

File No. 181173

Committee Item No. 4

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Budget & Finance Committee

Date December 13, 2018

Board of Supervisors Meeting

Date _____

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Completed by: Linda Wong

Date December 7, 2018

Completed by: Linda Wong

Date _____



GEORGE GASCÓN
District Attorney

November 28, 2018

Honorable Supervisor Malia Cohen
President of the Board of Supervisors & Budget and Finance Committee Chair
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102

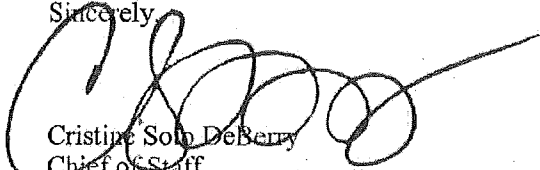
Linda Wong, Clerk
Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102

RE: Release of Budget and Finance Committee Reserve

In accordance with the provisions of the Adopted Annual Appropriation Ordinance number 181-18 for fiscal year ending June 30, 2019 and fiscal year ending June 30, 2020, I am hereby requesting a hearing to release the Budget and Finance Committee reserve in the amount of \$1,354,333 placed on the Department's Independent Investigations Bureau's funds.

My office has worked diligently with the Office of the Controller's City Services Performance Audit Division over the last few months to answer any questions as it relates to the IIB. I look forward to this matter being calendared and heard. If you have any questions related to this item, please feel free to contact Eugene Clendinen at (415) 553-1895 or Eugene.Clendinen@sfgov.org. Thank you for your attention to this matter.

Sincerely,



Cristine Solo DeBerry
Chief of Staff
Office of the District Attorney

c: Nereida Heller, Mayor's Budget Analyst
Ben Rosenfield, Controller

Item 4 File 18-1173	Department: District Attorney's Office (District Attorney)
EXECUTIVE SUMMARY	
<p style="text-align: center;">Legislative Objectives</p> <p>The requested hearing is for the release of \$1,354,333 on Budget and Finance Committee reserve to fund the operating expenses of the Independent Investigations Bureau in FY 2018-19.</p> <p style="text-align: center;">Key Points</p> <ul style="list-style-type: none"> • The District Attorney’s (DA) Office created the Independent Investigations Bureau in December 2016 to investigate police officer-involved shootings, excessive use of force, and in-custody deaths, which had previously been investigated by the Police Department. • The Budget and Finance Committee placed \$1,354,333 on Budget and Finance Committee reserve pending a report by the Controller’s Office on the efficiency and effectiveness of the work performed by the Independent Investigations Bureau. The Controller’s Office released their report on November 16, 2018. <p style="text-align: center;">Fiscal Impact</p> <ul style="list-style-type: none"> • The Independent Investigations Bureau currently has one vacant 8177 Attorney position that is expected to be filled in January 2019. • The Independent Investigations Bureau has a budget of \$2,782,127, of which \$968,140 has been spent through the most recent pay period, and projected expenditures of \$1,624,926 for the remainder of the fiscal year. The actual and projected expenditures leave an estimated surplus of \$189,061. <p style="text-align: center;">Recommendation</p> <ul style="list-style-type: none"> • Approve the release of \$1,165,272 and retain \$189,061 on Budget and Finance Committee reserve to be returned to General Fund fund balance at the end of the fiscal year. 	

MANDATE STATEMENT

City Administrative Code Section 3.3(e) states that the Budget and Finance Committee of the Board of Supervisors has jurisdiction over the City’s budget and may reserve proposed expenditures to be released at a later date subject to Board of Supervisors approval. The practice of the Board of Supervisors is for the Budget and Finance Committee to approve release of funds placed on reserve by the Committee, without further Board of Supervisors approval.

BACKGROUND

Following recommendations from the Obama administration’s Task Force on 21st Century Policing in 2015, the District Attorney’s (DA) Office created the Independent Investigations Bureau in December 2016 to investigate police officer-involved shootings, excessive use of force, and in-custody deaths, which had previously been investigated by the Police Department.

Controller’s Report on the Independent Investigations Bureau

The FY 2018-19 budget for the DA’s Office included \$2,708,666 for the Independent Investigations Bureau. The Budget and Finance Committee placed \$1,354,333, or six months of the one-year budget allocation, on Budget and Finance Committee reserve pending a report by the Controller’s Office on the efficiency and effectiveness of the work performed by the Independent Investigations Bureau. The Controller’s Office released their report on November 16, 2018.

The Controller’s Office found that: (1) San Francisco’s investigative process falls within current norms as compared to similar jurisdictions; (2) staffing levels increased significantly in FY 2017-18, as did the number of resolved investigations; and (3) drawing conclusions about the current case closure rate and length of time it takes to complete investigations is difficult because the Independent Investigations Bureau has been in operation for less than two years.

The Controller’s Office recommends that the Independent Investigations Bureau should: (1) finalize a new Memorandum of Understanding (MOU) with the Police Department as soon as possible that clarifies roles and responsibilities regarding investigative control and independence; (2) aim to be fully staffed by the end of FY 2018-19; and (3) ensure that all reports on charging decisions are posted online in a timely and organized manner in the interest of transparency.

DETAILS OF PROPOSED LEGISLATION

The requested hearing is for the release of \$1,354,333 on Budget and Finance Committee reserve to fund the operating expenses of the Independent Investigations Bureau in FY 2018-19.

FISCAL IMPACT

As of the date of this report, 13 of the 14 full-time equivalent (FTE) positions in the Independent Investigations Bureau are filled. One 8177 Attorney position that was vacant at the start of FY 2018-19 was filled in October 2018, and another 8177 Attorney position became vacant in October. According to Mr. Eugene Clendinen, Chief Administrative & Financial Officer of the DA’s Office, the DA’s Office anticipates filling the vacant position by January 2019.

As of December 5, 2018, the actual expenditures in FY 2018-19 for the Independent Investigations Bureau total \$968,140. Assuming that all positions will be filled by January 2019, operating costs are projected to total \$1,624,926 for the remainder of the fiscal year. Given that the DA’s Office currently has \$459,654 in available funds for the Independent Investigations Bureau, as shown in Table 1 below, the Budget and Legislative Analyst recommends releasing \$1,165,272 to cover projected expenditures through the end of the fiscal year.

Table 1: Recommended Release of Funds

Revised FY 2018-19 Budget ^a	\$2,782,127
Budget and Finance Committee Reserve	(1,354,333)
Actual Expenditures ^b	(968,140)
Available Funds	\$459,654
Projected Costs through FY End ^c	\$1,624,926
Less Available Funds	(459,654)
Recommended Release	\$1,165,272

^a Although the FY 2018-19 budget in the Mayor’s proposed budget was previously reported as \$2,708,666, the “revised” budget of \$2,782,127 includes the carryforward of unspent funds from the previous fiscal year.

^b Through the November 16, 2018 pay period, or 10 of 26 pay periods in FY 2018-19.

^c Calculated as the actual cost of the most recent per pay period multiplied by the 16 remaining pay periods in the fiscal year (\$1,519,746), plus salary and fringe benefits for a new hire beginning in January 2019 (\$105,180).

RECOMMENDATION

Approve the release of \$1,165,272 and retain \$189,061 on Budget and Finance Committee reserve to be returned to General Fund fund balance at the end of the fiscal year.