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## PERSPECTIVE

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We are providing additional information to place the MPD overtime environment in perspective with regard to overtime within MPD, benchmarks, and prior recommendations for change.

### DESCRIPTION OF OVERTIME WITHIN MPD

The continuing escalation of MPD's overtime usage in the last few years has become a matter of growing concern to District management and to the members of the Council with legislative oversight for the Department.

The structure and funding of the District's criminal justice system is unique. The system consists of five D.C. agencies, six federal agencies (which are funded with congressionally appropriated federal funds and local District funds), and many private organizations. There are numerous information systems in use among the various participating agencies. These systems are not linked in a manner that permits timely and useful sharing of information, which may contribute to the inability to satisfactorily control court-related overtime.

Overtime costs in MPD are driven by a number of factors that affect the Department and, in some instances, appear to be beyond the control of MPD managers. Court-related overtime is one significant factor that results from the requirements of the judicial process and the investigative needs of the USAO. While MPD pays for the majority of overtime costs for court appearances, special projects, and increased patrols, the court-related overtime costs are not within the sole control of MPD. Our review of overtime expenditures found that the majority of expenditures (about 49 percent during the period October 2000 through June 2001) are directly related to court appearances, witness conferences and grand jury proceedings controlled by the USAO for the District of Columbia Court System.

In the past decade, several attempts have been made to reduce court-related overtime costs. Efforts made by MPD, the Office of Corporation Counsel (OCC), and USAO have involved projects in the areas of night papering, night court, and officerless papering.<sup>3</sup> Additionally, the MPD Chief of Police has publicly advocated the establishment of some type of arrangement for making charging decisions during the evening and/or night police shifts.

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<sup>3</sup> Papering refers to the process of drawing the charging papers that must be filed in court. Papering a case requires police to present the facts of an arrest to the prosecutor so that the prosecutor can evaluate the case, gather and document additional facts, and prepare the case for presentation to the court. Officerless papering refers to a program currently implemented by OCC for citation release cases where officers submit paperwork to the prosecutor instead of meeting face-to-face. The goal of the program is to decrease court-related police overtime by allowing officers to paper cases by use of the normal form preparation procedure, thus eliminating the need for face-to-face meetings with the OCC.

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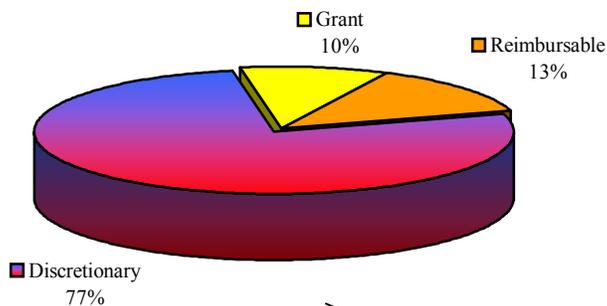
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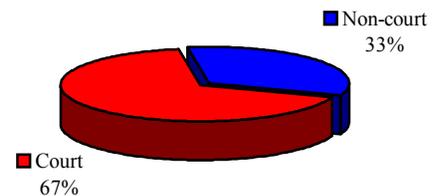
MPD detectives earned one of three types of overtime: discretionary, reimbursable, and grant overtime. Discretionary overtime, which includes court overtime, is a component of every member's duties and a significant portion of the MPD's discretionary overtime budget. Discretionary overtime includes, e.g., overtime resulting from the Summer Mobile Force Initiative, which is described more fully in later paragraphs of this PERSPECTIVE. Grant and reimbursable overtime include activities such as soccer games, weed & seed, and the club zone. Funding for these activities was provided from private or federal sources.

An analysis of overtime disclosed that overtime costs are funded by three sources: Discretionary funds (77 percent), grant funds (10 percent) and reimbursable funds (13 percent). Further analysis showed that of the Discretionary funds; 67 percent was attributed to court-related expenditures, 17 percent was attributed to the Summer Mobile Force Initiative, and the remaining 16 percent was allocated among the remaining 61 overtime categories.

### OVERTIME FUNDS



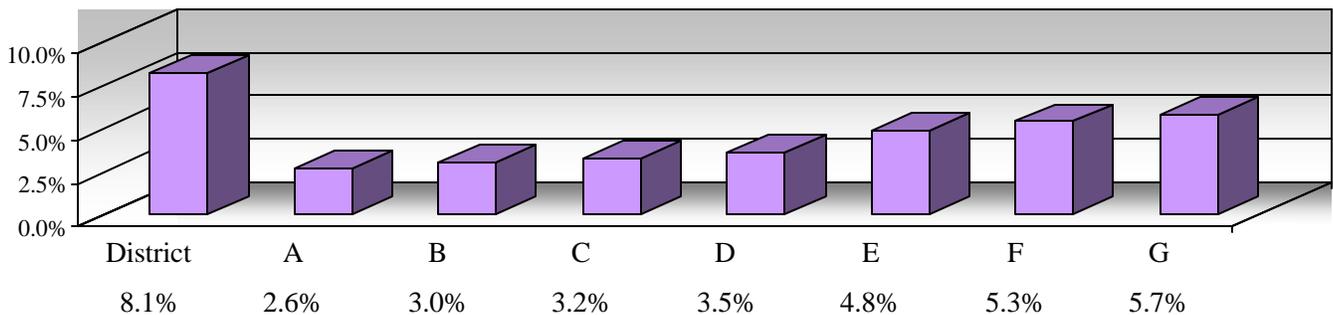
### DISCRETIONARY OVERTIME FUNDS



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The following graph depicts the crime index of like-sized and similarly populated police jurisdictions for calendar year 1999. As illustrated, the District had the highest crime index. A higher rate of crime may be a factor contributing to a significantly higher rate (49 percent) of court overtime occurring in the District. The caption “**BENCHMARKING**” in this section provides a comparison of court overtime in MPD with other jurisdictions.

**Crime Index - Like Sized Jurisdictions for Calander Year 1999**



MPD officials and the USAO representatives agree that overtime expenditures for court appearances can be reduced through better trial scheduling by the courts.

We contacted the Deputy Chief, Special Attorney Unit, within the U.S. District Court for the Eastern District of Virginia. We were informed that the Virginia U.S. District Attorney’s Office had implemented a procedure to reduce court-related overtime costs that provided for the allocation of certain days of each week to be established for select cases. For example, a specific District will have all its cases heard on a specific day, drug docket cases would be held on a separate day, and so on. Police members select certain days of the month in which they will appear in court for the tickets they have issued. When an officer writes a ticket, the officer will record the selected court date on the ticket. When the court dockets are prepared, the cases are assigned based on the date selected by the officer. If a conflict occurs, the officers have already selected alternate court appearance dates. Two primary days and two secondary days a month are selected by each officer. In the event of a continuance, officers are timely notified of the rescheduled date. MPD was considering a similar scheduling methodology based on findings in a report issued by the Criminal Justice Coordinating Council.

### *Analysis of Overtime Expenditures*

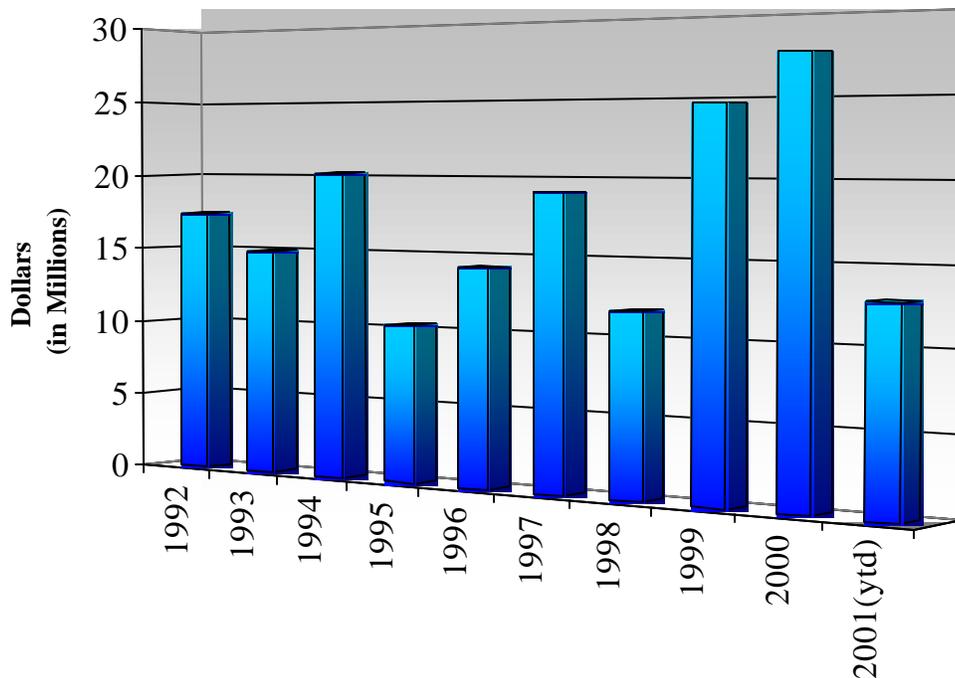
We reviewed overtime expenditures for fiscal years 1998 through 2000. We found that expenditures for this 3-year period were: \$11.7, \$24.5, and \$27.5 million, respectively. Factors contributing to the rise in overtime costs for this period were: 1) the Summer Mobile Force Initiative that began in the summer of 1999; 2) International Monetary Fund (IMF) related activities; and 3) the NATO 50<sup>th</sup> Summit Anniversary.

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**Fiscal Year Overtime Expenditures  
As of July 28, 2001**



The increased overtime in 1999 and 2000 was attributable to:

- **Summer Mobile Force** – A policing initiative that began in the summer of 1999 to allow for the deployment of officers into crime-ridden areas of the District. During fiscal years 1999 and 2000, the Summer Mobile Force was funded solely by overtime. For fiscal year 2001, this initiative was staffed and is now appropriately budgeted; therefore, overtime in this area should decrease.
- **IMF Related Activities** – Massive protests were scheduled during the World Trade Organization/International Monetary Fund meetings in 2000. Police efforts were escalated to meet the necessary demands. Every Police District had maximized staffing levels for 1 week to work overtime for the 1-week period during the protests.
- **NATO 50th Summit Anniversary** – This event, held April 23 - 25, 1999, was the basis for protests, and police activity was commensurately increased.

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In an analysis of overtime for calendar years 1999 and 2000, pay data showed that some MPD members earned on average, more than 100 percent of their salary as a result of overtime. It is important to note however, that overtime benefits identified include not only those amounts classified as hours paid based on FLSA guidelines, but also payments made for hours worked on holidays, and monies earned for shift differential, longevity pay, bonuses, uniform allowance, and the like. For example, one member with a reported base salary of \$57,675 earned over \$142,355 in overtime pay. In addition to this officer, we noted numerous police officers earning well in excess of \$125,000 annually or more than double their base salaries. For our sample of the top 50 overtime earners, we identified their base pay and their gross earnings for calendar year 2000. The related records for these members were used as our sample to perform detailed tests of supporting records to ensure that overtime amounts were properly calculated and adequately supported.

## BENCHMARKING

We sent questionnaires to similarly sized and local police departments to determine best practices in terms of policies and procedures regarding the management of overtime. We specifically asked about the frequency of overtime reports, callback, and court minimums.<sup>4</sup> In order to compare figures, we also asked about overtime and total payroll expenditure data as well as court-related overtime and non-court-related overtime expenses.

Our analysis of overtime policies of comparable police departments found that elements were consistent, and in most instances, was more conservatively applied in the District. We found that the frequency of overtime reports varied widely. Some jurisdictions have computer-generated reports that are compiled on a weekly basis, while others have manually prepared reports compiled on a monthly basis. MPD manually prepares overtime reports bi-weekly. With regards to callback and court minimums, MPD is at the more conservative end with 2-hour minimums for both. The range for minimums was between 2 and 4 hours. The establishment of conservative callback and court minimums are examples of instances in which MPD has taken steps to more accurately reflect overtime and compensatory time and thus reduce related expenditures.

Based on our survey, we also determined that for fiscal year 2000, the percentage of overtime to total payroll ranged from 6 percent to 14 percent with an average of 10 percent. MPD's percentage of overtime to total payroll was 11 percent.

In addition, for fiscal year 2000, we found that the percentage of court-related overtime to non-court-related overtime ranged from 7 percent to 30 percent. MPD's percentage of court overtime to non-court overtime was 49 percent, which is the only

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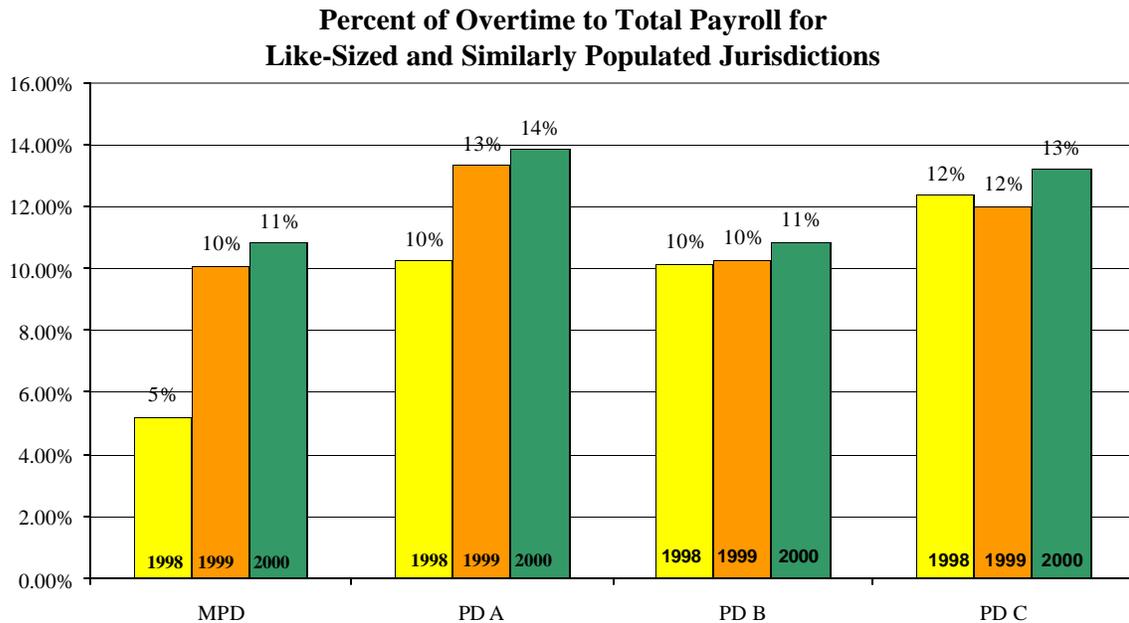
<sup>4</sup> Court minimum refers to the minimum amount of overtime that will be earned although actual time in court may be less.

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instance where MPD fell outside the norm. The reasons for this anomaly could be attributed to MPD’s limited control over the court process and the District’s significantly higher rate of crime as compared to other jurisdictions.

The graph below represents the amount of overtime costs compared to total payroll costs. As illustrated above, MPD falls within range of three like-sized and similarly populated policing areas.

Based on the results of the data gathered from other police jurisdictions, we believe that overtime should be viewed, within limits, as an unavoidable cost of policing. Overtime charges cannot be eliminated altogether, regardless of the number of police officers employed, because of inevitable shift extensions, court appearances, and unpredictable events. Concerns about overtime costs should be addressed through improved management techniques.



## PAST FINDINGS AND RECOMMENDATIONS

Our review found three recent reports that addressed overtime costs within MPD. These reports, issued by the General Accounting Office (GAO), the Council for Court Excellence and the Justice Management Institute, and the Special Committee on Police Misconduct and Personnel Management of the Council of the District of Columbia, identified possible causes for high overtime costs.

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A synopsis of each report follows, which includes the findings and recommendations of each report and our observations as to what improvements have been made and what actions have been taken to address noted deficiencies.

### **D.C. Criminal Justice System – Better Coordination Needed Among Participating Agencies, General Accounting Office (GAO), GAO-01-187, March 2001.**

GAO reported that due to different sources of funding, reporting structures, and organizational perspectives of the various agencies involved in the D.C. criminal justice system, it has been difficult to coordinate system-wide activities, reach agreement on the nature of system-wide problems, and take a coordinated approach to addressing problem areas while balancing competing institutional interests. GAO noted that effective coordination was not achieved mainly due to the costs of coordinating activities and the reality that taking corrective actions falls on one or more federally funded agencies. In the absence of a single hierarchy and funding structure, agencies have generally acted in their own interests rather than in the interest of the system as a whole.

Additionally, related excerpts of testimony given by GAO in May 2001 to the Subcommittee on the District of Columbia, Committee on Government Reform, House of Representatives, identified a lack of coordination among agencies regarding the scheduling of court cases that results “in the inefficient use of officer, attorney, and court personnel time.” GAO also reported that “unlike many other major [metro areas], prosecutors in D.C. require an officer who is knowledgeable about the facts of the arrest to meet personally with them before they determine whether to formally charge an arrestee with a felony or misdemeanor crime. Furthermore, most of MPD’s court-related overtime costs are the burden of the District. The time and place for court appearances are often influenced by the USAO who often serves as the schedule-maker for MPD’s court appearances.

Other problems identified by the GAO included:

- Lack of automation. Multiple forms are required to be completed by hand or typewriter and many of the forms contain duplicative information.
- Lack of an electronic mechanism in transferring data between agencies. Delays are experienced due to misplaced, lost, or physical movement of arrest information between various locations.

MPD has created an automated system for its officer-less papering project that not only automates the creation of forms but also tracks the cases through papering, and provides database information. In addition, MPD is in the process of creating a new system that will fully automate and integrate much of the information captured by the MPD. Meanwhile,

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MPD has automated 17 forms that are used by officers in the arrest and papering process. The MPD is exploring ways of sharing the forms electronically with OCC and the USAO.

### **Reducing Police Overtime Through Improved Police, Criminal Case Papering, And Criminal Trial Management, Criminal Justice Coordinating Council (CJCC), August 13, 2001.**

This report concluded that little use was being made of modern technology in the administrative processes related to the arrest, booking, papering and court processing of those accused of committing a crime, and that such changes could improve system operations. The Council for Court Excellence and the Justice Management Institute determined that an unnecessarily large number of police officers were notified to appear for prosecutorial and court-related proceedings. Further, priority areas for system improvements, such as redesigning court procedures in misdemeanor cases, improving the methods used to process cases from arrest through initial court appearance by automating the involved processes, and improving the systems used to notify police officers about court dates have not been implemented.

While improvements are still needed, our audit identified that MPD has made some progress in addressing and ultimately reducing court-related overtime costs.

- MPD issued a general order that reinforces existing department policy limiting the number of persons who handle evidence to one or two officers in an attempt to address the “Chain of Custody” problem. As part of this effort, officers will also receive training on chain of custody and evidence handling. MPD managers will be held accountable for the number of officers handling evidence in each case.
- MPD assigned additional supervisory staff for a 3-month pilot project to assess the cost-benefit of the Court Liaison Division (CLD), which monitors the USAO and court-related overtime.

These initiatives, as well as others ongoing, should help to improve the methods used to monitor and reduce court-related overtime.

### **Report of the Special Committee on Police Misconduct and Personnel Management of the Council of the District of Columbia, October 6, 1998**

The Special Committee on Police Misconduct and Personnel Management conducted a review on court overtime and made recommendations centered on improving operational efficiencies and reducing overtime costs. Additionally, specific recommendations included the following:

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1. Within 1 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 Chief Financial Officer 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.

MPD has completed actions that addressed each of the above recommendations, and continues to establish controls to improve operational efficiency and reduce overtime costs.