

Law Department

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

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 three 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 are 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, Let Everyone Advance with Dignity (LEAD), and Pre-filing Diversion), and Trial Team Unit.

Budget Snapshot

| | 2020 Actuals | 2021 Adopted | 2022 Adopted |
|------------------------------|-------------------|-------------------|-------------------|
| Department Support | | | |
| General Fund Support | 34,019,782 | 35,445,409 | 38,659,829 |
| Total Operations | 34,019,782 | 35,445,409 | 38,659,829 |
| Total Appropriations | 34,019,782 | 35,445,409 | 38,659,829 |
| Full-Time Equivalents Total* | 206.10 | 201.60 | 210.30 |

* 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 2022 Adopted Budget provides additional resources to the Law Department (LAW) to increase staffing to meet the litigation and prosecutorial demands of the city.

Law Department

The 2017 Adopted Budget created the Pre-Filing Diversion (PFD) Program led by the Law Department with assistance from the Seattle Municipal Court (SMC) targeting 18–24-year-old individuals. In 2022, additional funding is provided for community-based contract inflation in addition to a Strategic Advisor and increasing a part-time paralegal to fulltime, giving the PFD program a total of 4 staff. PFD is composed of three diversion programs: 18–24-year-old individuals' misdemeanor cases, non-intimate partner domestic violence and suspended drivers' licensing. The new Strategic Advisor will lead the data and policy work not only for PFD but other diversion programs underway in LAW and SMC.

In the last seven 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. The 2022 Adopted Budget through the Judgment and Claims Fund (JCF) adds three Assistant City Attorney positions and reinstates funding for two positions (unfunded in the 2021 Adopted Budget) in the areas of Torts, Contracts and Utilities, Employment and Government Affairs where outside counsel has increased primarily due to capacity. The department has also increasingly used outside counsel to assist in cases with large electronic document productions called eDiscovery. Five years ago, LAW purchased eDiscovery software (Nuix Discover) and engaged contract staff expertise to assist paralegals and attorneys. Adding a Strategic Advisor and a senior paralegal funded through the JCF will allow the department to bring this work in-house, and have the effect of reducing the total cost of legal representation charged to the JCF. Between the five funded attorneys and the two new eDiscovery staff, LAW expects to save over \$2.5 million annually in General Fund resources.

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. The Law department, in coordination with the Seattle Information Technology Department (ITD), released a request for proposals (RFP) in 2020 to identify a replacement solution. The contract was awarded to Aeon-Nexus in 2021 and implementation is underway with a 'go-live' date in the second quarter of 2022.

In 2017, the City and King County (KC) jointly formed the Regional Domestic Violence Firearms Enforcement Unit. At that time the City was responsible for funding a 0.60 FTE KC Deputy Prosecutor however funding was not added to the department's budget. The increase in 2022 provides this funding in addition to licensing and space at King County.

The department recognizes the need for a complete and funded human resources (HR) team. Since 2011 the department has grown by over 60 FTE. A newly funded HR manager and Personnel Specialist will join the existing Senior Personnel Specialist for a total of 3.0 FTE to serve a department of over 200 FTE. Further, the Administration Division is reorganized where HR, Information Technology and Finance will separately report to executive leadership.

In the 2021 Adopted Budget, one-time funding was provided to LAW for the Community Police Commission (CPC) to retain outside legal services 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. There is \$50,000 in funding added for these legal services in 2022.

City Council Changes to the Proposed Budget

Council supported expanding pre-filing diversion (PFD) to include individuals 25 years-old and over. The Executive proposal was modified by eliminating a Strategic Advisor and adding four new positions including an assistant city attorney, two assistant city prosecutors and a management system analyst. In support of expanding PFD, Council added \$750,000 to the Human Services Department (HSD) for a community-based organization partner, a senior grants and contract specialist, and a Strategic Advisor in the Safe and Thriving Communities' Division to administer the program. The schedule assumes cost of these would begin in April of 2022.

Law Department

The Council also imposed a Proviso on \$1.8 million in the Law Department related to pre-filing diversion (\$1.1 million), pre-trial diversion (\$250,000) and Let Everyone Advance with Dignity (LEAD) (\$303,00). The proviso stipulates that the allocated funding will only be spent on these programs.

The Law Department participated in the Cities and Counties for Fine and Fee Justice (CCFJ) work group as part of PolicyLink grant. In recognition of the harm done by imposing restitution of legal fines and fees on individuals, the work group recommended that the Law Department set up a victim compensation fund of \$100,000 per year to reimburse individuals and small businesses who have suffered a financial loss. The restitution fund of \$100,000 is provided in Finance and Administrative Services with \$10,000 provided for administration. An additional \$250,00 is appropriated to HSD for the following:

- \$50,000 will fund a contract with a community-based organization to conduct outreach to individuals
- \$145,000 is appropriated for the community to build infrastructure and strategy for a long-term restorative response to harm outside of the criminal legal system
- \$55,000 will support funding for a senior grants and contract specialist for nine months with full funding provided through a separate budget action for new work of HSD's Safe and Thriving Communities Division.

Incremental Budget Changes

Law Department

| | Dollars | FTE |
|--|-------------------|---------------|
| 2021 Adopted Budget | 35,445,409 | 201.60 |
| Baseline | | |
| Citywide Adjustments for Standard Cost Changes | 421,271 | - |
| Reclasses - Information Technology (IT) Section | 41,735 | - |
| Compensation Changes - Step Advancement | 25,590 | - |
| Inflation for Pre-Filing Diversion (PFD) Contracts | 9,225 | - |
| Removal of One-time Items | (80,000) | - |
| Annual Rent Adjustment | 234,031 | - |
| Proposed Operating | | |
| Fully Staff Current Pre-File Diversion Program | 247,490 | 1.50 |
| Civil Division Attorney Staffing | 904,846 | 3.00 |
| Electronic Discovery Staffing | 287,195 | 2.00 |
| Criminal Case Management System (CCMS) Licensing and Maintenance | 247,490 | - |
| Firearms Surrender MOA with King County | 145,484 | (1.00) |
| Fund Human Resources Manager | 167,029 | - |
| Fund Personnel Specialist | 96,799 | - |
| Proposed Technical | | |
| Appropriation for 2nd LEAD Prosecutor | 149,064 | - |
| Position Change from 2021 Second Quarter Supplemental Budget | - | 0.20 |
| Funding for Legal Fees | 50,000 | - |

Council

Law Department

| | | |
|---|---------------------|---------------|
| Add Funding and Staffing to LAW to Fully Staff and Expand Pre-filing Diversion | 267,172 | 3.00 |
| Council Provisos | | |
| Proviso \$1.8 million GF in LAW for pre-filing diversion (\$1.1 million), pre-trial diversion (\$250,000), and Let Everyone Advance with Dignity (LEAD) (\$393,000) | - | - |
| Total Incremental Changes | \$3,214,421 | 8.70 |
| Total 2022 Adopted Budget | \$38,659,829 | 210.30 |

Description of Incremental Budget Changes

Baseline

Citywide Adjustments for Standard Cost Changes

Expenditures \$421,271

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.

Reclasses - Information Technology (IT) Section

Expenditures \$41,735

Two positions in the Law Departments IT function have been reclassified from an IT Pro Cs to an IT Pro Bs. This request fully funds the wage movement as a result of these reclassifications.

Compensation Changes - Step Advancement

Expenditures \$25,590

In 2019, the city agreed to a Memorandum Of Agreement (MOA) with Local 21-PA (Prosecuting Attorneys) Union to increase the pay of four employees related to providing equitable pay with peers.

Inflation for Pre-Filing Diversion (PFD) Contracts

Expenditures \$9,225

This change request provides inflation of the PFD service contracts in 2022. This includes contracts for the Domestic Violence PFD program piloted in 2021 and the Young Adult PFD program which has been operating since 2017.

Removal of One-time Items

Expenditures \$(80,000)

This item removes the one-time funding for Community Police Commission legal services added in the 2021 Adopted Budget.

Annual Rent Adjustment

Law Department

Expenditures \$234,031

This item increases the rental budget in the Columbia Center for increases in the lease (\$1 per sq ft for the main space and 2.5% for Suite 2010). It also increases the budget available for Common Area Maintenance (CAM) and Property Tax payments. The CAM has increased significantly since 2019 and now represents approximately 15% of the costs, up from an estimated 9% in 2019.

Proposed Operating

Fully Staff Current Pre-File Diversion Program

Expenditures \$247,490
Position Allocation 1.50

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

This item increases the part-time Paralegal supporting the Pre-Filing Diversion (PFD) program to full-time and adds a Strategic Advisor position to oversee the policy work associated with all diversion programs. The program requires support of 4.0 FTE to maintain current and expanded operations originally funded in 2017.

Civil Division Attorney Staffing

Expenditures \$904,846
Revenues \$904,846
Position Allocation 3.00

The Law Department engages outside counsel due to conflicts of interest, needed expertise, or staffing capacity. The department analyzed outside counsel data from 2018-2020 related to capacity of existing staff in the Civil Division. During that period, approximately \$13 million was spent on outside counsel related to capacity limitations. Of this, over \$11 million in expenditures was related to General Fund matters. Most of the remaining \$2M was reimbursed by utility departments. With the reinstatement of funding for two defunded Assistant City Attorney (ACA) positions (Employment Litigation and Complex Litigation) and creation of three additional ACA positions (Torts, Contracts and Utilities, and Complex Litigation) to address capacity issues the General Fund savings could be more than \$2 million annually. Funding is provided through the Judgment and Claims Fund.

Electronic Discovery Staffing

Expenditures \$287,195
Revenues \$287,195
Position Allocation 2.00

The Law Department hires outside counsel or contract staff to assist in cases with large electronic document productions (called "eDiscovery"). The department analyzed data from 2018-2020 related to eDiscovery expenses. During that period, approximately \$5 million was spent on outside counsel and \$1 million on consultant services. Of this amount, approximately \$100,000 is reimbursable by the utilities, the remainder is a General Fund expense. The General Fund savings could be more than \$500,000 annually with the hiring of two staff members to manage eDiscovery. Funding is provided through the Judgment and Claims Fund.

Criminal Case Management System (CCMS) Licensing and Maintenance

Expenditures \$247,490

The Law Department has been collaborating with the Information Technology Department (ITD) to develop a new Criminal Case Management System (CCMS). This item funds \$247,490 of increased costs associated with the

Law Department

maintenance and licensing for CCMS replacing the Damion system. The current baseline budget for Damion is \$35,000 and this add reflects the remaining need above the base. At this time, it is unknown whether the department will pay these costs or if they will be incorporated into ITD rates. This is a placeholder until additional information is available.

Firearms Surrender MOA with King County

| | |
|---------------------|-----------|
| Expenditures | \$145,484 |
| Position Allocation | (1.00) |

In 2017, the City entered into a six-year Memorandum of Agreement (MOA) with King County to standup and staff a regional unit to enhance public safety and public health with effective processing, service and enforcement of Protection Orders and Orders to Surrender Weapons. The Law Department was originally budgeted for the Program Manager however the most competitive candidate for this position was County employee and the Program Manager position remains vacant. This item eliminates the Criminal Division Manager 3 (1.0 FTE) and moves the budget to the contractual services line item. In addition, this item increases appropriation by \$145,484. These two actions provide funding for LAW to fully support the MOA with King County for 1.0 FTE Program Manager, a 0.6 FTE Deputy Prosecuting Attorney and computer licensing for staff to continue the Regional Domestic Violence Firearms Enforcement Unit. Funding has been requested for this purpose in the 2021 Second Quarter Supplemental Ordinance.

Fund Human Resources Manager

| | |
|--------------|-----------|
| Expenditures | \$167,029 |
|--------------|-----------|

The Law Department is reorganizing the Administration Division management structure to be consistent with other City departments. The department has grown by over 60 FTE since 2011 requiring a Human Resources (HR) manager through the reclassification of a vacant unfunded Deputy City Attorney position. The HR manager will supervise a Personnel Specialist Senior and a Personnel Specialist in providing HR resources for over 200 FTE. Currently, high level HR functions are provided by the Administration Division Chief, which has also been responsible for serving as the budget and finance lead, and supervising IT. These functions will now independently report to department leadership.

Fund Personnel Specialist

| | |
|--------------|----------|
| Expenditures | \$96,799 |
|--------------|----------|

An unfunded Personnel Specialist was added in the 2020 Budget. As part of the reorganization of the Administration Division this position will be funded and work with the new HR manager and the Senior Personnel Specialist to provide HR staffing for a department of over 200 FTE.

Proposed Technical

Appropriation for 2nd LEAD Prosecutor

| | |
|--------------|-----------|
| Expenditures | \$149,064 |
| Revenues | \$149,064 |

This appropriation supports the second Law Enforcement Assisted Diversion (LEAD) prosecutor position in 2022. This position was added in early 2020 but appropriation was not included in the 2021 Adopted Budget. This position is fully funded by a memorandum of agreement (MOA) with the Public Defender's Association. This MOA, which has been in effect since 2017, provides consistent staffing for duties related to the operation of LEAD in the City of Seattle. This funding and position authority will continue to be contingent on the execution of MOA agreements for this purpose on a biennial basis. This item is included in the Third Quarter Supplemental Ordinance.

Law Department

Position Change from 2021 Second Quarter Supplemental Budget

Position Allocation 0.20

This item continues a position change made in the 2021 Second Quarter Supplemental Budget. An Accounting Technician II was increased from 0.8 FTE to 1.0 FTE.

Funding for Legal Fees

Expenditures \$50,000

In the 2021 Adopted Budget, one-time funding was provided to the Law Department for the retention of outside legal services for the Community Police Commission (CPC) 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 need of \$50,000 for legal services in 2022.

Council

Add Funding and Staffing to LAW to Fully Staff and Expand Pre-filing Diversion

Expenditures \$267,172

Position Allocation 3.00

This Council Action adds \$267,171 GF and 4.0 FTEs to fully staff the existing pre-filing diversion (PFD) program and expand the program to include individuals 25 and older. It also cuts 1.0 FTE Strategic Adviser 3 from the proposed budget. The four positions include: one assistant city attorney, two assistant city prosecutors, and one management system analyst. This action is a complement to the current PFD for individuals 18-24 years-old.

The 2022 Proposed Budget included \$247,490 to increase a part-time paralegal to full time and a Strategic Advisor 3 position. In expanding the program the Strategic Advisor position is no longer needed and the above staffing will meet the needs of the program.

- The additional assistant city attorney position will oversee staff workload, manage the external contracts and deliverables, identify and update program goals, oversee data collection and management, and collaborate with stakeholders. Further, the assistant city attorney would lead LAW in its criminal legal system reform work (such as bail reform, clearing old warrants, encouraging vacating old convictions, reviewing use of pre-trial detention, etc.)
- The current lead prosecutor will focus on program implementation and training the two new prosecutors on case diversion.
- The management systems analyst will manage programs and data currently done by each of the existing staff and help with reform and systems improvement work.

Council Provisos

Proviso \$1.8 million GF in LAW for pre-filing diversion (\$1.1 million), pre-trial diversion (\$250,000), and Let Everyone Advance with Dignity (LEAD) (\$393,000)

"Of the appropriations in the 2022 budget for the City Attorney's Office Criminal Budget Summary Level (BO-LW-J1500), \$1,110,859 is appropriated solely for pre-filing diversion and may be spent for no other purpose."

"Of the appropriations in the 2022 budget for the City Attorney's Office Criminal Budget Summary Level (BO-LW-J1500), \$250,000 is appropriated solely for pre-trial diversion and may be spent for no other purpose."

Law Department

"Of the appropriations in the 2022 budget for the City Attorney's Office Criminal Budget Summary Level (BO-LW-J1500), \$393,000 is appropriated solely for Let Everyone Advance with Dignity (LEAD) and may be spent for no other purpose."

Expenditure Overview

| Appropriations | 2020 Actuals | 2021 Adopted | 2022 Adopted |
|--|-------------------|-------------------|-------------------|
| LAW - BO-LW-J1100 - Leadership and Administration | | | |
| 00100 - General Fund | 10,804,447 | 10,522,157 | 11,609,642 |
| Total for BSL: BO-LW-J1100 | 10,804,447 | 10,522,157 | 11,609,642 |
| LAW - BO-LW-J1300 - Civil | | | |
| 00100 - General Fund | 14,559,597 | 15,639,144 | 16,672,112 |
| Total for BSL: BO-LW-J1300 | 14,559,597 | 15,639,144 | 16,672,112 |
| LAW - BO-LW-J1500 - Criminal | | | |
| 00100 - General Fund | 7,995,704 | 8,582,300 | 9,676,267 |
| Total for BSL: BO-LW-J1500 | 7,995,704 | 8,582,300 | 9,676,267 |
| LAW - BO-LW-J1700 - Precinct Liaison | | | |
| 00100 - General Fund | 660,035 | 701,808 | 701,808 |
| Total for BSL: BO-LW-J1700 | 660,035 | 701,808 | 701,808 |
| Department Total | 34,019,782 | 35,445,409 | 38,659,829 |
| Department Full-Time Equivalents Total* | 206.10 | 201.60 | 210.30 |

* 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

| | 2020 Actuals | 2021 Adopted | 2022 Adopted |
|------------------------------|-------------------|-------------------|-------------------|
| 00100 - General Fund | 34,019,782 | 35,445,409 | 38,659,829 |
| Budget Totals for LAW | 34,019,782 | 35,445,409 | 38,659,829 |

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.

| Program Expenditures | 2020 Actuals | 2021 Adopted | 2022 Adopted |
|------------------------------|-------------------------|-------------------------|-------------------------|
| Citywide Indirect Costs | 4,311,850 | 4,747,947 | 5,267,550 |
| Departmental Indirect Costs | 3,298,565 | 2,405,440 | 2,691,624 |
| Pooled Benefits | 3,194,032 | 3,368,770 | 3,650,468 |
| Total | 10,804,447 | 10,522,157 | 11,609,642 |
| Full-time Equivalents Total* | 19.30 | 20.30 | 20.50 |

**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*

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

Citywide Indirect Costs

| Expenditures/FTE | 2020 Actuals | 2021 Adopted | 2022 Adopted |
|-------------------------|-------------------------|-------------------------|-------------------------|
| Citywide Indirect Costs | 4,311,850 | 4,747,947 | 5,267,550 |

Departmental Indirect Costs

| Expenditures/FTE | 2020 Actuals | 2021 Adopted | 2022 Adopted |
|-----------------------------|-------------------------|-------------------------|-------------------------|
| Departmental Indirect Costs | 3,298,565 | 2,405,440 | 2,691,624 |
| Full Time Equivalents Total | 19.30 | 20.30 | 20.50 |

Pooled Benefits

| Expenditures/FTE | 2020 Actuals | 2021 Adopted | 2022 Adopted |
|-------------------------|-------------------------|-------------------------|-------------------------|
| Pooled Benefits | 3,194,032 | 3,368,770 | 3,650,468 |

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.

| Program Expenditures | 2020 Actuals | 2021 Adopted | 2022 Adopted |
|------------------------------|-------------------------|-------------------------|-------------------------|
| Civil | 14,559,597 | 15,639,144 | 16,672,112 |
| Total | 14,559,597 | 15,639,144 | 16,672,112 |
| Full-time Equivalents Total* | 107.30 | 103.80 | 108.80 |

**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*

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 | 2020 Actuals | 2021 Adopted | 2022 Adopted |
|------------------------------|-------------------------|-------------------------|-------------------------|
| Criminal | 7,995,704 | 8,582,300 | 9,676,267 |
| Total | 7,995,704 | 8,582,300 | 9,676,267 |
| Full-time Equivalents Total* | 74.50 | 73.50 | 77.00 |

**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*

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 | 2020 Actuals | 2021 Adopted | 2022 Adopted |
|------------------------------|-------------------------|-------------------------|-------------------------|
| Precinct Liaison | 660,035 | 701,808 | 701,808 |
| Total | 660,035 | 701,808 | 701,808 |
| Full-time Equivalents Total* | 5.00 | 4.00 | 4.00 |