3,228.00
DC Parole Board	DD	$ 2,805.00
Public Service Commission	DH	$ 2,689.00
Board of Real Property Assessment and Appeals	DA	$ 2,320.00
Office of Campaign Finance	CJ	$ 1,841.95
Office on Aging	BY	$ 1,799.00
Board of Elections and Ethics	DL	$ 1,792.00
Board of Appeals and Review	DK	$ 1,470.00
Department of Human Rights and Minority Business Development	HM	$ 1,350.00
Department of Housing and Community Development	DB	$ 1,266.00
Commission on Judicial Disabilities and Tenure	DQ	$ 950.00
Office of Communications	BB	$ 895.00
Department of Consumer and Regulatory Affairs	CR	$ 831.68
DC Courts	FN	$ 540.66
Contract Appeals Board	AF	$ 500.00
DC Court of Appeals	FM	$ 378.00
Office of Employee Appeals	CH	$ 235.00
Public Employee Relations Board	CG	$ 89.00
DC Housing Authority	PH	$ (395.00)
Total		**$ 4,677,757.11**

Appendix B: Funding Required

New Option	FY 2000	FY 2001	FY 2002	FY 2003
Rehabilitative Training	5.0	5.0	5.0	5.0
Foundation Curriculum	1.0	1.0	1.0	1.0
Basic Management Skills for First-Tier Managers	.5	.6	.6	.7
Computer Based Training	.8	.9	.9	1.0
Systems Training (CAPPS/SOAR)	.5	.0	0	0
Procurement Training				
▪ Writing SOWs	.20	.15	.10	.10
▪ Contracts Admin.	.20	.10	.10	.10
▪ Project Mgmt	.20	.10	.10	.10
Total	.60	.35	.30	.30
Tuition Assistance Program	2.5	3.0	3.3	3.5
DC Training Office	.6	.6	.7	.7
Center for Excellence in Municipal Management	.5	.5	.5	.5
OCFO Training Program	.6	.7	.7	.7
Total	**12.6**	**12.7**	**13.0**	**13.4**

Note: This proposal does not contain agency specific training items (i.e., MPD, FEMS).

Available Resources	FY 2000	FY 2001	FY 2002	FY 2003
Human Development (HD)	6.5	6.5	6.5	6.5
Total	6.5	6.5	6.5	6.5

New Funding	FY 2000	FY 2001	FY 2002	FY 2003
Total	6.1	6.2	6.5	6.9

Note: Using 100% of HD for training related expenditures will mean that $3.6 million of current activity (i.e., employee classification, executive compensation, employee performance evaluation system) must be funded from other sources.

Attachment B

Operating Measures Benchmarking Study
Fire and Emergency Medical Services

FY 2000 Proposed Operating Budget
Pages C-18–C-20

Attachment IV
Operating Measures Benchmarking

Fire and Emergency Medical Services
FY2000 Proposed Operating Budget and Financial Plan

Pages C-18-20

FY 2000 Proposed Operating Budget

The Fire and Emergency Medical Services Department's FY 2000 proposed operating budget from all funding sources is $111,942,000 and 1,828 full-time positions, an increase of $7,064,000 and 64 full-time positions over the FY 1999 budget. The FY 2000 budget includes $3,242,000 to comply with an FY 1999 congressional mandate to place an additional 5 EMS units into service. Local funds comprise 99 percent of the department's total budget. The proposed FY 2000 local budget is $111,861,000.

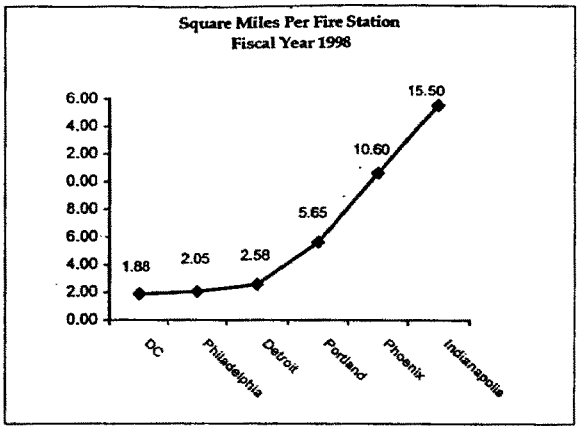
This funding level supports the provision of fire prevention, fire suppression, and emergency medical care from 32 fire stations throughout the city. Analysis of city fire services including the The Rivlin Report, Novemer 1990, suggests that areas of District may have redundant levels of coverage. Recent benchmarking surveys indicate that the District has more fire stations and higher FTE levels than peer cities.

As shown in Figure 1, each of the District's fire stations serves a smaller geographic area than peer cities. The District's Fire and Emergency Medical Services Department serves 1.88 square miles per fire station facility, compared to a peer average of 8.53 square miles per fire station. Geographic and demographic differences among these jurisdictions may explain some of the variances shown below.

Figure 1

The District Has More Fire Stations Per Square Mile Than Benchmarked Cities

Each of the District's fire stations serves a smaller geographic area than peer cities. The District's Fire and Emergency Medical Services Department serves 1.88 square miles per fire station facility, compared to a peer average of 8.53 square miles per fire station



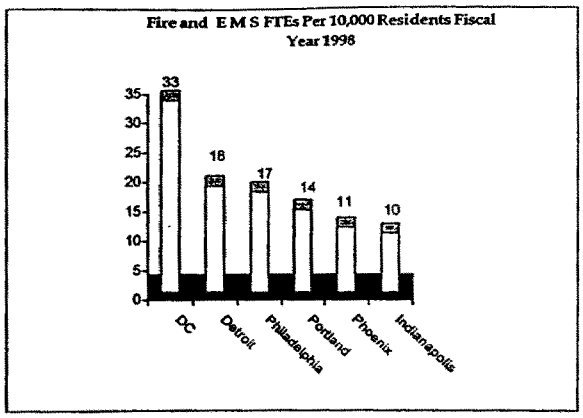
The District also has more employees per 10,000 residents than six cities that it has been benchmarked against. Normalizing for differences in population, DCFEMS employs 33 full-time equivalents (FTEs) per 10,000 District residents, compared to a peer average of 14 FTEs per 10,000 residents.

Although services provided by similar departments in peer cities are primarily the same, there are some differences that may effect staffing levels and thus should be noted. For example, the Indianapolis Fire Department operates and staffs the city's 911 call center. In the City of Portland, a separate agency, the Bureau of Emergency Communication receives all emergency calls and dispatches the appropriate emergency response vehicles. As a result, the City of Portland's Bureau of Fire, Rescue, and Emergency Services does not employ these positions. The City of Phoenix's 911 call center is staffed by a police dispatcher in the Police Department assigned to process the calls. The police dispatcher forwards fire and medical emergency calls to the Phoenix Fire Department and handles only police-related emergencies. The Philadelphia Fire Department operates the Fire Communications Center within the City's 911 system and has the additional responsibility of regulating all public and private ambulance services. As a result of such differences, staffing levels may be over or understated compared to peer agencies. Figure 2 compares DCFEMS FTEs per 10,000 residents to five other cities.

Figure 2

DCFEMS Has More FTEs Per 10,000 Residents Than Peer Cities

Employees per 10,000 citizens were calculated by dividing the jurisdictions total number of employees for FY 1998 by the corresponding population for FY 1998 divided by 10,000.



Attachment C

Statement of Work

District of Columbia
Classification/Compensation System

STATEMENT OF WORK *
FOR
THE GOVERNMENT OF THE DISTRICT OF COLUMBIA
CLASSIFICATION/COMPENSATION SYSTEM
dated
16 November 1998

C.1 INTRODUCTION

The purpose of this solicitation is to procure the services of a qualified contractor of demonstrated competence and experience in both the public and private sector to develop, recommend and provide the District of Columbia government with a new or modified classification compensation system.

C.2 BACKGROUND

The Statutory Authority is D.C. Code Title 1, Chapter 6, Subchapter 12, Classification; Compensation, D.C. Code § 1-612.1 et. seq. Rules to implement the Classification System was published in the D.C. Register on May 22, 1981 and amended on March 19, 1982. Notices were published in D.C. Register on May 11, 1979 and February 22, 1980 regarding regulations governing the Compensation System.

The District of Columbia government's position classification system is a comprehensive, orderly system for classifying positions by occupational group, series, classes, and grades according to similarities and differences in duties, responsibilities, and qualification requirements. Underlying this occupation cataloging system are the following factors:

1. The need to identify positions with appropriate qualification standards;
2. The principle of equal pay for substantially equal work; and
3. The principle that variations in ranges of basic pay for different positions should be in proportion to substantial differences in the difficulty, responsibility, and qualification requirements of the work.

Approximately 75% of the workforce is covered under collective bargaining and can negotiate pay.

The following projects are ongoing in the District government and will be linked to and utilized in the development and implementation of the new classification/compensation system.

* As amended by Contractor's initial proposal dated 12/31/98; Points of Clarification dated 2/8/99 as modified by Contractor's BAFO dated 2/18/99; correspondence dated 2/9/99, 2/11/99 and 3/22/99.

HR MANAGER

The HR Manager is software which was provided to the Office of Workforce Development, DCOP by the U.S. Office of Personnel Management (OPM). HR Manager contains several applications which includes ALL Federal and District government occupations:

- assistance in writing position descriptions;
- assistance in writing performance standards;
- assistance in writing vacancy announcements;
- use of this software also identifies workforce training needs.

TRADES AND LABOR OCCUPATIONAL STUDY (Wage Grade)

The U.S. Office of Personnel Management is conducting a study concerning Wage Grade positions. OPM will analyze and develop an occupational listing which will be incorporated into HR Manager.

COMPETENCY-BASED BROADBANDING SYSTEM

OPM and DCOP have had ongoing involvement in a Competency-Based Broadbanding Pilot Project which began in 1997. The project consisted of selected DCOP staff with classification backgrounds as part of the focus group, and OPM human resources staff. Occupations were consolidated into the following competencies:

- Administrative Support
- Program and Policy
- Professional
- Managerial and Executive

COMPENSATION PHILOSOPHY

This project aims to address the need for an assessment and modification of the District governments existing compensation philosophy to provide fair and equitable compensation that is linked to performance. This project is tied to the development of the new classification/compensation system.

PERFORMANCE MANAGEMENT SYSTEM

This project addresses the District government's need for a performance evaluation system that can be tailored to fit the needs of its agencies.

The focus of this project is on the implementation of a system that consists of several components that can fit various occupations and types of work. Among the elements DCOP plans to incorporate in the system are work expectations, objective work performance evaluations based on known criteria , training, recognition of improvement, enhancement of accountability and productivity, the inclusion of customer service as a performance criterion, and an overall linkage to compensation.

CURRENT CLASSIFICATION SYSTEM

The grade levels of positions are based on consideration of applicable factors such as knowledge and skills required by the position; supervisory controls exercised over the work; guidelines used; complexity of work; scope and effect of work; personal contacts; purpose of contact; physical demand of the position; and work environment.

The District government has continued to utilized the Federal classification system without substantial change and the qualification standards as set forth in the X-118 and X-118C handbooks.

C.3 RESPONSIBILITY OF D. C. OFFICE OF PERSONNEL IN ESTABLISHMENT OF A NEW COMPENSATION PHILOSOPHY

CURRENT COMPENSATION PHILOSOPHY - Compensation shall be competitive with that provided other public sector employees having comparable duties, responsibilities, qualifications, and working conditions by occupational group. For the purposes of this paragraph, compensation shall be deemed to be competitive if it falls reasonably within the range of compensation prevailing in the Washington, D.C. Standard Metropolitan Statistical Area (SMSA). Provided that compensation levels may be examined for public and/or private employees outside the area and/or for federal government employees when necessary to establish a reasonably representative statistical basis for compensation comparison, or when conditions in the local labor market require a larger sampling of prevailing compensation levels; The D.C. Office of Personnel is responsible for surveying comparable pay in the SMSA.

Pay for the various occupations and groups of employees shall be, to the maximum extent practicable, interrelated and equal for substantially equal work; and

Differences in pay shall be maintained in keeping with differences in

level of work and quality of performance.

Compensation may be negotiable for employees covered under collective bargaining and shall be consistent with the above principles.

Note: The District's Compensation Philosophy is currently under review but will be available prior to submission of proposals by prospective bidders.

SCOPE OF SERVICES

C.4.1 PURPOSE/OBJECTIVES

The new system must be one which can be used to classify, compensate and evaluate all positions within D. C. government excluding positions in the components identified in C.4.1.7. The system must reflect the organizational values and objectives of the government to attract and maintain highly qualified personnel by providing a compensation and evaluation system which is competitive with the surrounding public and private employers.

The new system must have an automated classification/job evaluation process for the development of position descriptions. The new system must include a component to determine the levels of skills needed to perform the duties of the position and the level(s) of compensation for the position and have an automated process for developing salary schedules, updating salary schedules, and projecting cost for salary increases/decreases for financial impact. Automated system should be able to project cost of increases/decreases in benefits to the employer and employee.

The system must have an automated process for reviewing and making termination as to which positions (exempt/non-exempt) shall be under the Fair Labor Standards Act. The new system shall provide guidelines and benchmarks to determine the exempt/non-exempt status of future positions and include the specific reasons for the exemption.

The new system shall provide a plan for parity between the pay for union and non-union employees performing the same or similar duties to establish parity effective with the implementation of the new system.

The contractor shall provide as many on-site training sessions as determined by the Contract Administrator to ensure a thorough understanding of the concepts and applications of the new

classification/compensation system.

The new classification and compensation system must have some mechanism to allow for modifications in the system in the event of labor market shifts.

The following components are to be excluded from the study:

1. D.C. Public Schools
2. University of the District of Columbia
3. Office of the Chief Financial Officer
4. D.C. Lottery and Charitable Games Board
5. D.C. General Hospital/Public Benefit Corporation
6. D.C. Housing Authority
7. D.C. Water and Sewer Authority
8. D.C. Fire and Emergency Medical Services Department (uniformed members only)
9. Metropolitan Police Department (uniformed members only)
11. Department of Corrections (except contractor shall review the positions in revised organizational structure of the Department of Corrections)

C.4.2 COMPARATIVE MARKET SALARY SURVEY

The Contractor shall conduct a total compensation survey including salary, benefits, and other forms of compensation of comparable public sector jurisdictions and appropriate private sector organizations subject to the following stipulations:

1. The survey must reflect a total compensation approach to market comparisons;
2. The survey instrument and methodologies used must conform to generally accepted survey research methods;
3. The criteria for selection of comparable jurisdictions must conform to generally accepted methods for selection of the jurisdiction be justifiable and be presented to the Project Work Group for review prior to the initiation of the survey;
4. Survey findings must be presented in a suitable format to display rankings of minimum salary, maximum salary, and average salary;.
5. Compare the District's compensation and benefit practices (e.g., number of grades, pay range within grade, basis for awarding increments benefit values) relative to the defined labor market; and
6. The study should compare the District's classification

standards with those of other jurisdictions with an emphasis upon whether the number and types of jobs are similar and whether the required level of education, experience, and training are comparable within classification groups. Develop and utilize a minimum of 250 benchmark classifications.

C.4.3 COMPENSATION, CLASSIFICATION AND EVALUATION SYSTEM REPORTS

The Contractor shall recommend classification/compensation plans for review, including a recommended selection. The plans shall include a comprehensive explanation of compensation, classification and evaluation policy, salary range width, salary range spread, and salary recommendations for each classification.

The new plans are to address the following classification, compensation and evaluation issues:

1. Salary range overlap (how one grade impacts on another);
2. Number of pay lines (grade/step);
3. Pay adjustment procedures;
4. Generalized vs. specialized job descriptions;
5. Broad banding;
6. Employee participation opportunities;
7. Parity in non-union and union pay;
8. American with Disabilities Act (ADA) job analysis requirements; and
9. The roles of the personnel management specialist in determining classification.

C.4.4 STATUS REPORTS

The Contractor shall work in conjunction with a designated District Project Work Group and will provide status reports or conduct toll-gates on an agreed upon schedule. These toll-gates will be conducted with the project team and subsequent briefings will be provided to the Director.

The Project Work Group will oversee the work of the Contractor, work with the Contractor to develop a comprehensive work-plan, provide overall and general guidance, and serve in an advisory capacity.

The Contractor will work with designated District Project Work Group who will oversee the work of the Contractor, provide information and guidance, and serve in a review and approval role.

C.5.1 PERFORMANCE REQUIREMENTS

The following tasks shall be completed by the contractor:

Conduct a comprehensive study to include, but not be limited to, interviews of appropriate staff; examination and evaluation of the District's existing classification/compensation and benefits plan, policies and practices and a thorough review of the existing human resource system outlined below:

- Classification/compensation system and salary schedules
- Union collective bargaining agreements (pay comparability between union and non-union employees)
- Previous compensation studies
- Employee benefits
- EEO goals and objectives
- Personnel regulations and procedures regarding classification/compensation
- Relevant sections of the D. C. Code
- District Personnel Manual Issuances regarding classification/compensation
- Performance evaluation system
- Employee incentive award programs
- Training programs relates to classification/compensation
- Organizational/staffing charts

Determine and recommend the positions that should comprise the Management Supervisory Service.

Conduct audits/reviews of at least 10% of the positions in each of the following categories in the order listed below:

- Procurement
- Information Technology
- Professional
- Technical
- Clerical
- Wage

The audits/reviews should focus on the following:

- Are job duties arranged so as to make a maximum contribution to organizational mission, goals, and objectives?
- Is work designed to attract and motive capable employees?
- Can work duties be rearranged to give more variety and improve job interest?
- Can highly routine tasks that have no challenge be eliminated or automated?
- Has necessary attention been given to the development of career ladders and upward mobility?

Prepare communications as often as determined by DCOP to inform District agency heads, managers and employees about the project, focusing on developing positive perceptions and facilitating understanding and cooperation.

Conduct focus groups and interviews with a minimum of 200 members, stakeholders, and employee representatives as determined by the Director of Personnel to learn their concerns and perceptions regarding current compensation and benefit practices; and learn what types of changes and incentives managers/employees feel are required to develop a better system which would improve productivity and employee morale; attract and maintain highly qualified employees and improve the overall operation of the government.

Compare and graphically present District salary levels and increases over the last five years with that of the Federal government and other public and private sector employers of comparable size and scope.

Identify and recommend public and private sector employers and/or survey sources considered appropriate for market comparisons. Review comparability of the District's pay and benefits with these public and private employers.

Compare the District's classification/compensation and benefit practices (e.g., number of grades, pay range within grade, basis for awarding increments benefit values) relative to the defined labor market.

Identify non-monetary recognition and award programs successfully utilized by public and private employers, and evaluate and report on the potential for their use by the District.

Based on information obtained in preceding tasks, define the District's strategic compensation/benefit goals, and recommend compensation/benefit options considered most compatible with the defined goals.

Produce a draft and a final study report of findings, recommendations and supporting justification. The report should include a discussion of, but not be limited to, the following:

- Appraisal of the District's current compensation and benefit plans and practice relative to public and private employers of comparable size and scope
- Non-monetary recognition and award programs successfully used by public and private employers and the potential for their use by the District
- Pros and cons of alternative compensation system(s) considered
- Criteria/methodology utilized to select compensation/benefit system(s) recommended
- Comprehensive description of all the components of the system(s) recommended
- How the recommended system(s) is (are) responsive and linked to the District's strategic goals
- Compatibility of recommended system(s) with, and/or required changes to, other integral components of the personnel system (e.g., performance appraisal system, promotional practices, personnel regulations)
- Requirements and proposed strategy for the design, implementation and annual administration of the recommended automated classification/compensation system(s) (e.g., in-house resources, consultant assistance, training, in both staff hours and time frame). Requirements must address necessary changes to integral components of the personnel system (e.g., performance appraisal, job evaluation system, etc.)
- Estimated costs for development of proposed automated classification/compensation system(s), including projected costs for required changes to other integral components of personnel system
- Estimated implementation costs and projected annual fiscal impact to personnel services budget
- Provide legislative and /or regulatory provisions needed to implement the new system.
- Develop a transit plan to convert from current plan to the newly designed plan.

The Contractor shall draft proposed legislative amendments and proposed rules and regulations necessary to implement the new classification/compensation system.

SCHEDULE OF DELIVERABLES
dated
16 November 1998

DELIVERABLES	Due Date
The Contractor shall deliver to the D.C. Office of Personnel the following items within the time frames outlined below.	
SURVEYS, REPORTS AND BRIEFINGS	
Determine, under the guidance of the Project Work Group, appointed by the Director of Personnel, the positions that should comprise the Management Supervisory Service required by D.C. Law 12-124.	45 DAYS DACA*
Conduct a total compensation survey including benefits, salary, and other forms of compensation of comparable public sector jurisdictions and appropriate private sector organizations subject to the following stipulations: 1. The survey must reflect a total compensation approach to market comparisons; 2. The survey instrument and methodologies used must conform to generally accepted survey research methods; 3. The criteria for selection of comparable jurisdictions must conform to generally accepted methods for selection of the jurisdiction and must be justifiable and must be presented to the Project Work Group for review prior to the initiation of the survey; 4. Survey findings must be presented in a suitable format to display rankings of minimum salary, maximum salary, and actual salary;. 5. Compare the District's compensation and benefit practices (e.g., number of grades, pay range within grade, basis for awarding increments benefit values) relative to the defined labor market; and 6. The study should compare the District's classification standards with those of other jurisdictions with an emphasis upon whether the number and types of jobs are similar and whether the required level of education, experience, and training are comparable within classification groups. Develop and utilize a minimum of 250 benchmark classifications.	60 DAYS DACA*
* DACA - DATE AFTER CONTRACT AWARD	

DELIVERABLES	Due Date
<u>SURVEYS, REPORTS AND BRIEFINGS</u> **(contd)** Conduct audits/reviews of at least 10% of the positions in each of the following categories in the order listed below: - Procurement - Information Technology - Professional - Technical - Clerical - Wage The audits/reviews should focus on the following: - Are job duties arranged so as to make a maximum contribution to organizational mission, goals, and objectives? - Is work designed to attract and motive capable employees? - Can work duties be rearranged to give more variety and improve job interest? - Can highly routine tasks that have no challenge be eliminated or automated? - Has necessary attention been given to the development of career ladders and upward mobility?	90 DAYS DACA*
Conduct focus groups and interviews with a minimum of 200 members, stakeholders, and employee representatives as determined by the Director of Personnel to learn their concerns and perceptions regarding current compensation and benefit practices; and learn what types of changes and incentives managers/employees feel are required to develop a better system which would improve productivity and employee morale; attract and maintain highly qualified employees and improve the overall operation of the government.	90 DAYS DACA*
* DACA - DATE AFTER CONTRACT AWARD	

DELIVERABLES	Due Date
RECOMMENDATIONS/IMPLEMENTATION The contractor shall recommend a alternative classification/compensation plan for review, including a recommended selection. The plan shall include a comprehensive explanation of compensation, classification and evaluation policy, salary range width, salary range spread, and salary recommendations for each classification.	120 DAYS DACA*
In addition, the contractor is to provide recommendations on the following classification, compensation and evaluation issues: 1. Salary range overlap (how one grade impacts on another); 2. Number of pay lines (grade/step); 3. Pay adjustment procedures; 4. Generalized vs. specialized job descriptions; 5. Broad banding; 6. Employee participation opportunities; 7. Parity in non-union and union pay; 8. American with Disabilities Act (ADA) job analysis requirements; and 9. The roles of the personnel management specialist in determining classification.	120 DAYS DACA*
Compare and graphically present District salary levels and increases over the last five years with that of the Federal government and other public and private sector employers of comparable size and scope.	120 DAYS DACA*
Identify and recommend public and private sector employers and/or survey sources considered appropriate for market comparisons. Review comparability of the District's pay and benefits with these public and private employers.	120 DAYS DACA*
Compare the District's classification/compensation and benefit practices (e.g., number of grades, pay range within grade, basis for awarding increments benefit values) relative to the defined labor market.	120 DAYS DACA*
Identify non-monetary recognition and award programs successive fully utilized by public and private employers, and evaluate and report on the potential for their use by the District.	120 DAYS DACA*
Draft proposed legislative amendments and rules and regulations to implement the new classification/compensation system.	145 DAYS DACA*
The Contractor shall provide as many on-site training sessions as determined by the Contract Administrator to ensure a thorough understanding of the concepts and applications of the new classification/compensation system.	145 DAYS DACA*
* DACA - DATE AFTER CONTRACT AWARD	

DELIVERABLES	Due Date
AUTOMATED COMPENSATION SYSTEM	
The Contractor shall, in concurrence with a designated Project Work Group, design, recommend and implement an automated compensation, classification and job evaluation system based on the District's new compensation philosophy.	180 DAYS DACA*
The new automated system will include computer software compatible with the District's available information technology. The automated system will deliver the following services: 1. The new system shall be automated and provide programs to classify, compensate and evaluate all positions within D. C. government excluding those identified. The system must reflect the organizational values and objectives of the government to attract and maintain highly qualified personnel by providing a compensation and evaluation system which is competitive with the surrounding public and private employers; 2. The new system shall automate the classification/job evaluation process for the development of position descriptions. The new system must include a component to determine the levels of skills needed to perform the duties of the position and the level(s) of compensation for the position; 3. The system must have an automated process for developing salary schedules, updating salary schedules, and project the total cost for salary increases or decreases (financial impact). 4. The new automated system must have a program for reviewing and making determinations as to which positions are covered under the Fair Labor Standards Act (FLSA) (exempt/non-exempt). The automated system shall provide guidelines and benchmarks to determine the exempt/non-exempt status of future positions and include the specific reasons for exemption; 5. The new classification and compensation system shall be programmed to allow for modifications in the system in the event of labor market shifts; and 6. The contractor shall provide as many on-site training sessions as determined by the Contract Administrator to ensure a thorough understanding of the concepts and applications of the system.	180 DAYS DACA*
* DACA - DATE AFTER CONTRACT AWARD	

Deloitte & Touche LLP
Two World Financial Center
New York, New York 10281-1414

Telephone: (212) 436-2000
Facsimile: (212) 436-5000

ADDENDUM

March 29, 1999

Deloitte & Touche will produce and deliver to the District of Columbia a report summarizing findings and conclusions regarding positions that should comprise the Management Supervisory Service (MSS) required by D.C. Law 12-124 within 45 days after contract award.

Attachment D

Managed Competition:
A Strategy for Improving Services

FY 2000 Key Budget Issues
Chapter 7

MANAGED COMPETITION

A Strategy for Improving Services

Executive Summary

As the District works to improve the quality, efficiency, and effectiveness of its services., it must seek innovative methods of service delivery that improves quality while also reducing cost. Managed competition is a model that has been used successfully throughout many cities to improve quality and reduce cost.

This policy paper proposes a three-tiered approach to improving the District government. First, it must develop a managed competition program. Second, for those services that cannot be competed it must develop an internal improvement program. Finally, there are also services that the District may wish to stop providing altogether. These services should be contracted out to service providers who specialize in these fields bringing expertise, quality, and efficiency to these areas.

This approach is not without its challenges. The District must prepare its employees, identify services, and conduct risk assessments for competition. We expect that this program will take several years before the benefits can be completely reaped in terms of savings and performance improvement. We are proposing a four-year implementation program with funding set aside for training, cost accounting, and competition preparation.

Background

Governments everywhere face a dilemma. Citizens demand better services, and yet the constraints on public budgets continue to grow. Revenues are limited and discretionary spending is unavailable to fund all the competing service needs. To provide the level of services citizens' demand, governments, including the District, have three basic options:

- Raise taxes
- Cut some services
- Improve efficiency

Raising taxes on a population already under a heavy tax burden is not a viable option. It perpetuates the downward economic spiral by driving out both businesses and residents, ultimately reducing the tax base. Cutting services on a population already poorly served is problematic.

The last option remains. Government must improve its efficiency to provide better services and cut costs. Obviously, improving quality of service and reducing costs is a challenge that the District must meet. Managed competition is a method available to the District to achieve this goal.

The Public Monopoly and the Demand for Competition

Monopolies – even public ones – are almost always inherently inefficient and resistant to change. A monopoly can charge higher prices and produce goods and services of lesser quality because consumers have no choice of alternative providers.

In contrast, competitive markets, by necessity, are responsive to consumers and must continually update and improve processes and service delivery. Producers must compete with each other on price and quality in order to survive. Where monopolies are inevitable, government regulates them in the public interest. This same principle applies to government. Historically, services are the sole domain of government with little or no competition from the private sector. As a result, there is a tendency to think of government as inefficient and ineffective because there is no incentive for government to be competitive against higher standards of service.

Often, services of the same or higher quality can often be purchased through the competitive market for significantly less, despite the fact that competitive contractors must pay taxes and earn profits.

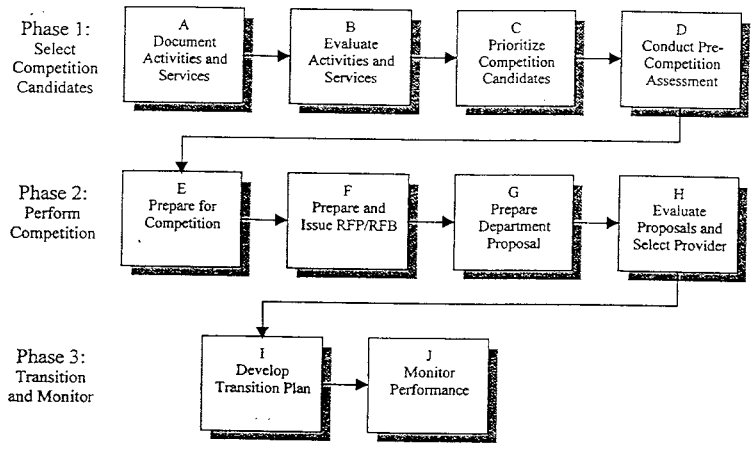
Governments can no longer afford business as usual – i.e., non-competitive services. They must embrace strategies that improve the competitiveness of their services. One of the most effective means of encouraging competitive services in government is to engage *in managed competition*, which other cities have implemented with great success in reducing costs as well as improving service quality.

What is Managed Competition?

Managed competition is a process whereby government agencies compete with the private sector to provide public services.[1] Competition is leveraged to improve the quality and reduce the cost of government services. The decision to choose among private *versus* public providers for government services is not a simple decision. The process of competing government services is very involved process and requires a great deal of analysis in support of a decision to compete a particular service. Managed competition is a process in which a public agency competes with private firms for the provision of public services under a controlled or managed process that clearly defines the steps to be followed and the roles of all the participants. Exhibit One provides a general illustration of what a managed competition process looks like.

[1] Government of the District of Columbia. Better Service at Lower Cost: A Model for Competitive Government. 1995.

Exhibit 1: Managed Competition Process[2]



There are generally three phases of any planned competition. First, the government must decide what to compete. Through several analytical techniques, governments can get the information necessary to identify services and activities that are appropriate for competition. The information necessary includes, but is not limited to:

- How the government currently performs the service
- What it costs the government to perform the service (government estimate), and
- Whether competition improves service delivery or otherwise advances the public interest.

Second, the government must compete the service. This step usually involves the development of a Request for Proposals/Bids, a bidding process, and evaluation of all bids that are submitted, including the government's bid.

Finally, once a provider is selected, the government must monitor the performance of the contractor or the government agency to ensure that performance goals with regard to quality and cost are met.

[2] The Managed Competition Guide of the County of San Diego

The Use of Managed Competition in Local Government

The idea of competing services is not new. Phoenix, Arizona pioneered the concept in the 1970s when it competed several city services. However, the idea did not spread significantly as a tool for governments to improve service quality and reduce cost for another 20 years.

In the last five years, many cities, counties and states used managed competition, rather than privatizing government services, as the means of determining whether public or private service providers are best suited for a particular task. Cities such as Phoenix, Philadelphia, Indianapolis, Charlotte and New York have all implemented some form of public-private competition for service delivery - where public employees invigorated by the necessity for creativity and teamwork won a sizable proportion of the competitions. San Diego and Cleveland are also currently embarking on ambitious managed competition initiatives.

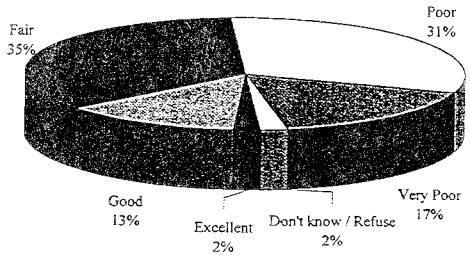
A wide range of government services is suitable for the competitive service process. Exceptions include services that focus on policy setting, have legal restrictions, are too small to realize significant savings, where no market of private providers exist, or private providers would be inherently inappropriate, such as public safety and justice.

The Need for Competition in the District

A cursory review of the services provided by the District reveals the need for a strategy to implement customer-driven government. District residents currently hold a decidedly negative view toward the quality of city services. They are three times more negative than positive about the government. Close to half (48 percent) rate public services as poor or very poor, over a third (35 percent) say they are fair, and only 15 percent rate them as excellent or good

Exhibit 2 : Citizen Satisfaction with District Services

In considering city government services in the District, would you say the quality of service in general is excellent, good, fair, poor, or very poor?



Services rated "poorest" by DC residents include:

- Police protection against crime throughout the city
- Safe drinking water
- Public schools
- Efforts to attract new businesses to the district
- Programs for youth to counter gang activities
- Drug Prevention programs
- Job training and placement for the unemployed
- Recycling programs
- Street repair and maintenance
- Snow removal
- Services for the homeless
- Services for low income residents.

Services rated as top priorities for Residents:

- Police Protection against crime throughout the city
- Police Protection against crime in your neighborhood
- Safe drinking water
- Public Schools
- Efforts to attract new businesses to the District
- Programs for youth to counter gang activities
- Drug prevention programs
- Job Training and placement for the unemployed.
- Ambulance and emergency medical services
- Fire protection

What is disappointing is that seven out of top twelve services rated as "poorest" are also the services rated as the highest priorities by the District. What this suggests is that the current method of service delivery is inadequate in meeting the needs of the District's residents.

As the District strives to provide better service at a lower cost to the District's citizens, it must find proven as well as innovative methods of improving service delivery. Beyond public vs. private competition, internal services provided by District agencies to other District agencies should also be available for competition. As part of the process of reducing the cost of running a District agency, we seek to determine if using another District agency is the best choice to provide those services. However, until we develop the internal capacity to compete, this may remain a next step. It is expected that through competition, District agencies will be motivated to improve the quality and efficiency of their business or lose it to a more efficient private sector provider.

The benefits of competition are many. They include:

- Ensuring the lowest cost for a given quality and level of service for customers and taxpayers;
- Restructuring costs to improve services or lower fees;
- Encouraging creativity and innovation in service delivery;
- Evaluating regulations and policies that may inhibit flexibility;
- Depoliticizing service delivery;
- Increasing accountability to government and customers performance insofar as contracts contain explicit expectations and standards;
- Sharpening the immediate consequences of performance;
- Reducing the administrative and managerial tasks of government; and
- Instilling continuous improvement insofar as the public or private service provider is at risk of losing its competitive edge.

A Blueprint for Managed Competition in the District of Columbia

While the motivation exists to compete services, the question facing the District is how does it go about competing services? To prepare itself for competition, the District, as a government, must perform three fundamental tasks. It must:

Task One: Identify what to compete

- Identify services for competition
- Educate government employees on managed competition
- Prepare government employees to compete

Task Two: Compete services

- Develop a Request for Proposals
- Develop a government estimate of service costs
- Evaluate proposals
- Select a vendor (public or private)

Task Three: Monitor Performance

- Establish a contract with clear performance goals.
- Implement procedures for effective monitoring of the contract

Identifying What to Compete

In this phase, the District must decide which services it should compete. Fortunately, other governments have generated considerable amount of analysis and best practices from which the District can benefit. However, to determine the suitability of competition for a particular service, several "suitability criteria" can be used to assess individual services.

The first step in determining to compete a program or service is to determine whether it should be competed at all. For this purpose, a process needs to be established that examines the suitability of competing a particular service. Several "tests" that any service must pass prior to competition are:

1. *Public vs. Private* - Is the function inherently governmental, or public in nature, that would preclude competition? Inherently public functions would include: police, fire, and policy formulation to name a few.
2. *Marketability* - Is there a private sector market capable of providing the service contemplated for competition? The more robust the private sectors market place, the greater the likelihood that a particular program or service can be competed effectively.
3. *Potential Financial Impact* - Any competition should result in reduced cost or noticeably improved quality (if cost remains the same). The greater the financial savings the greater the likelihood for competition.

4. *Implementation* – A particular service that is to be competed should have measurable goals attached to it. Ambiguous goals that are not quantifiable can result in poor implementation or outright failure because the success criteria are not clearly established.
5. *Risk management* – Competition can also pose a specific risk depending on the activity. Using a private sector provider can expose the government to risk should the provider fail to deliver. Consequently, government should determine whether it should retain at least a reduced level of capacity, which might involve awarding separate contracts for different service areas, reserving one for a public entity.

A Competitive Services Strategy for the District

The competitive strategy for the District has two components. First, compete all possible services to improve service quality and reduce cost. Second, if a service cannot be competed, improve them as much as possible through process improvement. This strategy is designed to improve all the services of the District, not just the ones that can be competed.

This strategy is based on the premise that there are some inherently governmental functions that will never be competed. This is the first step in the suitability matrix. As this decision is made, the improvement path is determined.

Operationalizing the Competitive Services Strategy

To operationalize the competitive services strategy for the District of Columbia requires developing a program dedicated to improving the competitiveness of District services. The following tasks need to be completed to improve the District's competitive position relative to other governments and the private sector.

Task	Description
1. Create Office of Competitive Services	This office will be responsible for coordinating, identifying, developing, monitoring, and administering the competitive services program for the District of Columbia
2. Develop Managed Competition Program	OCS will identify, compete, and manage the Managed Competition Program for the District
3. Develop Internal Improvement Program	OCS will be an activity-based costing and business process reengineering program to improve inherently governmental functions
4. Monitor and Report Performance	A system of monitoring and reporting performance improvements and cost reductions on a regular basis must be developed to hold private sector vendors as well as government agencies accountable for performance.

To fulfill these responsibilities, the District Government must make a commitment to improving government services financially and operationally. Indianapolis' Managed Competition Office had eight full-time staff. Additionally, a private sector group of

volunteers assisted in the effort by working with the Managed Competition Office to identify programs that should be competed. A similar office should be established in the Office of the City Administrator to help launch, coordinate, and implement managed competition in the District. This analysis assumes a staff of nine and a total cost of approximately $900,000 for Fiscal Year 2000.[3]

To quickly begin managed competition, the District must rely on consultants while simultaneously building internal capacity. The consultants will assist in:

- Developing the overall program,
- Training employees on managed competition theory and practice,
- Conducting business process reengineering and activity-based costing analysis,
- Drafting Requests for Proposals for competing specific services, and
- Preparing employee bids on services.

This initial investment model is based on actual costs incurred by Philadelphia and Indianapolis in their managed competition operations and on costs incurred in the District for outsourcing initiatives in the past. The activity-based costing and business process reengineering components are the most costly part of the managed competition operation. ABC costs can approach $50,000 per activity. Additionally, it could cost several hundred thousand dollars to reengineer a business process, depending of course on the magnitude and scope of the activity being reengineered. Total costs for contractor support in ABC, BPR, and preparing District employees for managed competition is expected to reach $3 million and is budgeted in the FY 2000 Operating Budget..

Managed Competition and Operational Impact

Properly tracking improvement in service delivery is critical to ensuring the success of managed competition. However, for the purposes of this paper improving service quality and timeliness is program dependent and can only be discussed generally. In general, performance measures must be developed and monitored to ensure that service providers, whether public or private, are providing the level of service that has been agreed upon. Examples of potential programs and possible performance measures are provided in Appendix B.

As the District uses managed competition to improve its services, it is important to remember that our employees must be presented with the opportunity to compete on a "level playing field." Successful implementation of managed competition will require training and preparation of both management and employees. Components of this training will include:

- Management training on managed competition,
- Employee training on managed competition,

[3] No new funding is provided in the FY 2000 Operating Budget. This proposal assumes that the Office of the City Administrator will fund this program out of existing funds.

- Employee training on proposal preparation in response to a government request for proposal, and
- Employee training in conducting activity-based costing to develop valid cost information.

The purpose of this aggressive managed competition program is to provide the impetus for the District to improve the quality and timeliness of services sooner rather than later.

Following the models of various cities, the District should identify those services that are ripe for the managed competition program. Specifically, *any service currently provided by the District, that could also be provided by the private sector, is subject to the managed competition program.* Since the goal of this program is to improve services, rather than simply outsourcing or cutting a District program, agencies and the current workforce participate in the bidding process. Therefore, it is possible that the District agency could win the bid and continue to provide the service, in whole or in part.

For those services that the private sector does not provide, and the District's current delivery of these services need improvement, the District must develop an internal improvement program. In addition, there are services that the District may wish to stop providing altogether. These services should be contracted out to service providers who specialize in such fields and bring a higher level of expertise, quality, and efficiency to these areas.

This approach is not without its challenges. The District must prepare its employees, identify services, and conduct risk assessments for competition. The District has identified approximately $150 million in programs that qualify for the managed competition program in FY 2000. These programs can generate a great deal of cost reductions that can be allocated to other priorities. The following exhibit shows the four year plan for competing services.

Exhibit 3: The Value of Programs Competed Under Managed Competition

(in Millions)

Programs Competed	FY2000	FY 2001	FY 2002	FY 2003	Total
Value of Programs Competed	150.0	100.0	75.0	75.0	400.0

Exhibit 3 shows the value of District programs that are subject to the managed competition program. The totals represent a very aggressive schedule for improving the quality of government services through competition. In FY 2000, $150 million will be competitively bid. Between FY 2001-2003, an additional $250 million will be competed.

Beyond the value of the services to be competed, the benefit of managed competition is two-fold. First, competition should improve the quality of government services that are delivered to District residents, businesses, and visitors. These improvements in quality, efficiency, and timeliness should be noticeable in nature. Second, managed competition should generate cost reductions.

In FY 2000, the District expects to generate $31.9 million in operational savings. Exhibit 4 below illustrates the projected savings over four years.

Exhibit 4: Managed Competition Operational Savings

(in Millions)

Operational Savings	FY2000	FY 2001	FY 2002	FY 2003	Total
Managed Competition	37.5	25.0	18.8	18.8	100.1
Internal Process Improvement Program	5.0	7.0	9.0	9.0	32.0
Total Savings	42.5	32.0	27.8	27.8	130.1
Discounted	31.9	24.0	20.8	27.8	104.5

Notes:

1. **Operational savings for FY 2001-2003 are derived by assuming that competed programs will generate an average of 35% operational savings and that internally improved programs will generate a 10:1 return on investment.**
2. **Because managed competition is as yet experimental to the District, we have discounted the potential savings. In FY 2000, FY 2001and FY 2002, the discount is 25%. In FY 2003, the District expects to fully recoup the projected operational savings.**
3. **Savings in Exhibit 4 are incremental savings for the programs competed in that year. Total savings between FY 2000 and FY 2003 total $265.2 million since the savings from the first year is carried through all four years, and so on.**

In FY 1999, several pilot projects have been identified in the Department of Public Works, including:

- Light Fleet Maintenance, and
- Solid waste/ leaf pickup.

Improving Inherently Public Services

Managed competition only addresses the competitive needs of those services for which a private market exists. However, there are also services for which no comparable private sector marketplace exists or are inherently governmental and should not be competed. These activities can also be improved, but the method for improvement is through internal process improvement rather than competition in the marketplace.

To expect a 10 percent reduction in costs through internal process improvement is a reasonable goal. Private industry and other governments, notably the Federal Government, have used various improvement methodologies to improve the efficiency and effectiveness of inherently governmental functions.[4]

To implement this internal process improvement initiative will require an investment on the same magnitude as managed competition. Industry standards suggest that for every

[4] These methodologies include Activity-Based Costing, Business Process Reengineering, and Performance Management among others.

dollar invested in process improvement, the return should be at least ten-fold.[5] With an initial investment of $500,000, the District should be able to generate approximately $5 million in cost reductions while improving quality and timeliness of services. The resources saved can then be reinvested into the process improvement program to generate further cost reductions or service improvements in government operations. It is worth noting that these investments are not one-time investments. In fact, every activity should be reassessed every three years or so to continually improve government operations.

Activities such as public safety and regulatory enforcement, which are inherently governmental, and activities such as library services and Consumer and Regulatory Affairs, which do not have private sector equivalents, are prime candidates for internal process improvement. It is also worth noting that this internal improvement program can only improve upon the current state of operations. It is not designed to address issues such as demand for services. Such issues such as supply and demand for services are policy and management decisions for the leadership of the District.

In addition, there are also District services that may be better provided by the private sector. While the government can adequately provide these services, they may not necessarily provide them effectively or efficiently. Seeking contractors – for-profit or non-profit – that specialize in certain services may be a more effective use of resources than for the District to provide those services internally. Security services, property management, and janitorial services are examples of services appropriate for contracting out.

Managed Competition – Performance Measures and Accountability Plan

Insofar as managed competition itself is a management tool, rather than a function or service, it is difficult (but not impossible) to assign it performance measures beyond those for the actual services competed. What follows in the Appendices is a broad inventory from which we can choose selected indicators based on our comfort level with the risks of setting goals for something that is experimental in nature.

Managed Competition (the process) is aimed at achieving greater efficiencies and/or lower costs through reengineering and the creativity unleashed from competition. Appendix C lists four pilot projects that will be implemented in FY 1999. Each of the four pilot areas present fairly straightforward operational measurements. Sometimes it is possible to measure ultimate outcomes. For example, our basic goal is not to kill rats – but to have a rat free city. In this paradigm, we need to account for prevention and alternative means for eradication. This might involve the winning bidder focusing more on information dissemination, environmental factors, or robust enforcement of city regulations. Of course, citizen satisfaction is also an important factor.

For the initial two years, our approach is to limit ourselves to straightforward efficiency goals, with perhaps a few measurable/predictable service delivery measures. Add customer satisfaction goals when the Scorecard and/or other survey mechanisms are reliable. Add strategic outcomes when we can better assess interagency and interrelated goals and alternative means to achieving them. Decide now, however, what the desired ultimate outcomes are, so we can begin to develop necessary measurement capacities.

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[5] ABC return on investment (ROI) traditionally is in the neighborhood of 20:1.

Conclusion

By utilizing both managed competition and internal process improvement, the majority of the functions of the District government can be targeted for improvement. Improving quality and timeliness of service while reducing cost is achievable. What it requires on the part of the District is a commitment to making this program work and the financial investment for developing the internal capacity to compete. To this end, $3.5 million has been budgeted in the Mayor's FY 2000 Operating Budget in the Office of the City Administrator to implement the managed competition program (see Appendix D for detailed information).

Appendix A – Schedule for Competing Services and Potential Services for Competition

Programs Competed	FY 2000	FY 2001	FY 2002	FY 2003	Total
Value of Programs Competed	150.0	100.0	75.0	75.0	400.0

Operational Savings	FY2000	FY 2001	FY 2002	FY 2003	Total
Managed Competition	37.5	25.0	18.8	18.8	100.1
Internal Process Improvement Program	5.0	7.0	9.0	9.0	32.0
Total Savings	42.5	32.0	27.8	27.8	130.1
Discounted	31.9	24.0	20.8	27.8	104.5

1. Operational savings for FY 2001-2003 are derived by assuming that competed programs will generate an average of 25% operational savings and that internally improved programs will generate a 10:1 return on investment.
2. Because managed competition is as yet experimental to the District, we have discounted the potential savings. In FY 2000, FY 2001and FY 2002, the discount is 25%. In FY 2003, the District expects to fully recoup the projected operational savings.
3. Savings in Exhibit 4 are incremental savings for the programs competed in that year. Total savings between FY 2000 and FY 2003 total $265.2 million since the savings from the first year is carried through all four years, and so on.

Potential Programs for Competition

Item	Program	Agency	FY 1999
1	Fleet Maintenance	DPW	8.8
2	Litter Can	DPW	INA
3	Solid Waste Program ▪ Collection ▪ Disposal	DPW	 8.6 12.1
4	Fall Leaf	DPW	INA
5	Street and Alley Cleaning	DPW	8.4
6	Sign Replacements	DPW	2.2
7	Rat Abatement	DPW	INA
8	Vegetation Management	DPW	INA
9	Tree Trimming	DPW	1.8
10	Mowing	Parks and Recreation	0.6
11	Recycling Program	DPW	4.0
12	Pothole Repair	DPW	INA
13	Prison Health Services	DOC	30.3
14	Security	OPM	13.2
15	Custodial Services	OPM	3.0
16	Graffiti Removal	DPW	INA
17	Fleet Maintenance	FEMS	4.4
18	Facilities Management	DHS	3.6
19	Information Systems Management	DHS	9.7
20	Oak Hill Management	DHS	19.0

Item	Program	Agency	FY 1999
21	Management Information Systems	DOES	3.0
22	Youth/Summer Youth Program	DOES	6.8
23	Business Licensing	DCRA	1.1
24	Occupational Licensing	DCRA	0.4
25	Production	DC Cable TV	1.0
26	Home Purchase Assistance Program	DHCD	4.0
27	Homestead Housing Preservation Program	DHCD	2.6
28	Home Match Program	DHCD	1.4
29	Housing Programs*	DHCD	2.9
30	Printing	MPD	0.9
31	Printing	OCTO	1.8
	Total		155.6

*Eight programs are small dollar programs that can be competed as a package.

INA - Information Not Available

Appendix B – Cities Using Managed Competition and the Programs Competed

Chicago, Illinois

Since taking office in the spring of 1989, Chicago Mayor Richard M. Daley has brought competition to about 40 services, ranging from water customer billing to drug and alcohol treatment. Savings from privatization total tens of millions of dollars annually. Mayor Daley sees privatization as a way to accomplish three important goals: "save money, improve services, and give the public greater control over the process of governing."

Services currently under management competition in the City of Chicago include:

- Airport Parking Garages
- Office Product Purchasing
- Window Washing
- Custodial Services
- Various Health Services
- Messenger Services
- Photocopying Services
- Television Evaluation of Sewer lines
- Towing of Abandoned and Illegally Parked Cars
- Tree Stump Removal
- Tree Planting
- Bill Printing and Mailing

Indianapolis, Indiana

Indianapolis Mayor Stephen Goldsmith has developed the country's most comprehensive competition program. Since taking office in 1992, Mayor Goldsmith has moved nearly 60 services into the competitive marketplace, saving the city $28 million annually. "Competition is the fundamental aspect of change for a city that is successful to stay successful," says Goldsmith.

In Indianapolis as in other cities, opening up services to competition does not always result in hiring a private firm. After being asked to compete, the Indianapolis Transportation Department streamlined its operations and won bids for pothole filling, crack sealing, and other street repair work, each time saving the city at least 25 percent from its previous costs.

Services currently under managed competition in Indianapolis, Indiana include:

PUBLIC WORKS

- Abandoned Vehicles
- Asbestos abatement
- Consolidated mowing
- Laboratory services
- Recycling program
- Trash collection
- Advanced wastewater treatment
- Billing for trash collection

- Hazardous materials emergency response
- Mass burn
- Sewer billing
- Waste solvent management

TRANSPORTATION

- Airport operation
- Para-transit
- Parking $ counting
- Public transit
- DOT laboratory
- Parking Enforcement
- Pothole repair
- Snow plowing

ADMINISTRATION

- Copying
- Facility security
- Graphic arts
- Microfilm
- Couriers
- Fleet maintenance
- Light towing
- Window washing

PUBLIC SAFETY

- Bike Patrol
- Photo finishing
- Jail Expansion

PARKS AND RECREATION

- Concessions
- Golf Academy
- Janitorial Services
- Pedal Boat Rental
- Portable Toilets
- Tree Nursery
- Velodrome Operations
- Eagle Creek Marina
- Golf Courses
- Landscaping
- Pool operations
- Post Road FM
- Tree Removal

SOCIAL SERVICES

- Welfare-to-Work Assistance

INFORMATION TECHNOLOGY

- Computer and Data Network

Philadelphia

Philadelphia Mayor Ed Rendell has found that public workers are capable of doing a good job, but in a monopolistic environment they lack the incentive to reduce costs or improve operations. "Savings that weren't possible before suddenly materialize once you put a service out to bid", says Linda Morrison, the former director of Philadelphia's competitive-contracting program. Cost savings from privatization have averaged 40 to 50 percent in Philadelphia.

Services in place under management competition include:

- Burholme Park Golf Course
- Municipal Golf Courses
- Prison Health Services
- Water Department Emergency Sludge Removal
- Vine Street Maintenance
- Water Department Monthly Billing Mailing
- Fairmount Park Equestrian Center
- Custodial Services for City Hall and Concourse
- Art Museum Security Guards
- Trash Transfer Stations
- City Warehouse
- Fairmount Park Turf Maintenance (238 Acres)
- City Print Shop
- Riverview Boarding Home Medical Services
- Disability Claims Management
- Port of History Museum Building
- Prison Food Services
- Art Museum Building Maintenance and Custodial Services
- Sludge Hauling and Disposal
- Fairmount Park Trolley
- Worker's Compensation
- Philadelphia Nursing Home
- Fairmount Park Turf Maintenance (987 Acres)
- Prison Commissary
- Fairmount Park Historical Houses
- The Office of Emergency Shelter and Services Case Management
- Parking Garages
- MSB/CJC Master Facilities Management
- Parking Tax Enhancement
- Civic Center Facilities Management

- Riverview Security Services
- Fleet Collision/Auto Body Repair
- Prison Master Facilities Management
- Betsy Ross House Privatization
- Fleet Management Security Guards
- Fleet Compressed Natural Gas Engine Conversions
- Automobile Claims
- Fairmount Park Turf Maintenance (2,012 Acres)
- Airport Information Services
- Police Horseshoeing
- Sludge Processing Center
- Inter/US Mail
- Prison Kitchen Equipment Maintenance
- US Mail
- Recreation Weed Control
- Fleet Automatic Transmission Repair
- Fleet Engine Rebuilding
- Mann Music Center
- The Office of Emergency Shelter and Services Full Shelter Services
- Water Automatic Meter Reading
- Department of Human Services Controller Audit
- Fairmount Parkwide Concession
- Southwest Water Pollution Control Plant
- Operations Support Center
- Memorial Hall Custodial
- Desktop Services
- Street Tree Trimming
- Towing of Stolen Vehicles

OTHER INITIATIVES

- N.E. Airport Security
- Prison Social Services
- Records Storage
- School Crossing Guards

INITIATIVES ON HOLD

- Water Department Security Services
- Youth Study Center
- International Airport Custodial Services
- Water Bank-by-Phone
- Water Revenue Collections
- Water Revenue Payment Receipt
- Atwater Kent Museum
- Fairmount Park Tree Maintenance
- Carousel House
- Robin Hood Dell East
- Building Security City Hall
- Special Events Security

Appendix C - Managed Competition Performance Measures for Pilot Programs in FY 1999

Below are possible performance measure for the actual implementation of managed competition and four service areas preliminary identified for possible competition in FY 99.

Managed Competition - *ultimate goal of efficiency and ease in launching competitions*

Savings/efficiency

Baseline = $N to kill 1000 rats

$ saved ($N - $X (less) to kill 1000 rats)

increased efficiency ($N to kill 1100 rats)

Reduction in long-term capital costs (through public or private bid)

Institutional dimension

$ value of programs with ABC capacity (competed or not)

$ value of programs that are competed

managers in # agencies with the capacity to train colleagues

activities with sophisticated performance measurement and ABC capacities

% employees in whom rated managed competition training as useful

% of the # employees who passed knowledge test after training

Length of time to prepare an RFP

Length of time to complete a competition

Administrative/overhead costs in organizing competitions

Rat Abatement – ***ultimate goal of rat-free city***

Efficiency/Savings

$N - $X (less) to kill 1000 rats

$N to kill 1100 rats

neighborhoods covered in a shift

Service Delivery

Response time to complaints about rats

# of rat bites

# of citizen health problems stemming from rats

Citizen Satisfaction

% citizens citing rats as serious detriment to city

% citizens/businesses complaining about rats

Strategic Outcomes

decrease in estimated rat population

businesses/restaurants complying with sanitation regulations

Homes with supercans

of citizen health problems stemming from rats

Litter Can Pick-Up – ***ultimate goal of litter free streets***

Efficiency/Savings

$N - $X (less) to collect 100 cans

$N - $X (less) to collect cans on 20 blocks

$N to collect 100+ cans

neighborhoods covered in a shift

Service Delivery

response time to overflowing cans

# of overflowing cans

blocks with cans

Citizen Satisfaction

% citizens citing litter as serious detriment to city

% citizen complaints about litter

Strategic Outcomes

decrease in # blocks with chronic litter problems

businesses/restaurants complying with refuse and sanitation regulations

Leaf Collection - ***ultimate goal of prompt pick up with minimum days of leafs on streets***

Efficiency/Savings

$N - $X (less) to collect 1 ton leaves

$N - $X (less) to collect leaves on 20 blocks

$N to collect 1+ ton leaves

neighborhoods covered in a shift

Service Delivery

# of collections during leaf season

days leaves are on street awaiting collection

response time to leaf complaints

Citizen Satisfaction

citizen complaints about leaf collection

Strategic Outcomes

days leaves are on street awaiting collection

Light Vehicle Maintenance - ***ultimate goal of operational fleet***

Efficiency/Savings

$N - $X (less) to maintain 100 vehicles

repairs completed in one hour

chronic problems/repeat repairings

miles between services

%/# vehicles out-of-service

Service Delivery

Turn around time on repairs

Citizen/Customer Satisfaction

% vehicle owners expressing satisfaction with service

% vehicle owners who cite repairs as serious impediment to service delivery

% complaints about service

Strategic Outcomes

miles between services

%/# vehicles out-of-service

%/# vehicles receiving preventive maintenance

Appendix D: Funding Proposal for Managed Competition Program

(in millions)

Option	FY 2000	FY 2001	FY 2002	FY 2003	Total
Managed Competition					
▪ ABC Analysis	1.0	.7	.7	.7	3.1
▪ Proposal Assistance	.6	.4	.4	.3	1.7
▪ Program Accountability	.8	.5	.5	.5	2.3
Sub-Total	2.4	1.6	1.6	1.5	7.1
Managed Competition Training	.6	.4	.4	.3	1.7
Internal Process Improvement Program	.5	.7	.9	1.1	3.2
Office of Competitive Services	0	0	0	0	0
Total	3.5	2.7	2.9	2.9	12.0

New Funding	FY 2000	FY 2001	FY 2002	FY 2003	Total
Total	3.5	2.7	2.9	2.9	12.0

Attachment E

Department of Human Rights
& Local Business Development

Fact Sheet
Organization Chart

DEPARTMENT OF HUMAN RIGHTS & LOCAL BUSINESS DEVELOPMENT

I. LBD Primary Objective

- Enforce the policies of and ensure compliance with the "Equal Opportunity for Local, Small, and Disadvantaged Business Enterprises (LSDBEs) Act of 1998, as amended."
- Enforce and administer the policies of Mayor's Order 85-85, "Compliance with Equal Opportunity Obligations in Contracts."
- Execution of said legislation is performed through the LBD Organizational Functions

II. LBD Organizational Functions

1. *Advocacy* **Division** - Local Business Development
   - Research and identify new avenues for market outreach to local business enterprises.
   - Promote certified LSDBEs to agency purchasers, suppliers, contractors and others.
   - Educate and train Local, Small and Disadvantaged Business Enterprises, community leaders, contractors, vendors, agency representatives and others on LSDBE Certification program participation and compliance requirements.
   - Foster community participation through the development and establishment of LSDBE subcommittee groups related to local business development.
   - Research and develop proposals and grants to obtain federal funds to support LSDBE program development.
   - Develop and maintain an ongoing database of local businesses, economic development organizations, lenders, local community leaders and technical assistance providers.
   - Plan, coordinate and implement annual Local, Small and Disadvantage Business Enterprise conference and other outreach forums.

2. *Certification* **Division** - Local, Small and Disadvantage Business Enterprise (LSDBE)
   - Intake, analyze and process applications for the Local Business Opportunity Commission (LBOC).
   - Examine joint venture agreements for LSDBE Certification eligibility and presentation to LBOC.
   - Provide LSDBE certification-related counseling and assistance to applicants.
   - Serve as liaison between applicants and LBOC.
   - Plan and schedule monthly LBOC meetings.
   - Present certification applications to the Local Business Opportunity Commission for review.
   - Develop and maintain an ongoing database of certified LSDBEs for contracting and procurement opportunities.

**DEPARTMENT OF HUMAN RIGHTS &
LOCAL BUSINESS DEVELOPMENT
(Continued...)**

3. ***Compliance* Division** – Public/Private Contracting and Procurement
   - Monitor, audit, evaluate and report DC government agencies compliance with 50% legislative mandate of "Equal Opportunity for Local, Small and Disadvantaged Enterprise (LSDBE) Act of 1992."
   - Monitor, evaluate and report DC government agencies compliance with the development of Affirmative Action Plans (AAP).
   - Examine and approve/disallow Affirmative Action Plans (AAP).
   - Provide AAP-related counseling, training and assistance.
   - Develop and provide agency "Compliance, Preparation and Reporting" training programs to DC government representatives.
   - Prepare Memoranda of Understandings (MOU) and monitor private sector utilization of LSDBEs on DC government contracts.
   - Monitor Industrial Revenue Bond (IRB) projects performance under MOUs and Memoranda of Agreements with private sector.

4. ***Legislative* Division** - Local, Small and Disadvantage Business
   - Review, interpret and implement new legislation and regulations pertaining to the LSDBE Program.
   - Monitor legislation, regulations, and other authorities affecting local business development.
   - Conduct research, policy development analysis, and make recommendations related to local business development.

Please call me at (202) 727-3900, if I can be of further assistance.

Thank you.

JAF/eg

Department of Human Rights & Local Business Development

Office of the Director
- Provides general direction and policy guidelines for the department;
- Ensures the implementation of legislation, regulations and other authorities designed to ensure an end to illegal discriminatory practices in employment, housing and commercial space, public accommodations, educational institutions, District government and private sector contracting;
- Determines financial needs and allocates personnel and non-personnel resources;
- Serves as the Equal Employment Officer for the District of Columbia Government;
- Represents the department in federal and local forums;
- Serves as grantsman for the department; and
- Develops regulations governing the functions and operations of the department

Local Business Opportunity Commission
- Enacts certification policy for Local, Small and Disadvantaged Business Enterprise;

Commission on Human Rights
- Conducts hearings & issues final decisions and orders on private sector cases certified by the Office of Human Rights ; &
- Sets policy or Commission on Human Rights.

Office of Local Business Development
- Enforce the policies of & ensure compliance with the "Equal Opportunity for Local, Small, Disadvantaged Business Enterprises (LSDBEs) Act of 1998, as amended;"
- Enforce & administer the policies of Mayor's Order 85-85, Compliance with Equal Opportunity Obligations in Contracts."
- Manage the daily operations of the office;
- Recommends personnel & other resource needs;
- Makes policy & legislative recommendations to the director; and
- Implements departmental policies

Office of Human Rights
- Determines case enforcement policy;
- Determines personnel needs for case enforcement;
- Provides Equal Employment Opportunity (EEO) training for government employees;
- Conducts conciliation proceedings;
- Presents agency's position on complaints before the Commission on Human Rights (COHR);
- Serves as the citywide clearinghouse for information on anti-discrimination laws, etc.
- Serves as liaison to the District community regarding human rights issues;
- Serves as liaison to the US Equal Employment Opportunity Commission; and
- Issues regulations governing the functions of the Office of Human Rights.

Advocacy Division
- Research & identifies new avenues for market outreach to local business enterprises;
- Promotes certified LSDBEs to agency purchasers, suppliers, contractors & others;
- Educates and trains LSDBEs, community leaders, contractors, vendors, agency representatives and others on LSDBE Certification program participation and compliance requirements;
- Fosters community participation through the development and establishment of LSDBE subcommittee groups related to local business development;
- Research and develops proposals and grants to obtain federal funds to support LSDBE program development;
- Develops and maintains an ongoing database of local businesses, economic development organizations, lenders, local community leaders and technical assistance providers;
- Plan, coordinates and implements annual LSDEB conferences and other outreach forums.

Legislative Division
- Review, interpret and implement new legislation & regulations pertaining to the LSDBE Program;
- Monitor legislation, regulations, & other authorities affecting local business development; and
- Conduct research, policy development analysis & make recommendations related to local business development.

Enforcement Division
- Enforces local,federal laws and policies with respect to discrimination;
- Investigates cases/complaints of alleged discrimination (DC government & private sector);
- Monitors DC government agencies' Affirmative Action Plans for compliance with standards as set forth by the Office of Federal Contract Compliance Programs;
- Prepares Letters of Determination;
- Monitors agreements and settles cases for compliance

Certification Division
- Intakes, analyzes and processes applications for the Local Business Opportunity Commission (LBOC);
- Examines joint venture agreements for LSDBE Certification eligibility and presents findings to LBOC;
- Provides LSDBE certification related counseling and assistance to applicants;
- Serves as liaison between applicants and LBOC;
- Plans and schedules monthly MBOC meetings;
- Presents certification applications to LBOC for review; and
- Develops and maintains an ongoing database of certified LSDBEs for contracting & procurement opportunities.

Compliance Division
- Monitor, audit, evaluate and report DC government agencies compliance with 50% legislative mandate of "Equal Opportunity for Local, Small and Disadvantaged Enterprises (LSDBE) Act of 1992;"
- Monitor, evaluate and report DC government agencies compliance with the development of Affirmative Action Plans (AAP);
- Examine and approve/disallow Affirmative Action Plans
- Provide AAP-related counseling, training and assistance;
- Develop and provide agency "Compliance, Preparation and Reporting" training programs to DC government representatives;
- Prepare Memoranda of Understandings (MOU) and monitor private sector utilization of LSDBEs on DC government contracts; and
- Monitor Industrial Revenue Bond (IRB) projects performance under MOUs and Memoranda of Agreements with private sector.

Intake Division
- Advises complaints on the mediation and investigations processes;
- Formalizes/dockets complaints of discrimination;
- Administers the case closing process; and
- Counsels the public regarding discrimination laws and the right to file complaints.

Mediation Division
- Provides forums for resolution of complaints;
- Negotiates settlement agreements; and
- Trains pro bono mediators to perform mediations

Attachment F

DRAFT
District of Columbia Management Report

For submission with the FY 2000
Operating Budget and Financial Plan
DATA INCOMPLETE IN THIS DRAFT

June 1, 1999

To the residents of the District of Columbia:

I am pleased to transmit the FY2000 *District of Columbia Management Report* to the United States Congress, the District of Columbia City Council, and, most importantly, the residents of our nation's capital. This report presents past performance and future goals of District government agencies, offices and commissions against a set of measures identified as priorities of the residents of the District of Columbia.

Behind the numbers is a system of clear commitments of performance and accountability for meeting those commitments. As the elected leader of the District of Columbia, I expect the residents, businesses and other stakeholders to hold me accountable for progress against these measures. Accountability begins with the leaders. As the residents hold me accountable, I will use this set of measures to hold agency directors—the leaders who report to me—accountable for progress against the measures relevant to their operations.

Raising the Bar: Community expectations have proven valuable in helping all of us set our sights higher in selecting measures. There is a disconnect between the expectations of the residents and the measures agencies have tracked historically. When you ask a resident what they expect of government, they speak in the language of outcomes—clean streets, healthy children, and quality education. When agencies started preparing performance measures for the 1999 Performance Accountability Plan, most were measures of work process or output—clients served, hours worked, tons of trash collected. In the preparation of that report, the agencies began to move towards customer oriented measures—quality or timeliness of service. Our emphasis in preparing this report has been to continue the migration from output and process measures to stronger customer service measures and outcome oriented measures.

Trusting the Numbers: In addition to concerns over the ability of the agencies to track new measures, we need to be vigilant in ensuring the validity of the data reported. The Director of Customer Service is working with agencies to document their data collection and reporting practices. In addition, a customer service task force is designing a program that will enlist residents, area university researchers and undergraduate and graduate students in conducting customer service testing of agencies. Finally, one of the first tasks I assigned my newly appointed Inspector General was the design and implementation of performance audits of agency performance data collection and reporting practices.

A Continuing Role for the Community: The DC Scorecard Partnership has served an effective role in setting initial expectations, and they will continue to monitor and assess government's progress against those goals. However, the entire community must be engaged in an ongoing goal and strategy setting process if we are to succeed in

improving the quality of life for all citizens of the District of Columbia. Government must join in partnership with all of the stakeholders in our community – residents, businesses, and community-based and faith-based organizations – to develop strategies to address problems that are beyond the scope of government control alone. The District of Columbia will engage the larger community in a neighborhood-based strategic planning effort beginning by fall 1999. We will tie those planning efforts closely to the agency's strategic plans and restructuring activities.

Measurement as a Management Tool: A well-designed performance measurement system is a powerful tool for the Mayor. Having set clear expectations and developed measures of agency operations in meeting those expectations, my office can make resource allocation decisions, personnel decisions and policy decisions. Agency directors will have unambiguous statements of what the residents and the Mayor expect, and their regular reports will document their success or failure in meeting expectations. Congress and the Control Board will have compelling evidence of the progress of the District of Columbia's success in self-governance. And District residents will have objective indicators, designed to their specifications, that the city is moving in the direction they want.

Sincerely,

DRAFT

Anthony A. Williams
Mayor of the District of Columbia

District of Columbia Management Report
Baseline Report—May 1999

The *District of Columbia Management Report* sets forth the baseline measures for performance-based management for results in the District of Columbia. The body of the report is a range of measures for all levels of government:

- A set of outcome measures for the Mayor, defined by District residents
- Detailed sets of outcome and customer service measures for selected agencies
- Reports on progress against performance measures from the 1999 Performance Accountability Plan for the balance of the agencies, offices and commissions of the District government

When fully implemented, the performance measurement system will measure the extent to which the District government meets its commitment to significantly improve government service to residents and will identify services and processes agencies need to further improve.

The District government has applied a simple rule of thumb in the selection of agencies to develop initial outcome and customer service measures—which agencies directly impact the lives of District residents in significant ways on a regular, ongoing basis? In the coming months, every agency will develop outcomes and customer service measures. The District prioritized the selected agencies to address the most pressing needs of residents and to provide models for the remaining agencies to develop their own measures.

The District is obligated to provide annual reports on the performance of District agencies to Congress, the DCFRA and the City Council. However, annual reports are not sufficient to monitor performance or drive change in agencies. This report serves as a baseline for regularly quarterly reports, the first of which will be issued by fall 1999.

The measures for the high-impact agencies reflect a partial migration from measures of outputs and work process to measures of outcomes, customer service and customer satisfaction. They begin to lay the groundwork for the development of a "Balanced Scorecard" for the District of Columbia, but neither the DC Scorecard indicators nor the individual agency measures currently reflect all of the elements of that model.

The measures do address the Balanced Scorecard categories of customer perspective and internal processes, and the District has citywide measures of financial accountability. However, individual agencies must develop measures of financial accountability and the city and agencies must develop measures of learning and growth to fully address the four areas of focus in the Balanced Scorecard model.

More importantly, while the performance measures were negotiated among the Mayor and individual agency directors, a true Balanced Scorecard reflects extended and in-depth conversations among a wider range of stakeholders to define and agree on a strategic direction for the entire community. Within the government, those stakeholders will include the Office of the Mayor, agency directors, their staffs and the City Council.

However, while the District government can improve service delivery, achieving the quality of life that residents want and deserve will require a partnership with all elements of the community—residents, business leaders and community and faith-based organizations. The District will launch a neighborhood-based strategic planning initiative by fall 1999 that will initiate these extended conversations and goal-setting exercises.

Accountability
The design of the current measures reflects the District government's commitment to accountability to the residents of the nation's capital. Decisions on what to measure, who to measure first, how to report results, and verifying the accuracy and trustworthiness of the data are all guided by the ultimate accountability of the Mayor, agency directors and every District government employee to the residents of the District of Columbia.

DRAFT

The Mayor's Strategy
Upon entering office Mayor Williams established four strategic goals that would frame all of the efforts of District agencies:

1) Improve Government Services,
2) Expand the Economy,
3) Support Our Children, and
4) Rebuild the Human Services Network

The first step in launching this strategy was the short-term action agenda. The Mayor called on agencies to identify and complete projects or process re-engineering efforts that could be achieved within six to twelve months or less. Agencies have made rapid and substantial progress in addressing this short-term action agenda, but as encouraging as those quick hits were they are not sufficient to drive lasting change in government.

The process re-engineering efforts yielded useful customer service measures to incorporate into directors' performance contracts. These included committing to on-time trash collection, guaranteeing shorter drivers license and automobile registration service times, and redesigning lengthy building permit and professional license

processes that discouraged companies and entrepreneurs from doing business in the District.

Reengineering these processes was a substantial achievement, but relative to addressing the local economy, the needs of children and the needs of citizens who depend on the array of human services provided by government, these services are the simplest activities in which our government is engaged. We have to get those processes right the first time so we can focus our attention on the more complex and critical issues facing our residents. Performance measures will illustrate the extent to which these short-term goals are met and help to identify where longer-term, structural changes need to be made.

Determining the Priorities of District Residents

The District has many sources of anecdotal and research-based information on the priorities of the residents of the District of Columbia. Residents share their opinions at town meetings and through telephone calls, letters and e-mail that come in to the Office of the Mayor every day. In addition, opinion research data is available on what District residents want. DCFRA conducted a detailed survey of residents' priorities in the spring of 1997.

The District is building on that research through its participation in the DC Scorecard Partnership. The Partnership is an alliance of DC Agenda, the Center for Excellence in Municipal Management at the George Washington University, and the Alliance for Redesigning Government at the National Academy of Public Administration. The DC Scorecard will be a mechanism to assess District Government's progress on issues important to DC residents and other consumers of city services. Many other cities in the country produce similar annual scorecards on local government performance.

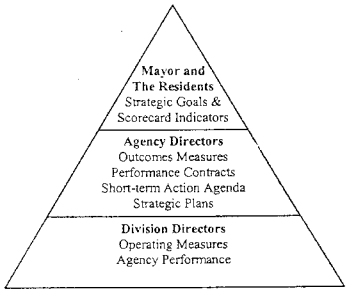
This spring, the Partnership conducted a series of structured interviews with residents from all eight wards and the District government will follow-up with a set of focus groups later this summer and a survey by fall 1999. The results of this research defined and validated the DC Scorecard indicators:

1) Healthy City
2) Safe City
3) Thriving Neighborhoods
4) Educated and Skilled Citizens
5) Strong Economy
6) Transportation Services
7) Government Performance

The Scorecard Partnership identified three to five data measures that inform each of the Scorecard indicators. Based on the data gathered from the relevant agencies, the

Scorecard Partnership will assign a rating for the city's performance against these seven indicators.

To demonstrate the Mayor's commitment to incorporate the priorities of the residents, he has adopted the seven indicators and the associated measures as the initial performance measures for the Office of the Mayor.



The conceptual structure of the District of Columbia Performance Measures is a blending of the Mayor's Strategic Goals with the priorities established by the residents, in the form of the Scorecard Indicators. This set of measures is supported by agency outcome measures that are supported, in turn, by detailed operating measures of input, output and efficiency.

What to Measure

Selecting performance measures in system intended to be accountable to residents must be based on specific priorities identified by the residents. With access to the data from the 1997 DCFRA survey, the ongoing research of the DC Scorecard Partnership and a set of resident interviews that will guide the design of a follow-up survey in late summer 1999, the District of Columbia can learn and respond to residents' biggest concerns.

The recent interviews of residents in each ward confirmed much of what we had learned in the 1997 survey but contained a few surprises. We know that citizens are most concerned about crime and the quality of the schools. District residents also want assurances of accessible healthcare, a clean city and quality job training and placements, and they want the District government to prioritize improved fire and ambulance responses, drinking water quality and attracting new businesses and homeowners.

Who to Measure (First)
Developing outcome measures is a labor-intensive process that requires extended conversations about the goals of an agency, the extent to which those goals are responsive to residents' priorities, agreement on an outcome statement and the appropriate data to measure progress towards the desired outcome.

We did not attempt to conduct these conversations with every agency, office and commission in the District government during the months this administration had to prepare its first budget. Instead, we focused on agencies that have the most direct impact on the lives of District residents to develop measures responsive to residents' priorities.

District of Columbia High Impact Agencies[1]

ECONOMIC DEVELOPMENT AND REGULATION
- Department of Housing and Community Development
- Department of Employment Services
- Department of Consumer and Regulatory Affairs

PUBLIC SAFETY AND JUSTICE
- Metropolitan Police Department
- Fire and Emergency Services Department
- Department of Corrections

PUBLIC EDUCATION SYSTEMS
- D.C. Public Library

HUMAN SUPPORT SERVICES
- Department of Human Services
- Department of Health
- Department of Recreation and Parks

PUBLIC WORKS
- Department of Public Works
- Department of Motor Vehicles
- D.C. Office of Personnel

GOVERNMENTAL SUPPORT
- District of Columbia Office of Personnel
- Office of Contracting and Procurement
- Office of the Chief Technology Officer
- Office of Property Management

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As described above, the initial effort was to identify short-term actions and committing to meeting them within a fixed time-span of several weeks or a few months. Agency directors drafted performance contracts based on those short-term commitments. The measures presented here are continuing measures of the desired outcomes based on those contracts, the 1999 Performance Accountability Plan and agency strategic plans currently under development. The main emphasis of the outcomes measures development process has been to continue a migration from focusing on measures of

[1] The District of Columbia Public Schools, the District of Columbia Public Charter Schools and the University of the District of Columbia do not report to Mayor Williams—each has their own independent board. None of these organizations have reported measures for purposes of this report. DCPS is in the midst of a strategic planning initiative with their board and will share measures at the completion of that process. The Office of the Mayor will either publish their own performance measures or work to develop measures for the first quarterly update of the *District of Columbia Management Report*.

output and work process (clients served, applications processed) to measures of customer service and satisfaction.

Based on the measures developed for the "high-impact" agencies, the District will continue to develop outcome and customer service measures for remaining agencies throughout 1999. In the meantime, we are reporting those agencies progress against measures first proposed in the 1999 Performance Accountability Plan. We do not believe those measures are sufficient to fully judge these agencies' performance, but we felt it important to maintain some continuity with last year's report.

Lessons in Performance Measures Development

This effort has been a learning effort for the Mayor and the agencies. Agencies have explained that some of the measures we are requesting are difficult to measure due to existing data collection practices, Federal and grant-maker reporting requirements, information technology barriers, and questions of staffing, training or agency culture. Rather than conceding that outcome measures are beyond agencies current capabilities to measure and report, we have chosen to set ambitious outcome measures that reflect the priorities of our residents. At the same time we will be creative and farsighted in addressing the very real barriers to measurement agencies cite.

A common theme in the Mayor's proposed modifications is to restate counts of clients served in terms of the population in need. Understanding the met or unmet need will guide all stakeholders and decision-makers in discussions of policy priorities and resource allocation. In some instances, agencies have identified outcome measures, and in others they have reported output measures but listed a preferred outcome measure for the future.

For example, rather than reporting that the Department of Human Services will have 6,600 daily childcare slots available in FY99, we would prefer to measure the percent of children in need of DHS childcare services that will be served. However, DHS cannot currently answer the question of the need to be met. So DHS has indicated the current measure and the future measure to develop.

Reporting Results

Initially, measures development has been negotiated among the Office of the Mayor and individual agencies. Together the Mayor and the agencies have interpreted the priorities identified through the public opinion research and have identified existing or easily modified data already gathered and analyzed by agencies.

In addition, they reviewed performance measures from the International City/County Management Association (ICMA) Comparative Performance Measurement Consortium to support future benchmarking of District performance against best-practice jurisdictions.

As discussed above, the Office of the Mayor will issue quarterly reports to the general public beginning in fall 1999. These reports will report progress against the performance measures already identified and will update information on agencies that are developing stronger outcome and customer service measures. The quarterly *Management Report* updates will also include information on agencies' development of their strategic plans and progress towards meeting the major milestones in those plans. These reports will also include information on benchmarking District agency performance against a wide range of jurisdictions.

Benchmarking
The District conducted benchmarking research studies in preparing the FY1999 and FY2000 budgets. The January-March 1999 study compared selected operating and financial measures for a dozen District agencies with five "best practice" cities: Detroit, Indianapolis, Philadelphia, Phoenix and Portland, Oregon. This summer, the District will mount a more extensive benchmarking effort of services in these five cities and additional jurisdictions. The selection criteria for benchmarking are:

1. Neighboring Jurisdictions in the region regardless of differences or similarities
2. Comparable Urban Jurisdictions around the nation similar in population size, demographic mix, geographical features and on other dimensions
3. Best Practice Jurisdictions regardless of differences or similarities

Benchmarking will help us understand how the District compares to our neighbors, identify effective strategies used in similar settings and set our goals as high as the best performing jurisdictions in the nation.

Verifying Results: To support the performance measurement effort, the Mayor's Director of Customer Service has formed a task force of agency staff designated by their directors to manage customer service. Their first initiative is to document agencies' data collection practices and self-testing in meeting the commitments made in the short-term action agenda.

For instance, the Department of Public Works committed to filling potholes within 48 hours of a resident's request. According to DPW, the commitment to responding to 95 percent of requests within 48 hours is being met. However, self-reporting is not sufficient to ensure the accountability that is the central commitment of the performance measurement process and the Mayor's overall strategy.

We have a two-pronged approach to verifying the accuracy of agency measures and results. The Customer Service Task Force will also develop an external customer service-testing program that they will design with researchers from local universities and that will engage residents, graduate and undergraduate students and agency

personnel in checking results of customer service initiatives. Methods of testing will include:

- Follow-up calls to citizens making requests
- Spot-checking results directly (e.g., visiting the potholes DPW reports as filled),
- Exit interviews at District agencies such as the Department of Motor Vehicles, the Department of Consumer and Regulatory Affairs and the Department of Employment Services, and
- Placing work order requests and tracking their progress through agencies.

The customer service-testing program will both verify reported results and provide useful information to agencies that need to redesign their processes.

The second element of our plan to verify results will be a formal performance audit program to be administered by the Office of the Inspector General. Mayor Williams requested that his newly appointed Inspector General make auditing performance against the Scorecard measures one of his first priorities. The Inspector General will expand the performance audit function to address the detailed set of outcome measures presented in this report and of all agencies' outcome measures as they develop them.

Performance Measurement as a Management Tool

A well-designed performance measurement system is a powerful management tool for the Mayor of the District of Columbia. Having set clear expectations and developed measures of agency operations in meeting those expectations, the Mayor can make resource allocation decisions, personnel decisions and policy decisions. Agency directors will have unambiguous statements of what the residents and the Mayor expect, and their regular reports will document their success or failure in meeting expectations. Congress and the Control Board will have compelling evidence of the progress of the District of Columbia's success in self-governance. And District residents will have objective indicators, designed to their specifications, that the city is moving in the direction they want.

DC Scorecard Indicators

A. Healthy City	FY 1998 Actual	FY 1999 Target	FY 2000 Target
1 Quality of Drinking Water – Days designated safe by Environmental Protection Agency	365	365	366
2 Quality of Rat Control - (service requests abated)[1]	4,764	5,500	5,500
3 Quality and Availability of Health Care for Infants & Children			
a) Women entering prenatal care in first trimester	58%	60%	62%
b) Children visiting doctor's office within last year[2]	DoH	DoH	DoH
b) Lead screening – Children Screened	21,311	GOAL	GOAL
c) Immunizations	DoH	DoH	DoH
4 Availability of Drug Prevention and Substance Abuse Treatment– patients treated	6,661	N/A	N/A
5 Uninsured Rate - DC residents not insured under a public or private program	81,368 (15.6%)	81,000 (15.6%)	78,600[3] (15.1%)
B. Safe City	*FY 1998 Actual*	*FY 1999 Target*	*FY 2000 Target*
1. Murder Rate – number reported annually	260	247 Reduce 5%	227 Reduce 8%
2. Property Crimes – number reported annually	37,302	36,184 Reduce 3%	34,374 Reduce 5%
3. Violent Crimes– number reported annually	8,988	8,718 Reduce 3%	8,282 Reduce 5%
4. Response Times Police, Fire, EMS (reduce response times)			
a) Police: DC MPD reports time until 911 call answered, not call to scene arrival	6.9 sec avg	<5 sec avg	<3.5 sec avg
b) Fire (call to scene)	4:23	4:00	4:00
c) EMS: (call to scene)	10:53	9:30	9:00
5. Neighborhood Safety – (MPD survey for day time safety)[4]	62%	68%	80%
~~6. Drug Related Crimes – number reported annually~~	~~MPD~~	~~MPD~~	~~MPD~~
C. Thriving Neighborhoods	*FY 1998 Actual*	*FY 1999 Target*	*FY 2000 Target*
1. Rate of Poverty - Percent residents living below poverty level	##%[5]		
2. Homeownership – rate of homeownership	43%	48%	53%
3. Trash Pickup – timeliness	77.8%	89%	89%
4. Abandoned Buildings – number of complaints of abandoned buildings	1,000 complaints[6]	700-1000 abatements[7]	1,000 abatements
5. District of Columbia Population	520,422	GOAL	GOAL

DC Scorecard Indicators

D. Educated and Skilled Citizens	*FY 1998 Actual*	*FY 1999 Target*	*FY 2000 Target*
1. Standardized Test Scores for Public School Students[8]	% Below Basic	School level migration[9]	School level migration
a) Fourth Grade Reading	31.2%	-10%	-10%
Math	39.6%	-10%	-10%
b) Eighth Grade Reading	19.9%	-10%	-10%
Math	58.5%	-10%	-10%
c) Eleventh Reading	46.1%	-10%	-10%
Math	76.5%	-10%	-10%
2. High School Attrition Rate (From DC Kids Count)[10]	44%	N/A	N/A
3. Measures of School Safety[11]			
a) Percent Principals rating own school safe	98%	N/A	N/A
b) Percent Teachers rating own school safe	71%	N/A	N/A
c) Percent Parents rating own child's school safe	73%	N/A	N/A
d) Percent Students rating own school safe	53%	N/A	N/A
4. Availability of Day Care and After School Programs	Universal[12]	Universal	Universal
5. Availability Job Training and Placement - DOES training enrollment			
a) JTPA Training Enrollment	7,762	DOES[13]	DOES
b) Other Jobs Programs (Job Corps, Seniors, Summerworks)	6,762	DOES	DOES
c) JTPA Retention (percent Title IIA participants on job 13 weeks after placement)	49%	59%	59%
E. Employment and Business	*FY 1998 Actual*	*FY 1999 Target*	*FY 2000 Target*
1. Unemployment Rate	8.8%	DOES	DOES
2. Number of Jobs/People Employed in Private Sector	388,300 0.8% gain	DOES	DOES
3. Number of New Businesses[14]	696 new businesses 3,457 jobs	N/A	N/A
F. Transportation Services	*FY 1998 Actual*	*FY 1999 Target*	*FY 2000 Target*
1. Timeliness of Street Repairs (potholes repaired w/in 48 hours)	95% (goal)	95%	95%
2. Metro and Buses - satisfaction with service (Control Board Survey)	79%	N/A	N/A
3. Driver's Licenses and Vehicle Inspection[15]			
a) Licenses (average service time)	17 min	15 min	15 min
b) Vehicle Inspection (average service time)	15 min	15 min	15 min
4. Road Congestion[16]			
G. Government Performance	*FY 1998 Actual*	*FY 1999 Target*	*FY 2000 Target*
1. Financial Health - fund balance	$444,849,000		
2. Service Quality - general satisfaction DCFRA 1997 Survey ratings were Excellent (E), Good (G), Fair (F), Poor (P) or Very Poor (VP))	15% E/G 35% F 48% P/VP	N/A	N/A

Notes:

[1] The rat control initiative was launched at the April 1999 Mayor's Rat Summit. DPW is gathering initial trendline data to set measures and goals. In the interim, the measure and target used will be DPW responses to residents' requests for abatement. Residents will be surveyed about perceived improvements in rat control in September 1999 and annually thereafter.
[2] The Department of Health defines doctor's office visits as visits to a physician, an HMO or a hospital waiting room. However, due to data collection practices, DoH was unable to provide complete data on patients 0-18 visiting HMOs, too large a group to exclude. This data needs great improvement to set adequate goals.
[3] FY2000 Goal reflect 2,400 residents covered under pilot program to expand healthcare coverage.
[4] Percent residents responding "I feel safe alone outside in my neighborhood during the day."
[5] Poverty rate is an extrapolation from 1990 census data. Rate is not tracked annually. Targets
[6] estimate of complaints on file at DCRA – citywide # of unidentified nuisance properties likely higher (approximately 3,000)
[7] See DCRA Performance Measures for explanation of abatement targets.
[8] Score categories are Below Basic, Basic, Proficient and Advanced.
[9] While District-wide percentages are reported here, the improvement goal is not for a 10 percent District-wide improvement. The DCPS Improvement Goal is for 10 percent of students rated "below basic" in prior year at each school improving by one or more levels on the SAT-9 assessment. Schools that meet or exceed the performance objective will not mask schools that do not meet the objective.
[10] The District of Columbia attrition rate is defined as...
[11] 1997-98 Survey Result. DCPS does not set targets for survey responses. 1998-99 survey not yet conducted.
[12] Early childhood education is available upon request at parents' neighborhood school on a space-available basis. If neighborhood school is over enrolled, child will be offered space at the next nearest school.
[13] DOES has not provided projections for training enrollment.
[14] Dun and Bradstreet 1997 totals
[15] Both measures exclude waiting time prior to service – the most significant complaint about DMV services.
[16] The Metropolitan Council of Government's (COG) is developing a measure of traffic congestion for the region – it does not currently measure congestion within the District of Columbia alone.

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Department of Housing & Community Development

The mission of the Department of Housing and Community Development (DHCD) is to strengthen District neighborhoods by facilitating the production and preservation of housing, commercial and economic development opportunities.

Cross-reference: Proposed Operating Budget pages B-20-36

PERFORMANCE MEASURES	FY 1998 Actual	FY 1999 Target	FY2000 Target
1. Increase number of residents owning homes in the District of Columbia	682 units	561 units	784 units
a) HPAP homeowners	476	461	569
b) Tax delinquent properties returned to homeownership	206	100	155
c) Conversion of rental to ownership	0	0	60
2. Neighborhood Preservation: Increase the number of renovated housing units	1,041	172	496
a) Rental housing units	1,041	112	428
b) Single family ownership	0	60	68
3. Community Development: Increase the number of new construction single family homes	712	200	250
4. Reduce processing time for loans/grants	12 months	6 months	6 months
5. Delinquent loans as a percent of total loan portfolio (dollar value)	24%	24%	6%[1]
5. Ratio of leveraging of public/private dollars	$1 to $5	$1 to $4	$1 to $4
6. Customers rating service good to excellent	NA	80%	85%
7. Job Creation	1,270	500	1000[2]
8. Homelessness -- Temporary Hypothermia Beds			

NOTE: Performance Measures 2a and 3 are predicated upon the results of the outcome of the Strategic Task Force Competition. Selection of awardees will be made on June 30, 1999.

Notes:

[1] DHCD is preparing to sell the current loan portfolio by September 30, 1999. While the expectation is that all outstanding loans will be sold, DHCD will be making new construction, rehabilitation and down payment assistance loans beginning in October 1999.

[2] 14th Street Urban Renewal Parcels The proposed development includes a grocery store, multiplex theaters, single-family sales housing, a nine-story, 432,000 square foot office building, specialty and "big box" retailers, restaurants, and a health/fitness center. DHCD is currently reviewing four proposals for the site. A selection is anticipated by May 20, 1999. 1,000 new jobs are anticipated.

Department of Employment Services

The mission of the Department of Employment Services is to foster economic development and growth in the District by providing workforce training, bringing together job seekers and employers, compensating unemployed and injured workers and promoting safe and healthy workplaces.

PERFORMANCE MEASURES	FY 1998 Actual	FY 1999 Target	FY 2000 Target
1. Training and Employment Opportunities			
a) Percent of Job Training Partnership Act (JTPA) Title 2A (Disadvantaged Adults) participants who were employed during the 13th calendar week after termination.	48.9%	59%	59%[1]
b) Percent of JTPA Title 3 (Disabled Workers) participants who entered employment after termination	48.1%	67%	67%
c) Percent of Total employment customers obtaining employment	14%	17%	17%
2. Summer Jobs for Youth		6,500 total, 1,000 private sector	7,000 total, 1,500 private sector
3. Unemployed and Injured Worker Compensation			
a) Percent UI wage disputes resolved within 20 days	60%	60%	70%
b) Percent of Disability/Workers Compensation Hearing decisions issued on time	22.4%	100%	100%
4. Safe and Healthy Workplaces			
a) Percentage of investigative findings within 30 working days for other than serious violations	85%	85%	90%
b) Percentage of investigative findings within 45 working days serious violations	85%	85%	90%
5. Savings as a result of voluntary moves from disability to Federal retirement (net of settlement costs).	New Initiative	New Initiative	$545,000
6. Percent of customers receiving training rating training good or excellent	New Initiative	New Initiative	80%
7. Percent of employers rating overall DOES services as good or excellent	76%	86%	88%

Notes:

[1] FY2000 goals for measures 1 a, b and c are U.S. Department of Labor standards for JTPA program areas.

Department of Consumer and Regulatory Affairs

The mission of the Department of Consumer and Regulatory Affairs is to enhance the quality of life and business in the District of Columbia through customer service, continuous process improvement and empowering employees in partnership with stakeholders and other agencies.

Cross-reference: Proposed Operating Budget pages B-64-76.

PERFORMANCE MEASURES	FY 1998 Actual	FY 1999 Target	FY2000 Target
1. Number of nuisance properties cleaned and abated	CURRENT	700 -1000 properties	1,000+[1] properties
2. Response time to complaints of sub-standard housing.	30 days	7 days, 70%	4 days, 85%
3. Building Code Enforcement			
a) Voluntary compliance after citation (%)	Not reported in this manner	Not reported in this manner	Establish baseline
4. Electrical Inspection—process time	4 months	48 hours	90% in 48 hours
5. Building Plan Review (complex)—process time	6 months	30 days	95% in 30 days
6. Building Plan Review (non-complex)—process time	60% in 1 day	80% in 1 day	90% in 1 day
7. Interior Demolition Permit Issuance—process time	50% in 3 months	50% in 3 months[2]	90% in 1 day
8. Processing time to renew occupational and professional licenses	3-5 months	70% in 7 days	70% in 7 days
9. Increase inspections per inspector through management and information technology systems	5 per day	8 per day 50% increase	12 per day 50% increase
10. Customers rating services good or better	No survey	70%	80%

Notes:

[1] DCRA's goal for abating nuisance properties is dependent on resources budgeted. DCRA is revising their estimates of 700 buildings abated per year in FY 1999 and FY 2000 due to additional resources allocated in the final budget resolution. A firm projection will be available by July 1999.

[2] Process was streamlined mid FY1999 to eliminate requirement for post-demolition drawings certified by architect, plumber, electrician, etc. Interior demolitions are now a same-day counter service.

Metropolitan Police Department

The mission of the Metropolitan Police Department (MPD) is to prevent crime and the fear of crime, as we work with others to help build healthy and safe communities throughout the District of Columbia.

Cross-reference: Proposed Operating Budget pages C1-15

PERFORMANCE MEASURES	FY 1998 Actual	FY 1999 Target	FY 2000 Target
1. Part I Violent Crimes (Reduce 3% and 5%)	8,988	8,718	8,282
2. Homicides (Reduce 5 and 8%)	260	247	227
3. Aggravated Assaults (Reduce 5 and 8%)	4,962	4,714	4,337
4. Part I Property Crimes (Reduce 3% and 5%)	37,302	36,184	34,374
5. Auto Thefts (Reduce 5 and 8%)	6,501	6,176	5,682
6. Burglaries (Reduce 5 and 8%)	6,361	6,042	5,560
7. Homicides Cleared	40%	50%	65%
8. Telephone response time to 911 calls	6.9 seconds	5 seconds	3.5 seconds
9. Funded sworn positions filled(*assumes 200 additional positions funded in FY2000)	3,518 (97.7%)	3,546 (98.5%)	3,724 (98%*)[1]
CUSTOMER SATISFACTION MEASURES	**Current Baseline**	**FY 1999 Target**	**FY 2000 Target**
10. Service to Victims: Percentage residents reporting police are doing a good or very good job helping crime victims.	60%	64%	68%
11. Crime Prevention: Percentage residents reporting police are doing a good or very good job preventing crime in their neighborhood.	64%	68%	72%
12. Fear of Crime: Percentage of residents reporting they feel very safe being alone outside in their neighborhood during the day.	62%	68%	80%
13. Partnership: Residents reporting police are doing a good or very good job working together with residents in their neighborhood to solve local problems.	65%	69%	73%
14. Problem Solving: Residents reporting police are doing a good or very good job dealing with the problems that really concern people in their neighborhood.	67%	69%	71%

[1] 200 additional officers have been funded for FY2000 raising the funded positions from 3,600 to 3,800. However, MPD's budget request for recruitment was reduced by $500,000 making it more difficult to reach this goal.

Fire and Emergency Medical Services Department

The mission of the Fire and Emergency Medical Services Department (DCFEMS) is to improve the quality of life for those who live, work, visit and conduct business in the District of Columbia by preventing fires, extinguishing fires, providing emergency medical and ambulance services and providing technical rescue services.

DESIRED OUTCOMES	FY1998 Actual	FY 1999 Target	FY2000 Target
1. Residential Structure Fires (10% annual decrease)	658	592	533
2. Commercial Structure Fires(10% annual decrease)	280	258	232
PERFORMANCE MEASURES	**FY 1998 Actual**	**FY 1999 Target**	**FY 2000 Target**
3. Building Inspections	34,978[1] 23%	38,746 26%	42,323 28%
4. Nuisance properties inspected and identified	850	1,000	1,500
5. FEMS trainees participating in "live-fire" exercises on-site.[2]	0%	0%	0%
5. Fire Safety Education Outreach (customers)	11,924	18,000	27,000
6. Percent District residents participating in Education Outreach at schools, ANC meetings, churches and FEMS open houses.	No Data	3.5%	5%
7. Response time of suppression units to fire incidents	4:23	4:00	4:00
8. Response time of ALS providers to critical medical incidents.(minutes call to scene)	10:53	9:30	9:00
9. Reduction in civilian deaths	Target: 12 Actual: 10	Target: 7 Actual: 9	Target: 5
10. Reduction in civilian injuries	70	63	57
11. Reduction in firefighter deaths	1	0	0
12. Reduction in firefighter injuries	300	200	175
13. Arson Fires Cleared as a percentage of Arson Fires	11%	19%	20%
14. Fleet Service: Vehicles in reserve to front line apparatus. Eng.= Engine Co. Trk. = Truck Co. RS = Heavy Rescue Squads	Eng. 25% Trk. 25% RS 25%	Eng. 31.2% Trk. 12.5% RS 0%	Eng. 25% Trk. 25% RS 25%
15. Percentage of citizens rating their confidence level in Fire Suppression capacity as Good or Better	No data	88.9%	90%
16. Percentage of citizens rating their confidence level in EMS response efficiency as Good or Better	89.5%	90%	90%

Notes:

[1] Total base=149,743 structures to be inspected. Estimate based on 55,335 buildings F/EMS is required to inspect plus approximately 94,408 buildings F/EMS is not required to inspect, but will do so on request.
[2] FEMS trainees and current staff have to use facilities in other jurisdictions for "live-fire" and advanced fire fighting techniques. Personnel training outside the District are not available for duty. No capital funds are budgeted to upgrade District training facilities to provide this level of training in FY2000 or beyond.

Department of Corrections

The mission of the Department of Corrections (DOC) is to ensure public safety and uphold the public trust by providing for the safe and secure confinement of pretrial detainees and sentenced inmates. In addition, the agency is transforming itself from a state/county prison system to primarily a city/county jail system in accordance with the National Capital Revitalization Act.

Cross-reference: Proposed Operating Budget pages C-45-66

PERFORMANCE MEASURES	FY 1998 Actual	FY 1999 Target	FY2000 Target
1. 25% reduction in inmate on inmate assaults	133	88 57 to date	66
2. 10% reduction in inmate on staff assaults	55	38 28 to date	34
3. Reduction in overtime hours and expenditures.	DoC overtime projections under revision.[1]		
4. Number of inmates transferred to Federal Bureau of Prisons/Private Institutions	Target: 500 Actual: 952	Target: 1,200 To date: 1,556	800
5. Percent prisoners transferred to FBP/PI against scheduled transfer of 5,000 prisoners by December 2001[2]	DoC projections of prisoners to transfer is under revision.		
6. Reduction in operational capacity to meet or exceed court-ordered population limits.	7,408 inmates	5,670 Reduce 24%	4,832 Reduce 15%
7. Percent reduction in incidence of inmate substance abuse	New Initiative	Set Baseline	Set Target

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Notes:

[1] The Department of Corrections overtime expenditures have exceeded projections due to staff instability during the transformation of the Department of Corrections to a city/county jail system. The Director is working with the Office of Budget and Planning to revise projections for FY1999 and FY2000, but they were not complete at the time of the completion of this report.

[2] Original schedule was to transfer 5,000 prisoners from CY1997-CY2001. However due to intake of new prisoners above projections, the number of prisoners that need to be transferred to the Federal Bureau of Prisons greatly exceeds that original target. The Department of Corrections and the Office of Budget and Planning are revising their projections in concert with the trustee.

District of Columbia Public Library

The mission of the District of Columbia Public Library (DCPL) is to acquire and organize information, including books and other materials, to meet the educational, cultural, and recreational needs of adults and children in the community, and to provide free access to these materials and services in a manner convenient to all residents.

Cross-reference: Proposed Operating Budget pages D-35-44

PERFORMANCE MEASURES	FY 1998 Actual	FY 1999 Target	FY2000 Target
1. Registered patrons: End FY97=471,056 registered.[1]	Increase 98 33,233	Increase 99 36,556 est.	Increase 00 40,212 est.
2. Circulation	1,430,882	1,488,117 (est. +4%)	1,577,474 (est. +5%)
3. Headcount: Patrons entering facilities	1,718,131	1,889,944 (est. +10%)	2,003,340 (est. +6%)
4. Reference Satisfaction[2]: MLK Branches	61.11% 66.4%	N.A. N.A.	65% 68%
5. Percent Washington Post Book Works hardcover bestsellers available within one week of listing.	New initiative	90 %	95 %
6. Residents receiving training through Libraries Online!	New initiative	3,000	6,000

NOTE: The DC Public Library is in the midst of Strategic Planning with its board of trustees, staff and patrons. The traditional library output measures above will be modified based on this planning effort and on changes in the provision of library services. New electronic delivery of library services that will impact traditional service measures are increasing and are not reflected in any of the above measures. DCPL will develop new measures that reflect outcomes based on the priorities identified in the strategic plan now under development. New performance measures will be in the FY2001 budget submission.

Notes:

[1] DCPL database had not been purged of inactive borrowers (no use for 3 years or more) for several years. To date in FY1999, 97,000 borrowers have been purged, so total patrons will DROP despite increases in registration. New baseline will be set by 12/31/99. In addition, current software does not disaggregate registered patrons by DC, MD or VA residence. Preferred measure is percent of DC residents who are registered patrons, but DCPL is currently unable to report that data.

[2] Reference satisfaction is a new measure of library customers' satisfaction with the reference collections and service provided by reference staff. The first administration was actually early FY1999 (11/98) and will be repeated biannually. The national average for libraries of comparable size is 62.31%. DCPL's goal for FY2000 is to exceed the national average.

Department of Human Services

The mission of the Department of Human Services is to provide comprehensive, quality human services to enhance life in the District of Columbia.

PERFORMANCE MEASURES	Current Baseline	FY 1999 Target	FY2000 Target
1. Childcare services			
a) Increase children in all childcare services by 10% annually.	6,000 daily	6,600 daily	7,200 daily
b) PROPOSED OUTCOME: Percent of children in need of DHS childcare served.	No Data	Establish Baseline	Establish Goal
c) Days until childcare placement are made after receipt of complete application.	New initiative	3 days	3 days
2. Reduce TANF caseload per Social Service Representative (SSR)	350 cases per SSR	275 cases per SSR	200 cases per SSR
3. Work participation rate of TANF clients	30%	35%	40%
4. Rehab. Services Admin. (RSA) customers gainfully employed (90 days or more)	650 cust.[1]	715 cust. (+10%)	760 cust. (+6%)
5. Percentage of employed refugees gainfully employed (90 days or more)	75%	75%	75%
6. Increase the percent of delinquent borrowers who start repayment of previous student loans	29%	29%	35%[2]
7. MRDDA Services – Change individual habilitation planning process to one that is person centered	New initiative	35 customers (pilot)	Est. 900 customers (60%)
8. Juvenile Justice Services			
a) Compliance with court-ordered population at Oak Hill (MAX average daily pop.=188)	100% 188	100% 188	** New Facility to alleviate population pressure
b) Compliance with the agreed upon Jerry M. Consent Decree requirements	Initiative not in existence	Requirements under development	70%
9. Family Services			
a) Percentage of teen parents who do not become pregnant while active with the Teen Parent Assessment Project	Target: 20% Actual: 100%	50%	50%
b) Percentage of teen parents in the TPAP reconnected to community-based programs	Target: 30% Actual: 70%	40%[3]	50%

Notes:

[1] U.S. Dept. of Education reporting requirement for RSA job placements is the number of customers employed compared to prior fiscal year.

[2] Office of Postsecondary Education and Research Assistance (OPERA) is developing an RFP to contract student loan collection beginning in FY2000. FY1999 goal remains same as FY98 actual, and FY2000 goal is contingent on awarding a contract.

[3] While reported FY98 percentage was 70%, DHS has revised their tracking system for FY1999 and believes a outcome than last year's reported outcome is likely.

Department of Health

The mission of the Department of the Department of Health (DOH) is to assure a safe and healthy environment for District of Columbia residents and visitors by working with all partners in strategic alliances to: design public health systems based on community involvement and customer needs; conduct ongoing monitoring of health status to include investigation of potential threats and intervention when needed; provide leadership in public health policy development; assure access to high quality health services; to foster and promote health education and disease prevention; and maximize the effectiveness of all resources.

PERFORMANCE MEASURES	CY 1998 Target	CY 1999 Target	CY 2000 Target
1. Increase percentage of women entering prenatal care in the first trimester.	58%	60%	62%
2. Percent AFDC/TANF population enrolled in HMOs	90%	100%	100%
OUTPUT MEASURES	**Current Baseline**	**FY 1999 Target**	**FY2000 Target**
1. Registered births (DC residents and non-residents)	14,599	15,000	15,000
2. Number HIV/AIDS patients served	6,187	6,626	7,000
3. Total number of inspections of food establishment vendors	8,500	12,000	16,000
4. Number of water quality samples collected and analyzed	3,099	3,100	3,100
5. Number of cases, contacts in reported communicable disease investigations	3,500	3,600	3,600
6. Number of children and adults vaccinated in special walk-in immunization clinics.	3,500	3,600	3,600
DESIRED OUTCOMES MEASURES[1] (Intermediate Outcomes)	**CY 1998 Target**	**CY 1999 Target**	**CY 2000 Target**
1. Reduce the percent of low-weight births	13.3%	13.0%	13.0%
2. Reduce the infant mortality rate[2]	13.0	12.8	12.6
3. Percentage of HIV/AIDS population served	89%	42%	PROVIDED
	FY 1998 Actual	**FY 1999 Target**	**FY2000 Target**
4. Reduce the number of reported food-borne illnesses outbreaks by 50% by the end of FY2000	DATA	TO BE	PROVIDED
5. Maintain the assessment of the quality of DC water bodies..[3]	31	31	31
6. Maintain low incidence of vaccine preventable diseases of children[4]	0-5	0-5	0-5

Notes:

[1] Desired Outcome Measures are suggested modifications to DoH output measures. Upon permanent appointment of a DoH director, DoH will establish outcome measures and targets.

[2] Infant mortality rates are per 1,000 live births.

[3] The Environmental Health Administration (EHA) is charged with conducting assessments of the water quality of 31 streams, rivers, creeks and other bodies of water in the DC watershed. In addition they manage third-party facilities agreements for long-term clean up efforts such as the May 1999 multi-jurisdictional agreement to clean up the Anacostia River.

[4] Vaccines of long-standing use (e.g., diphtheria, polio, mumps, measles, rubella, and pertussis).

Department of Recreation and Parks

The mission of the Department of Recreation and Parks is to provide quality leisure services to residents and visitors of the District of Columbia in safe, well-maintained parks and facilities; to be environmentally responsible; to deliver programs that are stimulating enriching, and culturally sensitive; to strategically manage financial and human resources; to provide adaptive programs and facilities for challenged customers; and to attain our goals and objectives through a dedicated team supported by volunteers and public/private partnerships.

Cross-reference: Proposed Operating Budget pages E-55-66

PERFORMANCE MEASURES	Current Baseline	FY 1999 Target	FY2000 Target
1. Park Property Clean-up initiative: East Capitol, Georgia Avenue and New York Avenue "Gateways"	23 sites cleaned to date	23 properties (100%)	Maintain 100% clean properties
2. Customer Satisfaction			
a) Percent of citizens rating DRP *programs* as satisfactory or better	56%	70%	80%
b) Percent of citizens rating DRP *facilities* as satisfactory or better	52%	70%	80%
3. Response time to reports of facilities maintenance needs.			
a) Routine	7 days	5 days	5 days
b) Emergency	1 day	1 day	1 day
4. Introduction of new facilities (% operational):			
a) Benning Park Teen Center	95%	100%	100%
b) Payne Elementary Aftercare Center	85%	100%	100%
c) Rec Centers and Ballfields with DHCD	25%	60%	100%
d) The ARC	10%	100%[1]	TBD[2]
e) SE Tennis & Learning Center[3]	35%	50%[4]	100%
f) Computer Centers with DOES (open 4/30)	85%	100%	100%
5. City Pools Opening on-time (35 pools by 6/21)	75%	100%	100%
6. Achievement of Consumer Product Safety Standards for DC Playgrounds (90 total)	70%	100%	100%
7. Increase Program Enrollment by 15% per year (minimum share of population of youth 2-18)	42,000 (45.6%)[5]	48,300 (50%)	58,445 (60%)
8. Number of community and corporate sponsorship (average per month)	77	90	100
9. Percent of operating costs offset by external revenues (user fees)	1%	1%	1.5%
10. Percent of revenue generated by external sources [6]	2%	2%	2.5%

Notes:

[1] DRP is a partner in the project and is coordinating the lease development with the Office of the Corporation Counsel.
[2] Project construction in FY2000 dependent on funding.
[3] The SE Tennis and Learning Center is being developed by Recreation Wish Committee of Washington, DRP is coordinating the land lease and operational functions.
[4] Groundbreaking for SE Tennis and Learning Center, September 1999.
[5] FY98 population of youth 2-18 was 92,000. No projections for youth population in FY1999 or FY2000.
[6] Calculated as gifts, donations, and dollar value of volunteer services.

DRAFT

Department of Public Works

The mission of the Department of Public Works (DPW) is to help improve the quality of life in the District of Columbia and enhance the District's ability to compete for residents, business, tourism and trade. This is accomplished by managing and maintaining public space and transportation infrastructure to ensure that neighborhoods and commercial areas are clean, safe and attractive, and that people, goods and information move safely and efficiently along public rights of way.

Cross-reference: Proposed Operating Budget pages F1-28

PERFORMANCE MEASURES	FY 1998 Actual	FY 1999 Target	FY2000 Target
1. Trash Collection			
a) Percent on-time trash collection	77.8% (98)	89%	89%
b) Percentage of Alley routes cleaned on schedule.	85%	90%	90%
c) Citizens rating trash service as good or excellent[1]	44%	70%	70%
2. Percent tree trimming and tree removal requests completed within 3 weeks of requests.[2]	50%	50%	50%
3. Cleanliness of City			
a) Percent Streets rated 4 or 5 on SWMA Environmental Ratings Scale[3]	NEW	NEW	80%
b) Percent Alleys rated 4 or 5 on SWMA Environmental Ratings Scale	NEW	NEW	80%
c) Citizen approval of cleanliness of city	Not Surveyed	60%	80%
4. Rodent Control			
a) Citations Issued	NEW	NEW	Target TBD[4]
b) Voluntary compliance after citation (%)	Data not yet maintained in this manner		
c) Citizen approval of rodent control	Not Surveyed	Target TBD	Target TBD
5. Sanitation Code Enforcement			
a) Citations Issued	5,721	6,000	6,000
b) Voluntary compliance after citation (%)	Data not yet maintained in this manner		
6. Road Conditions			
a) Percent federal and local roads rated good or excellent on Pavement Condition Index:	65%	71%	72%
b) Citizens rating condition of city streets good or excellent.	8%	70%	70%
7. Percent pothole requests filled within 48 hours	Not measured	95%	95%
8. Snow Removal			
a) Percent major roads cleared within 12 hours of a 4-8" Snow Storm[5]	NEW	NEW	80%
b) Percent residential streets cleared within 24-36 hours of a 4-8" Snow Storm	NEW	NEW	80%
c) Citizen approval of snow removal efforts	25%	70%	80%
9. Percent of fleet exceeding District's replacement criteria at end of fiscal year.[6]	83%	80%	70%

Department of Public Works

Notes:

[1] Citizen approval on measures 1c, 6b and 8c indicates a rating of good or excellent on 1997 DCFRA Survey of District Residents

[2] DPW has eliminated 10,000 of the 17,500 tree trimming and removal request backlog that existed as of 9/30/98. However, due to the remaining backlog and the resources devoted to tree trimming, the response time and reliability will not change during FY1999 or FY2000.

[3] Solid Waste Management Administration (SWMA) has a five point environmental rating scale that addresses the cleanliness of streets and alleys. Grades 4 and 5 do not require more than manual crews for clean up. Grades 1-3 require varying levels of equipment.

[4] Data collection on rodent control under the Mayor' Rat Summit Initiative is in its early stages. Trend data will be available by 8/31.

[5] Regionally agreed to standard defined by Council of Governments.

[6] District Criteria for vehicle replacement is five years for heavy equipment and eight years for sedans and light vehicles(GAAP depreciation schedule). DPW estimates the entire fleet could be replaced within two years at a cost of $10.9 million. With current funding ($1.5-2.0 million/year) , DPW projects a full fleet replacement in 3-5 years.

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Department of Motor Vehicles

The mission of the Department of Motor Vehicles is to help improve the District's economic competitiveness and the quality of life by fostering the safe operation of motor vehicles on the District's streets in accordance with applicable laws and regulations.

Cross-reference: Proposed Operating Budget pages F-29-39

PERFORMANCE MEASURES	Current Baseline	FY 1999 Target	FY2000 Target
1. Service Quality Guarantee (Basic Services)			
a) Avg service time for vehicle registration	33 minutes	15 minutes	15 minutes
b) Avg service time for drivers license issuance	17 minutes	15 minutes	15 minutes
c) Avg. service time for drivers license renewal	17 minutes	15 minutes	15 minutes
d) Avg. service time for residential parking permit	33 minutes	15 minutes	15 minutes
2. Percentage of customers rating licensing and registration times good or excellent	70%	80%	90%
3. Service Quality Guarantee (Adjudication)			
a) Avg. service time for parking ticket hearing (walk-in)	127 minutes	60 minutes	60 minutes
b) Avg. service time for parking ticket adjudication (mail-in)	6-9 months	30 days	30 days
4. Avg. service time for automobile inspection	47/hour 15 minutes per vehicle	47/hour 15 minutes per vehicle	47/hour[1] 15 minutes per vehicle
5. Percentage of customers rating inspection service good or excellent	90%	98%	98.2%
6. Service Quality Guarantee (Phone Inquiries)[2]			
a) Avg. service time for response to call			
b) Avg. length of call to resolve question?			
7. Overall Customer Satisfaction with DMV services	Not tracking	Not tracking	90%

Notes:

[1] Even with the introduction of four additional service lanes, DMV is not projecting changes in service times or vehicles per hour due to the need to fine-tune new equipment and computers, the need to train old and new personnel on the new equipment and current staffing shortages.

[2] DMV is not currently tracking the average response time to calls or the average length of calls. The new Customer Services Communication Center (CSCC), due to open May 30, 1999, should provide the ability to collect such data

D.C. Office of Personnel

The mission of the District of Columbia Office of Personnel (DCOP) is to provide comprehensive human resource management programs and services to attract, develop and retain a highly qualified workforce and to facilitate organizational effectiveness.

PERFORMANCE MEASURES	Current Baseline	FY 1999 Target	FY 2000 Target
1. Recruitment Processing Time	45 days	45 days	30 days
2. Police and Firefighters Retirement Board Applications Processed	830	830	860
3. Employee Benefits Enrollment	5,110	5,100	6,500
4. Regulations Promulgated	30	30	20
5. Workforce and Customer Service Development Participants	4,800	5,000	10,000
6. Employment Candidates Serviced	22,000	22,000	23,000
7. Health and Wellness Claims	492	500	525
8. Unemployment Claims Processed	3,720	4,000	4,500

NOTE: With the exception of Measure 1, the D.C. Office of Personnel's performance measures are stated in terms of outputs. The newly appointed director of the DCOP will develop outcome and customer service measures before the end of FY 1999.

DRAFT

Office of Contracting and Procurement

The mission of the Office of Contracting and Procurement is to transform procurement into an enabling organization which surprises and delights agencies, commissions, the Courts, and non-profit providers with the costs, quality, and speed of delivery of goods.

Cross-reference: Proposed Operating Budget pages A-63-72

PERFORMANCE MEASURES	Current Baseline[1]	FY 1999 Target	FY 2000 Target
1. Reduction of contract approval and processing time	5 months	3 months	2.5 months
2. Percentage of program personnel trained in Performance-Based Statements of Work	N/A	25%	50%
3. Percentage ($ value) of eligible small purchases made through blanket order contracting mechanisms	N/A	50%	75%
4. Value of savings resulting from renegotiated price proposals and re-competed contract options	$500,000	$4 million	$12 million
5. Value of savings resulting from blanket order consolidation of generically common goods and services.	N/A	$4 million	$20 million
6. Percentage of unplanned or at-risk actions.	50%	35%	20%
7. Percentage of purchase requisitions bypassing Procurement as direct releases to suppliers	N/A	20%	50%
8. Percentage of agencies/commissions enabled to spend 95% or more of programmed contract dollars.	N/A	90%	100%
9. Percentage growth in community and neighborhood Small Business sourcing expenditures – All Wards and Wards 6, 7 and 8	N/A	All: 10% Wards 6,7,8: 20%	All: 20% Wards 6,7,8: 50%

Notes:

[1] FY98 Actuals according to FY2000 Proposed Operating Budget. Measure #2 is from 1999 Performance Accountability Plan

Office of the Chief Technology Officer

The mission of the Office of the Chief Technology Officer (OCTO) is to articulate the manner in which the government leverages its investment in information technology to attain the government's goal of being an efficient and effective service provider.

Cross-reference: Proposed Operating Budget page A-73-81

PERFORMANCE MEASURES	Current Baseline	FY 1999 Target	FY2000 Target
1. Percent of 336 systems certified compliant through District Y2K certification process	1Q—7% 2Q—12% 3Q—74% 4Q—100%	95%	100%
2. Percent of ISDN telephones installed	71%	100%	100%
3. Percent of District agencies connected to the Wide Area Network	40%	95%	100%
4. Hardware and Software Standards			
a) Percent of current District government hardware, software and operating systems that meet OCTO standard.[1]	Meets "No upgrade required" criteria	75%	95%
b) Percent of newly purchased or leased District government hardware, software and operating systems that meet OCTO standard.[2]	50%	70%	80%
5. Percent of Data Centers Outsourced	0%	25%	87%
6. Percent of new employee and relocated employee telephone numbers correctly included in directory	0%	99%	99%
7. Customer Satisfaction: Approval of OCTO support services	Not surveyed	80%	85%
8. Savings through large-scale buying agreements	New initiative	New initiative	$10 million
9. Wireless Services: Integration of 460 & 800 MHz radio devices	0%	New initiative	100%
10. 311 Service—a) customer service line and b) non-emergency line to police	New initiative	a) 4/99 b) 8/99	
a) Average Delay		Target	< 2 minutes
b) Calls Abandoned as Percent of Total Received		Target	<10%
c) Customer satisfaction with 311 service		80%-via customer satisfaction survey	90%-via customer satisfaction survey

Notes:

[1] OCTO Standard based on "Professionals' Guide to Information Technology Architecture Standards". Current systems adequate for average staff functions. By end of FY99, 25 percent of systems will be beyond aging criteria or bypassed by technology advances.

[2] Recommended base system for new purchases and leases is 500 MHz Pentium III or their equivalent. Recommended software is MS Windows98 for all newly purchased or leased systems and MS Office or MS Office Pro, depending on staff function.

Office of Property Management

The mission of the Office of Property Management (OPM) is to maximize the value of the District's real property assets, and to create a wholesome environment for the District's customers, workforce and all other facility users.

PERFORMANCE MEASURE	Current Baseline[1]	FY 1999 Target	FY 2000 Target
1. Benchmark facility management and repair service delivery costs to industry standards.	$7.99 per sq. ft.[2]	$7.99 per sq. ft.	$6.99 per sq. ft.
2. Benchmark utility service costs to industry standards.	$3.04 per sq. ft.	$3.04 per sq. ft.	$2.86 per sq. ft.
3. Benchmark cleaning service costs to industry standards.	$0.39 per sq. ft.	$0.39 per sq. ft.	$1.44 per sq. ft.
4. Improve the cleanliness of owned facilities – assess number of cleaning deficiencies in District facilities.	New Initiative	Establish baseline	Reduce by 10%.
5. Implement annual customer service satisfaction survey and point of delivery survey.	Implement Survey	Implement Survey	70% satisfaction rating.
6. Provide customer service training for employees.	100% of employees trained	100% of employees trained	100% of employees trained
7. Implement a preventive maintenance (PM) program for facilities.[3]	32% of facilities have PM program.	32% (10/31)	97% (30/31)
8. Establish performance standards for security contractors.	New Initiative	Establish baseline of security incidents	Increase number of facilities operating incident free by 20%.
9. Improve management and implementation of capital construction program.	300 days to complete average project	300 days to complete average project	240 days to complete average project.
10. Lease Management: Revenues accruing to District from properties OPM leased to third parties		$1.473 million	$1.923 million

Notes:

[1] Office of Property Management baseline is FY1999. OPM is conducting a facilities inventory and condition assessment that will establish baselines for the current fiscal year.

[2] OPM has identified the District cost per square foot for maintenance, utilities and cleaning services. Their FY2000 goal is to move to industry standards for local commercial properties and Federal government facilities. Maintenance and utilities will yield savings. Cleaning services are to be upgraded to meet benchmark facilities, because while District facilities are the low cost leader for cleaning in the region, the quality is unacceptable.

[3] Savings from preventive maintenance program captured in Measure #1.

Attachment G

Labor Management Partnership Council

Project Performance Report—April 1999
Amended Agreement
Letter of Intent to District Employees
Status Report on Agency Level Activities

OMB 3076-0006 Exp.: 7/31/98

Form FMCS LM-8 Revised June 1993	Federal Mediation and Conciliation Service Project Performance Report	1. Page __ of ___
2. Type of Report Quarterly	3. Quarter covered by Report From: 1/1/99 To: 3/30/99	4. Date of report April 30, 1999
5. Grant Title/Number Institutionalize Cooperative Labor-Management Partnerships Throughout the Government of the District of Columbia Grant #98-DC/Ps-007		6. Project Director's Signature _____ Gail Davis, Deputy, OLRCB

1. Narrative:

(a) The Project's Successes and Failures in meeting this Quarter's Objectives.

On March 26, 1999, Anthony Williams, Mayor of the District of Columbia Government signed an amendment to the labor-management partnership agreement (copy attached) making Mayor Williams, management co-chair of the DC Labor-Management Partnership Council (DCLMPC). In a letter dated April 7, 1999, DCLMPC co-chairs Mayor Williams and Josh Williams, President Washington Council, AFL-CIO, signed a joint letter (copy attached) to District of Columbia employees in support of labor-management cooperation and encouraged all to participate in partnership activities.

The DCLMPC held one meeting during the reporting period, April 7, 1999 (agenda and minutes attached). This meeting was originally scheduled for March but was postponed due to scheduling conflicts. Although some organizational re-shuffling was inevitable due to the elections, the DCLMPC is moving ahead on the milestones and is working with key employees in the Williams administration.

Effective April 17, 1999, Ms. Gail Davis, Deputy Director in the Office of Labor Relations and Collective Bargaining, became the Project Director for the labor-management grant. A new budget analyst for the project has been assigned as well. These positions are critical to the administration of the FMCS project and we have experienced a smooth transition.

A report on milestones due this reporting period follows:

A. Institutionalize LMC and Employee Involvement.

Objective: **Design Newsletter, prepare for printing and distribution.**

Action: "DC Capital Partnership," "To Celebrate Labor-Management Partnership in DC Government," is the working title of the newsletter. An editorial board, consisting of representatives from the Mayor's Office, district agencies, and the DCLMPC work group, was appointed to set policy and determine the tone of the planned Newsletter. The first issue, tentatively scheduled for distribution in early June, will announce a contest asking District employees to name the newsletter. A panel made up of the labor and management co-chairs of District partnership councils will select the winning entry.

Completed: The first issue of the "DC Capital Partnership" newsletter will be available for distribution by 6/1/99.

Objective: **Determine feasibility of creating an LMC "web site" to facilitate information exchange on labor-management cooperation.**

Action: FMCS has created a web page to showcase labor-management cooperation and the creation of partnership councils in District Government. Interested parties can access the information by using these call letters—www.FMCS.gov.dclmpc.

In addition, on May 7, 1999 DCLMPC staff held exploratory discussions with representatives in the District's Office of Technology on the feasibility of creating a separate web page or using the current District web page. Another meeting has been scheduled for May 20, 1999 to discuss the scope of the project, cost estimates, etc. The information will be brought back to the DCLMPC once the process is concluded. The web pages are additional tools to facilitate information exchange and generate interest in labor-management cooperation.

Completed: The FMCS web page will be up and running by 5/7/99. Further discussions on creating a new web page or putting information about labor-management cooperation on the District's web page will continue on May 20, 1999.

B. Create Labor-Management Partnership Councils in District Agencies

Objective: **Identify and train agency facilitators to assist in citywide implementation plan.**

Action: As was reported last quarter, facilitator training has been conducted for DC Library employees. Based upon that experience, training was revised and is now available for use in other agencies.

Our primary goal, however, is to continue the education process so that managers, supervisors, and employees are aware of the advantages of labor-management cooperation.

In addition to the facilitator and other training interventions, the DCLMPC has other tools available to promote labor-management cooperation. These include briefings and orientation sessions, the FMCS web site, and the planned newsletter. In addition, each agency head and union equivalent has received an orientation on the benefits of labor-management partnership councils. A status report on current District partnership council activities is attached.

Completed: This activity is ongoing.

C. Create Environment to Support Labor-Management Cooperation

Objective: **Meet quarterly with facilitators, trainers to review status of LMPC implementation and to take corrective action where needed.**

Action: This objective was revised to include the labor and management co-chairs of established labor-management partnership councils in the review process. The first meeting of this group will be held on May 19, 1999 and hosted by the labor-management partnership council in the Department of Public Works.

The purpose of this meeting is to assess the status of LMPC implementation, give and receive feedback on current tools and identify other ways to institutionalize labor-management cooperation.

Completed: This objective is ongoing.

Objective: Survey managers, union leaders, and employees to assess organizational culture, job satisfaction, before and after implementing LMPC's and ADR/IB demonstration projects.

Action: This project was placed on "hold" pending the outcome of the recent election. A decision regarding how the project will be undertaken will be made by the DCLMPC.

Completed: To be determined.

(b) Current and Potential Problem Areas.

During this and the next quarter, the DCLMPC will be working on several projects that will require it to draw down funds. These projects include:

- Design, layout, writing, publishing, and distribution of "DC Capital Partnership
- Design, layout, of DC Labor-Management Cooperation Web Site
- Meeting room, meeting materials, facilitator for DCLMPC Retreat
- Symposium/Conference Site, break-out rooms, handout materials, for Annual Labor-Management Symposium

AMENDMENT TO THE

DC LABOR-MANAGEMENT PARTNERSHIP COUNCIL AGREEMENT

OF JUNE, 1997

On March 26, 1999, the DC Labor-Management Partnership Council (LMPC) amended its Agreement as follows:

MEMBERSHIP OF THE LMPC (Second paragraph, Page 3) shall now read ... The LMPC will have two chairpersons, the Honorable Anthony Williams, Mayor, District of Columbia Government, representing management and Mr. Joslyn Williams, President, Metropolitan Washington Council, AFL-CIO, representing labor.

They, or their designee, will chair the meetings of the LMPC on an alternating basis.

Honorable Anthony A. Williams, Mayor
District of Columbia Government

Joslyn Williams, President
Metropolitan Washington Council, AFL-CIO

ATTACHMENT #1

D.C. LABOR MANAGEMENT PARTNERSHIP COUNCIL

April 7, 1999

Dear District Employee:

District management and labor representatives have created the District of Columbia Labor-Management Partnership Council. This Council was established to facilitate a new labor-management culture in our city. Specifically, by incorporating employee participation in decisions and training both management and labor to make the cooperative process work, this project seeks to substantially improve service delivery and create a better work environment.

One of the first steps required to make this partnership work is to create labor-management partnership councils in all agencies of District Government. Last year, the Federal Mediation and Conciliation Service (FMCS) awarded the Partnership Council a grant to expand this project to all agencies. To date, at least nine agencies have successfully established a labor-management council. With continued assistance from the US Department of Labor and the FMCS, we are committed to expanding this project to all agencies. More importantly, we intend to use these labor-management partnership councils to facilitate critical aspects of the District's workforce strategy.

Labor-management partnership councils provide for a less adversarial and more cooperative work environment. Therefore, we ask that managers, union leaders, and front line workers become fully engaged in this effort to improve the work environment and, ultimately, the quality of public services.

In Unity,

Anthony A. Williams
Mayor
Co-Chair

Joslyn Williams, President
Metropolitan Washington Council, AFL-CIO
Co-Chair

ATTACHMENT #2

District of Columbia Labor-Management Partnership Council
Status Report
March 16, 1999

Labor-Management Partnership Councils[1]

Agency	Council	Status	Next Steps
Recreation & Parks	Yes	Activities suspended. Council developed mission statement and drafted charter.	Awaiting decision by the parties.
Employment Services	Yes	Activities suspended. Created 3 empowerment teams (made up of a union/rep from each DOES Office) has identified 3 projects.	Awaiting decision by the parties.
Consumer & Regulatory Affairs	Yes	The newly appointed Director, other top managers, as well as AFGE representatives recently completed partnership training. A new charter reflects participation of both unions.	The Facilitator will meet with the DCRA Partnership Council to determine next steps.
Commission on Mental Health Services	Yes	CMHS Partnership Council is ongoing and recently voted to reduce meetings to once a month. Ad hoc and working committees will continue to meet as often as necessary to complete tasks. The CMHS Council is currently working in teams on four projects. These projects will be reflected in the Council's Action Plan.	The CMHS Partnership Council will publish an article (with a picture of the full Council) in the upcoming newsletter. The Council will also expand to include the new director of the Community Outreach Division. The Council is considering creating a pilot unit council with the DCNA union.
Fleet Services, Public Works	Yes	Council is considering expanding the LMC.	Joint follow-up between Facilitator and Council.
Transportation Systems, Public Works	No	Partnership Orientation and team building training sessions have been held with labor and management representatives.	Joint follow-up between Facilitator and Council.
Department of Human Services	No	Partnership Orientation and Group Dynamics training sessions were held with labor and management representatives.	Follow-up meetings planned to assist parties in assessing labor-management needs.

1.Reflects activities up through March 15, 1999

ATTACHMENT #3

DC Library	Yes	Council has developed mission, function, and scope. Three teams have been established to deal with 3 identified projects, employee recognition, space, and remodeling and renovation. Four (4) DC Library employees—two labor and two management—completed facilitator training. These employees, with the assistance of the DOL Facilitator, will be expected to assist the Library by facilitating unit councils or committees.	Joint follow-up between Facilitator and the parties.
Public Benefit Corporation	No	Preliminary meetings held with labor and management. No other activity pending.	Awaiting decision by the parties.
Department of Corrections	Yes	Partnership Orientation and Needs Assessment completed.	Follow-up activity between Facilitator and Council.
Fire and EMS	Yes	Partnership Orientation and Group Dynamics training completed. Council has also developed charter.	Follow-up activity between Facilitator and Council.
Department of Health	No	Partnership Orientation and Needs Assessment completed.	Follow-up activity between Facilitator and Council.
Paternity and Child Support (Office of Corporation Council)	No	Preliminary meetings held with the parties. No other activity pending.	Awaiting decision by the parties.
Insurance and Securities	Yes	Council has completed training in communication skills and has developed charter.	Follow-up activity between Facilitator and Council.
WASA	No	Preliminary meetings held with the parties. No other activity pending.	Awaiting decision by the parties.
Metropolitan Police Department	No	Preliminary meetings held with the parties. No other activity pending.	Awaiting decision by the parties.

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