

Seattle City Council Select Budget Committee
 Proposed Budget Amendments | Wednesday, October 27, 2021

City Attorney's Office (LAW)

| CBA # | Title | Sponsor | Page |
|---------------|---|----------|------|
| LAW-001-A-001 | 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) | González | 2 |
| LAW-002-A-001 | Add \$267,000 GF and 4.0 FTE to LAW to fully staff and expand pre-filing diversion and cut a 1.0 FTE Strategic Adviser 3 position | Herbold | 4 |

2022 Seattle City Council Budget Action

Council Budget Action: Agenda

| Tab | Action | Option | Version |
|-----|--------|--------|---------|
| LAW | 001 | A | 001 |

Budget Action Title: 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)

Ongoing: Yes Has Budget Proviso: Yes

Has CIP Amendment: No Has Attachment: No

Primary Sponsor: Lorena González

Council Members: Lisa Herbold, Andrew Lewis

Staff Analyst: Asha Venkataraman

Council Bill or Resolution:

| Date | | Total | LH | TM | KS | AP | DJ | DS | AL | BC | LG |
|------|---------|-------|----|----|----|----|----|----|----|----|----|
| | Yes | 0 | | | | | | | | | |
| | No | 0 | | | | | | | | | |
| | Abstain | 0 | | | | | | | | | |
| | Absent | 0 | | | | | | | | | |

Summary of Dollar Effect

See the following pages for detailed technical information

| | 2022 Increase (Decrease) | 2023 Increase (Decrease) |
|------------------------------------|--------------------------|--------------------------|
| General Fund | | |
| General Fund Revenues | \$0 | |
| General Fund Expenditures | \$0 | |
| Net Balance Effect | \$0 | |
| Total Budget Balance Effect | \$0 | |

| | | | |
|-----|--------|--------|---------|
| Tab | Action | Option | Version |
| LAW | 001 | A | 001 |

Budget Action Description:

This Council Budget Action would impose three provisos on a total of \$1,753,859 GF in City Attorney's Office (LAW) to support pre-filing diversion (\$1,110,859), pre-trial diversion (\$250,000), and the Let Everyone Advance with Dignity (LEAD) program (\$393,000).

The Council also intends to consider legislation to codify pre-filing diversion, pre-trial diversion, and LEAD as part of LAW's duties in the Seattle Municipal Code. These programs are all currently supported through prosecutors and other staff in LAW as well as through contracts with community-based organizations partnering with LAW. However, because these programs are not required by ordinance, the City Attorney has the discretion to move funding away from the programs or discontinue staffing. Adding these programs as LAW duties in the Seattle Municipal Code would add permanence to these programs as efforts the City is committed to continuing. Central Staff is working to draft this legislation for the Council's consideration in early December.

This Council Budget Action would impose the following provisos:

"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."

"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."

Budget Action Transactions

| # | Transaction Description | Position Title | Number of Positions | FTE | Dept | BSL | Fund | Year | Revenue Amount | Expenditure Amount |
|---|-------------------------|----------------|---------------------|-----|------|-----|------|------|----------------|--------------------|
|---|-------------------------|----------------|---------------------|-----|------|-----|------|------|----------------|--------------------|

2022 Seattle City Council Budget Action

Council Budget Action: Agenda

| Tab | Action | Option | Version |
|-----|--------|--------|---------|
| LAW | 002 | A | 001 |

Budget Action Title: Add \$267,000 GF and 4.0 FTE to LAW to fully staff and expand pre-filing diversion and cut a 1.0 FTE Strategic Adviser 3 position

Ongoing: Yes Has Budget Proviso: No

Has CIP Amendment: No Has Attachment: No

Primary Sponsor: Lisa Herbold

Council Members: Andrew Lewis, Lorena González

Staff Analyst: Asha Venkataraman

Council Bill or Resolution:

| Date | | Total | LH | TM | KS | AP | DJ | DS | AL | BC | LG |
|------|---------|-------|----|----|----|----|----|----|----|----|----|
| | Yes | 0 | | | | | | | | | |
| | No | 0 | | | | | | | | | |
| | Abstain | 0 | | | | | | | | | |
| | Absent | 0 | | | | | | | | | |

Summary of Dollar Effect

See the following pages for detailed technical information

| | 2022 Increase (Decrease) | 2023 Increase (Decrease) |
|------------------------------------|--------------------------|--------------------------|
| General Fund | | |
| General Fund Revenues | \$0 | |
| General Fund Expenditures | \$267,172 | |
| Net Balance Effect | \$(267,172) | |
| Total Budget Balance Effect | \$(267,172) | |

Budget Action Description:

| Tab | Action | Option | Version |
|-----|--------|--------|---------|
| LAW | 002 | A | 001 |

This Council Budget Action (CBA) would: (1) add \$261,172 GF and 4.0 FTEs to fully staff the existing pre-filing diversion program and expand the program to include individuals 25 and older; and (2) abrogates 1.0 FTE Strategic Adviser 3 (SA3) in the City Attorney's Office (LAW). The four positions that would be added by this CBA include: one assistant city attorney, two assistant city prosecutors, and one management system analyst.

LAW began a pre-filing diversion program in 2017 for individuals between 18 and 24 who are accused of committing low level misdemeanors, partnering with the non-profit organization Choose 180. In 2018, it expanded pre-filing diversion to support relicensing for all individuals accused of Driving While License Suspended in the 3rd degree (DWLS3), partnering with the non-profit organization Legacy of Equality, Leadership, and Organizing (LELO). In 2021, it expanded pre-filing diversion for individuals between 18 and 24 accused of non-intimate partner/family domestic violence, partnering with the non-profit organization Gay City.

The Seattle Reentry Workgroup Report, issued in 2018, recommended expanding the use of pre-filing diversion to individuals aged 25 and older. The Council adopted Statement of Legislative Intent (SLI) CJ-24-A-2 in the 2020 Adopted Budget, which requested that LAW evaluate the staffing and resources that would be needed to expand diversion to individuals 25 and over. The Council also provided funding for LAW to conduct a Racial Equity Toolkit (RET) assessing the concept. The SLI response and RET indicated a need for adequately staffing the pre-filing diversion program.

The 2022 Proposed Budget includes \$247,490 to increase a part-time paralegal to full time and adds an SA3 position. LAW has indicated that if additional staffing is added to expand the existing program, it would no longer need the SA3 position. Instead, it estimates that it would require the four positions described above for this work.

The current lead prosecutor position oversees the work of this program. An additional assistant city attorney position would take over some of those responsibilities, oversee staff workload, manage the external contracts and deliverables, identify and update program goals, oversee data collection and management, and collaborate with stakeholders. This would allow the current lead prosecutor to focus on program implementation and training the two new prosecutors on case diversion. In addition, 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 two additional prosecutors would review and assess cases eligible for pre-filing diversion for the increased volume of cases to be diverted. The management systems analyst would manage programs and data currently done by each of the existing staff and help with reform and systems improvement work.

While this CBA does not include a proviso on these funds, CBA LAW-001-A-001 imposes a proviso on all funds related to pre-filing diversion.

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|-----|--------|--------|---------|
| Tab | Action | Option | Version |
| LAW | 002 | A | 001 |

Budget Action Transactions

| # | Transaction Description | Position Title | Number of Positions | FTE | Dept | BSL | Fund | Year | Revenue Amount | Expenditure Amount |
|---|-------------------------|-------------------------|---------------------|-----|-------------|------------------------------|----------------------|------|----------------|--------------------|
| 1 | Pocket Adjustments | | 0 | 0 | LAW - LW000 | LAW - BO-LW-J1500 - Criminal | 00100 - General Fund | 2022 | \$0 | \$267,172 |
| 2 | Pocket Adjustments | City Attorney,Asst | 1 | 1 | LAW - LW000 | LAW - BO-LW-J1500 - Criminal | 00100 - General Fund | 2022 | \$0 | \$0 |
| 3 | Pocket Adjustments | City Prosecutor,Asst-BU | 2 | 2 | LAW - LW000 | LAW - BO-LW-J1500 - Criminal | 00100 - General Fund | 2022 | \$0 | \$0 |
| 4 | Pocket Adjustments | Mgmt Sysys Anlyst | 1 | 1 | LAW - LW000 | LAW - BO-LW-J1500 - Criminal | 00100 - General Fund | 2022 | \$0 | \$0 |
| 5 | Pocket Adjustments | StratAdvsr3,Exempt | (1) | (1) | LAW - LW000 | LAW - BO-LW-J1500 - Criminal | 00100 - General Fund | 2022 | \$0 | \$0 |