

# Law Department

Peter S. Holmes, City Attorney

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<http://www.seattle.gov/cityattorney/>

## Department Overview

The Law Department serves as counsel to the City's elected officials and agencies, and as the prosecutor in Seattle Municipal Court. The Seattle City Attorney, Peter S. Holmes, is a nonpartisan elected official.

The department provides legal advice to City officials to help them achieve their goals, represents the City in litigation, and protects the public health, safety, and welfare of the community by prosecuting violations of City criminal and civil ordinances and state law. The four department divisions are described below.

The **Administration Division** provides executive leadership, communications, and operational support for the entire department. It is comprised of the executive leadership team for the department, human resources, finance, media relations, and information technology staff.

The **Civil Division** provides legal counsel and representation to the City's elected and appointed policymakers in litigation at all levels of county, state, federal courts, and administrative agencies. The Civil Division is organized into the following seven specialized areas of practice: Employment, Environmental Protection, Land Use, Government Affairs, Torts, Regulatory Enforcement & Economic Justice, and Utilities & Contracts.

The **Criminal Division** prosecutes misdemeanor crimes in Seattle Municipal Court, provides legal advice to City clients on criminal justice matters, monitors state criminal justice legislation of interest to the City, and participates in criminal justice policy development and management of the criminal justice system. In addition, the Criminal Division operates a Victims of Crime program which assists crime victims in obtaining restitution. The Criminal Division is comprised of a Prosecution Support Team, Case Preparation Team, Domestic Violence Unit, Appellate Practice, Filing/Early Plea Unit, Specialty Courts Unit (Mental Health, Veterans' Court, DUI, and Infractions Program), and one trial team.

The **Precinct Liaison** attorneys work in each of the City's five police precincts, providing legal advice to police and other City departments. In helping to address a variety of neighborhood and community problems, these attorneys coordinate with the Civil and Criminal divisions to ensure a consistent, thorough and effective approach to solving issues of concern to the community.

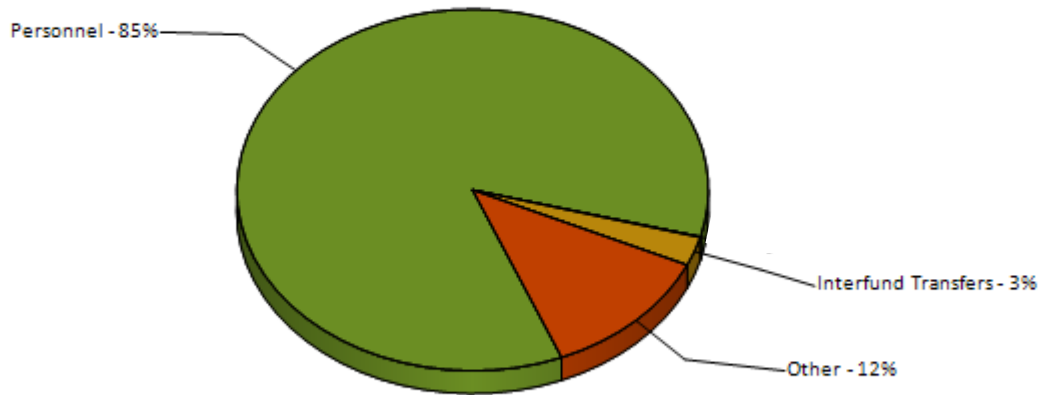
## Budget Snapshot

Department Support	2015 Actual	2016 Adopted	2017 Adopted	2018 Endorsed
General Fund Support	\$23,638,285	\$24,348,261	\$27,327,079	\$28,209,191
<b>Total Operations</b>	<b>\$23,638,285</b>	<b>\$24,348,261</b>	<b>\$27,327,079</b>	<b>\$28,209,191</b>
<b>Total Appropriations</b>	<b>\$23,638,285</b>	<b>\$24,348,261</b>	<b>\$27,327,079</b>	<b>\$28,209,191</b>
Full-time Equivalent Total*	173.60	177.10	183.60	184.10

\* FTE totals are provided for information purposes only. Changes in FTEs resulting from City Council or Human Resources Director actions outside of the budget process may not be detailed here.

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## 2017 Adopted Budget - Expenditure by Category



### Budget Overview

The Law Department established a Regulatory Enforcement and Economic Justice (REEJ) Unit in the Civil Division to address the growing number of regulatory challenges. The unit consolidated in 2015 and leveraged in-house resources and staffing with four attorneys and two staff. The workload for REEJ increased with further regulations and the 2015 creation of the Office of Labor Standards (OLS) to implement the City's labor standards for Minimum Wage, Paid Sick and Safe Time, Wage Theft, and Fair Chance Employment (limiting the use of conviction and arrest records in employment decisions). The 2017 Adopted and 2018 Endorsed Budget adds one attorney position to focus on regulatory issues and litigation related to OLS.

The Land Use Section in the Civil Division provides legal counsel on zoning, planning, growth management, code enforcement, the State Environmental Policy Act, low-income housing development, preservation of historic properties, and acquisition of public property for open space, parks, and other public facilities. In 2015, an increase in workload required utilizing outside counsel for more than 800 hours. Outside counsel fees are charged to the Judgment and Claims Fund and is more costly than using City staff. Increasing an existing attorney position from part-time to full-time keeps cases in-house and saves the Judgment and Claims Fund approximately \$150,000, off-setting the cost of increasing this position. A reduction is made in the Judgment and Claims Fund providing a net savings to the General Fund of \$65,000.

The Seattle Police Department (SPD) began development of a body-worn camera program in 2016. The 2017 Adopted and 2018 Endorsed Budget provides funds to continue the planning, purchase and implementation efforts for this project. This advanced camera technology will increase police accountability as a component of the Department of Justice Consent Decree to provide transparency within law enforcement. The result will be a large volume of video added as evidence in the judicial process, in addition to the already existing in-car video. The increase in volume of video retrieval, discovery and viewing prior to making case filing decisions will require a

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Paralegal, Sr. in the Criminal Division. The success of the body-worn camera program and its ability to build trust with the community is dependent on the City's ability to store, manage, and retrieve the video properly, while conforming to the state Privacy Act and public disclosure laws. Both SPD and the Law Department must meet an individual's right to privacy as well as the needs of crime victims, minors, families of the deceased and other scenarios requiring privacy and non-disclosure. Having reliable and accurate evidence to prove or disprove a case benefits both victims and defendants.

The Law Enforcement Assisted Diversion (LEAD) program started in 2011 to address low-level drug and prostitution crimes in Seattle's Belltown neighborhood and the Skyway area. The LEAD program diverts participants into community-based treatment and support services rather than prosecuting them through the traditional channels of the criminal justice system. The 2017 Adopted and 2018 Endorsed Budget provides one unfunded prosecutor position in the Criminal Division. This dedicated position will continue the progress toward reducing recidivism, improving public safety and quality of life, and lowering costs associated with criminal prosecution. Funding will be provided to the City by the LEAD program administrator.

## City Council changes to the Proposed Budget

The Council added positions and funding to launch a pre-filing diversion effort led by the Law Department coordinating with the Seattle Municipal Court (SMC), Criminal Justice Contracted Services (CJCS), and Finance and Administrative Services (FAS). The Law Department will use consultants on diversion for family domestic violence and Restorative Justice diversion for other case types. Cases may be referred to the SMC to connect defendants to services through the Court Resource Center.

The Council included \$110,000 to create a program to track and prosecute violation of orders to surrender firearms in domestic violence cases.

The proposed budget included an attorney and paralegal to review discovery on the large volume of additional video footage related to the implementation of body worn video by Seattle police. The Council eliminated the attorney position.

Council added an IT Business Analyst to work on the IT intersection of public records requests, e-discovery and develop an IT strategic plan for the Law Department.

## Incremental Budget Changes

### Law Department

	2017		2018	
	Budget	FTE	Budget	FTE
<b>Total 2016 Adopted Budget</b>	<b>\$ 24,348,261</b>	<b>177.10</b>	<b>\$ 24,348,261</b>	<b>177.10</b>
<b>Baseline Changes</b>				
Technical Baseline Changes	\$ 300,000	0.00	\$ 300,000	0.00
Adjustment for One-Time Adds or Reductions	-\$ 209,865	-1.00	-\$ 209,865	-1.00
Citywide Adjustments for Standard Cost Changes	\$ 1,438,384	0.00	\$ 2,122,068	0.00
<b>Proposed Changes</b>				
Regulatory Enforcement and Economic Justice (REEJ) Attorney	\$ 157,713	1.00	\$ 162,347	1.00

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Land Use Attorney	\$ 83,011	0.50	\$ 85,092	0.50
Staffing for Implementation of Body Worn Cameras	\$ 131,582	2.00	\$ 241,317	2.00
Law Enforcement Assisted Diversion (LEAD) Attorney	\$ 0	1.00	\$ 0	1.00
Citywide Summit Re-Implementation Project	\$ 171,275	0.00	\$ 182,000	0.00
<b>Proposed Technical Changes</b>				
Columbia Center Lease	\$ 378,950	0.00	\$ 460,988	0.00
Public Records Staffing	\$ 194,136	2.00	\$ 200,156	2.00
Internal Transfers	\$ 0	0.00	\$ 0	0.00
Transfer Investigator to Seattle Department of Human Resources	-\$ 157,067	-1.00	-\$ 161,701	-1.00
<b>Council Changes</b>				
Pre-Filing Diversion Program	\$ 326,562	2.00	\$ 484,593	2.50
Domestic Violence Firearms Forfeiture Program	\$ 110,000	0.00	\$ 0	0.00
Change Staffing for Body Worn Camera Program	-\$ 74,542	-1.00	-\$ 138,641	-1.00
IT Business Analyst	\$ 128,679	1.00	\$ 132,576	1.00
<b>Total Incremental Changes</b>	<b>\$ 2,978,818</b>	<b>6.50</b>	<b>\$ 3,860,930</b>	<b>7.00</b>
<b>2017 Adopted/2018 Endorsed Budget</b>	<b>\$ 27,327,079</b>	<b>183.60</b>	<b>\$ 28,209,191</b>	<b>184.10</b>

## Descriptions of Incremental Budget Changes

### Baseline Changes

#### Technical Baseline Changes - \$300,000

This item restores a one-time budget savings from 2016. In 2015, the Law Department relocated to the Columbia Center and the lease provided a generous tenant improvement budget and allowed unspent funds to be applied to future rent. In 2016, the \$300,000 of rent savings was captured and is restored to pay for space rental costs in 2017 and 2018.

#### Adjustment for One-Time Adds or Reductions - (\$209,865)/(1.00) FTE

This item includes budget reductions for one-time additions in the 2016 Adopted Budget.

- In the 2016 Adopted Budget, a one-year position was added to the Civil Division to work with city staff, Seattle Police Department, and the Counsel of State Governments on issues and data related to criminal justice programs. (\$121,365)
- Funds appropriated in 2016 for the Citywide Summit Re-Implementation project are backed out and re-appropriated in the 2017 Adopted and 2018 Endorsed Budget. (\$88,500)

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## **Citywide Adjustments for Standard Cost Changes - \$1,438,384**

Citywide technical adjustments made in the initial planning phase reflect changes in the internal services costs, health care, retirement contribution rate, and updates to unemployment and industrial insurance charges. These adjustments reflect initial assumptions about these costs and inflators early in the budget process. Additionally, this adjustment includes various wage adjustments for labor related costs, including the Annual Wage Increases (AWI) from 2015 through 2018.

## **Proposed Changes**

### **Regulatory Enforcement and Economic Justice (REEJ) Attorney - \$157,713/1.00 FTE**

This Assistant City Attorney position will address the increasing need for legal advice and enforcement related to the Office of Labor Standards' work on minimum wage, paid sick and safe leave, wage theft, and Fair Chance Employment (limiting the use of conviction and arrest records in employment decisions). REEJ was established to address the growing number of regulatory and licensing ordinances enacted by the City including marijuana violations, taxi cab and for-hire licenses, Rental Housing Registration and Inspection Program, and the Department of Justice Consent Decree related to the Seattle Police Department.

### **Land Use Attorney - \$83,011/.50 FTE**

A current 0.5 FTE attorney will increase to 1.0 FTE keeping work in-house and reducing the need for outside counsel. In 2015, five cases were sent to outside counsel for litigation due to a lack of capacity in the Land Use Section of the Law Department. Outside counsel fees are charged to the Judgment and Claims Fund and is more costly than using City staff. Increasing an existing attorney position from part-time to full-time keeps cases in-house and saves the Judgment and Claims Fund approximately \$150,000, off-setting the cost of increasing this position. A reduction is made in the Judgment and Claims fund, providing a net savings to the General Fund of \$67,000.

### **Staffing for Implementation of Body Worn Cameras - \$131,582/2.00 FTE**

Council altered this proposal in the adopted budget. Refer to the Council Phase Changes section below. The proposed budget description follows:

This item adds an attorney and paralegal in the Criminal Division with funding to begin in July 2017 for the implementation of SPD's body worn cameras project. This staffing is needed to address the retrieval, discovery, review and redaction of a large volume of additional video footage.

### **Law Enforcement Assisted Diversion (LEAD) Attorney/1.00 FTE**

LEAD is a program designed to address low-level drug and prostitution crimes by diverting participants into support services including housing, healthcare, job training, treatment and mental health support rather than prosecution through traditional channels of the criminal justice system. An Assistant City Prosecutor position is added to the Criminal Division to be dedicated to the LEAD program and will be funded by the LEAD program administrator. The attorney will track participants' cases and make intentional decisions to coordinate with and support the individual intervention plan. Decisions on filing, release, dismissal and disposition recommendations can significantly enhance the effectiveness of LEAD.

### **Citywide Summit Re-Implementation Project - \$171,275**

This item represents the department's work in support of the Citywide Summit Re-Implementation project. A description of the Summit Re-Implementation project is located within the Department of Finance and Administrative Services.

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## Proposed Technical Changes

### **Columbia Center Lease - \$378,950**

In 2015, the Law Department consolidated offices through a lease with the Columbia Center. Annually the lease rate increases \$1.00 per square foot. This increase will fully fund the Law Department lease in the Columbia Center.

### **Public Records Staffing - \$194,136/2.00 FTE**

In the 1st Quarter 2016 Supplemental Budget Ordinance, 2.0 FTE paralegal positions were added to manage the increasing volume and complexity of public records requests submitted to all City departments. The total number of requests per year increased 64% from 5,600 in 2011 to over 9,000 in 2015. Over the same period, requests received from outside attorneys related to complex litigation requests increased by 28%. The new paralegals provide centralized review and redaction of attorney-client communications and assistance in processing large or inter-departmental requests.

### **Internal Transfers**

Two positions are transferring internally in the Law Department.

- An attorney position will transfer from the Precinct Liaison Division to the Criminal Division. This position handles the vice/narcotics cases and is represented by Local 21. It is appropriate for this position to be in the Criminal Division.
- Supervision of the Precinct Liaison Division (PLD) has rotated between the Civil, Criminal and Administrative Divisions. An attorney in the Civil Division has been designated to supervise. This transfer of an attorney from the Civil to the Precinct Liaison Division will formalize the assignment.

### **Transfer Investigator to Seattle Department of Human Resources - (\$157,067)/(1.00) FTE**

This position investigates employment discrimination allegations. Both the Law Department and SDHR have agreed the position is better suited to reside in SDHR.

## Council Changes

### **Pre-Filing Diversion Program - \$326,562/2.00 FTE**

This item represents a portion of a pre-filing diversion effort led by the Law Department coordinating with the Seattle Municipal Court (SMC), Criminal Justice Contracted Services (CJCS), and Finance and Administrative Services (FAS). A Strategic Advisor III funded at .5 in 2017 will manage the program including anticipated savings in jail expenditures. An Assistant City Prosecutor in 2017 will review cases for possible diversion to the appropriate intervention. A .5 FTE Assistant Paralegal II is added in 2018 to manage the calendar, track compliance, and coordinate with SMC. The Law Department will use consultants on diversion for family domestic violence, and Restorative Justice diversion for other case types. Cases may be referred to SMC to connect defendants to services through the Court Resource Center.

### **Domestic Violence Firearms Forfeiture Program - \$110,000**

This one-time consultant funding in 2017 will support the creation of a program to track and prosecute persons violating orders to forfeit their firearms in domestic violence cases.

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### Change Staffing for Body Worn Camera Program - (\$74,542)/(1.00) FTE

The Council eliminated the assistant city prosecutor in the adopted budget. Funding for a paralegal remains in the adopted budget.

### IT Business Analyst - \$128,679/1.00 FTE

The position will manage the increasingly common intersections between legal needs and IT functionality related to public records and e-discovery, particularly with technology updates and complex litigation. The position will also develop a Law Department strategic IT plan.

## City Council Provisos

*There are no Council provisos.*

## Expenditure Overview

Appropriations	Summit Code	2015 Actual	2016 Adopted	2017 Adopted	2018 Endorsed
Administration Budget Control Level	J1100	2,496,378	2,395,813	2,497,927	2,579,251
Civil Budget Control Level	J1300	13,489,894	14,232,192	15,557,616	16,012,062
Criminal Budget Control Level	J1500	6,986,960	7,023,193	8,427,727	8,748,632
<b>General Fund Supported BCLs</b>					
Precinct Liaison Attorneys Budget Control Level	J1700	665,053	697,063	843,809	869,246
<b>Department Total</b>		<b>23,638,285</b>	<b>24,348,261</b>	<b>27,327,079</b>	<b>28,209,191</b>
<b>Department Full-time Equivalent Total*</b>		<b>173.60</b>	<b>177.10</b>	<b>183.60</b>	<b>184.10</b>

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## Appropriations By Budget Control Level (BCL) and Program

### Administration Budget Control Level

The purpose of the Administration Budget Control Level is to provide the financial, technological, administrative and managerial support for the Department.

	2015	2016	2017	2018
<b>Program Expenditures</b>	<b>Actual</b>	<b>Adopted</b>	<b>Adopted</b>	<b>Endorsed</b>
Administration	2,496,378	2,395,813	2,497,927	2,579,251
<b>Total</b>	<b>2,496,378</b>	<b>2,395,813</b>	<b>2,497,927</b>	<b>2,579,251</b>
Full-time Equivalents Total*	15.30	16.30	16.30	16.30

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### Civil Budget Control Level

The purpose of the Civil Budget Control Level is to provide legal advice to the City's policy-makers, and to defend and represent the City, its employees, and officials before a variety of county, state, federal courts, and administrative bodies.

	2015	2016	2017	2018
<b>Program Expenditures</b>	<b>Actual</b>	<b>Adopted</b>	<b>Adopted</b>	<b>Endorsed</b>
Civil	13,489,894	14,232,192	15,557,616	16,012,062
<b>Total</b>	<b>13,489,894</b>	<b>14,232,192</b>	<b>15,557,616</b>	<b>16,012,062</b>
Full-time Equivalents Total*	93.80	96.30	97.80	97.80

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### Criminal Budget Control Level

The purpose of the Criminal Budget Control Level includes prosecuting ordinance violations and misdemeanor crimes, maintaining case information and preparing effective case files for the court appearances of prosecuting attorneys, and assisting and advocating for victims of domestic violence throughout the court process.

	2015	2016	2017	2018
<b>Program Expenditures</b>	<b>Actual</b>	<b>Adopted</b>	<b>Adopted</b>	<b>Endorsed</b>
Criminal	6,986,960	7,023,193	8,427,727	8,748,632
<b>Total</b>	<b>6,986,960</b>	<b>7,023,193</b>	<b>8,427,727</b>	<b>8,748,632</b>
Full-time Equivalents Total*	59.50	59.50	64.50	65.00

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### Precinct Liaison Attorneys Budget Control Level

The purpose of the Precinct Liaison Budget Control Level is to support a program where attorneys work in each of the City's five precincts, providing legal advice to police and other City departments. In helping to address a variety of neighborhood and community problems, the precinct liaison attorneys coordinate with the Civil and Criminal divisions with the goal of providing a consistent, thorough and effective approach.

	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
<b>Program Expenditures</b>	<b>Actual</b>	<b>Adopted</b>	<b>Adopted</b>	<b>Endorsed</b>
Precinct Liaison Program	665,053	697,063	843,809	869,246
<b>Total</b>	<b>665,053</b>	<b>697,063</b>	<b>843,809</b>	<b>869,246</b>
Full-time Equivalent Total*	5.00	5.00	5.00	5.00

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