

CITY ATTORNEY

Mission Statement:

The mission of the City Attorney's Office (CAO) is to do justice, hold offenders accountable, enhance the public's sense of safety in their communities, and to deliver high quality, cost effective legal services that are responsive to the City's adopted policies, goals, and objectives.

Primary Businesses:

- Do justice, hold offenders accountable, and enhance the public's sense of safety in their communities.
- Deliver high quality, cost effective legal services that are responsive to the City's adopted policies, goals, and objectives.

Key Trends and Challenges Impacting the Department:

TRENDS IN PUBLIC SAFETY

The City Attorney's Office continues to enhance public safety through its three-prong strategy: (1) aggressive prosecution of livability crime; (2) proactive involvement in improving the criminal justice system; and (3) active collaboration with neighborhoods on community justice. The number of criminal cases prosecuted each year is declining. Criminal Division caseload for CY2003 was 35,393. In contrast, the Office handled 43,981 cases in CY2002, 44,970 cases in CY2001; 51,808 cases in CY2000, 55,027 cases in CY1999 and 63,887 cases in CY1998.

TRENDS IN CIVIL LEGAL SERVICES

The Civil Division CY2004 projected caseload is 869, a significant increase from 724 in CY2003 and 683 in CY2002. The increase is cause for concern, especially in light of the City's five-year financial plan. As the City Attorney's Office civil caseload increases, the ability of the Office to deliver timely non-litigation services may be impaired given the resources allocated to the Civil Division in the five-year financial plan.

SIGNIFICANT CHALLENGES

The following highlights the four major challenges facing the City Attorney's Office in 2004-2008:

1. Purchasing and Installing Effective Technological Systems in the Office

The Criminal Division's prosecution case management system is inadequate. Because the Division prosecutes a high volume of cases, the lack of an effective system impairs the Division's ability to effectively manage the caseload and the human resources in the Division. Further, the community expects access to information about active cases. Citizen access to this information is important for individual feelings of safety and for the public to have confidence in its criminal justice system. A fully functioning case management system that produces accessible information should result in our citizens being more willing to report crime, testify as witnesses, and be more active in their neighborhoods. Finally, without an adequate prosecution case management system, the City will not be able to connect to CriMNet, the state-wide integrated criminal justice system that is currently being developed and phased into criminal justice agencies and the Minnesota Court Information System (MNCIS).

2. Dedicating Stable Sources of Funding to Support Adequate Staffing in the Criminal Division

Since 1997, federal Local Law Enforcement Block grants (LLEBG) have been used to fund a number of positions in the Office's Criminal Division so that the Office could aggressively prosecute livability offenses in the City. Although the City has appropriately capitalized on the availability of federal grant

dollars to fund Criminal Division positions, federal block grant dollars are not a reliable long term source of funding and have been declining. The formula for awarding federal LLEBG grant dollars is based on the Part 1 crime rate, which has decreased in recent years. Accordingly, the amount the City receives through the federal grant also has decreased. Historically, there were 6 positions in the Criminal Division funded through federal LLEBG dollars. Effective October 1, 2004, the federal LLEBG allocation was reduced significantly and currently funds only 2 positions.

3. Implementing Cost Effective Ways to Meet our Obligations to Victims of Crime

For many years, the City Attorney's Office has provided crime victim/witness liaison services, including those services required by the Minnesota Victim's Rights Law. In recent years, the City has contracted with the Council on Crime and Justice (CCJ) to provide these services. Before the contract was awarded to the CCJ in 2001, the City Attorney's Office, with the assistance of the Human Resources Department and the Finance Department, conducted an extensive analysis of the alternatives for delivering these services. This analysis concluded that it was less expensive for an outside vendor to deliver the same level of services than if the services were provided by City employees. Accordingly, the City entered into a new contract with CCJ which is in effect from January 1, 2002 through December 31, 2004. The three-year cost to the City under this contract is \$862,604. This represents an increase of \$178,692 - a 26% increase over the earlier three-year contract which had a total cost of \$683,912.

4. Redesigning the Managerial and Supervisory Structure to Address "Span of Control" Problem

Effective organizational management dictates that each manager and supervisor have a reasonable number of direct reports to supervise. This principle is referred to as "span of control". Organizational management experts suggest that the effective "span of control" ranges for direct reports are from 5 to 12. In determining the appropriate number, factors that are considered include whether the work being performed is routine or complex, the qualifications and experience of the staff, and the motivations of the employees. The "span of control" for the support positions in the Office is adequate; the "span of control" for supervision of the Office's attorneys is inadequate. Based on the recommendations of a year-long workforce planning analysis, the Office, the Human Resources Department, and Century College collaborated to develop a "Team Leader Development Program" that will be completed before the end of 2004. The curriculum includes 12 workshops focusing on five goals:

- a. Understanding organizational alignment within the City of Minneapolis;
- b. Acquiring practical tools and techniques to turn potential conflict to positive teamwork;
- c. Knowledge of the nature of the team's work and its capabilities;
- d. Growth of individual's abilities to know, understand and apply standards for work quality;
- e. Team leaders leading team members to work produce work assignments in a timely, efficient and effective manner.

Key Initiatives or Other Models of Providing Service to be implemented in 2005

1. Litigate and contain the City's liability exposure by defending claims and lawsuits that result from the City's risk generating activities.
2. Minimize the City's liability by analyzing the Minneapolis Police Department's (MPD) key liability indicators from previous years, design a training curriculum to address the MPD's response to requests for services, and train identified MPD sworn and civilian personnel at scheduled in-service classes and at precinct roll calls.
3. Provide legal advice on the revision of the City Charter.
4. Support the City's elected officials and departments by providing high quality legal advice.
5. Support the work of the independent boards and commissions by providing high quality, cost effective written advice and legal services.

6. Assist the Ethical Practices Board in developing Board procedures and rules and implementing the City's new ethics ordinance.
7. Prosecute chronic offenders identified by the Minneapolis Police Department (MPD) and the City Attorney's Office by seeking significant jail time or other appropriate sanctions.
8. Enhance the Office's prosecution of perpetrators of domestic violence.
9. Design, acquire, install and implement a new prosecution case management system.
10. Continue nuisance night hearing pilot program for certain livability offenses committed in 1st precinct.
11. Continue collaboration with the Hennepin County District Court to operate a Mental Health Court that includes a strong focus on the impact of mental health issues on livability crime.
12. Continue the Community Attorney assignments in the First, Third and Fourth Police precincts and expand program to the Second and Fifth precincts.
13. Collaborate with the City's neighborhood restorative justice programs to address livability concerns.

OTHER MODELS OF PROVIDING SERVICES

1. Purchase insurance for civil liability matters.
2. Assess actual costs of defending civil litigation against the responsible department, including any judgments, attorney's fees and costs.
3. Charge non-departmental City functions for the actual costs of civil legal services.
4. Provide only victim/witness services required by State law.
5. Perform grant funded activities only to the extent of grant funding.
6. Increase offenses on the "payables list."

Primary Business: Deliver high quality, cost effective legal services that are responsive to the City's adopted policies, goals, and objectives

Description of Primary Business: The City Attorney's Office provides proactive legal advice and training to the Office's primary clients, the Mayor and City Council, to the City departments and independent boards and commissions and their staffs.

Key Performance Measures that are impacted by 2005 resources:

	2001 Actual	2002 Actual	2003 Actual	2004 Estimated	2005 Projected
Total liability payouts resulting from the City's risk generating activities	\$2,891,079	\$1,977,733	\$10,292,339 (Seigel, et al = \$8,250,752) \$2,041,587	\$3,250,000	\$2,125,000
Number of adverse matters open at year's end	697	683	624	869	912
Number of adverse matters closed during year	390	453	493	666	699
Increase by 5% number of adverse matters closed during year	47%	16%	8%	35%	5%
Develop training plan and curriculum and deliver training to MPD sworn and civilian personnel	3,187	518	835	806	846
Number of new assignments (non-litigation) opened during the year	1,265	945	908	1,171	1,272
Number of assignments (non-litigation) closed during year	1,153	1,153	878	1,120	1,176
Increase by 5% number of new assignments (non-litigation) closed during year	13%	0%	-24%	28%	5%
Percentage of City Council and committee meetings staffed	100%	100%	100%	100%	100%
Number of new assignments opened during the year for City's boards and commissions	117	156	170	108	113
Number of new assignments closed during the year for City's boards and commissions	109	151	157	192	201
Increase by 5% number of new assignments closed during the year for City's boards & commission	17%	39.5%	4%	35%	5%

Explanation of Key Performance Measures: The 5% standards are new performance measures for 2004-2008. They were added during the business planning process. The data for 2001-2003 were derived by applying the new performance measure.

Primary Business: Do justice, hold offenders accountable, and enhance the public's sense of safety in their communities

Description of Primary Business: The City Attorney's Office continues to enhance public safety through three service activity strategies:

- (1) Aggressively prosecute livability crimes that occur in the City of Minneapolis;
- (2) Continue proactive involvement in improving the criminal justice system;
- (3) Actively collaborate with neighborhoods on community justice.

Key Performance Measures that are impacted by 2005 resources:

	2001 Actual	2002 Actual	2003 Actual	2004 Estimated	2005 Projected
Percentage of chronic offenders identified by the Police Department and the City Attorney's Office that were prosecuted	100%	100%	100%	100%	100%
Percentage of chronic offenders who did not reoffend within 12 months	58%	58%	11%	66%	66%
Percentage of domestic violence cases resulting in a conviction	50%	53%	47.5%	50%	52%
Number of traffic cases sent to court from Violations Bureau	6,362	6,724	8,973	13,196	12,000
Maintain active involvement with the Criminal Justice Coordinating Committee	Attended all CJCC meetings; work related to CriMNet planning	Attended all CJCC meetings; worked on CriMNet implementation	Attended all CJCC meetings; continued work on CriMNet implementation; MNCIS	Attended all CJCC meetings; continued work on CriMNet implementation; MNCIS	Attended all CJCC meetings; continued work on CriMNet implementation; MNCIS
Participate in partnerships to improve the criminal justice system	Continued prescreening of all cases; continued participation in the "Minneapolis Impact Calendar" and Community Court and the Domestic Violence Court	Continued prescreening of all cases; continued participation in the "Minneapolis Impact Calendar" and Community Court, Domestic Violence Court, and the Mental Health Court	Continued prescreening of all cases; continued participation in the "Minneapolis Impact Calendar" and Comm. Court, Domestic Violence Court, Mental Health Court. Worked on a Livability Crimes Court	Continued prescreening of all cases; continued participation in the "Minneapolis Impact Calendar" and Comm. Court, Domestic Violence Court, Mental Health Court. Worked on a Livability Crimes Court	Continued prescreening of all cases; continued participation in the "Minneapolis Impact Calendar" and Comm. Court, Domestic Violence Court, Mental Health Court. Worked on a Livability Crimes Court
Number of cases referred to Central City Neighborhoods Partnership (CCNP) Restorative Justice Program	132	79	176	193	212
Number of cases referred to Midtown Restorative Justice Program	99	122	105	116	127
Increase by 10% expansion of neighborhood cases referred to restorative justice programs	47%	-30%	-13%	10%	10%
Number of community meetings attended by Community Attorneys	-	320	506	590	840
Number of individuals trained by Community Attorneys	-	320	1,126	1,827	2,741
Increase by 10% assistance to community in preparing community impact statements on cases of interest to the community	-	-	-	350	595

Financial Analysis:

EXPENDITURE

The City Attorney 2005 budget is 7% or \$762,000 higher than the 2004 Adopted Budget across all funds. Most of the increase is attributable to personnel costs, mainly healthcare, which was budgeted to increase by 19%.

The budget for this department includes \$553,000 in BIS charges calculated on a city-wide rate model and \$16,800 for benefits administration. These charges have been centrally budgeted in the past. Backing out these charges, the 2005 City Attorney's budget is \$10.5 million, a 1.9% increase over the 2004 Adopted Budget.

REVENUE

The City Attorney's revenue budget reflects an increase in state grant funding. Federal Grant Funding (LLBEG) is expected to decrease in 2005.

FUND ALLOCATION

The main funding sources for the City Attorney's Office are the General Fund (51%) and the Self-Insurance Fund (45%). The remaining 4% of funding is derived from the Federal Grants Fund and Other Grants Fund. The 2005 General Fund budget for the Attorney's office increases by 12% and the Self-Insurance Fund Budget increases by 4.5%.

MAYOR'S RECOMMENDED BUDGET

In the Criminal Division, the Mayor recommended a reduction of 2.13 positions as a result of reduced Local Law Enforcement Block Grant (LLEBG) funds and a 0.5 position reduction for the Hennepin County Attorney's office (Byrne grant). The Mayor recommended the addition of 2 Assistant Attorney positions and 1.5 positions funded through a Community Prosecution Grant. The Mayor reduced the department's budget by \$208,000 to keep it in line with the five-year financial direction. In the Civil Division, a reduction of 1 position is made in the Self-insurance fund. Added to the City Attorney's budget are operating costs of \$12,000 from the General Fund for the Ethical Practices Board. The Mayor also recommended reclassification of 2 Attorney positions to Paralegal positions. Further it was recommended that a temporary attorney position be continued through December 31, 2006 to perform legal duties in place of the attorney assigned to the Central Library.

ADOPTED BUDGET

The Council Adopted the Mayor's Recommendations and a one-time increase in the Attorney's budget by \$75,000 for alternative violence prevention strategies.

ATTORNEY Staffing Information

	2002 Adopted Budget	2003 Adopted Budget	2004 Adopted Budget	2005 Adopted Budget	% Change	% Change
FTE's by Division						
Criminal	63.83	60.96	57.63	58.50	1.51%	0.87
Civil	47.67	49.67	43.50	42.50	0.00%	-
Total FTE's	111.50	110.63	101.13	101.00	-0.13%	(0.13)

City Attorney

**Deputy City Attorney
Civil**

**Manager
Administration**

**Deputy City Attorney
Criminal**

Central Library
Project

Litigation
Team Leader

Client Services
Team Leader

Domestic Assault
Team Leader

Special Prosecutions
Team Leader

Charging/Screening
Team Leader

Trial Team A
Team Leader

Trial Team B
Team Leader

Risk Mgmt.

Public Safety

Regulatory Svcs/
Code Compl. Unit

CPED

Contracts/Opinions

Human
Resources

Environmental/
Transportation

**ATTORNEY
Expense Information**

	2002 Actual	2003 Actual	2004 Adopted Budget	2005 Adopted Budget	% Change	Change
General Fund - City						
Contractual Services	771,064	767,736	918,727	1,128,362	22.8%	209,635
Fringe Benefits	591,755	582,745	736,972	854,760	16.0%	117,788
Operating Costs	182,210	182,401	190,115	193,832	2.0%	3,717
Salaries and Wages	2,830,781	2,726,771	3,167,072	3,425,528	8.2%	258,456
Total for General Fund - City	4,375,810	4,259,653	5,012,886	5,602,482	11.8%	589,596
Internal Service Funds						
Contractual Services	599,296	490,493	750,746	731,034	-2.6%	-19,712
Fringe Benefits	626,772	682,236	716,833	856,372	19.5%	139,539
Operating Costs	165,223	158,802	55,208	142,315	157.8%	87,107
Salaries and Wages	2,873,578	2,937,295	3,250,624	3,256,643	0.2%	6,019
Total for Internal Service Funds	4,264,869	4,268,826	4,773,411	4,986,364	4.5%	212,953
Special Revenue Funds						
Contractual Services	29,203	6,000	0	0		0
Fringe Benefits	87,291	61,898	105,719	118,065	11.7%	12,346
Operating Costs	13,495	1,404	0	0		0
Salaries and Wages	428,620	264,279	390,481	337,458	-13.6%	-53,023
Total for Special Revenue Funds	558,609	333,581	496,200	455,523	-8.2%	-40,677
Total for ATTORNEY	9,199,287	8,862,060	10,282,497	11,044,369	7.4%	761,872

ATTORNEY
Revenue Information

	2002 Actual	2003 Actual	2004 Adopted Budget	2005 Adopted Budget	% Change	Change
General Fund - City						
Charges for Sales	0	0	0	0	0.0%	0
Charges for Service	15,163	20,215	17,000	17,000	0.0%	0
Other Misc Revenues	131	0	91,000	91,000	0.0%	0
Total for General Fund - City	15,293	20,215	108,000	108,000	0.0%	0
Internal Service Funds						
Charges for Service	282,162	285,799	297,278	297,278	0.0%	0
Other Misc Revenues	3,984	12,429	3,000	3,000	0.0%	0
Total for Internal Service Funds	286,146	298,228	300,278	300,278	0.0%	0
Special Revenue Funds						
Federal Government	94,950	-11,091	496,200	436,769	-12.0%	-59,431
Local Government	32,968	0	0	0	0.0%	0
State Government	-34,918	0	0	30,000	0.0%	30,000
Total for Special Revenue Funds	93,000	-11,091	496,200	466,769	-5.9%	-29,431
Total for ATTORNEY	394,439	307,352	904,478	875,047	-3.3%	-29,431