

Law Department

Peter S. Holmes, City Attorney

Civil Division, (206) 684-8200; Criminal Division, (206) 684-7757

<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 purpose of the department is to provide legal advice to City officials, represent the City in litigation, and protect 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 purpose of the **Administration Division** is to provide executive leadership, communications, and operational support for the entire department. It is comprised of the executive leadership team, 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. 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 Division** funds attorneys to work in each of the City's five police precincts, providing legal advice to police and other City departments, and solving issues of concern to the community.

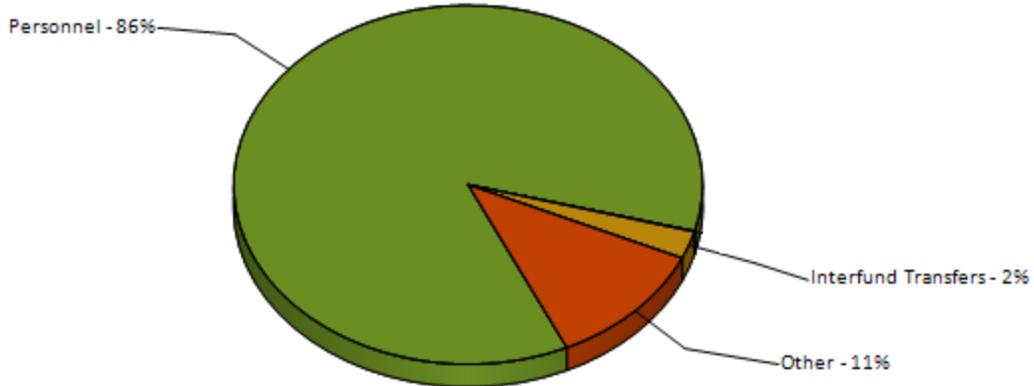
Budget Snapshot

| Department Support | 2016 Actuals | 2017 Adopted | 2018 Endorsed | 2018 Adopted |
|-----------------------------|---------------------|---------------------|---------------------|---------------------|
| General Fund Support | \$25,418,816 | \$27,327,079 | \$28,209,191 | \$29,063,566 |
| Total Operations | \$25,418,816 | \$27,327,079 | \$28,209,191 | \$29,063,566 |
| Total Appropriations | \$25,418,816 | \$27,327,079 | \$28,209,191 | \$29,063,566 |
| Full-time Equivalent Total* | 177.10 | 183.60 | 184.10 | 191.60 |

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

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2018 Adopted Budget - Expenditure by Category



Budget Overview

The 2018 Adopted Budget provides additional resources to the Law Department to increase staffing to address special projects and improve data management. 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. In 2017, a prosecutor position was added in the Criminal Division to continue the progress toward reducing recidivism, improving public safety and quality of life, and lowering costs associated with criminal prosecution. The 2018 Adopted Budget adds 0.5 FTE paralegal position to assist the prosecutor by tracking case filings, and recommendation on release, dismissal and dispositions. Funding for both positions is provided to the City by the LEAD program administrator. The position will combine with another 0.5 FTE paralegal position approved in the 2018 Endorsed Budget for the Pre-filing Diversion Program and will support these two social justice programs.

An important priority for the City Attorney is compensation of Civil Division and Precinct Liaison attorneys. A recent market study found the attorneys are still below the market midpoint, even with nearly \$1.28 million in additional funding appropriated since 2014. An increase of \$200,000 in 2018 will bring those who are significantly below market closer to the midpoint of the 2016 market study for government attorneys.

Since 2011, three attorneys have been added to the Civil Division to defend police action cases. This provides an overall savings to the City by using inhouse attorneys rather than the higher cost of outside counsel. Another attorney position is added in the 2018 Adopted Budget. In addition to police action cases, the position will advise the Seattle Police Department (SPD) and the Mayor on matters related to the Department of Justice (DOJ) Consent Decree.

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The current Criminal Division case management application, DAMION, was implemented in 1998 to track all aspects of prosecution including police reports, charging files, victims, witnesses, defendants, court dates and dispositions. The system relies upon significant data exchanges with SPD and the Seattle Municipal Court. The vendor is no longer fully supporting the system. Replacement with a web-based version of DAMION, called JWorks, will expand and enhance the case management and is expected to integrate with the Municipal Court Information System upgrade. Seattle IT will manage the project and \$325,000 of the project's total \$480,000 cost will be bond-funded in the Criminal Justice Information System Replacement Project.

City Council Changes to the Proposed Budget

The 2018 Proposed Budget included funding in Finance General for a manager for the Firearm Surrender Program. The Council elevated the position title, increased the appropriation for the salary difference and moved the position and funding to the Law Department. The manager will implement, maintain, and coordinate the multi-jurisdictional, multi-disciplinary regional Firearm Surrender Unit. The unit consists of an Assistant City Prosecutor and Senior Paralegal approved in the 2017 1st Quarter Supplemental Budget Ordinance.

The Council also appropriated \$15,000 for the Law Department to contract with an organization to partner with an academic institution or individual to communicate and promote the findings of a trace data report to the community. A trace data report determines the source of a gun used to commit a crime.

Incremental Budget Changes

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| | 2018 | |
|--|----------------------|---------------|
| | Budget | FTE |
| Total 2018 Endorsed Budget | \$ 28,209,191 | 184.10 |
| Baseline Changes | | |
| Technical Baseline Changes | \$ 0 | 2.00 |
| Citywide Adjustments for Standard Cost Changes | \$ 85,007 | 0.00 |
| Supplemental Budget Changes | \$ 219,630 | 3.00 |
| Proposed Changes | | |
| Increase Part-time Assistant Paralegal to Full-time | \$ 0 | 0.50 |
| Market Salary Adjustment for Civil Division Attorneys | \$ 200,000 | 0.00 |
| Police Action Assistant City Attorney | \$ 173,600 | 1.00 |
| Proposed Technical Changes | | |
| Transfer Position from Criminal to Administrative Division | \$ 0 | 0.00 |
| Council Changes | | |
| Firearms Surrender Program | \$ 161,138 | 1.00 |

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| | | |
|----------------------------------|----------------------|---------------|
| Trace Data Community Report | \$ 15,000 | 0.00 |
| Total Incremental Changes | \$ 854,375 | 7.50 |
| 2018 Adopted Budget | \$ 29,063,566 | 191.60 |

Descriptions of Incremental Budget Changes

Baseline Changes

Technical Baseline Changes/2.00 FTE

This adjustment reflects the addition of 2.00 FTE previously approved in the 2015 4th Quarter Supplemental Budget Legislation adding staffing for the Alaska Way Viaduct/Seawall litigation paid by the Judgment and Claims Fund.

Citywide Adjustments for Standard Cost Changes - \$85,007

Citywide technical adjustments made in the baseline phase reflect changes to internal services costs, health care, and industrial insurance charges for the department. These adjustments reflect initial assumptions about these costs and inflators early in the budget process.

Supplemental Budget Changes - \$219,630/3.00 FTE

This adjustment reflects changes made through supplemental budget legislation since the last adopted budget. Supplemental budget legislation is developed by the Executive and adopted by the City Council four times a year to provide for corrections to the adopted budget, unforeseen changes in circumstance, new funding opportunities or new policy priorities. These changes may include additions or reductions in appropriations and FTEs.

- **Firearm Surrender Program.** In the 1st Quarter Supplemental Budget Ordinance, the Council approved funding an Assistant City Prosecutor and a Senior Paralegal to implement and enforce the surrender of firearms from prohibited possessors.
- **Traffic Safety Resource Prosecutor.** In the 2nd Quarter Supplemental Budget Ordinance, the Council accepted a grant from the Washington Traffic Safety Commission to fund an Assistant City Prosecutor to act as a liaison on impaired driving issues among prosecutors, law enforcement, judges and the traffic safety community.

Proposed Changes

Increase Part-time Assistant Paralegal to Full-time/.50 FTE

This additional staffing will provide administrative support for the Law Enforcement Assisted Diversion (LEAD) program. 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. The position track compliance and coordinate with Seattle Municipal Court. This position will assist the Assistant City Prosecutor position approved in the 2017 Adopted Budget by tracking case filings, and recommendations on release, dismissal and dispositions.

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An MOU provides funding from the LEAD program administrator. This would combine with the part-time paralegal supporting the Pre-filing Diversion Program.

Market Salary Adjustment for Civil Division Attorneys - \$200,000

This item adds \$200,000 to fund attorney salary increases in the Civil Division and Precinct Liaison Division. This continues the effort over the last few years to address the wage gap of Assistant City Attorneys and is informed by a recent market study of government attorneys.

Police Action Assistant City Attorney - \$173,600/1.00 FTE

An Assistant City Attorney position and funding in the Law Department will provide services to the Seattle Police Department, the Mayor's Office and City Council for the U.S. Department of Justice consent decree and police action matters. In the near term, this position will backfill a loan to the Seattle Police Department to provide an interim Director for the Office of Police Accountability. In the longer run, this position will further reduce the City's reliance on utilizing outside counsel in police action cases.

Proposed Technical Changes

Transfer Position from Criminal to Administrative Division

An Administrative Specialist position will transfer from the Criminal Division to the Administration Division. Over the last two years, the duties of the position have expanded from Criminal Division support to include more department-wide functions.

Council Changes

Firearms Surrender Program - \$161,138/1.00 FTE

The 2018 Proposed Budget included funding in Finance General of \$138,000 for a Manager 1 position related to the domestic violence firearm forfeitures. The Council elevated this position to a Manager 3, increased the appropriation to \$161,138, and moved the position and funding to the Law Department. The manager position will implement, maintain, and coordinate the multi-jurisdictional, multi-disciplinary regional Firearm Surrender Unit. The unit consists of an Assistant City Prosecutor and Senior Paralegal approved in the 2017 1st Quarter Supplemental Budget Ordinance.

Trace Data Community Report - \$15,000

The Council appropriated \$15,000 for the Law Department to contract with an organization to partner with an academic institution or individual to communicate and promote the findings of a trace data report to the community. A trace data report determines the source of a gun used to commit a crime.

City Council Provisos

There are no Council provisos.

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Expenditure Overview

| Appropriations | Summit Code | 2016 Actuals | 2017 Adopted | 2018 Endorsed | 2018 Adopted |
|---|------------------------|-------------------------|-------------------------|--------------------------|-------------------------|
| Administration Budget Control Level | J1100 | 2,468,959 | 2,497,927 | 2,579,251 | 2,663,425 |
| Civil Budget Control Level | J1300 | 14,821,201 | 15,557,616 | 16,012,062 | 16,413,642 |
| Criminal Budget Control Level | J1500 | 7,424,343 | 8,427,727 | 8,748,632 | 9,095,114 |
| Precinct Liaison Attorneys Budget Control Level | J1700 | 704,313 | 843,809 | 869,246 | 891,385 |
| Department Total | | 25,418,816 | 27,327,079 | 28,209,191 | 29,063,566 |
| Department Full-time Equivalents Total* | | 177.10 | 183.60 | 184.10 | 191.60 |

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

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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.

| Program Expenditures | 2016 Actuals | 2017 Adopted | 2018 Endorsed | 2018 Adopted |
|------------------------------|-------------------------|-------------------------|--------------------------|-------------------------|
| Administration | 2,468,959 | 2,497,927 | 2,579,251 | 2,663,425 |
| Total | 2,468,959 | 2,497,927 | 2,579,251 | 2,663,425 |
| Full-time Equivalents Total* | 16.30 | 16.30 | 16.30 | 17.30 |

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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.

| Program Expenditures | 2016 Actuals | 2017 Adopted | 2018 Endorsed | 2018 Adopted |
|------------------------------|-------------------------|-------------------------|--------------------------|-------------------------|
| Civil | 14,821,201 | 15,557,616 | 16,012,062 | 16,413,642 |
| Total | 14,821,201 | 15,557,616 | 16,012,062 | 16,413,642 |
| Full-time Equivalents Total* | 96.30 | 97.80 | 97.80 | 100.80 |

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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.

| Program Expenditures | 2016 Actuals | 2017 Adopted | 2018 Endorsed | 2018 Adopted |
|------------------------------|-------------------------|-------------------------|--------------------------|-------------------------|
| Criminal | 7,424,343 | 8,427,727 | 8,748,632 | 9,095,114 |
| Total | 7,424,343 | 8,427,727 | 8,748,632 | 9,095,114 |
| Full-time Equivalents Total* | 59.50 | 64.50 | 65.00 | 68.50 |

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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.

| Program Expenditures | 2016 Actuals | 2017 Adopted | 2018 Endorsed | 2018 Adopted |
|------------------------------|-------------------------|-------------------------|--------------------------|-------------------------|
| Precinct Liaison Program | 704,313 | 843,809 | 869,246 | 891,385 |
| Total | 704,313 | 843,809 | 869,246 | 891,385 |
| Full-time Equivalents Total* | 5.00 | 5.00 | 5.00 | 5.00 |

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