

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

The **Criminal Division** prosecutes misdemeanor crimes and represents the City in contested traffic infractions 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.

The **Administration Division** provides 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.

Budget Snapshot

	2018 Actuals	2019 Adopted	2020 Endorsed	2020 Proposed
Department Support				
General Fund Support	29,936,157	30,381,675	30,033,443	34,203,612
Total Operations	29,936,157	30,381,675	30,033,443	34,203,612
Total Appropriations	29,936,157	30,381,675	30,033,443	34,203,612
Full-Time Equivalents Total*	191.60	196.10	195.60	204.10

* FTE totals are provided for informational 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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Budget Overview

The 2020 Proposed Budget provides additional resources to the Law Department to increase staffing to address special projects and meet increased workload, and adds funding for Citywide impacts.

In the last five years, use of outside counsel has increased for the Civil Division. The Law Department uses outside counsel when there is a conflict of interest, specific expertise is required, or existing staff is at capacity. Three Assistant City Attorney positions are added in the areas of employment and government affairs where outside counsel has increased primarily due to capacity. Adding these positions is expected to save the General Fund over \$1 million.

In the 2019 Adopted Budget, the Law Department was requested to absorb a 1% salary savings reduction of \$250,000 in the Civil Division. The reduction was restored in 2019 through the 2nd Quarter Supplemental Budget Ordinance and is restored on an ongoing basis in the 2020 Proposed Budget. Restoring this budget allows the department to fill vacancies promptly, adjust pay as required for the experience levels of staff, and absorb employee payouts when they leave the department. In 2019, movement of employees along the discretionary pay band was delayed until this funding was restored. The Law Department is concerned the current wage structure for Civil Division attorneys is not competitive. A compensation review of the Assistant City Attorney classification is underway to compare Civil and Precinct Liaison Division attorneys to the market of governmental attorneys.

In the Criminal Division, an Assistant City Prosecutor (ACP) is added to the general rotation of the Criminal Division in the 2020 Proposed Budget. Since the expansion of paid care leave programs in the City, the Criminal Division has had one to two ACPs on parental or other city benefited leave at any given time reducing overall capacity to address steady court scheduling and case management, as well as effectively identifying cases for diversion programs. Having a permanent position in place of temporary staffing enables the department to hire and train a permanent employee to backfill employees on leave. The position will also assist the Review and Filing Unit in addressing case filing backlogs that occur as a result of regular sick and vacation time usage when backfill is not being provided.

The current Criminal Division case management application, DAMION, was implemented in 1998 to track all aspects of prosecution including police reports, charging decisions, victims, witnesses, defendants, court dates and disposition. The application also relies upon significant data exchanges with the Seattle Police Department (SPD) and the Seattle Municipal Court (SMC). This desktop system is at the end of its lifecycle and the vendor is no longer fully supporting the application for updates and maintenance. In addition, use of the system limits the department's ability to implement a paperless process and reduce redundancies. The Seattle Information Technology Department (ITD) has \$325,000 in the Criminal Justice Information System Replacement Project to upgrade the existing system. An additional unspent \$650,000 was carried over from 2018 to 2019 to provide further funding for this project. Remaining funding needs will be addressed in the Criminal Justice Information System Replacement Project. A request for proposals (RFP) will be issued in 2019 to begin identifying a replacement solution. Implementation is expected to take place in 2020, with a 'go live' date in the fourth quarter of 2020.

The 2017 Adopted Budget created the Pre-Filing Diversion Program led by the Law Department with assistance from the Seattle Municipal Court. The 2017 Racial Equity Toolkit (RET) determined that additional services, including pre- and post-workshop support and swift connection to resources, were required to meet racial equity needs of participants. The proposed budget includes funding to double the number of workshops from 6 to 12 workshops per year to meet these needs. In the Administration Division, additional staff and staffing changes are being provided without funding to help the department manage the increased workload associated with the PeopleSoft 9.2 accounting system implementation and human resource needs. The department will fund this staff via contributions from the operating divisions. A Personnel Specialist position will bring human resource staffing to two to support over 200 employees and volunteers and manage an average of five open recruitments per month. In the finance section, an accounting tech position will be reclassified to full accountant adding redundancy to meet PeopleSoft 9.2 role requirements and provide coverage when the principal accountant is out.

The 2020 Proposed Budget also includes revenue-backed appropriation for the MOAs the Law Department has negotiated with other city departments and outside agencies for specific services. While these have historically been

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off budget, appropriation of these items follows the financial policies required by PeopleSoft 9.2. In addition, the budget provides appropriation for reclassifications approved by the Seattle Department of Human Resources.

In 2019, the Mayor convened the High Barrier Individuals Working Group, an interagency group including King County, in response to heightened community conversations around public safety and individuals repeatedly caught in a cycle of criminal justice, social services and community incidents. The group explored new strategies, system reforms or partnerships needed for a more focused approach to repeat offenders who are not receiving appropriate interventions. The group developed four new pilot programs to address these issues including Case Conferencing with support from the City Attorney's Office to coordinate across systems and programs addressing those involved in diversion programs, court programs or post-sentencing probation for these high barrier individuals. There are funds set aside in Finance General for these pilot programs.

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Incremental Budget Changes

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	2020 Budget	FTE
Total 2020 Endorsed Budget	30,033,443	195.60
Baseline		
2020 Coalition and Non-Rep Annual Wage Increase Base Budget	1,701,530	-
2020 State Paid Family Medical Leave Increase Base Budget	28,530	-
Citywide Adjustments for Standard Cost Changes	315,431	-
Proposed Operating		
Attorney Staffing	528,505	3.00
Pre-Filing Diversion Program Funding of Choose 180 Workshops	100,000	-
Assistant City Prosecutor to Address Case Backlog and Leave Backfill	144,127	1.00
Restore Vacancy Rate Assumption Reduction	270,648	-
Administrative Staffing	-	1.00
Proposed Technical		
Budget for Revenue Supported Memorandum of Agreements	922,375	3.5
Fund 2019 Reallocations of Positions in the Public Disclosure Unit	113,521	-
Fund Paralegal Reclassifications from 2018	45,502	-
Total Incremental Changes	\$4,170,169	8.50
Total 2020 Proposed Budget	\$34,203,612	204.10

Description of Incremental Budget Changes

Baseline

2020 Coalition and Non-Rep Annual Wage Increase Base Budget

Expenditures \$1,701,530

This centrally administered change adjusts appropriations to reflect the Annual Wage Increase, as outlined in the tentative agreement between the City and the Coalition of Unions, for personnel costs included in this department's baseline budget. This includes increases to salary, FICA, Medicare, retirement, overtime and temporary labor.

2020 State Paid Family Medical Leave Increase Base Budget

Expenditures \$28,530

Starting in January 2020, Washington State will offer paid family and medical leave benefits to all workers in the State of Washington, including City of Seattle employees. In 2020, the tentative agreement with the Coalition of Unions moves a portion of the cost responsibility to the employee in 2020, with the City paying the remainder. This item increases appropriations to account for the City's obligation for all employees.

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Citywide Adjustments for Standard Cost Changes

Expenditures \$315,431

Citywide technical adjustments made in the baseline phase reflect changes to internal services costs, including the Department of Finance & Administrative Services rates, Information Technology rates and Human Resources rates, health care, retirement and industrial insurance charges for the department. This adjustment also includes a transfer of resources from the department to the Human Resources Investigations Unit (HRIU) as part of the City's efforts to improve investigative processes and practices across the City departments. While the internal service rates are final for 2020, some of the other adjustments reflect initial assumptions about these costs and inflators early in the budget process.

Proposed Operating

Attorney Staffing

Expenditures \$528,505
Position Allocation 3.00

The Law Department sometimes assigns work to outside attorneys due to conflicts of interest, needed expertise or staffing capacity. The department analyzed outside counsel data from 2014-2018 related to capacity of existing staff in the Civil Division. During that period, approximately \$18 million was spent on outside counsel. Of this, over \$10 million in expenditures was related to General Fund matters. Most of the remaining \$8 million was reimbursed by utility departments. The General Fund savings could be more than \$1 million annually with the hiring of three attorneys to address capacity issues.

Pre-Filing Diversion Program Funding of Choose 180 Workshops

Expenditures \$100,000

The 2017 Adopted Budget created the Pre-Filing Diversion Program led by the Law Department with assistance from the Seattle Municipal Court. In a 2017 Racial Equity Toolkit (RET) analysis, it was determined that additional services were required to meet racial equity needs of participants, including pre- and post-workshop support and connection with resources in a timely manner. The department conducts six workshops per year, providing one every other month. The six workshops have been funded through carryover budget due to the late start of the program in 2017. For 2020, the department requested \$25,000 to continue the same level of service. An additional \$75,000 is added to increase the workshops to one a month. With 12 workshops per year, participation is expected to increase with a more immediate connection to resources.

Assistant City Prosecutor to Address Case Backlog and Leave Backfill

Expenditures \$144,127
Position Allocation 1.00

An Assistant City Prosecutor is added to the Criminal Division to provide capacity to backfill employees utilizing paid parental and family care leave. The Criminal Division typically has one to two prosecutors on parental or other city benefited leave at any given time. Having a permanent position that can be used in place of temporary staffing will enable the department to hire and train a single person to cover multiple types of leave and rotation. The position will also be available to assist the Review and Filing Unit to mitigate and address case backlogs, some of which may qualify for the department's diversion programming.

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Restore Vacancy Rate Assumption Reduction

Expenditures \$270,648

This item restores a \$250,000 ongoing 2019 budget cut of assumed salary savings to the Civil Division. Restoring the reduction allows the department to fill vacancies promptly, move employees along a discretionary pay spectrum as they increase their levels of experience, and absorb employee payouts when they leave the department. The restored funding amount includes additional funding to cover AWI expenses.

Administrative Staffing

Expenditures -
Position Allocation 1.00

Additional staff and staffing changes are being provided without funding to help the department manage the increased workload associated with the new financial system implementation and human resource needs. The department will fund this staff via contributions from the operating divisions. A Personnel Specialist position will bring human resource staffing to two to support over 200 employees and volunteers and manage an average of five open recruitments per month. While the department has grown more than 25% in the last ten years with many new leave and workforce equity requirements, HR staffing has remained unchanged. In the finance section, an accounting tech position will be reclassified to a full accountant to add the redundancy to meet PeopleSoft 9.2 role requirements and provide coverage when the principal accountant is out. This section manages over 5,000 invoices per year and is responsible for all special fund reimbursements for the Judgment and Claims Fund and Memorandum of Agreement (MOA) billing for the department which require analysis, invoice backup preparation and auditing to ensure they are correctly posted.

Proposed Technical

Budget for Revenue Supported Memorandum of Agreements

Expenditures \$922,375
Position Allocation 3.50

City departments and outside entities have historically funded the Law Department for attorney services through memorandum of agreements (MOA). This revenue-backed funding is now tracked through the PeopleSoft 9.2 accounting system and requires associated appropriation per financial policies. Most of these changes are just formalizing financial arrangements that have existed in past years and for which resources have been allocated previously in the “customer” departments’ base budgets.

- MOA with Seattle Police Department for Discipline Support. \$160,660, 1.0 FTE. Since September 2017, a dedicated employment attorney in the Civil Division advises and serves the Chief of Police regarding officer discipline and disciplinary proceedings. The term-limited position is converted to a regular authority for the ongoing body of work.
- MOA with Seattle Police Department for Fifth Precinct Liaison Attorney. \$161,962. The Law Department has provided a fifth precinct liaison attorney to the Seattle Police Department (SPD) Southwest (SW) Precinct under a MOA since 2017. This liaison attorney provides in-person legal guidance to police officers and works with the SW Precinct on community safety, nuisance and regulatory issues, similar to the work performed by the other four liaison attorneys funded by the Law Department. The SW position was created by transferring a position from SPD to the Law Department and reclassifying it to an Assistant City Attorney. The position is funded by SPD pursuant to the 2017 MOA.
- MOA with Legislative Department for Code Reviser. \$25,000. The Code Reviser authority was legislated by ordinance in August 2019. The Legislative Department will provide \$26,164 in revenue to support this

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appropriation in 2020. The Law Department will reallocate a Paralegal position to a Strategic Advisor 1 to perform this work in the Civil Division.

- MOAs with Office Housing (OH) and Finance and Administrative Services (FAS). \$178,164, 1.0 FTE. For decades, the Law Department Civil Division has provided a dedicated attorney for legal advice and transactional support to OH. In late 2018, OH requested a second dedicated position. In the 2018 4th Quarter Supplemental Budget Ordinance, a position without appropriation was added to accommodate this request. This transaction adds appropriation for the second position. A technical net zero adjustment for the FAS MOA moves healthcare costs to the correct project as part of this transaction.
- MOA Funding Law Enforcement Assisted Diversion (LEAD) Staffing. \$204,269. This transaction adds appropriation authority in the Criminal Division for 1.5 FTEs supported by revenue from the Public Defender Association. This MOA was initiated in 2017. The funding and position authority will continue to be contingent on the execution of MOA agreements for this purpose on a biennial basis.
- MOA Funding Legal Intervention and Network of Care (LINC) Program Staffing. \$145,207, 1.0 FTE. In 2018, the Law Department signed a MOA with King County to provide services associated with the 2015-16 Washington Senate Bill 5177 and *Trueblood et al v. Washington State DSHS*. A prosecutor designed an internal program to make referrals of appropriate adult individuals to the LINC program developed and monitored by the King County Behavioral Health and Recovery Division's (BHRD) Diversion and Reentry Services section. This agreement is anticipated to be ongoing contingent on continued funding availability from the State. The term-limited Assistant City Prosecutor position is converted to regular authority for the ongoing body of work in the Criminal Division.
- MOA with Seattle Police Department (SPD) for Forfeiture Paralegal. \$47,113, 0.50 FTE. The Law Department is litigating 22 real property and 48 personal property, narcotics, and felony forfeiture cases which require case management, discovery and trial prep assistance from paralegal staff. A MOA with SPD was initiated in 2018 to provide a 0.50 Paralegal funded by revenue from forfeiture funds in the Criminal Division. The regular position which sunsets at the end of 2019 is continued for the body of work in 2020.

Fund 2019 Reallocations of Positions in the Public Disclosure Unit

Expenditures \$113,521

Two reallocations were approved by the Seattle Department of Human Resources (SDHR) in 2019. The first reclassification from Senior Paralegal to Strategic Advisor 2 aligned the department public disclosure officer to comparable positions across the City. The second reclassification from an out-of-class Paralegal to Assistant City Attorney acknowledged the long-term duties of the position to support public disclosure legal work.

Fund Paralegal Reclassifications from 2018

Expenditures \$45,502

In August 2018, Ordinance 125653 established new classification titles and salaries for the Paralegal and Senior Paralegal positions in the Law Department. This transaction appropriates ongoing funding for the salary increase.

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Expenditure Overview

	2018 Actuals	2019 Adopted	2020 Endorsed	2020 Proposed
Appropriations				
LAW - BO-LW-J1100 - Leadership and Administration				
00100 - General Fund	8,057,496	9,676,367	9,293,075	9,627,494
Total for BSL: BO-LW-J1100	8,057,496	9,676,367	9,293,075	9,627,494
LAW - BO-LW-J1300 - Civil				
00100 - General Fund	14,021,182	12,818,295	12,823,074	15,385,214
Total for BSL: BO-LW-J1300	14,021,182	12,818,295	12,823,074	15,385,214
LAW - BO-LW-J1500 - Criminal				
00100 - General Fund	7,163,589	7,132,924	7,162,847	8,328,767
Total for BSL: BO-LW-J1500	7,163,589	7,132,924	7,162,847	8,328,767
LAW - BO-LW-J1700 - Precinct Liaison				
00100 - General Fund	693,890	754,089	754,447	862,137
Total for BSL: BO-LW-J1700	693,890	754,089	754,447	862,137
Department Total	29,936,157	30,381,675	30,033,443	34,203,612
Department Full-Time Equivalents Total*	191.60	196.10	195.60	204.10

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

Budget Summary by Fund Law Department

	2018 Actuals	2019 Adopted	2020 Endorsed	2020 Proposed
00100 - General Fund	29,936,157	30,381,675	30,033,443	34,203,612
Budget Totals for LAW	29,936,157	30,381,675	30,033,443	34,203,612

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Appropriations by Budget Summary Level and Program

LAW - BO-LW-J1100 - Leadership and Administration

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

Program Expenditures	2018 Actuals	2019 Adopted	2020 Endorsed	2020 Proposed
Citywide Indirect Costs	3,208,157	2,083,023	1,461,390	4,187,796
Departmental Indirect Costs	2,138,939	4,533,511	4,606,403	2,164,844
Pooled Benefits	2,710,400	3,059,833	3,225,282	3,274,854
Total	8,057,496	9,676,367	9,293,075	9,627,494
Full-time Equivalents Total*	17.30	18.30	18.30	19.30

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

Citywide Indirect Costs

Expenditures/FTE	2018 Actuals	2019 Adopted	2020 Endorsed	2020 Proposed
Citywide Indirect Costs	3,208,157	2,083,023	1,461,390	4,187,796

Departmental Indirect Costs

Expenditures/FTE	2018 Actuals	2019 Adopted	2020 Endorsed	2020 Proposed
Departmental Indirect Costs	2,138,939	4,533,511	4,606,403	2,164,844
Full Time Equivalents Total	17.30	18.30	18.30	19.30

Pooled Benefits

Expenditures/FTE	2018 Actuals	2019 Adopted	2020 Endorsed	2020 Proposed
Pooled Benefits	2,710,400	3,059,833	3,225,282	3,274,854

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LAW - BO-LW-J1300 - Civil

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.

Program Expenditures	2018 Actuals	2019 Adopted	2020 Endorsed	2020 Proposed
Civil	14,021,182	12,818,295	12,823,074	15,385,214
Total	14,021,182	12,818,295	12,823,074	15,385,214
Full-time Equivalents Total*	100.80	102.30	101.80	108.30

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LAW - BO-LW-J1500 - Criminal

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.

Program Expenditures	2018 Actuals	2019 Adopted	2020 Endorsed	2020 Proposed
Criminal	7,163,589	7,132,924	7,162,847	8,328,767
Total	7,163,589	7,132,924	7,162,847	8,328,767
Full-time Equivalents Total*	68.50	69.50	69.50	71.50

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LAW - BO-LW-J1700 - Precinct Liaison

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.

Program Expenditures	2018 Actuals	2019 Adopted	2020 Endorsed	2020 Proposed
Precinct Liaison	693,890	754,089	754,447	862,137
Total	693,890	754,089	754,447	862,137
Full-time Equivalents Total*	5.00	6.00	6.00	5.00

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