



Request for City Council Committee Action From the City Attorney's Office

Date: December 15, 2005
To: Ways & Means/Budget Committee
Referral to:

Subject: Victim/Witness Liaison Services

Recommendation: The Ways & Means Committee recommends that the City Council authorize the proper City officials to enter into a contract with the Council on Crime and Justice to provide victim/witness services for the period 1/1/06 – 12/31/07 in an amount not to exceed \$579,171.

Previous Directives:

Prepared by: Colleen O'Brien, Manager of Administration Phone: 673-2966

Approved by: _____
Jay M. Heffern
City Attorney

Presenters in Committee: Jay M. Heffern, City Attorney/Colleen O'Brien, Manager of Administration

Financial Impact (Check those that apply)

- No financial impact (If checked, go directly to Background/Supporting Information)
- Action requires an appropriation increase to the Capital Budget
- Action requires an appropriation increase to the Operating Budget
- Action provides increased revenue for appropriation increase
- Action requires use of contingency or reserves
- Other financial impact (Explain): Adequate funding in proposed 2006 budget.
- Request provided to the Budget Office when provided to the Committee Coordinator

Background/Supporting Information

The Minnesota Legislature first enacted Minnesota's Victims' Rights Law in 1983. The law has been expanded over the years to include a number of victims' rights, including requiring the prosecutors to notify victims of their rights at numerous times during the pendency of a criminal case.

Under the Victims' Rights Law, a prosecutor is required to:

- 1) notify victims of their right to apply for reparations to cover losses resulting from a violent crime;
- 2) make a good faith effort to notify victims of the contents of any plea agreement recommendation, the right to be present at the sentencing hearing and to express orally or in writing any objection to the agreement to the proposed disposition;
- 3) make "every reasonable effort" to notify and seek input from the victim prior to referring a person into a pretrial diversion program;
- 4) provide oral or written notice to victims within 15 days after a conviction, acquittal or dismissal in a criminal case;
- 5) make reasonable efforts to provide advance notice of any change in the schedule of court proceedings to a victim who has been subpoenaed or requested to testify; and
- 6) notify victims if the defendant appeals a conviction and, when the appeal is resolved, the results of the appeal.

Domestic violence crimes present unique issues with regard to crime victim notification. Domestic violence is a very personal crime and victims often feel shame and embarrassment about their abuse. Prosecutors face special challenges in communicating with victims of domestic violence. Experience has shown that it is essential to contact domestic violence victims as soon as possible after the crime is committed.

For many years, the City Attorney's Office partnered with the Council on Crime and Justice to provide victim liaison services 24 hours a day, 7 days a week. Minneapolis police who respond to the scene contact the City Attorney's Office from the scene. Our office then contacts the victim and gathers initial information and provides the victim with information and, if appropriate, a referral to domestic violence advocacy services. The liaison calls the victim immediately following the defendant's first court appearance to inform the victim about the defendant's release status, and conditions of release and to refer the victim to advocacy services for safety planning as needed.

The prosecuting authority is responsible for providing notice to the crime victim at numerous points during the criminal proceedings. The City Attorney's Office carefully tracks court proceedings and contacts victims by mail or orally to assure that it has complied with the Victims' Rights statute.

Request for Proposal Process

On July 6, 2004, the Minneapolis City Attorney's Office issued a Request for Proposal (RFP) for Crime Victim/Witness Liaison Services. The City Attorney's Office sought to meet three major goals through the RFP:

- Meet the City Attorney's Office obligations under the Minnesota Victims' Rights Law;
- Support prosecutions; and
- Meet the specialized communication and support needs of domestic assault victims.

The City Attorney asked for results-oriented proposals to address our obligations under the Victim's Rights Law while making a strong effort to contain costs. Responders were asked to provide proposed budgets and service delivery models for three alternative ways to provide liaison services: (1) current service level, (2) current service level for victims of domestic

violence and only the statutory requirements for general crime victims, and (3) the statutory minimum requirements for all crimes.

Responses to Request for Proposal

The City Attorney received three responses to its Request for Proposal. The responders were the Council on Crime and Justice (CCJ), the Domestic Abuse Project (DAP), and the Tubman Family Alliance. After the initial review of the proposals, the office concluded that the CCJ and DAP proposals were responsive to the RFP.

The Process

The City Attorney's Office adopted 2004-2008 Business Plan recognizes that financial savings from renegotiation of the office's lease might be needed to fund these services. In addition, funding for these services is required to be within the parameters of the Five Year Financial Plan. Because the renegotiation of the lease was concluded recently, the office is now able to bring closure to this process. In the interim, the City Council authorized in 3 different extensions to the City's current contract with the Council on Crime and Justice.

Because a significant amount of time had elapsed since the RFP responses were submitted, in October/November 2005 the Office met with the Council on Crime and Justice and the Domestic Abuse Project to review their proposals. Both responders then submitted updated information supplementing their initial RFP responses.

Recommendation

The City Attorney's Office recommends that the proper City officials be authorized to enter into a contract with the Council on Crime and Justice in a total amount not to exceed \$579,171 for the period January 1, 2006 through December 31, 2007 – a two year contract. There are sufficient funds in the proposed 2006 budget for this proposal.

The Council on Crime and Justice proposal would continue victim/witness services at the same level as has been provided in the past. The revised CCJ proposal recognizes that some "cost per case adjustment" could be included within a new contract to address declining general crime caseloads. The CCJ proposal is more expensive than DAP's proposal; however, CCJ proposes to provide more services and a higher level of staffing (6.4 FTE vs. 5.5 FTE).

We are recommending that the City enter into a new contract with the Council on Crime and Justice for the following reasons:

- First, because of the office's prior work with CCJ, there is a developed service structure in place, including an existing database. Changing vendors would necessarily involve certain transitional activities that we believe, in the initial months, would impact the quality of service provided.
- Second, based on a 2004 survey, the prosecutors in the Criminal Division have a high level of satisfaction with the services that the Council on Crime and Justice has provided in the past.
- Third, the evaluation of the RFP responses has led the office to believe that a more intensive review should occur to determine whether some, or all, of these services can be provided more efficiently and cost effectively with in-

house resources. Since the Prosecution Case Management System will be operational in 2006, a two-year contract will allow the office to collect one year's worth of data in 2006 and provide adequate time for analysis of this option in 2007. Because the office believes that an analysis of how these services should be provided in the future is essential, changing vendors at this point in time would be unnecessarily disruptive to meeting the needs of the victims and the office.

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