

ATTORNEY

MISSION

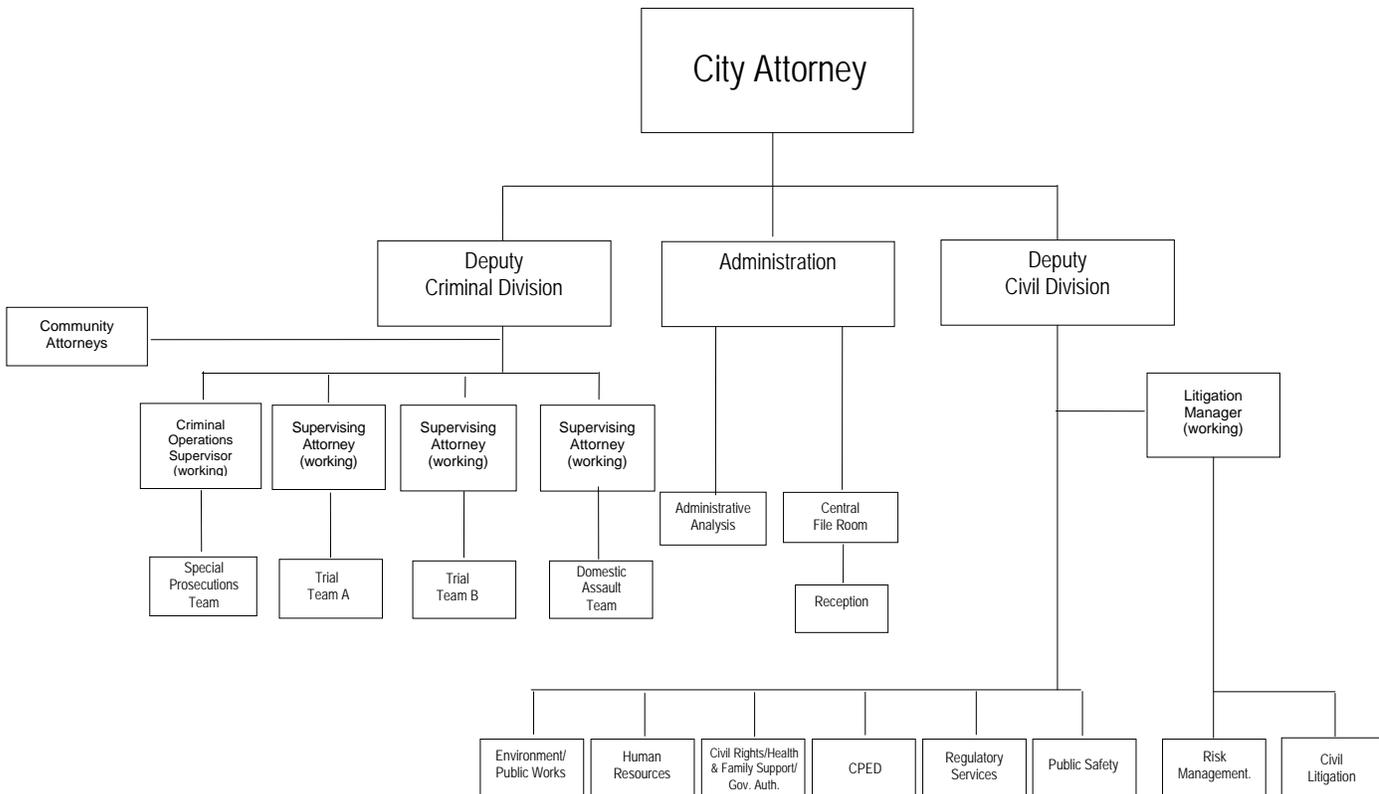
To enhance public safety, serve justice and vigorously represent the interests of the City of Minneapolis and its residents by holding criminal offenders accountable and delivering the highest quality, cost effective legal services.

BUSINESS LINES

The City Attorney's Office has two business lines:

- Enhancing public safety
- Delivering civil legal services

ORGANIZATION CHART



RESULTS MINNEAPOLIS MEASURES, DATA AND TARGETS TABLE							
Measure Name	2004 Data	2005 Data	2006 Data	2007 Data	2008 Data	2009 Target	2011 Target
Number of "Top 200" chronic offenders convicted	83	81	129	130	146	153	168
Conviction rate of domestic violence cases	48%	48%	58%	54%	61%	60%	60%
Percentage gross misdemeanor weapons cases charged by the City Attorney's Office that result in a conviction	N/A	N/A	86%	84%	82%	86%	95%
<i>Revised measure:</i> Percentage of convicted "Top 200" Chronic Offenders for whom community impact statements were solicited and presented	N/A	N/A	N/A	N/A	56%	60%	75%
Number of cases referred to neighborhood restorative justice programs	247	612	880	600 (Number was limited by capacity of providers)	687	650	730
Liability payouts resulting from certain of the City's risk generating activities	\$3,655,901	1,944,765	\$1,666,909	\$9,265,492* *includes Duy Ngo (\$4.5M) and Metro Produce (\$2.3M) settlements	\$1,330,938	\$2,400,000	\$1,500,000
Outside counsel costs	N/A	N/A	N/A	Litigation Matters: \$1,061,400* (*\$851,000 recovered in airport litigation) Non-litigation matters: \$345,140 Total: \$1,406,540 [Net: \$555,540]	\$689,303	\$800,000	\$500,000

What key trends and challenges does the department face and how will each be addressed?

Key Challenges:

- Maintaining an aggressive prosecution strategy in priority areas despite budget and staffing reductions throughout the criminal justice system, including the courts and public defender’s office.
- Maintain the progress made in the criminal division through the creation of supervising attorneys.
- Expand top chronic offender prosecution program by adding an intensive focus on livability crime on the West Broadway corridor in North Minneapolis and downtown Minneapolis.
- Manage the high quality of civil litigation and client services representation to minimize City legal liability despite potential reductions in attorney, paralegal and clerical staffing.

A. Criminal Division Trends and Challenges

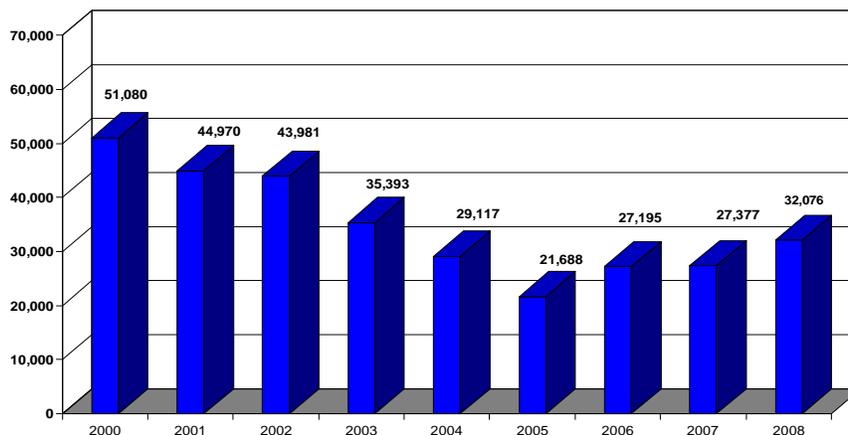
1. Caseload and Budgeted FTE’s

- 45% increase in caseload since 2005
- 32,000 criminal cases handled in 2008
- 3.2% decline in budgeted FTE’s since 2007

In 2008, the Criminal Division handled 32,000 cases, which represents an increase of 17% since 2007. Since 2005 (the low point in caseload over the last four years), the criminal caseload numbers have increased by over 45%. The budgeted number of FTE’s has declined by 3.2% between the 2007 adopted budget and the 2009 revised budget. In the past year we have also reduced the number of filled positions by three as a result of attrition. Since 2008, three FTE have left the Office from the Criminal Division. The positions have been left vacant in light of existing and anticipated future budget pressures.

The first quarter 2009 caseload numbers indicate a slight decrease from the first quarter of 2008 (a 4% decline in district court filings). It is difficult to predict whether the caseload numbers will continue at this slightly lower percentage through the balance of the year. Assuming that the caseload numbers hold constant at the 4% decline rate for the balance of the year, this will still represent a 40% increase in caseload since 2005 and a 12% increase since 2007, even with a decline in budgeted FTE’s and full staffing of the community attorney program.

Criminal Division Caseload 2000 through 2008



2. Supervising Attorneys

- Four newly created supervising attorney positions addressed “Span of Control” issue
- Supervising attorneys maximize employee consistency, accountability and productivity

With the additional funding provided in the original 2009 adopted budget, the CAO created four supervising attorney positions, filled through internal promotions. Before these positions, the deputy had 49 direct reports with no supervisory assistance in the criminal division except for one clerical supervisor. The supervisor to direct report ratio has now been reduced to no more than 12 team members per manager.

With the adjusted 2009 budget, the CAO was not able to backfill with two additional hires as originally planned so that the supervisors would carry only a half caseload, devoting the balance of their time to supervisory-related functions. Nevertheless, with the added oversight and increased organizational capacity created by the four working supervisor positions, a significant revision of the workload distribution has been achieved. This has allowed the new management structure to work even without hiring the two additional attorneys as previously planned.

Even though the supervisors have only been in place for a short period of time, it is clear that they are adding significant value and benefits, including: (1) the ability to monitor and evaluate individual performance of team members, resulting in improved consistency in handling of cases and attorney accountability, and improved developmental support and guidance for the attorneys and staff; (2) a more equitable distribution of caseloads and assignments allowing the office to maximize the productivity of individual team members and improve employee morale; and (3) earlier identification of issues and concerns both with regard to criminal cases and personnel issues, allowing for immediate feedback and constructive action, responding to matters quickly and efficiently before a small issue develops into a large problem.

3. Community Attorney Program

- Maintained full staffing of Community Attorney program (1 attorney / 1 paralegal per precinct) despite budget reduction in adjusted 2009 budget for criminal division.

In 2008, full staffing of the community attorney program was completed by assigning a paralegal to the 5th precinct so that each of the five precincts was assigned a prosecutor and paralegal. We intend to maintain these staffing levels throughout 2009. With the new supervisory structure in the criminal division, the workload has been reviewed and additional caseload responsibilities have been assigned to the community attorneys. These changes have been designed with the department's mission in mind. For example, the community attorneys and chronic offender team are now exclusively responsible for handling the arraignment calendar in community court which maintains contact between the livability offenders and the community attorneys. Similarly, graffiti cases are now handled by community attorneys and paralegals for the precinct where the graffiti case took place, instead of assigning the cases to a trial team attorney.¹

Depending on the 2010 budget for the criminal division, community attorneys and paralegals may be to assigned additional duties. Consolidation of attorney and paralegal

¹ It should be noted that the community paralegals are also taking on additional responsibilities, from maintaining offender lists for court watch groups as Weed & Seed funding has ended, to maintaining data on geographic restrictions for chronic offenders for upload into the police squad computers, and lists of trespass offenders whose charges are eligible for enhancement to a gross misdemeanor.

positions may be necessary (reduced staffing) in order to handle the criminal division caseload.

The criminal division caseload per attorney remains well above the ABA recommended levels even without any additional budget reductions projected for 2010.

4. Chronic Offender Prosecutions.

- 13% increase in the number of “Top 200” chronic offenders arrested and prosecuted.
- 88% conviction rate for “Top 200” chronic offenders
- Obtained average sanctions of 100 days per convicted offender
- One-third reduction in rate of recidivism

The Top 200 Chronic Offender list remains a critical component of our community prosecution strategy. The CAO achieved an 88% conviction rate for chronic offenders prosecuted during 2008 and obtained prosecution penalties of over 100 days per convicted offender. Most importantly, there was a reduction in the rate of new charges for one year following special prosecution of approximately one-third.

There is a significant demand to increase the size of the chronic offender list, particularly for the downtown area (the “Downtown 100” program) and for a specialized effort focused on the West Broadway business corridor in North Minneapolis (the “West Broadway 20”). The Downtown 100 program would require additional full-time attorneys and paralegals as well as a probation officer. CAO has applied for and will continue to seek external grants or other funds for the Downtown 100 initiative

5. Domestic Violence

- Exceeded 2008 conviction rate goal by 8%
- Increased conviction rate in 5th precinct domestic cases by over 40% through evidence gathering pilot program
- Successfully completed 5th precinct pilot and roll-out of protocol to 3rd precinct; with roll-out to the balance of the precincts in the process of being implemented with MPD

Aggressive prosecution of domestic violence matters continues to be a key priority for the office. CAO provides greater resources for these prosecutions including victim witness services. CAO has worked with the Hennepin County District Court to obtain a commitment to continuing the specialty domestic violence misdemeanor court despite the budgetary pressures being placed on the court system.

The 5th Precinct enhanced evidence gathering protocol was so successful that it is being implemented city-wide. The pilot involves having the responding officers to a domestic violence call go through a protocol to gather more thorough evidence at the scene, for example, by taking photographs, having the victim write down injuries, taking Mirandized video statements of suspects at the scene, using squad video cameras and other measures. The CAO trained the 5th precinct officers on the protocol and provided feedback to the officers on the evidence gathered and reports written for each domestic violence call.

The results of the pilot showed the following improved outcomes for the first year of the pilot compared to the previous year:

- 40% increase in conviction rate
- 43% increase in guilty pleas to the crime as charged instead of a lesser offense
- 43% decrease in the numbers of cases dismissed

The pilot has been expanded to the 3rd precinct and should be implemented city-wide by the end of 2009.

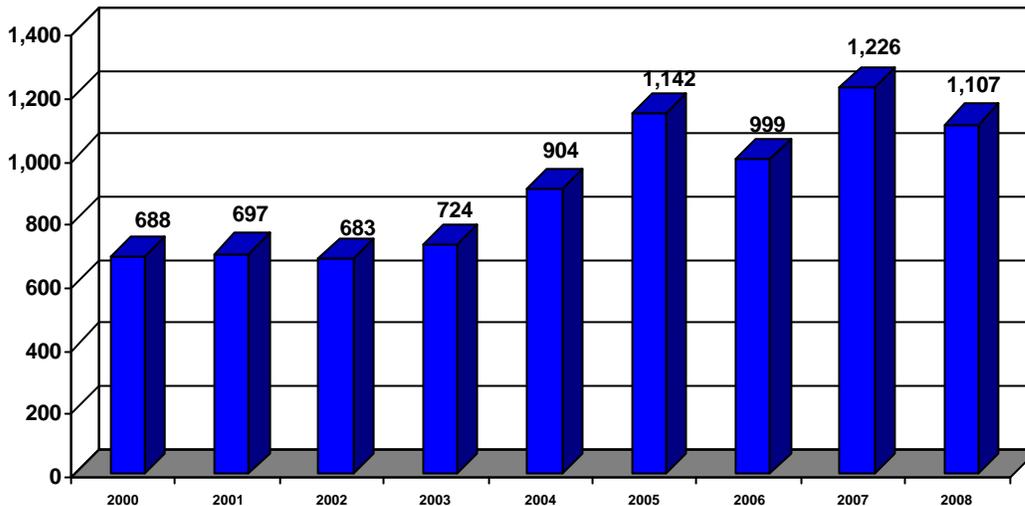
6. **Grant Funding.** The CAO has received funding through two federal grant programs:
Byrne Memorial Justice Assistance Formula Grant
 This grant funds two prosecutor positions, used to help fund community attorney positions. It is hoped that funding will continue to be made available for this purpose. The loss of this funding would create a budget deficit of \$200,000.

Grants to Encourage Arrest Policies (Violence Against Women Act)
 The current grant funds one attorney to provide guidance to the MPD Family Violence Unit (FVU). The current grant ends this year. A new grant application has been submitted. If the grant request is not funded, this will eliminate funding for the FVU attorney position, a valued resource for the family violence unit investigators.

B. Civil Division Trends and Challenges

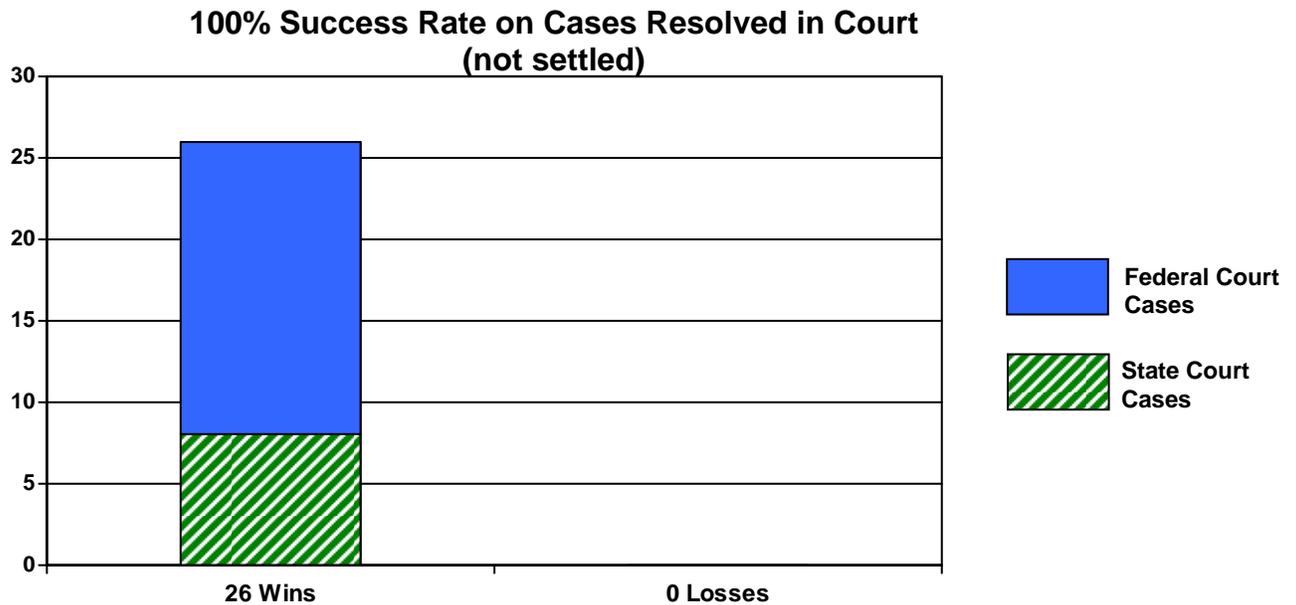
1. **Civil Division Workload.** The workload in the Civil Division remains heavy, with many significant matters both in client services and litigation. We do not anticipate any reduction in the volume of litigation matters or client services needs.

Civil Litigation Matters 2000 through 2008



2. **Litigation Manager Position**
 To ease the “span of control” problem in the civil division and to improve oversight, training and risk management capacity for the litigation team, we created a litigation manager position. The position was filled through an internal promotion in May 2009. Due to current budget pressures, no additional FTE’s were added to the litigation team to backfill for the manager position. Nevertheless, the existence of this position will help the CAO achieve its goals with respect to managing and reducing potential for civil litigation liability.

3. Civil Division 2008 Accomplishments and Highlights



- Civil Division attorneys brought a successful tenant remedies act lawsuit against TJ Waconia a company involved in a large scale mortgage fraud/flipping scam in conjunction with neighborhood organizations;
- Civil Division attorneys had significant involvement in the Instant Runoff Voting (IRV) implementation, including drafting IRV ordinances, providing legal advice and handling litigation challenging IRV;
- Provided significant legal assistance as a participant in a public-private working group to establish the Downtown Business Improvement Special Service District (DID); and
- Provided legal advice, assistance and training to numerous City departments and its independent boards and commissions, including personnel-related matters, drafting ordinances, advising Regulatory Services, training police officers, elected officials and other City employees, and including such topics as police misconduct, sexual harassment, the City's Ethics Code, the Open Meeting Law, and the State's Data Practices Act;

C. Actions taken to Increase Efficiencies and Reduce Costs

Over the past year, the City Attorney's Office has undertaken a number of steps to increase efficiencies and reduce costs. Examples include the following:

- Significant reduction in BIS assets, for both printers and PC's with a reduction in BIS charges that is sufficient to fund the BIS rate increases for 2010.
- Business Process Improvement analysis of crime victim services; result of project will allow efficiencies, freeing up time of advocates;
- Business Process Improvement of file room is in process and will hopefully yield greater efficiencies;
- Increased use of "work study" law students from the University of Minnesota as law clerks. This program reduces the wage costs to the office because part of the wages are paid by the University.
- Collaborated with Hennepin County District Court and Public Defender's Office to reorganize misdemeanor arraignment calendars to balance the calendars throughout the

day to ease staffing pressures in the mornings. The court will be implementing this change within the next year as part of a broader reorganization that will block cases to a particular judges and teams assigned at the pretrial conference.

D. Budget Facts

- Personnel costs represent 73% of the CAO budget.
 - We do not anticipate any retirements or resignations over the next year.
 - Vacancies are used to fund law clerk positions in an amount of \$115,000 for 2009; there is not a separate line in the budget for these positions. Law clerks are cost effective. In the criminal division, for example, they appear in court, teamed with a prosecutor, handling plea negotiations. Instead of staffing with two prosecutors, calendars are staffed with one prosecutor and one law clerk.
- Hennepin County (workhouse) billings, BIS charges and statutorily-mandated crime victim services account for 60% of the CAO's non-personnel costs.

E. Budget Challenges

1. Increase in Salary Costs/ Budget Adjustments Required by 2010 CSL:

- Increases in salary and fringe benefits above budgeted amounts require a reduction of over \$350,000 from the CAO budget to meet the 2010 CSL.

The salary and fringe benefit lines projected for 2010 have increased by 6% (salary) and 10.8% (fringe) in the Criminal Division, an increase of \$232,663 (salary) and \$113,007 (fringe), and 12.5% (salary) and 11.5% (fringe) in the Civil Division, an increase of \$420,604 (salary) and \$122,051 (fringe). This increase in salary and fringe benefit costs requires the CAO to cut \$351,298 from its budget lines just to come within the budget cap for both divisions. We propose to do this as follows:

- a. Criminal Division: To meet the \$46,000 required reduction, we would propose to reduce the funding for restorative justice from \$78,642 to \$32,642.
- b. Civil Division: To meet the \$305,298 required reduction, we propose elimination of two vacant attorney positions and a .5 vacant clerical position.

2. Criminal Division: 2009 Adjusted Budget.

Reduced the criminal division budget by \$330,000 and the elimination of 4.5 criminal division FTE's.

In what internal/external partnerships is the department currently engaged and/or exploring for the future?

The office has historically been engaged in numerous partnerships (both internal and external) as a means of improving our work. Some of these examples are listed below. In addition, more recently, the office has participated with other City departments such as BIS and the City Coordinator's office to explore the most effective and efficient ways of performing some of our regular tasks, such as providing victim-witness services, the file room function, and technology functions.

With respect to external partnerships, the office is engaged in the following:

Group/Partnership	Purpose
Numerous neighborhood groups/associations	Through the Community Attorney program, we participate in neighborhood and ward care meetings to inform and educate the community about issues with which it is concerned.

Group/Partnership	Purpose
Court Watch groups	Brings community members, police, prosecutors and others together to increase awareness of crime and to promote appropriate resolution of cases.
Restorative Justice programs	Where appropriate, offenders face the community and repair damage they have done to the community as prescribed by the RJ program.
Hennepin County Criminal Justice Coordinating Committee (CJCC)	City and County policymakers meet to discuss issues and initiatives requiring cooperation across jurisdictional lines and part of the criminal justice system.
4 th Judicial District Violations Bureau	Delegation of authority to Violations Bureau to resolve certain lower level offenses.
Community Court, Domestic Violence Court, DWI Court, Mental Health Court	Specialty courts established to focus on categories of offenses needing special focus or attention.
Numerous criminal justice partner groups formed around domestic violence issues	Focus on domestic violence issues to reduce incidence of DV and to ensure safety of victims of DV
The CAO also maintains attorney liaisons to Metro Transit police, Park police, U of M police, Sheriff's department, State Patrol, MADD and PRIDE	Assist with criminal justice issues
Downtown SafeZone	Public and private partnership established to make downtown safe and welcoming for those who work, live or visit downtown
St. Stephens' Homeless Outreach Team	Work with St. Stephens' outreach effort to address housing and other needs of chronic offenders, in order to reduce incidence of offense.

How is the department evaluating programs or services for cost effectiveness?

CAO evaluates the effectiveness of our criminal operations through the Results Minneapolis measures as well as internal reviews. We are analyzing the chronic offender special prosecution program to determine the impact on recidivism. Other programs, DWI and Mental Health courts are also reviewed for effectiveness through Results Minneapolis and internal reviews.

Conviction rates and sanctions obtained in cases are also reviewed. However, it is important not to rely solely on conviction rate data because we need to maintain an aggressive prosecution posture in appropriate cases which will result in certain cases being lost at trial. The willingness to try cases instead of settling is important to the integrity of our prosecution efforts and to being able to obtain appropriate plea bargains in other cases.

A Business Process Improvement review of crime victim services is complete and CAO is in the process of engaging in such a review of our file room operations.

In the Civil Division, employee productivity and outside counsel costs are reviewed, and settlements and judgment numbers are tracked. A survey this summer involving in-person

meetings with client leaders will assess client needs, satisfaction with our legal service delivery, ways to improve service, provide more client value and increase effectiveness and efficiency.

What actions will the department take to meet the current financial projections (5% reduction in all funds)?

CRIMINAL DIVISION

5% Reduction: \$401,671

To achieve this reduction, we would propose the following:

- Eliminate all remaining vacant positions:
 - 1 attorney position
- Eliminate 2 filled paralegal positions
- Eliminate .75 FTE of a filled attorney position
- Eliminate balance of funding (\$32,642) for restorative justice grants²

The impact of these cuts would:

1. Eliminate funding for law clerks
2. Require consolidation of community attorney and paralegal activities among the remaining 4.25 community attorneys and 3 community paralegals (See budget memo for a more detailed description).
3. Reduce financial resources for restorative justice providers

CIVIL DIVISION (Self Insurance Fund)

5% Reduction: \$312,395

- Eliminate 2.5 vacant attorney positions (2 ACAI's/.5 ACAI).

The impact of these cuts would:

1. Eliminate ability to hire law clerks
2. Eliminate opportunity to implement a supervisor structure in the Civil division (See Budget memo for more detail)

FINANCIAL ANALYSIS

EXPENDITURE

The department's 2010 budget is \$14.4 million, a 6.7% or \$903,000 over the 2009 revised budget. There are 102 positions in the department. Personnel are 73% of the total department budget. The department's contractual expenses are 25% of its budget. The Ethical Practices Board is fully funded (\$13,000).

REVENUE

The expenditure and revenue information does not reflect the total amount of revenue because a significant portion of revenue is shared with the police department. This shared revenue is from the Justice Assistance Grants (JAG) and Grants to Assist Arrests. Some expense from the grant is also shared.

FUND ALLOCATION

The primary funding sources for the department are the general fund (54%) and the self-insurance fund (42%). The remaining 4% is derived from the federal, state or other grant funds. The 2010 general fund budget for the department increases by 3.2%, the self-insurance fund budget increases by 8.5%, and the special revenue fund budget increases by 43%.

² While our Office is supportive of restorative justice, the program does not significantly impact our workload and therefore we are placing decisions about continued funding for restorative justice with the policy makers.

ORIGINAL BUDGET: The department eliminated 2 FTE to meet the financial direction. The Mayor recommended a reduction of \$250,000 in the criminal division, including the elimination of 2 positions and the balance of funding for restorative justice grants. The Mayor further recommended a reduction of \$125,000 from the current service level in the civil division, including the reduction of two and one half positions. Council approved the Mayor's recommendations, and directed that CDBG funding for Restorative Justice programs be increased by \$20,000.

The budget for this department includes a reduction of BIS charges of \$67,400 due to the Council's actions to reduce the BIS budget, which will reduce the department's appropriation by the same amount. The budget for this department also includes a \$1,803 increase to General Fund Overhead charges in the Self Insurance Fund and a \$1,419 decrease in appropriation in the General Fund to fund two internal audit positions.

MAYOR'S REVISED BUDGET: The Mayor recommended a reduction of \$69,000. The City Attorney's Office will meet this reduction through a combination of budgetary leave, business process improvements, and other non-personnel reductions. If these strategies are insufficient, the department will reduce a vacant position within the criminal division.

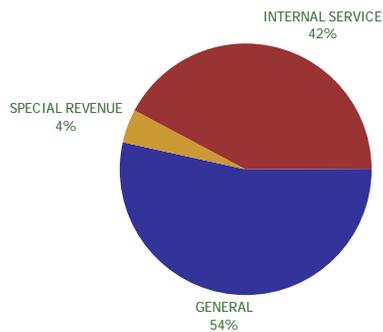
COUNCIL REVISED BUDGET: Council adopted the Mayor's recommendations.

ATTORNEY EXPENSE AND REVENUE INFORMATION

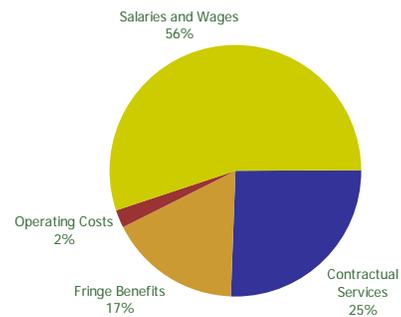
EXPENSE	2007 Actual	2008 Actual	2009 Revised Budget	2010 Revised Budget	Percent Change	Change
GENERAL						
Salaries and Wages	3,473,419	3,686,320	3,873,965	3,926,311	1.4%	52,347
Fringe Benefits	915,203	1,012,065	1,192,752	1,200,033	0.6%	7,282
Contractual Services	1,613,958	2,305,809	2,177,393	2,351,489	8.0%	174,096
Operating Costs	159,470	173,172	183,266	184,108	0.5%	842
TOTAL GENERAL	6,162,050	7,177,366	7,427,376	7,661,942	3.2%	234,566
SPECIAL REVENUE						
Salaries and Wages	274,407	293,344	339,306	475,707	40.2%	136,401
Fringe Benefits	66,078	74,943	108,662	143,700	32.2%	35,038
Contractual Services	0			20,000	0.0%	20,000
Operating Costs	0	8,300			0.0%	0
TOTAL SPECIAL REVENUE	340,485	376,587	447,968	639,407	42.7%	191,438
INTERNAL SERVICE						
Salaries and Wages	3,477,161	3,127,368	3,467,670	3,553,178	2.5%	85,508
Fringe Benefits	795,363	860,665	1,097,047	1,111,283	1.3%	14,235
Contractual Services	997,788	909,571	918,060	1,292,810	40.8%	374,750
Operating Costs	133,722	148,274	140,476	143,286	2.0%	2,809
TOTAL INTERNAL SERVICE	5,404,034	5,045,878	5,623,253	6,100,556	8.5%	477,302
TOTAL EXPENSE	11,906,569	12,599,831	13,498,598	14,401,904	6.7%	903,307

REVENUE	2007 Actual	2008 Actual	2009 Revised Budget	2010 Revised Budget	Percent Change	Change
GENERAL						
Charges for Service	9,603	8,390	17,000	10,000	-41.2%	(7,000)
Other Misc Revenues	48	(11,040)	3,000		-100.0%	(3,000)
TOTAL GENERAL	9,651	(2,650)	20,000	10,000	-50.0%	(10,000)
SPECIAL REVENUE						
Federal Government	309,418			81,407	0.0%	81,407
State Government	0	7,842			0.0%	0
TOTAL SPECIAL REVENUE	309,418	7,842		81,407	0.0%	81,407
INTERNAL SERVICE						
Charges for Service	1,506	106	20,000	20,000	0.0%	0
Other Misc Revenues	10,357	29,983	10,000	10,000	0.0%	0
TOTAL INTERNAL SERVICE	11,863	30,089	30,000	30,000	0.0%	0
TOTAL REVENUE	330,931	35,281	50,000	121,407	142.8%	71,407

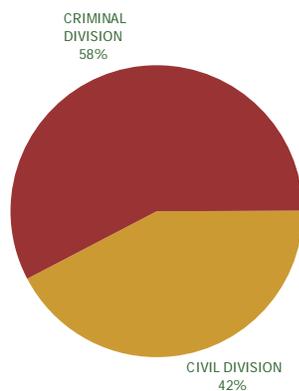
Expense by Fund



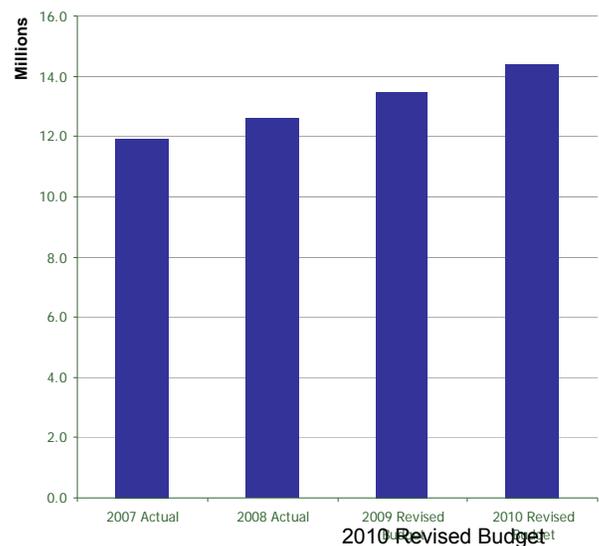
Expense by Category



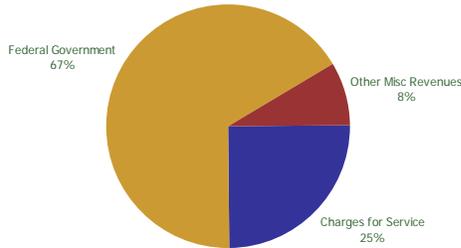
Expense by Division



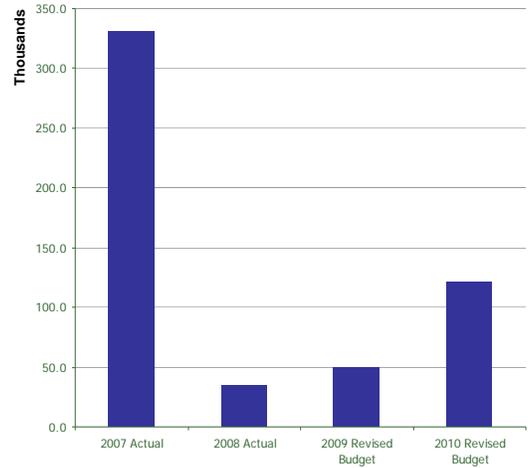
Expense 2007 - 2010



Direct Revenue by Type



Revenue 2007 - 2010

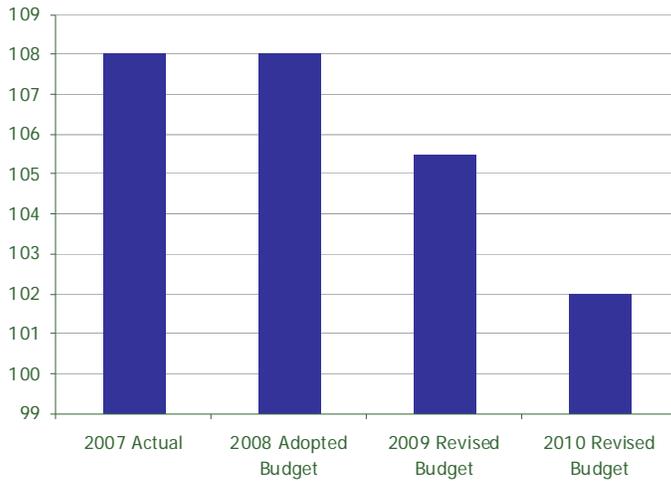


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Staffing Information

	2007 Actual	2008 Adopted Budget	2009 Revised Budget	2010 Revised Budget	% Change	Change
CIVIL DIVISION	45.00	45.00	44.50	41.50	-6.7%	(3)
CRIMINAL DIVISION	63.00	63.00	61.00	60.50	-0.8%	(1)
TOTAL	108.00	108.00	105.50	102.00	-3.3%	(4)

Positions 2007-2010



Positions by Division

