

# 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 Unit, Case Preparation Unit, Domestic Violence Negotiation and Trial Unit, Domestic Violence Victim Advocates, Appeals, Review and Filing Unit, Specialty Courts Unit (Mental Health, Veterans' Court, LEAD, and Pre-filing Diversion), Infractions Unit, and Trial Team Unit.

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.

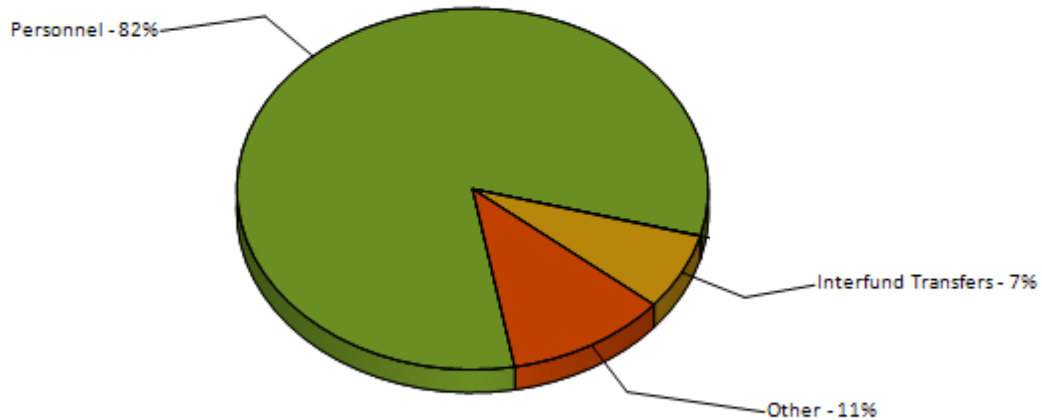
### Budget Snapshot

Department Support	2018 Adopted	2019 Adopted	2020 Endorsed
General Fund Support	\$29,063,566	\$30,381,675	\$30,033,443
<b>Total Operations</b>	<b>\$29,063,566</b>	<b>\$30,381,675</b>	<b>\$30,033,443</b>
<b>Total Appropriations</b>	<b>\$29,063,566</b>	<b>\$30,381,675</b>	<b>\$30,033,443</b>
Full-time Equivalent Total*	191.60	196.10	195.60

\* 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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## 2019 Adopted Budget - Expenditure by Category



### Budget Overview

The 2019 Adopted and 2020 Endorsed Budget provides additional resources to the Law Department to increase staffing to address special projects and meet increased workload.

A new attorney will be added to provide the Office of Labor Standards (OLS) with subject matter expertise on wage and hour issues, legal advice, representation for appeals filed with the Hearing Examiner, and support with collections. OLS was created in 2015 to implement the City's current and future labor standards that advance workplace equity for employees working in Seattle, especially the most vulnerable employees. In the past three years, OLS has grown significantly from seven FTEs in 2015 to an office with 26 FTEs. The enforcement unit, in particular, has grown from four FTEs to 14 FTEs in 2019. In 2018, there is only one FTE in the Law Department that is a dedicated resource for OLS. In 2019, OLS will shift from complaint-based investigation to a more proactive enforcement strategy with a focus on large employers and industry wide investigations which requires more specialized expertise in the Law Department.

In 2018 the Seattle Police Department (SPD) increased efforts to seek forfeitures of real and personal property in civil forfeiture cases. This increase is expected to continue in 2019. The Law Department has one attorney assigned to handle this workload. In 2019, SPD will provide funding for a part-time paralegal to assist in case management, discovery, legal research, draft and file pleadings, and trial preparation. Forfeiture cases provide revenue to SPD and support for this position is available from these funds.

The Law Department has agreed to implement a 1% salary savings reduction of \$250,000 in the Civil Division to free up General Fund resources for other city priorities. The department expects to capture this salary savings

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from attrition and other personnel factors.

The introduction of Body Worn Video (BWV) has increased the volume of discovery for review by the Criminal Division as well as complexity in responding to public disclosure requests. A new Video Specialist II will address the technical video handling requirements associated with discovery, redaction, public disclosure, and evidence collection.

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 disposition and relies upon significant data exchanges with SPD and the Seattle Municipal Court. The system is at the end of its lifecycle and the vendor is no longer fully supporting the application for updates and maintenance. In 2018, the Seattle Department of Information Technology (Seattle IT) has \$325,000 in the Criminal Justice Information System Replacement Project to upgrade the existing system. The Law Department, City Budget Office and Seattle IT are working collaboratively to identify a path forward, which takes into consideration the timing and budget of the larger Criminal Justice information System Replacement Project process.

### **City Council Changes to the Proposed Budget**

The Council made an across-the-board reduction to all City General Fund appropriation authority in order to support other priorities. This reduction is included in the Law Department's 2019 Adopted and 2020 Endorsed budget.

The Council funded a two-year term-limited position in the Legislative Department to create a criminal legal system strategic plan that aligns current and future policy, investments, and outcomes. Funding is secured through a reduction to the Seattle Police Department (SPD) and use of existing funds in the Legislative Department and a Memorandum of Agreement with the Law Department to fund the remaining third.

In 2019 only, the Council reduced funding in the Evidence and Discovery Unit to recognize salary savings for new staffing to allow time for recruitment at the beginning of the year.

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### Incremental Budget Changes

#### Law Department

	2019		2020	
	Budget	FTE	Budget	FTE
<b>2018 Adopted Budget</b>	<b>\$ 29,063,566</b>	<b>191.60</b>	<b>\$ 29,063,566</b>	<b>191.60</b>
<b>Baseline Changes</b>				
Citywide Adjustments for Standard Cost Changes	\$ 1,428,722	0.00	\$ 1,005,417	0.00
Supplemental Budget Changes	\$ 0	2.00	\$ 0	2.00
Adjustment for One-Time Budget Additions	-\$ 197,000	0.00	-\$ 197,000	0.00
<b>Proposed Changes</b>				
Office for Labor Standards Attorney	\$ 140,402	1.00	\$ 183,291	1.00
Civil Forfeiture Staffing	\$ 58,731	0.50	\$ 0	0.00
Vacancy Rate Assumption Reduction	-\$ 250,000	0.00	-\$ 250,000	0.00
Evidence and Discovery Unit Staffing	\$ 112,265	1.00	\$ 113,331	1.00
<b>Proposed Technical Changes</b>				
Columbia Center Lease Increase and Account Realignment	\$ 73,200	0.00	\$ 146,700	0.00
<b>Council Changes</b>				
General Fund Appropriation Reduction	-\$ 20,732	0.00	-\$ 31,862	0.00
Move of Lease Costs to Leadership and Administration Division	\$ 0	0.00	\$ 0	0.00
Technical Changes	\$ 0	0.00	\$ 0	0.00
Reduce Year One Evidence and Discovery Unit Staffing	-\$ 27,479	0.00	\$ 0	0.00
<b>Total Incremental Changes</b>	<b>\$ 1,318,109</b>	<b>4.50</b>	<b>\$ 969,877</b>	<b>4.00</b>
<b>2019 Adopted/2020 Endorsed Budget</b>	<b>\$ 30,381,675</b>	<b>196.10</b>	<b>\$ 30,033,443</b>	<b>195.60</b>

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## Descriptions of Incremental Budget Changes

### Baseline Changes

#### **Citywide Adjustments for Standard Cost Changes - \$1,428,722**

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. This technical adjustment also transfers internal services costs for Human Resources, Finance and Administrative Services, and Information Technology from Finance General to the department. With this change, department budgets will better reflect support costs. Previously these costs were included in the Finance General budget.

#### **Supplemental Budget Changes/2.00 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.

- **Position Transfer from the Seattle Police Department (SPD) to Law Department.** In the 2017 4th Quarter Supplemental Budget Ordinance, the Council approved transferring a Management Systems Analyst position from SPD to the Law Department to support the Precinct Liaison program. The Law Department reclassified this position to an Assistant City Attorney in line with current workload. The position is funded through 2019 by SPD with existing resources via a Memorandum of Agreement.
- **Pooled Benefits and Central Cost Changes.** In the 2018 1st Quarter Supplemental Budget Ordinance, the Council approved these net zero changes to align pooled benefits and central cost changes to comply with PeopleSoft 9.2 guidance.
- **Attorney Position Add.** In the 2018 3rd Quarter Supplemental Budget Ordinance, one full-time City Attorney position FTE is added to serve as one of two Deputy City Attorneys to provide high level policy and litigation support for the City Attorney. The department previously operated under a dual Deputy structure, however, one of the Deputy positions was reprioritized to Regulatory Enforcement and Economic Justice work in 2017. The new position is funded by internal management of current resources and savings from Civil Division is transferred to Leadership and Administration.

#### **Adjustment for One-Time Budget Additions - (\$197,000)**

This item includes budget reductions for one-time additions in the 2018 Adopted Budget:

- **Trace Data Community Report.** \$15,000 was approved by Council in the 2018 Adopted Budget for a contract to communicate and promote the findings of a Trace data report.
- **Summit Re-Implementation Project.** \$182,000 for SRI project staffing was approved as part of the 2017-2018 Adopted Budget a one-time funding for PeopleSoft 9.2 stabilization.

### Proposed Changes

#### **Office for Labor Standards Attorney - \$140,402/1.00 FTE**

The Office of Labor Standards (OLS) was created in 2015 to enforce four labor standards ordinances for employees working within Seattle city limits. Since that time, an additional three labor standards have been passed. The OLS enforcement division grew from four FTEs in 2015 to a division with 14 FTEs in 2018. Currently,

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one FTE attorney in the Law Department provides legal advice to OLS. An additional attorney will provide subject matter expertise on wage and hour issues, legal advice, representation in Hearing Examiner proceedings, assistance with collections, and address complex legal issues and litigation of proactive investigation enforcement strategies with a focus on large employers and industry wide investigations. The growth of the OLS enforcement unit and shift from complaint-based investigation to proactive investigations requires additional staffing in the Law Department to support this effort. Funding for 2019 is for nine months and annualized for 2020.

### **Civil Forfeiture Staffing - \$58,731/.50 FTE**

This new half-time paralegal position will provide litigation assistance on civil forfeiture cases referred by the Seattle Police Department (SPD). The Law Department has one full-time attorney assigned to handle over 60 current cases per year. SPD has been providing funding for a temporary paralegal in 2018 to assist with the dramatic increase in real property, personal property narcotics and felony forfeiture cases. This add continues support through 2019 and will be reevaluated annually. The paralegal will handle case management, discovery, legal research, draft and file pleadings, and trial preparation. Forfeiture cases provide revenue to SPD which support for this position. SPD and the Law Department will negotiate an MOA to fund this position from forfeiture case proceeds.

### **Vacancy Rate Assumption Reduction - (\$250,000)**

The Law Department agrees to a vacancy rate reduction of 1% of salary and benefits funding. This frees up \$250,000 of General Fund resources to meet other city priorities.

### **Evidence and Discovery Unit Staffing - \$112,265/1.00 FTE**

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

Currently the Criminal Division has one Discovery Clerk (Administrative Specialist II) to manage and produce SPD evidence for defense counsel. This evidence includes video clips, documentation, 911 calls and materials associated with public disclosure requests (PDR) and criminal proceedings. It is expected that body worn video (BWV) will double the amount of video evidence available for discovery and the subsequent privacy requirements. This new position will address complex technical requirements for video evidence due to the full deployment of BWV in SPD.

## Proposed Technical Changes

### **Columbia Center Lease Increase and Account Realignment - \$73,200**

The Law Department entered into a 12-year lease agreement with Columbia Center Property, LLC in April of 2015. The lease stipulates an annual increase of \$1.00 per square foot. This increase fully funds the Law Department for rent, common area maintenance, FAS fees, and storage costs through 2020. This item also realigns the existing budget in the Leadership and Administration Budget Summary Level to streamline invoice processing.

## Council Changes

### **General Fund Appropriation Reduction - (\$20,732)**

The Council made an across-the-board reduction to all General Fund appropriation authority in order to support

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other priorities. The percentage reduction in 2019 is about 0.07% and in 2020 about 0.1%.

### **Move of Lease Costs to Leadership and Administration Division**

A net zero change, to comport with changes in the 2018 4th Quarter Supplemental Budget Ordinance and PeopleSoft 9.2, all lease expenditures are moved to the Leadership and Administration Division pooled costs.

### **Technical Changes**

An assistant city attorney position was added in the 2018 3rd Quarter Supplemental Budget Ordinance to add a second deputy city attorney. This technical change moves the position from the Civil Division to the Leadership and Administration Division.

Another technical change moves the vacancy rate assumption from other costs to personnel services in the Civil Division.

### **Reduce Year One Evidence and Discovery Unit Staffing - (\$27,479)**

Council reduced funding in 2019 only for the Video Specialist position recognizing salary savings due to the time needed for recruitment at the beginning of the year.

## City Council Provisos

There are no Council provisos.

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## Expenditure Overview

Appropriations	2018 Adopted	2019 Adopted	2020 Endorsed
<b>Leadership and Administration Budget Summary Level</b>			
General Fund	2,663,425	9,676,367	9,293,075
<b>Total for BSL: BO-LW-J1100</b>	<b>2,663,425</b>	<b>9,676,367</b>	<b>9,293,075</b>
<b>Civil Budget Summary Level</b>			
General Fund	16,413,642	12,818,295	12,823,074
<b>Total for BSL: BO-LW-J1300</b>	<b>16,413,642</b>	<b>12,818,295</b>	<b>12,823,074</b>
<b>Criminal Budget Summary Level</b>			
General Fund	9,095,114	7,132,924	7,162,847
<b>Total for BSL: BO-LW-J1500</b>	<b>9,095,114</b>	<b>7,132,924</b>	<b>7,162,847</b>
<b>Precinct Liaison Budget Summary Level</b>			
General Fund	891,385	754,089	754,447
<b>Total for BSL: BO-LW-J1700</b>	<b>891,385</b>	<b>754,089</b>	<b>754,447</b>
<b>Department Total</b>	<b>29,063,566</b>	<b>30,381,675</b>	<b>30,033,443</b>
<b>Department Full-time Equivalent Total*</b>	<b>191.60</b>	<b>196.10</b>	<b>195.60</b>

\* 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.

## Budget Summary by Fund for Law

	2018 Adopted	2019 Adopted	2020 Endorsed
00100 - General Fund	29,063,566	30,381,675	30,033,443
<b>Budget Totals for LAW</b>	<b>29,063,566</b>	<b>30,381,675</b>	<b>30,033,443</b>



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## Appropriations By Budget Summary Level (BSL) and Program

### Leadership and Administration Budget Summary Level

The purpose of the Leadership and Administration Budget Summary Level is to provide executive, financial, technological, administrative and managerial support to the Department.

<b>Program Expenditures</b>	<b>2018 Adopted</b>	<b>2019 Adopted</b>	<b>2020 Endorsed</b>
Citywide Indirect Costs	49,329	2,114,873	1,493,455
Departmental Indirect Costs	2,328,022	4,501,661	4,574,338
Pooled Benefits	286,074	3,059,833	3,225,282
<b>Total</b>	<b>2,663,425</b>	<b>9,676,367</b>	<b>9,293,075</b>
Full-time Equivalents Total*	17.30	18.30	18.30

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**The following information summarizes the programs in Leadership and Administration Budget Summary Level:**

#### **Citywide Indirect Costs Program**

<b>Expenditures</b>	<b>2018 Adopted</b>	<b>2019 Adopted</b>	<b>2020 Endorsed</b>
Citywide Indirect Costs	49,329	2,114,873	1,493,455
Full-time Equivalents Total	0.00	0.00	0.00

#### **Departmental Indirect Costs Program**

<b>Expenditures/FTE</b>	<b>2018 Adopted</b>	<b>2019 Adopted</b>	<b>2020 Endorsed</b>
Departmental Indirect Costs	2,328,022	4,501,661	4,574,338
Full-time Equivalents Total	17.30	18.30	18.30

#### **Pooled Benefits Program**

<b>Expenditures</b>	<b>2018 Adopted</b>	<b>2019 Adopted</b>	<b>2020 Endorsed</b>
Pooled Benefits	286,074	3,059,833	3,225,282
Full-time Equivalents Total	0.00	0.00	0.00

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## Civil Budget Summary Level

The purpose of the Civil Budget Summary 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.

<b>Program Expenditures</b>	<b>2018 Adopted</b>	<b>2019 Adopted</b>	<b>2020 Endorsed</b>
Civil	16,413,642	12,818,295	12,823,074
<b>Total</b>	<b>16,413,642</b>	<b>12,818,295</b>	<b>12,823,074</b>
Full-time Equivalents Total*	100.80	102.30	101.80

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## Criminal Budget Summary Level

The purpose of the Criminal Budget Summary 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.

<b>Program Expenditures</b>	<b>2018 Adopted</b>	<b>2019 Adopted</b>	<b>2020 Endorsed</b>
Criminal	9,095,114	7,132,924	7,162,847
<b>Total</b>	<b>9,095,114</b>	<b>7,132,924</b>	<b>7,162,847</b>
Full-time Equivalents Total*	68.50	69.50	69.50

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### Precinct Liaison Budget Summary Level

The purpose of the Precinct Liaison Budget Summary 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>Program Expenditures</b>	<b>2018 Adopted</b>	<b>2019 Adopted</b>	<b>2020 Endorsed</b>
Precinct Liaison	891,385	754,089	754,447
<b>Total</b>	<b>891,385</b>	<b>754,089</b>	<b>754,447</b>
Full-time Equivalents Total*	5.00	6.00	6.00

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