

The City of San Diego MEMORANDUM

DATE:

May 20, 2016

TO:

Honorable Councilmember Todd Gloria, Budget Review Committee Chair,

Honorable Councilmember David Alvarez and Honorable City Councilmembers

FROM:

Tracy McCraner, Financial Management Director

SUBJECT:

Budget referral response to Questions on the Proposed FY 2017 Police

Department Budget as submitted by Councilmember Alvarez on May 4, 2016

Please find responses to Councilmember Alvarez questions related to the Police Department's FY 2017 Proposed Budget, per memorandum dated May 4, 2016.

Sexual Assault Evidence Kits

 Does SDPD send all sexual assault evidence kits it collects to the crime lab for analysis? Of sexual assault evidence kits booked into evidence, what percentage are sent to the crime lab for analysis?

The Police Department takes the investigation of all sex crimes very seriously. SDPD has a vetted and thorough approach that follows federal guidelines in determining which sexual assault kits (SART kits) can and should be analyzed. There are federal directives the Department must follow in order to participate in the National and State DNA databases that have their roots in the 1994 DNA Identification Act. These regulations are designed to minimize incidents whereupon the DNA of individuals not associated with a crime may be submitted to the databases.

All SART kits are collected and impounded into the Department's Property Room. All allegations of sexual assault are assigned to a detective and are investigated. During that extensive and methodical investigation, per federal directives the detective must determine if the elements of a crime are present, and if the evidence contained in the SART kit is probative in providing meaningful investigative leads. If so, a lab request will be submitted to the Crime Laboratory by the investigating detective requesting forensic analysis of evidence collected via the SART examination.

Once the request has been submitted and assigned to an analyst, the evidence (to include a SART kit) will be retrieved by the analyst from the Property Room, and brought to the laboratory for analysis. Kits that are not analyzed remain as impounded evidence for potential forensic examination at a later date as additional investigative leads are developed.

Approximately half (49%) of the kits impounded into the Property Room on a yearly basis are determined to contain probative evidence that can provide meaningful investigative leads and warrant submission to the crime lab for analysis.

Does the SDPD have a rapid turnaround DNA program in place to submit forensic evidence collected from the victim of a sexual assault directly from the medical facility where the victim is examined to the crime laboratory within five days after the evidence is obtained from the victim?

SDPD follows a methodical and comprehensive approach for testing evidence. A detective determines the best evidence to test first; sometimes that is a kit and other times it is a different piece of evidence. Kits are collected from the victims, and all kits are impounded into the Property Room. All cases are assigned to a highly trained police detective assigned to the San Diego Police Department Sex Crimes Unit. The investigation conducted by the detective, under the direction of a supervisor, determines what evidence would be most suited to identifying a suspect and/or providing investigative leads. The detectives work closely with the forensic DNA analysts to ensure a thorough and complete approach to evidence examination, including the prioritization of all impounded evidence. There are a significant number of cases in which the SART kit does not provide a probative result. The process ensures victims are getting the best forensic investigation possible, as all the evidence is important to consider, not just a single piece of evidence. Processes that concentrate only on the SART kit do not ensure a comprehensive approach.

 For all sexual assault evidence kits that are sent to the crime laboratory for analysis, is the analysis complete and are qualifying DNA profiles uploaded into the Combined DNA Index System (CODIS) within 120 days of the crime lab's receipt of the evidence?

From January 2014 to the present, the average time elapsed for "Person Crimes" requests coming to the laboratory to the final report being approved and sent to the detective (which would include uploading any DNA profiles obtained through analysis) is 61 days.

- Please provide the following information for FY14, FY15, and FY16.
 - o Total Number of all sexual assault evidence kits booked into evidence by SDPD;
 - > FY 2014 359
 - ➤ FY 2015 321
 - > FY 2016 to date 132
 - o Total number of sexual assault evidence kits sent to the crime lab for analysis.
 - > FY 2014 214
 - FY 2015 159
 - > FY 2016 to date 44

These figures may change as additional investigative leads are developed.

- o For those kits sent to the lab:
 - > The mean, median, minimum, and maximum number of days elapsed between sexual assault evidence kits being booked into evidence by SDPD and being sent to the crime lab;

The kits that are collected by the SART nurses at the hospitals and other offsite locations are picked up and delivered to the Property Room 2–3 times a week for impounding into the Department's evidence system. Once the work request has been sent to the laboratory, the sex crime case evidence is analyzed in its entirety on average within the 120 day standard set by Assembly Bill 1517. The Department does not have data that represents the number of days an investigator requires to determine if the elements of a crime are present and if federal guidelines have been met. High priority is placed upon making those determinations in order for the forensic analysis to commence in a timely fashion.

> The mean, median, minimum, and maximum number of days elapsed between the crime lab receiving sexual assault evidence kits and the analysis being completed and qualifying DNA profiles uploaded into CODIS.

The laboratory staff tracks cases submitted for analysis by SDPD detectives. Reported turnaround times reflect the time it took to analyze all pertinent evidence in the work request in its entirety. This comprehensive approach provides the greatest likelihood of identifying a suspect and bringing justice to the victim. There are a significant number of cases solved by analyzing evidence other than the SART kit itself (e.g. DNA present on clothing).

- > For those kits NOT sent to the crime lab for analysis: a percentage breakdown of the documented reasons why they were not sent, including but not limited to the following categories:
- Non-investigative report;
- > Crime occurred in another jurisdiction;
- > Recant;
- > Unfounded;
- > VDP w/Suspect ID; and
- Other (for all kits not sent because of "other" please list notes indicating why it was not.)

2014

- > 9% Non-investigative report (NIR) kits
- > 7% Out of Jurisdiction (Mexico, other LE agency)
- > 1% Victim Recant
- > 9% Case Unfounded
- > 40% Victim Declines Prosecution (VDP) w/Suspect ID
- > 34% Other
 - o 45% of the Other cases were formally rejected by District Attorney (DA)
 - 49% of the Other cases were closed with an arrest being made by Sex Crimes, Domestic Violence (DV) or Child Abuse and the case was adjudicated (but in each case suspect was known)
 - 6% are cases that are either open, or are part of a larger case (i.e. homicide)

May 20, 2016

2015

- > 12% NIR kits
- > 7% Out of Jurisdiction (Mexico, other LE agency)
- > 0% Victim Recant
- > 12% Case Unfounded
- > 39% Victim Uncooperative or VDP w/Suspect ID
- > 30% Other
 - o 42% of the Other cases were formally rejected by DA
 - 44% of the Other cases were closed with an arrest being made by Sex Crimes, DV or Child Abuse and the case was adjudicated (but in each case suspect was known)
 - o 14% are cases that are either open, part of a larger case (i.e. homicide) or are under DA review

<u> 2016</u>

- > 9% NIR kits
- > 6% Out of Jurisdiction (Mexico, other LE agency)
- > 0% Victim Recant
- > 9% Case Unfounded
- > 38% Victim Uncooperative or VDP w/Suspect ID
- > 10% Other
 - o 20% of the Other cases (two total) kits were found to have been submitted for testing but the testing has not been completed
 - The other 80% were part of other cases that are open or part of a larger case (i.e. homicide)
 - o 28% are open cases with an active investigation ongoing.

Sworn Staffing

- The IBA report on the proposed budget for the police department states "...the FY17 budget does not include any new initiatives or resources aimed at improving police recruitment and retention beyond what was negotiated in 2015."
 - o Is this accurate?
 - o If so, why doesn't the department propose some new ideas to solve the problem?
 - o Are there going to be any new initiatives or resources prepared for the May Revise?

The Mayor's FY 2017 Proposed Budget fully funds the second year of the 5-year contract with the San Diego Police Officers Association. The \$92 million multiple year agreement heavily focuses on recruitment and retention efforts for the Police Department.

The Mayor issued his May Revision to the Fiscal Year 2017 Proposed Budget on May 17, 2016. It included the following Police Department or Police personnel-related additions:

o The Mayor's FY 2017 May Revision to the Proposed Budget includes \$4.0 million for officer recruitment and retention, subject to meet and confer.

- o The Mayor's FY 2017 May Revision to the Proposed Budget includes approximately \$0.7 million for dispatcher recruitment and retention, subject to meet and confer.
- The Mayor's FY 2017 Proposed Budget includes the addition of 5.0 FTE civilian positions. Some of these positions will be assuming work from Dispatchers in order to allow the Dispatchers more time for specific functions and reduce mandatory overtime.
- The Mayor's FY 2017 May Revision and the Proposed Budget include Personnel department staff and non-personnel additions to assist in the testing and recruitment of public safety officer's and dispatchers.

Additional recruitment and retention initiatives are identified below:

- o The Department continues to allocate \$35,000 from its annual budget to recruitment efforts. Two-thirds of this allotment has been spent on advertising and marketing, with the remainder on printed brochures and handouts given away during direct outreach events, and out-of-county testing of applicants.
- The Department continues to advertise in printed media, radio, television, movie theater previews, and online media, including the following:
 - > Television 130 30-second Cable TV advertisements rotating four recruiting videos through Cox Communications.
 - > Social Media in San Diego 185,160 digital video ads were viewed where a 30-second recruiting video was watched.
 - ➤ Social Media across the country 538,062 digital static display ads on social media were viewed that brought the viewer to the SDPD website.
 - > Printed Media- advertising in four different local newspapers and two different national magazines.
- Each fiscal year, the Recruiting Unit has expanded their direct outreach into the San Diego community and beyond to reach a diverse qualified candidate pool.
 - > The Recruiting Unit focuses their efforts in the community through job fairs, community events, cultural festivals, and youth programs.
 - > They focus on colleges and universities through Criminal Justice, Sociology, and Political Science programs, as well as intramural and college athletics.
 - > The Recruiting Unit is looking to partner with the National Association of College Employers (N.A.C.E.) to outreach with numerous college campuses and post to their job boards to best reach qualified candidates looking for a career in law enforcement.
 - > The Recruiting Unit continues to work closely with the military and is scheduled to meet with the regional Transitional Assistance Program (TAP) coordinator to cultivate a specific and targeted approach to marketing and recruiting military members transitioning back into the workforce.

- o In FY 2014, City Personnel and the Recruiting Unit tested at two military bases and four college campuses.
- o In FY 2015, they tested at 13 military bases and nine college campuses.
- o In FY 2016, they have tested at 12 military bases and project four additional before the end of the fiscal year. They have tested at 13 college campuses and project one additional before the end of the fiscal year.
- o The Recruiting Unit has expanded its outreach into the San Diego community through the use of Police Recruitment Assistance Team (PRAT) officers, a collateral duty of patrol officers to reach more events throughout the various communities of San Diego.
- o The Recruiting Unit is developing cooperative relationships, including the deans of college programs, and ranking military officers throughout California and neighboring states to expand its reach into bigger applicant pools to combat the reduction in applicants testing within San Diego.
- The Recruiting Unit meets weekly to discuss new recruitment efforts for new police officer recruits.
- Each quarter, Department members attend at least 1,100 community outreach events, which enhances recruiting efforts.
- o This fiscal year, the Department has conducted more than 750 ride-alongs, which are an effective recruiting tool.
- o Inside SDPD provides the public with an opportunity to learn about and discuss topics such as principles of law and use of force in a setting that encourages dialogue, interaction and participation. The Department hosts these events numerous times a year.
- o SDPD considers every employee a recruiter for the Police Department.

To be more inclusive of community input, the Department also formed a recruiting/hiring advisory board, whose purpose is to evaluate current hiring standards and to serve in an advisory capacity on recruiting practices. The group is comprised of a diverse group of community leaders who also serve as prospective recruiters for and educators about SDPD's hiring practices. The advisory group has met on two occasions and will continue to meet on a quarterly basis.

• Do you expect to achieve the budgeted and actual staffing goals for FY17 in the Police Department five-year plan?

The Department's ability to achieve its staffing goals is dependent upon the number of officers who leave the Department and the number of new recruits who graduate from the academy.

• Costs increased at the police department this year. In addition to the \$2.4 million in cost due to the new MOU, there is a \$3 million increase in overtime costs. Is this increase due to the persistent retention problems?

It is primarily due to "Extension of Shift" overtime costs which have increased over the last several years. This \$3.0 million is a reasonable addition to meet the Department's recent historical trends in this overtime cost account.

Despite the increasing costs, the overall department budget is lower than last year. For example, there is a \$4.8 million increase in vacancy savings, due to the retention crisis. How many vacancies does the department anticipate filling in FY17?

The Department is focusing on filling as many vacancies as quickly as possible and the FY 2017 Proposed Budget includes four fully funded academies. It is important to note that the vacancy factor utilized by Financial Management during the budget process is a budgetary tool for governments to utilize in right-sizing personnel budgets.

It is a "snapshot in time" estimate to account for known operational impacts of turnover, retirements, etc. and is completely independent of the hiring and recruiting processes for departments. If additional funds are required to meet staffing needs a budget adjustment would be brought before Council to reduce the vacancy factor appropriately.

- Please include as performance measures:
 - Budgeted and Average Actual Sworn Officers per 1,000 population (this appeared in FY15, FY14, FY13 adopted budgets). Please indicate how this compares with the average of other large cities.
 - o Number of police academies and number of recruits per academy by fiscal year

The Department will evaluate adding these performance measures during the FY 2018 budget process.

9-1-1 Dispatch

How many days in FY16 has the City been out of compliance with the state standard on 911 calls.

The following responses address 9-1-1 calls received by the Police Department only.

The Dispatch Division makes every effort to answer every 9-1-1 call as quickly as possible. The Division answered, on average, 72.5% of its 9-1-1 calls within 10 seconds or less in FY 2016.

As of May 10, 2016, a total of 530,150 9-1-1 calls have been received this fiscal year.

 When 911 calls are not picked up within 10 seconds, how much longer do the emergency callers wait on average? How often do callers that have been placed on hold for longer than 10 seconds end up hanging up?

As of April 30, 2016, the average time to answer is 16.65 seconds for this fiscal year.

As of April 30, 2016, 80,847 calls that were abandoned have been received this fiscal year. Of those 11%, or 9,185, emergency calls were abandoned after 10 seconds. Reasons for abandoned calls, such as a misdial, can vary. The reason for each abandoned call is not known.

• A SDPD spokesperson was quoted in a media report saying that: "The focus is on average waits, not eliminating outliers." Does this reflect the department's position?

The Department's goal is to answer 90% of all 9-1-1 calls within 10 seconds. The department's analysis focuses on reducing average wait times a caller experiences when they call 9-1-1.

• The number of budgeted dispatch positions in FY08 was 165, in FY09 it was 164, and in the proposed budget for FY17 it is 163. Given that there are only two less budgeted positions between FY08 and FY17, what does the department believe is the root of the major increase in wait times?

The FY 2008, 2009 and 2017 figures listed above include all budgeted dispatcher positions in the Communications Division, including supervisors and lead positions.

The number of budgeted Police Dispatcher and Dispatcher II positions for FY 2008, FY 2009 and FY 2017, are as follows:

- o FY 2008 141
- o FY 2009 139
- o FY 2017 135

In addition to staffing challenges, between June 2014 and November 2015, the Division added 16 emergency and non-emergency phone lines. The additional lines were added due to complaints from the general public about receiving busy signals. As a result, call wait times pre-2014 are not directly comparable to today because the dispatch system does not track callers who receive busy signals. Callers rarely receive busy signals now; however, the additional lines have contributed to an increase in call volume.

The proliferation of cell phone use and resulting pocket calls has also contributed to longer wait times. During a five week study conducted in 2015, the Division received nearly 12,000 pocket calls. This accounted for over 22% of the total 9-1-1 calls received during this time period.

• It is my understanding that dispatchers went on mandatory overtime due to staff shortages three years ago. What has been done in the previous two budgets to remedy this problem? Were additional resources requested to help fix the problems at dispatch in the FY16 budget?

In previous years, the Department was unable to hire year-round. Starting in 2014, the Department worked closely with City Personnel to address this hiring issue. As of June 2015, Dispatcher position recruitment is open year-round as a solution to this issue.

The Department's goal is to fill all vacant positions. However, as new dispatchers are hired, existing dispatchers leave for a variety of reasons. Those reasons include retirement, taking other positions in the Police Department or another City department, and leaving for outside employment. Also, newly hired dispatchers sometimes decide the position is not for them, or they are unable to perform the work. The Mayor's FY 2017 May Revision to the Proposed Budget includes approximately \$0.7 million to address dispatcher retention and recruitment, subject to meet and confer.

How many times has the 911 call response time surpassed: 1 minute, 2 minutes, 5 minutes, and 10 minutes since the beginning of FY16?

As of May 10, 2016, 384,263 (72.5%) of all 9-1-1 calls received this fiscal year have been answered within 10 seconds.

In FY 2016 to-date (07/01/15 through 5/10/2016) there were 530,000 9-1-1 calls received:

- o 4.4% 9-1-1 calls were answered between 1 and 2 minutes
- o 1.4% 9-1-1 calls were answered between 2 and 5 minutes
- o .097% 9-1-1 calls were answered between 5 and 10 minutes
- In order to keep wait times low on 911 is it a standard practice for dispatchers to switch from answering the non-emergency line to answering 911?

The priority of every dispatcher is to answer 9-1-1 calls. All dispatchers receive 9-1-1 calls prior to receiving non-emergency calls.

- Please provide the following data for FY16:
 - Average wait time to answer our non-emergency calls:

As of April 30, 2016, the average wait time for non-emergency calls is 236 seconds (three minutes, 56 seconds.)

• Number of times that non-emergency callers have had to wait longer than: 30 minutes, 45 minutes, one hour, two hours:

As of May 10, 2016, a total of 644,596 non-emergency calls have been received this fiscal year. The analysis required to answer this question could not be immediately completed.

o How many of these callers ended up hanging up?

The analysis required to answer this question could not be immediately completed.

o How many of them were later contacted by dispatchers?

Call backs are only made on abandoned emergency calls.

- What impact does the severe delays on the non-emergency line have on the reporting of crimes? Could this potentially skew the City's crime statistics?
 The Department is unable to measure the impact of the delay on the non-emergency line and how it may affect the reporting of crimes and the City's crime statistics.
- It is my understanding that dispatchers also take inquiries from officers who check to see if people they encounter might have warrants or are on probation. Because of the shortage of dispatchers, I've heard that this service isn't always available to officers. How many days during FY16 has this service been unavailable due to staffing shortages? What do officers do when this service is unavailable?

Through May 11, 2016, the inquiry position has not been staffed for 16 full days during FY 2016.

When a dispatcher is not available, the officers have the option to use the Mobile Computer Terminal (MCT) in their patrol vehicle or to call another officer who has access to an MCT or computer to perform the check for them.

• How many dispatchers have left the department during the following time periods:

o The last three weeks 2 (1 assigned to Parking Enforcement dispatch)

The last three months
 5 (including the 2 above)

o FY 2016 22

o FY 2015 17

• Please provide the total number of vacancies in dispatch broken down by weeks for FY15 and FY16.

See Attachment A.

• It is my understanding that there is no shortage of applicants for dispatch positions, but very few make it through the background check. Please provide a percentage breakdown of the reasons why applicants for dispatch positions in FY15 and FY16 failed background checks.

The breakdown is as follows:

- 26.2% waived the Background process once they were sent to Backgrounds
- o 16.4% failed the Polygraph
- o 57.4% were non-selected for various reasons
- How long does the background check process take for the police dispatcher applicants?

On average, the complete background process takes four to six months, which is a reduction from approximately twelve months due to recent streamlining efforts.

Has the background check process for police dispatchers been streamlined? If so, how?

Yes, the background process has been streamlined. Recruitment is now open year-round. The Department increased staff assigned to conduct background checks on dispatcher candidates. In addition, when candidates are selected for hire at the interview process, a conditional job offer is given along with their Personal History Statement immediately following their interview.

 Would the SDPD consider allowing the Personnel Department to assist with background checks for police dispatchers until staffing is stabilized?

In accordance with strict Police Officer Standards and Training (POST) requirements, only authorized Police personnel can access databases to conduct a thorough background investigation. POST conducts regular inspections to ensure the Department is in compliance with the statutes, regulations, procedures, and documentation requirements associated with the background investigation process.

Per POST Commission Regulation 1959, a thorough background investigation is required of all public safety dispatchers before being hired to verify that the applicant has no past behaviors indicative of unsuitability to perform public safety dispatching duties. Regulation 1959 outlines the procedures for the background investigation, which must include a check of motor vehicle records, a search of local, state, and federal fingerprint files to determine any criminal record, contacts with references, as well as other areas of investigation.

In addition to the responses above, the Department has taken the following additional measures:

- o The application process for Police Dispatcher and Dispatcher I and II (9-1-1 Dispatchers) are open on a year-round basis in order to improve the recruitment process.
- The Mayor's FY 2017 May Revision includes approximately \$0.7 million for Dispatcher recruitment and retention efforts. These efforts are subject to meet and confer.
- The Police Backgrounds Unit has added additional resources to expedite the dispatcher background process. This has reduced the overall process from taking approximately 12 months to taking an average of four to six months.
- The Communications Division is continuing to use and hire provisional employees as dispatchers to supplement staffing. There are currently four provisional employees and the Department is actively recruiting more.
- The Communications Division currently utilizes sworn officers who are former dispatchers to work overtime to supplement staffing. There are currently five officers who work in this capacity.
- The Communications Division also utilizes sworn officers who did not previously have dispatch training to work overtime to supplement staffing. There are currently five sworn officers who work in this capacity. In addition, the Division is currently training

67 additional officers to assist with dispatch related duties (i.e. inquiry talk-group, abandoned 9-1-1 calls, non-emergency calls, alarm line and officer line calls).

- The Communications Division uses former San Diego dispatchers who work in other civilian sections of the Police Department to work overtime to supplement staffing. There are currently eight dispatchers that work in this capacity.
- o The Communications Division uses former San Diego Police dispatchers who now work in other City Departments in civilian roles to work overtime to supplement staffing. There is currently one dispatcher who works in this capacity.
- The Communications Division utilizes sworn officers who are on light duty to assist with dispatcher related duties. There is currently one officer who works in this capacity. Former police officer recruits who did not successfully pass the police academy or field training are recruited to become dispatchers. Five former recruits were hired as dispatchers.
- o To enhance staffing levels further, the Parking Enforcement Inquiry duties have been returned to Parking Enforcement. The Parking Enforcement Administration has recently filled this full-time position.
- o The Communications Division is in the process of moving two dispatchers that are on a special assignment in Audio Research back to their dispatch positions. Two Police Investigative Service Officer (PISO) positions are included in the FY 2017 Proposed Budget to fill the Audio Research positions.
- o 90 Police Department dispatchers received an Exceptional Cash Merit Award of up to \$1,000.
- 40 Police Department dispatchers have received, or have been approved to receive, an Exceptional Merit Increase that advanced them to the next pay step.
- The Communications Division is currently hiring dispatchers at C Step instead of A step
 roughly a ten percent increase in starting pay.
- The Communications Division has coordinated with Station 38 to handle Public Works related calls. The non-emergency recording has been modified to give callers holding in the queue the option to call the Public Works Department directly for certain issues.
- The Communications Division has met with the San Diego Fire-Rescue Department to discuss how to better meet the needs of the residents of the City of San Diego. As a result, efficiencies were identified to streamline the process of transferring calls to Fire-Rescue's dispatch center.

Miscellaneous

• The percentage of proactive time dropped from 16.2% in FY15 to 14.7% in FY16. In light of continuing retention problems, the FY17 goal of 15% seems unusually optimistic. Does the department believe it can achieve this goal?

Proactive time is projected to be approximately 15% by the end of this fiscal year; therefore, we believe this to be a realistic goal for FY 2017.

Under department expenditures, why isn't communications its own line item as in previous budgets?

Communications Division has not been reflected in the budget document as its own division in previous budgets.

Please feel free to contact me should you have additional questions.

Tracy McCraner

Financial Management Director

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Attachment A: FY 2015 and FY 2016 Communication Division Vacancies

cc: Honorable Mayor Kevin L Faulconer

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Stephen Puetz, Chief of Staff, Office of the Mayor

Jaymie Bradford, Deputy Chief of Policy, Office of the Mayor

Katherine Johnston, Director of Infrastructure and Budget Policy, Office of the Mayor

Marshall Anderson, Director of Council Affairs, Office of the Mayor

Scott Chadwick, Chief Operating Officer

Stacey LoMedico, Assistant Chief Financial Officer

Mary Lewis, Chief Financial Officer

Shelley Zimmerman, Police Chief

Brian Fennessy, Fire Chief

Paz Gomez, Deputy Chief Operating Officer, Infrastructure/Public Works

David Graham, Deputy Chief Operating Officer, Neighborhood Services

Ron Villa, Deputy Chief Operating Officer, Internal Operations

Andrea Tevlin, Independent Budget Analyst

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