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TO: Bryan Ferguson, Chairperson  
Melanie White, Interim Secretary to the Board of Police Commissioners

FROM: David Whitaker, Director   
Legislative Policy Division

DATE: March 16, 2023

RE: 2023-2024 Budget Analysis

Attached is our budget analysis regarding the Board of Police Commissioner's (BOPC) budget for the 2023-2024 Fiscal Year.

Please be prepared to respond to the issues/questions raised in our analysis during your scheduled hearing on **Monday, March 20, 2023, at 2:30 p.m.** We would then appreciate a written response to the issues/questions at your earliest convenience before or after to your budget hearing. Please forward a copy of your responses to the Council members, the City Clerk's Office, and the Legislative Policy Division.

Please contact us if you have any questions regarding our budget analysis.

Thank you for your cooperation in this matter.

Attachments:  
Issues and Questions

cc: Councilmembers  
Auditor General's Office  
Jay Rising, CFO  
Tanya Stoudemire, Chief Deputy CFO-Policy & Administration  
Steven Watson, Deputy CFO/Budget Director  
Andrea Ringer, Budget Analyst  
James George, Agency CFO for Governmental Operation Departments  
Malik Washington, Mayor's Office

## **Board of Police Commissioners (BOPC)/Non-Departmental (35)**

### **FY 2023-2024 Budget Analysis by the Legislative Policy Division**

Per Section 7-802 of the City Charter effective January 1, 2012, the Board of Police Commissioners has supervisory control and oversight of the Police Department. The Board of Police Commissioners is composed of eleven (11) members (formerly 5 members under the 1997 Charter), seven of whom shall be elected from each non at-large district. Four (4) members of the Board shall be appointed by the Mayor, subject to the approval of the City Council. However, if the City Council does not disapprove an appointment within thirty (30) days, an appointment is confirmed. All members of the Board must be residents of the City.

According to Section 7-803 of the Charter, the duties of the Board of Police Commissioners include:

1. In consultation with the Chief of Police, and with the approval of the Mayor establish policies, rules and regulations;
2. Review and approve the departmental budget before its submission to the Mayor (emphasis added);
3. Receive and resolve, as provided in this chapter, any complaint concerning the operation of the Police Department and forward all allegations of criminality to the appropriate internal or external law enforcement agency for further investigation.
4. Act as final authority in imposing or reviewing discipline of employees of the department; and
5. Make an annual report to the Mayor, the City Council, and the public of the department's activities during the previous year, including the handling of crime and complaints, and of future plans.

Moreover, the Board may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. To enforce a subpoena or order for production of evidence or to impose any penalty prescribed for failure to obey a subpoena or order, the Board shall apply to the appropriate court.

In addition, the City Code Section 55-15-8(a), "the board of police commissioners shall establish standards, including insurance and bonding requirements, that must be met in order for a tower to qualify for police authorized tows...and the police department shall maintain a current list of such qualified towers."

#### Issues and Questions

1. Please briefly explain the BOPC's new expense initiatives, new capital funding requests, operational reform and savings proposals, and new revenue initiatives/proposals to be implemented in FY 2024. Please provide which appropriation/cost center the new initiative/request/proposal is impacting in FY 2024.
2. The BOPC's number of budgeted positions for FY 2024 is 35, the same as for FY 2023. Please indicate your number of vacancies as of February 28, 2023. Please briefly describe the difficulty of filling the vacancies. Also, please briefly explain the department's strategy to fill vacant positions.
3. The Mayor's fiscal year 2023-24 budget provides \$3,779,322 for the Board of Police Commissioners, per page B35-9 (BOPC's budget is housed in the Non-Departmental budget so that it's independent from the Police Department's budget). This represents a decrease of \$93,257 from the current fiscal year's adopted budget of \$3,872,579. Largest changes are decreases of \$45,896 in salaries, and \$70,383 in employee benefits in the FY 2024 budget from the FY 2023 budget. Please explain the decrease in salaries and employee benefits especially because the proposed FY 2024 budget includes 35 positions, the same as the current year's budget.
4. Please provide the Board of Police Commissioners' (BOPC) latest report on citizen complaints. Have the number of complaints increased or decreased over the last year? How many complaints were open as of February 1, 2023? How many complaints were open as of February 1, 2022?
5. What were the number of closed complaint cases in calendar year 2022 that findings were sustained? What percentage were the sustained complaints to the total number of complaints made in 2022?
6. Is the FY 2023-2024 budget sufficient to carry out the BOPC's responsibilities?