

# Law Department

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## Department Overview

The department provides 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 **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.

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 seven specialized areas of practice: Employment, Environmental Protection, Land Use, Government Affairs, Torts, Regulatory Enforcement & Economic Justice (REEJ), and Contracts & Utilities. Precinct Liaison services are specifically budgeted, but functionally a part of REEJ. These attorneys provide support to the City's police precincts, legal advice to police and other City departments, and address issues of concern to the community.

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 reform efforts, policy development and management of the criminal justice system. The Criminal Division is comprised of a Prosecution Support Unit, Case Preparation Unit, Domestic Violence Unit (prosecutors and victim advocates), Appeals, Review and Filing Unit, Specialty Courts Unit (Infractions, Mental Health, Veterans' Court, LEAD, and Pre-filing Diversion), and Trial Team Unit.

## Budget Snapshot

	2019 Actuals	2020 Adopted	2021 Adopted
<b>Department Support</b>			
General Fund Support	32,030,041	34,226,675	35,445,409
<b>Total Operations</b>	<b>32,030,041</b>	<b>34,226,675</b>	<b>35,445,409</b>
<b>Total Appropriations</b>	<b>32,030,041</b>	<b>34,226,675</b>	<b>35,445,409</b>
Full-Time Equivalents Total*	196.10	206.10	201.60

\* 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 Overview

The Law Department provided reductions for 2021 in response to reduced Citywide revenue availability due to COVID-19 and strives to continue to meet the litigation and prosecutorial demands of the city.

## Law Department

The Law Department made difficult decisions on reductions for 2021:

- In the 2020 Adopted Budget two Civil Division attorneys were added to reduce the use of outside counsel through the Judgment and Claims Fund. While the funding is eliminated, the positions remain to allow flexibility in hiring to address emergency legal needs if funding is available in 2021.
- Precinct Liaison attorneys are imbedded at each of the five precincts. With only four funded positions in the Law Department, the Seattle Police Department (SPD) previously funded the fifth attorney through a memorandum of agreement (MOA) with SPD. The adopted budget eliminates the fifth position and funding in SPD. One of the four Precinct Liaisons will cover both the South and Southwest precincts.
- In the 2020 Adopted Budget, Council added a position and funding for a threat assessment specialist paralegal in the Criminal Division. Given the revenue challenges of 2020, the Law Department held this position vacant to meet immediate budget reduction needs. Appropriation for the position is reduced, but the FTE will remain to allow flexibility if funding is available in 2021.
- A vacant administrative position in the Criminal Division case preparation unit is eliminated to provide further savings to the General Fund.
- A part-time Paralegal position was added in 2019 to support the growing number of forfeiture cases with funding supported by revenue from SPD. This position and funding are eliminated to meet reduction targets. Forfeiture work will be absorbed by existing staff. To realize the savings for this position, an equivalent cut is made to SPD.

There are a few additions to the Law Department budget in 2021:

- In the 2020 Adopted Budget, Council added one-time funding to the operating budget of the Community Police Commission (CPC) for the retention of outside legal services to receive legal advice and representation in policing-related matters, particularly with relation to *United States v. City of Seattle*, before the U.S. District Court of Western Washington. Funding of \$80,000 is added to the department for these legal services.
- 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 additional services, including pre- and post-workshop support and swift connection to resources, were required to meet racial equity needs of participants. The budget includes inflation to continue funding for 12 workshops per year.

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 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) was issued in 2020 to identify a replacement solution. Implementation is expected to take place in 2021, with a 'go live' date in the fourth quarter of 2021.

The 2021 Adopted 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 off budget, appropriation of these items follows the financial policies required by PeopleSoft 9.2.

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

The Council made no changes to the 2021 Proposed Budget.

## Law Department

### Incremental Budget Changes

#### Law Department

	Dollars	FTE
<b>2020 Adopted Budget</b>	<b>34,226,675</b>	<b>206.10</b>
<b>Baseline</b>		
Citywide Adjustments for Standard Cost Changes	265,746	-
Adjustment for One-Time Budget Changes	(2,000)	-
Baseline Adjustments for Personnel Costs	742,075	-
Council MOA Adjustment and Position Reclassification	52,822	-
Inflation for the Pre-file Diversion Service Contract	7,500	-
Align to 2020 Central Costs and Move Council Added Health Care	26,281	-
Annual Rent Inflation	73,832	-
Increase to Base Rent Budget for 2020 Expansion	370,605	-
IT Professional Market Adjustment	39,877	-
<b>Proposed Operating</b>		
Remove Funding for Civil Division Attorneys	(331,165)	-
Decrease in Precinct Liaison Positions	(183,966)	(1.00)
Remove Funding for Firearms Surrender Threat Assessment Position	(117,381)	-
Eliminate Vacant Position in Case Preparation Unit	(86,289)	(1.00)
Eliminate Vacant Forfeiture Case Support - MOA	(65,996)	(0.50)
Funding for Legal Fees	80,000	-
<b>Proposed Technical</b>		
2020 Third Quarter Supplemental Ordinance Appropriation and Revenue	346,792	-
Remove Unfunded Expired MOA Positions	-	(2.00)
<b>Total Incremental Changes</b>	<b>\$1,218,733</b>	<b>(4.50)</b>
<b>Total 2021 Adopted Budget</b>	<b>\$35,445,409</b>	<b>201.60</b>

### Description of Incremental Budget Changes

#### Baseline

##### Citywide Adjustments for Standard Cost Changes

Expenditures \$265,746

Citywide technical adjustments made in the baseline phase reflect changes to internal services costs, including rates from the Department of Finance & Administrative Services, Seattle Information Technology Department, Seattle Department of Human Resources, and for healthcare, retirement and industrial insurance charges for the department. These adjustments reflect initial assumptions about these costs and inflators early in the budget process.

# Law Department

## Adjustment for One-Time Budget Changes

Expenditures \$(2,000)

This item includes budget adjustments for a one-time change in the 2020 Adopted Budget which allocated \$2,000 for equipment and office setup for a Council added position.

## Baseline Adjustments for Personnel Costs

Expenditures \$742,075

This centrally administered change adjusts appropriations to reflect an annual wage increase, as outlined in the agreements 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, family medical leave, retirement, overtime and temporary labor. There is no increase assumed from 2021 to 2022.

## Council MOA Adjustment and Position Reclassification

Expenditures \$52,822

In 2019, Legislative Department entered into an agreement to create a Code Reviser position partially funded by both agencies. It was assumed this position would be reclassified to a Strategic Advisor and supplementary funding from Council of \$25,000 was added to the Law Department 2020 Adopted Budget. Based on the job duties, the position was classified as an Assistant City Attorney (ACA). Council agreed to increase Memorandum of Agreement (MOA) funding in 2020 an additional \$15,000. However additional funding is needed in 2021 due to the reclassification. This item adds the full appropriation from Paralegal to ACA with \$15,000 from the Legislative Department in addition to \$37,822 to fully fund the position.

## Inflation for the Pre-file Diversion Service Contract

Expenditures \$7,500

This change request provides inflation of the Pre-file Diversion service contract with Choose 180 in 2021. This contract which has been in place since early 2018 has had no inflation for cost or service changes.

## Align to 2020 Central Costs and Move Council Added Health Care

Expenditures \$26,281

This item aligns the 2021 Baseline to the Adopted Central Cost Manual. It also moved Healthcare from two positions added by City Council during the 2020 Adopted Budget process from the operating programs to the Leadership and Administration Pooled Costs project.

## Annual Rent Inflation

Expenditures \$73,832

This item increases budget appropriation for the base rent associated with the initial 2015 space lease at Columbia Tower that includes a \$1 per square foot increase per year of the lease.

## Increase to Base Rent Budget for 2020 Expansion

Expenditures \$370,605

In 2020, the City signed an amendment to the Columbia Center lease to increase the square footage of the City Attorney space. This funding is to support rent payments associated with this new space in 2021.

# Law Department

## IT Professional Market Adjustment

Expenditures \$39,877

In late 2019, the City entered into a Memorandum of Agreement (MOA) with Local 77 related to market adjustments for IT Professionals across the City. In Law, the IT Professional wages were adjusted in line with this MOA. The position vacant at the time of the adjustment will need to be hired at the same general level. This item adds authority for these wage increases on an ongoing basis as they were not included in the 2020 budget.

## Proposed Operating

### Remove Funding for Civil Division Attorneys

Expenditures \$(331,165)

This item removes funding added in the 2020 Adopted Budget for 2.0 FTE City Attorney, Asst positions. The funding amount equals 1.75 FTE due to a Council reduction during the final stages of budget. The position authority is preserved to allow flexibility in hiring and address emergency legal needs as required. These positions were added to reduce reliance on the Judgment and Claims Fund for outside counsel related to capacity issues, however filling the positions was put on hold in 2020 due to COVID-19 and pending department reductions.

### Decrease in Precinct Liaison Positions

Expenditures \$(183,966)

Revenues \$(166,586)

Position Allocation (1.00)

The Law Department (LAW) provides a fifth Precinct Liaison Attorney to the Seattle Police Department (SPD) under a MOA since 2017, which is set to expire at the end of 2020. This position is funded by SPD. This Liaison Attorney provides in-person legal guidance to police officers and works with the precinct on community safety, nuisance, and regulatory issues, like the work performed by the other four Liaison Attorneys funded by LAW. The proposed budget eliminates this position and funding in SPD. One of the four remaining Precinct Liaisons will cover both the South and Southwest precincts.

### Remove Funding for Firearms Surrender Threat Assessment Position

Expenditures \$(117,381)

This action reduces funding associated with a position added in the 2020 Adopted Budget for the Firearms Surrender Program to conduct threat assessment work historically shared by members of the team. The Law Department is recommending this position be held vacant to meet immediate budget reduction needs.

### Eliminate Vacant Position in Case Preparation Unit

Expenditures \$(86,289)

Position Allocation (1.00)

This item reduces funding and eliminates an Admin Spec I FTE in the Criminal Division who provides case preparation support. Work associated with this position will be spread across existing employees, however, extended vacancies in this section may cause an increase of case backlogs for the Division.

### Eliminate Vacant Forfeiture Case Support - MOA

Expenditures \$(65,996)

Revenues \$(60,455)

## Law Department

Position Allocation (0.50)

This item eliminates a part-time Paralegal position added to support the growing number of forfeiture cases in recent years. Funding for this position is supported by revenue from SPD. While workload continues, the department has been unsuccessful in maintaining a permanent half-time paralegal and is reliant on internal Out-of-Class appointments to complete this work. This has left critical vacancies which cannot be backfilled elsewhere in the department. Work related to this position will be absorbed as possible by existing staff. To realize the savings for this position, an equivalent cut is made to SPD.

### Funding for Legal Fees

Expenditures \$80,000

In the 2020 Adopted Budget, Council added one-time funding to the operating budget of the Community Police Commission (CPC) for the retention of outside legal services to receive legal advice and representation in policing-related matters, particularly with relation to United States v. City of Seattle, before the U.S. District Court of Western Washington. Per SMC 3.29.480B, private legal representation for police oversight entities shall be selected and retained by the City Attorney's Office, in consultation with the oversight entity. The funding for the legal services shall be separate from the oversight entity's operational budget. The CPC has identified a likely need for \$80,000 for legal services in 2021.

### Proposed Technical

#### 2020 Third Quarter Supplemental Ordinance Appropriation and Revenue

Expenditures \$346,792

Revenues \$401,125

This change request aligns with requests in the 2020 3rd Quarter Supplemental Ordinance to appropriate funding for the East Waterway Memorandum of Agreements (MOA) in 2021. Appropriating funding for this new 2020 MOA and recording revenue follows CFPM guidelines.

### Remove Unfunded Expired MOA Positions

Position Allocation (2.00)

This change request removes two position authorities from the Civil Division that performed legal work related to the Alaskan Way Viaduct and Seawall project. The MOA that supported these positions expired and the positions were held vacant due to lack of funding. Should another MOA need arise, LAW will request position authority associated with that funding.

## Law Department

### Expenditure Overview

	2019 Actuals	2020 Adopted	2021 Adopted
<b>Appropriations</b>			
<b>LAW - BO-LW-J1100 - Leadership and Administration</b>			
00100 - General Fund	9,717,289	9,627,494	10,522,157
<b>Total for BSL: BO-LW-J1100</b>	<b>9,717,289</b>	<b>9,627,494</b>	<b>10,522,157</b>
<b>LAW - BO-LW-J1300 - Civil</b>			
00100 - General Fund	13,635,076	15,178,200	15,639,144
<b>Total for BSL: BO-LW-J1300</b>	<b>13,635,076</b>	<b>15,178,200</b>	<b>15,639,144</b>
<b>LAW - BO-LW-J1500 - Criminal</b>			
00100 - General Fund	7,981,360	8,558,844	8,582,300
<b>Total for BSL: BO-LW-J1500</b>	<b>7,981,360</b>	<b>8,558,844</b>	<b>8,582,300</b>
<b>LAW - BO-LW-J1700 - Precinct Liaison</b>			
00100 - General Fund	696,316	862,137	701,808
<b>Total for BSL: BO-LW-J1700</b>	<b>696,316</b>	<b>862,137</b>	<b>701,808</b>
<b>Department Total</b>	<b>32,030,041</b>	<b>34,226,675</b>	<b>35,445,409</b>
<b>Department Full-Time Equivalents Total*</b>	<b>196.10</b>	<b>206.10</b>	<b>201.60</b>

*\* 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

	2019 Actuals	2020 Adopted	2021 Adopted
00100 - General Fund	32,030,041	34,226,675	35,445,409
<b>Budget Totals for LAW</b>	<b>32,030,041</b>	<b>34,226,675</b>	<b>35,445,409</b>

## Law Department

### 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.

<b>Program Expenditures</b>	<b>2019 Actuals</b>	<b>2020 Adopted</b>	<b>2021 Adopted</b>
Citywide Indirect Costs	4,701,313	4,187,796	4,747,947
Departmental Indirect Costs	2,041,147	2,164,844	2,405,440
Pooled Benefits	2,974,830	3,274,854	3,368,770
<b>Total</b>	<b>9,717,289</b>	<b>9,627,494</b>	<b>10,522,157</b>
Full-time Equivalents Total*	18.30	19.30	20.30

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

#### **Citywide Indirect Costs**

<b>Expenditures/FTE</b>	<b>2019 Actuals</b>	<b>2020 Adopted</b>	<b>2021 Adopted</b>
Citywide Indirect Costs	4,701,313	4,187,796	4,747,947

#### **Departmental Indirect Costs**

<b>Expenditures/FTE</b>	<b>2019 Actuals</b>	<b>2020 Adopted</b>	<b>2021 Adopted</b>
Departmental Indirect Costs	2,041,147	2,164,844	2,405,440
Full Time Equivalents Total	18.30	19.30	20.30

#### **Pooled Benefits**

<b>Expenditures/FTE</b>	<b>2019 Actuals</b>	<b>2020 Adopted</b>	<b>2021 Adopted</b>
Pooled Benefits	2,974,830	3,274,854	3,368,770

## Law Department

### **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.

<b>Program Expenditures</b>	<b>2019 Actuals</b>	<b>2020 Adopted</b>	<b>2021 Adopted</b>
Civil	13,635,076	15,178,200	15,639,144
<b>Total</b>	<b>13,635,076</b>	<b>15,178,200</b>	<b>15,639,144</b>
Full-time Equivalents Total*	102.30	107.30	103.80

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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.

<b>Program Expenditures</b>	<b>2019 Actuals</b>	<b>2020 Adopted</b>	<b>2021 Adopted</b>
Criminal	7,981,360	8,558,844	8,582,300
<b>Total</b>	<b>7,981,360</b>	<b>8,558,844</b>	<b>8,582,300</b>
Full-time Equivalents Total*	69.50	74.50	73.50

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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.

<b>Program Expenditures</b>	<b>2019 Actuals</b>	<b>2020 Adopted</b>	<b>2021 Adopted</b>
Precinct Liaison	696,316	862,137	701,808
<b>Total</b>	<b>696,316</b>	<b>862,137</b>	<b>701,808</b>
Full-time Equivalents Total*	6.00	5.00	4.00

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