

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 department provides legal advice to City officials to help them achieve their goals, 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 **Administration Division** provides executive leadership, communications, and operational support for the entire department. It is comprised of the executive leadership team for the department, 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. In addition, the Criminal Division operates a Victims of Crime program which assists crime victims in obtaining restitution. The Criminal Division is comprised of a Prosecution Support Team, Case Preparation Team, Domestic Violence Unit, Appellate Practice, Filing/Early Plea Unit, Specialty Courts Unit (Mental Health, Community Court, Veterans' Court, DUI, and Infractions Program), and one trial team.

The **Precinct Liaison** attorneys work in each of the City's five police precincts, providing legal advice to police and other City departments. In helping to address a variety of neighborhood and community problems, these attorneys coordinate with the Civil and Criminal divisions to ensure a consistent, thorough and effective approach to solving issues of concern to the community.

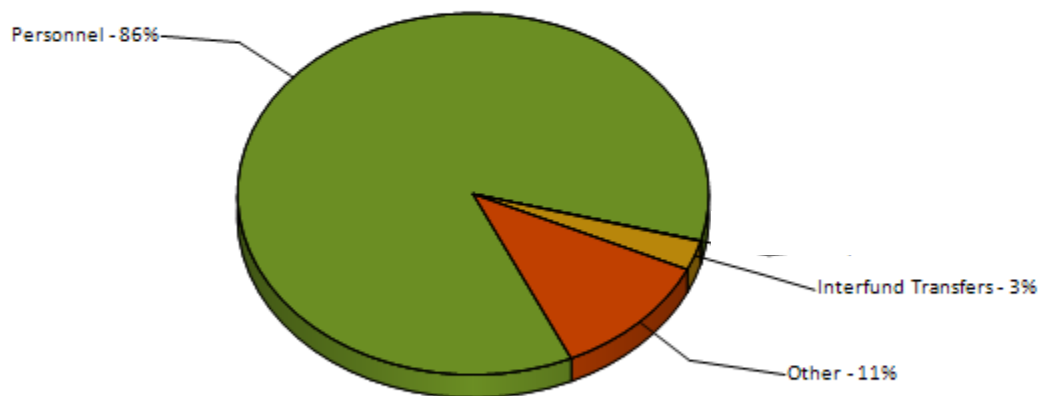
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Budget Snapshot

Department Support	2015 Actual	2016 Adopted	2017 Proposed	2018 Proposed
General Fund Support	\$23,638,285	\$24,348,261	\$26,836,380	\$27,730,663
Total Operations	\$23,638,285	\$24,348,261	\$26,836,380	\$27,730,663
Total Appropriations	\$23,638,285	\$24,348,261	\$26,836,380	\$27,730,663
Full-time Equivalent Total*	173.60	177.10	181.60	181.60

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

2017 Proposed Budget - Expenditure by Category



Budget Overview

The Law Department established a Regulatory Enforcement and Economic Justice (REEJ) Unit in the Civil Division to address the growing number of regulatory challenges. The unit consolidated in 2015 and leveraged in-house resources and staffing with four attorneys and two staff. The workload for REEJ increased with further regulations and the 2015 creation of the Office of Labor Standards (OLS) to implement the City's labor standards for Minimum Wage, Paid Sick and Safe Time, Wage Theft, and Fair Chance Employment (limiting the use of conviction and arrest records in employment decisions). The 2017-2018 Proposed Budget adds one attorney position to focus on regulatory issues and litigation related to OLS.

The Land Use Section in the Civil Division provides legal counsel on zoning, planning, growth management, code

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enforcement, the State Environmental Policy Act, low-income housing development, preservation of historic properties, and acquisition of public property for open space, parks, and other public facilities. In 2015, an increase in workload required utilizing outside counsel for more than 800 hours. Outside counsel fees are charged to the Judgment and Claims Fund and is more costly than using City staff. Increasing an existing attorney position from part-time to full-time keeps cases in-house and saves the Judgment and Claims Fund approximately \$150,000, off-setting the cost of increasing this position. A reduction is made in the Judgment and Claims Fund providing a net savings to the General Fund of \$65,000.

The Seattle Police Department (SPD) began development of a body-worn camera program in 2016. The 2017-2018 Proposed Budget provides funds to continue the planning, purchase and implementation efforts for this project. This advanced camera technology will increase police accountability as a component of the Department of Justice Consent Decree to provide transparency within law enforcement. The result will be a large volume of video added as evidence in the judicial process, in addition to the already existing in-car video. The increase in volume of video retrieval, discovery and viewing prior to making case filing decisions will require additional staffing of an Assistant City Prosecutor, Senior and a Paralegal, Senior in the Criminal Division. The success of the body-worn camera program and its ability to build trust with the community is dependent on the City's ability to store, manage, and retrieve the video properly, while conforming to the state Privacy Act and public disclosure laws. Both SPD and the Law Department must meet an individual's right to privacy as well as the needs of crime victims, minors, families of the deceased and other scenarios requiring privacy and non-disclosure. Having reliable and accurate evidence to prove or disprove a case benefits both victims and defendants.

The Law Enforcement Assisted Diversion (LEAD) program started in 2011 to address low-level drug and prostitution crimes in Seattle's Belltown neighborhood and the Skyway area. The LEAD program diverts participants into community-based treatment and support services rather than prosecuting them through the traditional channels of the criminal justice system. The proposed budget provides one unfunded prosecutor position in the Criminal Division to allow the Law Department to dedicate resources to this program with a goal of continuing the progress toward reducing recidivism, improving public safety and quality of life, and lowering costs associated with criminal prosecution. Funding will be provided to the City by the LEAD program administrator.

Incremental Budget Changes

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	2017		2018	
	Budget	FTE	Budget	FTE
Total 2016 Adopted Budget	\$ 24,348,261	177.10	\$ 24,348,261	177.10
Baseline Changes				
Technical Baseline Changes	\$ 300,000	0.00	\$ 300,000	0.00
Adjustment for One-Time Adds or Reductions	-\$ 209,865	-1.00	-\$ 209,865	-1.00
Citywide Adjustments for Standard Cost Changes	\$ 1,438,384	0.00	\$ 2,122,068	0.00
Proposed Changes				
Regulatory Enforcement and Economic Justice (REEJ) Attorney	\$ 157,713	1.00	\$ 162,347	1.00
Land Use Attorney	\$ 83,011	0.50	\$ 85,092	0.50
Staffing for Implementation of Body Worn Cameras	\$ 131,582	2.00	\$ 241,317	2.00

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Law Enforcement Assisted Diversion (LEAD) Attorney	\$ 0	1.00	\$ 0	1.00
Citywide Summit Re-Implementation Project	\$ 171,275	0.00	\$ 182,000	0.00
Proposed Technical Changes				
Columbia Center Lease	\$ 378,950	0.00	\$ 460,988	0.00
Public Records Staffing	\$ 194,136	2.00	\$ 200,156	2.00
Internal Transfers	\$ 0	0.00	\$ 0	0.00
Transfer Investigator to Seattle Department of Human Resources	-\$ 157,067	-1.00	-\$ 161,701	-1.00
Total Incremental Changes	\$ 2,488,119	4.50	\$ 3,382,402	4.50
2017 - 2018 Proposed Budget	\$ 26,836,380	181.60	\$ 27,730,663	181.60

Descriptions of Incremental Budget Changes

Baseline Changes

Technical Baseline Changes - \$300,000

This item restores a one-time budget savings from 2016. In 2015, the Law Department relocated to the Columbia Center and the lease provided a generous tenant improvement budget and allowed unspent funds to be applied to future rent. In 2016, the \$300,000 of rent savings was captured and is restored with the proposed budget to pay for space rental costs in 2017 and 2018.

Adjustment for One-Time Adds or Reductions - (\$209,865)/(1.00) FTE

This item includes budget reductions for one-time additions in the 2016 Adopted Budget.

- In the 2016 Adopted Budget, a one-year position was added to the Civil Division to work with city staff, Seattle Police Department, and the Counsel of State Governments on issues and data related to criminal justice programs. (\$121,365)
- Funds appropriated in 2016 for the Citywide Summit Re-Implementation project are backed out and re-appropriated in the 2017-2018 Proposed Budget. (\$88,500)

Citywide Adjustments for Standard Cost Changes - \$1,438,384

Citywide technical adjustments made in the initial planning phase reflect changes in the internal services costs, health care, retirement contribution rate, and updates to unemployment and industrial insurance charges. These adjustments reflect initial assumptions about these costs and inflators early in the budget process. Additionally, this adjustment includes various wage adjustments for labor related costs, including the Annual Wage Increases (AWI) from 2015 through 2018.

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Proposed Changes

Regulatory Enforcement and Economic Justice (REEJ) Attorney - \$157,713/1.00 FTE

This Assistant City Attorney position will address the increasing need for legal advice and enforcement related to the Office of Labor Standards' work on minimum wage, paid sick and safe leave, wage theft, and Fair Chance Employment (limiting the use of conviction and arrest records in employment decisions). REEJ was established to address the growing number of regulatory and licensing ordinances enacted by the City including marijuana violations, taxi cab and for-hire licenses, Rental Housing Registration and Inspection Program, and the Department of Justice Consent Decree related to the Seattle Police Department.

Land Use Attorney - \$83,011/.50 FTE

A current 0.5 FTE attorney will increase to 1.0 FTE keeping work in-house and reducing the need for outside counsel. In 2015, five cases were sent to outside counsel for litigation due to a lack of capacity in the Land Use Section of the Law Department. Outside counsel fees are charged to the Judgment and Claims Fund and is more costly than using City staff. Increasing an existing attorney position from part-time to full-time keeps cases in-house and saves the Judgment and Claims Fund approximately \$150,000, off-setting the cost of increasing this position. A reduction is made in the Judgment and Claims fund, providing a net savings to the General Fund of \$67,000.

Staffing for Implementation of Body Worn Cameras - \$131,582/2.00 FTE

This item adds an attorney and paralegal in the Criminal Division with funding to begin in July 2017 for the implementation of SPD's body worn cameras project. This staffing is needed to address the retrieval, discovery, review and redaction of a large volume of additional video footage.

Law Enforcement Assisted Diversion (LEAD) Attorney/1.00 FTE

LEAD is a program designed to address low-level drug and prostitution crimes by diverting participants into support services including housing, healthcare, job training, treatment and mental health support rather than prosecution through traditional channels of the criminal justice system. An Assistant City Prosecutor position is added to the Criminal Division to be dedicated to the LEAD program and will be funded by the LEAD program administrator. The attorney will track participants' cases and make intentional decisions to coordinate with and support the individual intervention plan. Decisions on filing, release, dismissal and disposition recommendations can significantly enhance the effectiveness of LEAD.

Citywide Summit Re-Implementation Project - \$171,275

This item represents the department's work in support of the Citywide Summit Re-Implementation project. A description of the Summit Re-Implementation project is located within the Department of Finance and Administrative Services.

Proposed Technical Changes

Columbia Center Lease - \$378,950

In 2015, the Law Department consolidated offices through a lease with the Columbia Center. Annually the lease rate increases \$1.00 per square foot. This increase will fully fund the Law Department lease in the Columbia Center.

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Public Records Staffing - \$194,136/2.00 FTE

In the 1st Quarter 2016 Supplemental Budget Ordinance, 2.0 FTE paralegal positions were added to manage the increasing volume and complexity of public records requests submitted to all City departments. The total number of requests per year increased 64% from 5,600 in 2011 to over 9,000 in 2015. Over the same period, requests received from outside attorneys related to complex litigation requests increased by 28%. The new paralegals provide centralized review and redaction of attorney-client communications and assistance in processing large or inter-departmental requests.

Internal Transfers

Two positions are transferring internally in the Law Department.

- An attorney position will transfer from the Precinct Liaison Division to the Criminal Division. This position handles the vice/narcotics cases and is represented by Local 21. It is appropriate for this position to be in the Criminal Division.
- Supervision of the Precinct Liaison Division (PLD) has rotated between the Civil, Criminal and Administrative Divisions. An attorney in the Civil Division has been designated to supervise. This transfer of an attorney from the Civil to the Precinct Liaison Division will formalize the assignment.

Transfer Investigator to Seattle Department of Human Resources - (\$157,067)/(1.00) FTE

This position investigates employment discrimination allegations. Both the Law Department and SDHR have agreed the position is better suited to reside in SDHR.

Expenditure Overview

Appropriations	Summit Code	2015 Actual	2016 Adopted	2017 Proposed	2018 Proposed
Administration Budget Control Level	J1100	2,496,378	2,395,813	2,497,927	2,579,251
Civil Budget Control Level	J1300	13,489,894	14,232,192	15,428,937	15,879,486
Criminal Budget Control Level	J1500	6,986,960	7,023,193	8,065,707	8,402,680
General Fund Supported BCLs					
Precinct Liaison Attorneys Budget Control Level	J1700	665,053	697,063	843,809	869,246
Department Total		23,638,285	24,348,261	26,836,380	27,730,663
Department Full-time Equivalents Total*		173.60	177.10	181.60	181.60

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Appropriations By Budget Control Level (BCL) and Program

Administration Budget Control Level

The purpose of the Administration Budget Control Level is to provide the financial, technological, administrative and managerial support for the Department.

	2015	2016	2017	2018
Program Expenditures	Actual	Adopted	Proposed	Proposed
Administration	2,496,378	2,395,813	2,497,927	2,579,251
Total	2,496,378	2,395,813	2,497,927	2,579,251
Full-time Equivalents Total*	15.30	16.30	16.30	16.30

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Civil Budget Control Level

The purpose of the Civil Budget Control Level is to provide legal advice to the City's policy-makers, and to defend and represent the City, its employees, and officials before a variety of county, state, federal courts, and administrative bodies.

	2015	2016	2017	2018
Program Expenditures	Actual	Adopted	Proposed	Proposed
Civil	13,489,894	14,232,192	15,428,937	15,879,486
Total	13,489,894	14,232,192	15,428,937	15,879,486
Full-time Equivalents Total*	93.80	96.30	96.80	96.80

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Criminal Budget Control Level

The purpose of the Criminal Budget Control Level includes prosecuting ordinance violations and misdemeanor crimes, maintaining case information and preparing effective case files for the court appearances of prosecuting attorneys, and assisting and advocating for victims of domestic violence throughout the court process.

	2015	2016	2017	2018
Program Expenditures	Actual	Adopted	Proposed	Proposed
Criminal	6,986,960	7,023,193	8,065,707	8,402,680
Total	6,986,960	7,023,193	8,065,707	8,402,680
Full-time Equivalents Total*	59.50	59.50	63.50	63.50

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Precinct Liaison Attorneys Budget Control Level

The purpose of the Precinct Liaison Budget Control Level is to support a program where attorneys work in each of the City's five precincts, providing legal advice to police and other City departments. In helping to address a variety of neighborhood and community problems, the precinct liaison attorneys coordinate with the Civil and Criminal divisions with the goal of providing a consistent, thorough and effective approach.

	2015	2016	2017	2018
Program Expenditures	Actual	Adopted	Proposed	Proposed
Precinct Liaison Program	665,053	697,063	843,809	869,246
Total	665,053	697,063	843,809	869,246
Full-time Equivalent Total*	5.00	5.00	5.00	5.00

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