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American Civil Liberties Union of the National Capital Area

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11,000 ACLU-NCA Members Locally, 550,000 ACLU Members Nationwide

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April 2, 2009

By facsimile

The Honorable
Phil Mendelson, Chairperson
Committee on Public Safety and the Judiciary
Council of the District of Columbia
Washington, D.C.

Re: Proposed FY 2010 Budget for the Office of Police Complaints

Dear Chairperson Mendelson:

The ACLU of the National Capital Area opposes the Mayor's proposal to reduce the Office of Police Complaints' budget for FY 2010 by 3 percent while at the same time increasing the budget of the police department by 4.24 percent.¹

Presumably, the Mayor believes that public safety is a priority and that MPD's budget cannot be pared even in these tough financial times. But if this is correct, then OPC's budget should not be cut while increasing MPD's. Public safety importantly depends on community trust in those charged with policing, and that trust depends on MPD officers acting responsibly. An OPC adjudication of a complaint not only provides satisfaction to the aggrieved party but also serves to remind officers that their conduct is being monitored by an independent agency. This is a critical element in the officer discipline system that promotes more professional and conscientious policing.

In FY 2008, OPC received 36 percent more complaints than in the prior year. As MPD ranks expand with an increase in MPD's budget, so will the number of complaints.² OPC will simply not be able to keep up with the caseload if its funds are cut. The credibility of the independent complaint review process depends on prompt adjudications. This should not be put at risk by cutting OPC's budget.

¹ If MPD's expected grants were included, MPD's budget would increase by 5.3% in FY 2010.

² We are assuming that a substantial portion of MPD's enlarged FY 2010 budget will be used to hire additional officers. But we remain concerned that additional funds might be used to expand MPD's CCTV surveillance system. Please see our letter to you of March 4, 2009; copy attached.

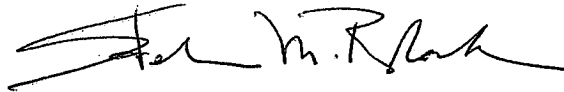
In short, the fallacy in the Mayor's budget proposal is not to see OPC as an integral part of the public safety function. Shortchanging OPC sends exactly the wrong message to the officers charged with protecting us.

The Mayor proposes increasing MPD's FY 2009 budget by \$20,135,000 while reducing OPC's budget by \$79,457. Rather than widening the gap between the two budgets, the problem could be solved by reducing the additional funds for MPD by less than ½ of 1 percent and allocating them to OPC. This should not significantly impair MPD's ability to serve the community, but will enable OPC to continue to perform its vital functions.³

Please include this letter in the committee's record for the hearing on April 1, 2009.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen M. Block". The signature is fluid and cursive, with a long horizontal stroke at the end.

Stephen M. Block
Legislative Counsel

Enclosure: Letter of March 4, 2009

³ If the expected grants are included in MPD's FY 2010 budget, the impact of this reallocation is even less.



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March 4, 2009

By Facsimile

The Honorable
Phil Mendelson, Chairperson
Committee on Public Safety & the Judiciary
Council of the District of Columbia
1350 Pennsylvania Avenue, NW
Washington, DC 20004

Re: MPD Oversight Hearing, March 9, 2009

Dear Chairperson Mendelson:

The *Washington Post* on February 25th reported that according to D.C. Chief Financial Officer Natwar M. Gandhi:

The D.C. government's revenue projections for the next two years have fallen by almost \$500 million in the past three months, which will probably force more cuts to services such as providing affordable housing and paving streets.¹

When this issue surfaced last October, we learned from *The Examiner*² that the Mayor would "trim more than \$30 million by shaving from the budgets of dozens of city agencies, including the police and fire departments, the finance office and the departments of park and health. The ax falls hardest on the cops, who are losing nearly \$4 million under Fenty's plan."

In an article in the *Washington City Paper* of February 12th subtitled, "How useless are the D.C. Police Department's crime cameras?," Arthur Delaney provides example after example to demonstrate that the department's surveillance cameras don't work to reduce crime. You reportedly said that

¹ Available at <http://www.washingtonpost.com/wp-dyn/content/article/2009/02/24/AR2009022404235.html>.

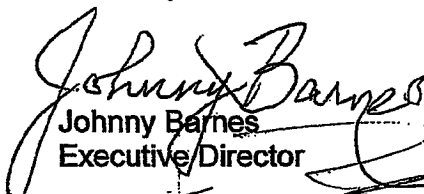
² Issue of October 17, 2008, available at [http://www.dcxaminer.com/local/Police biggest target in Fentys 30M budget cuts.html](http://www.dcxaminer.com/local/Police%20biggest%20target%20in%20Fentys%2030M%20budget%20cuts.html)

"attitudes toward surveillance won't change before people realize what a waste of money it is: 'Civilians are more complacent with Big Brother.'"

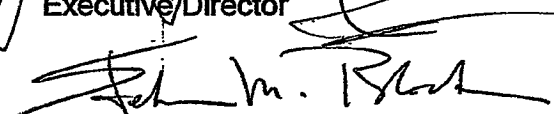
Mr. Gandhi has made it clear that the District's budget must be cut; the only question is where will the ax fall. If MPD programs are on the block, the Committee's upcoming oversight hearing offers an opportunity to require the Department to justify its continuing expenditures on surveillance cameras. In making its case, MPD should not be permitted to obfuscate the displacement effect of cameras as it did in its Annual Report for 2007.³ We are especially concerned that the claim that cameras are a "force multiplier" will be used to prefer cameras to the recruitment and training of community police officers. All should understand that in addition to the cost of procuring additional cameras, there are significant operational expenses in maintaining and managing the existing cameras.

As at the national level, today's economic crisis should be seen as an opportunity to deal with long-standing problems. In MPD's case, that means stopping wasting money on surveillance cameras.

Sincerely,



Johnny Barnes
Executive Director



Stephen M. Block
Legislative Counsel

Cc: Members of the Committee on
Public Safety and the Judiciary

³ Available on MPD's website.