

2025-2026 PROPOSED BUDGET POLICY CONSIDERATIONS PAPER

CITY ATTORNEY'S OFFICE / LAW DEPARTMENT (LAW)

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This paper highlights selected policy considerations related to the City Attorney's Office (LAW) 2025-2026 Proposed Budget. Considerations included here are not intended to be exhaustive and others may surface as Central Staff continues its analysis of the proposed budget. For more information about LAW's 2025-2026 Proposed Budget, please see the 2025-2026 Proposed Budget Overview Paper for this department.

Policy Considerations

1. Civil Division Attorney Staffing Reductions

LAW's 2025-2026 Proposed Budget unfunds (without abrogating) two Assistant City Attorneys in the Civil Division, one in the Employment Section and one in the Contracts/Utilities Section. These positions provide guidance and legal advice to departments and elected officials on matters related to employment and labor issues, and contracting and utilities, respectively. This proposed reduction would result in General Fund savings in LAW of \$434,000 in 2025 and \$458,000 in 2026.

Though there would be immediate cost savings generated by staffing reductions in the Civil Division, LAW believes that continued demand for the legal services these positions currently provide may necessitate the retention of private outside counsel by the city to provide advice and/or representation normally undertaken by Civil Division attorneys. Because billing rates for outside counsel are typically significantly higher than the effective rates of LAW attorneys, LAW has estimated that the proposed staffing reduction in the Civil Division may result in additional outside counsel legal services costs of up to \$1.8 million per year. (This estimate is consistent with LAW paying an average of \$450 per hour for the full-time work of two FTE.) Depending on the nature of the work, LAW can recover the cost of legal representation from non-General Fund sources, such as the Seattle Public Utilities, and Seattle City Light. Thus, these costs, whether paid to outside counsel or new City attorneys, would not necessarily be fully borne by the General Fund.

Options:

- A. Full restoration – To fully restore the Civil Division staffing to current levels, the Council would need to add \$434,000 in 2025 and \$458,000 in 2026.
- B. Partial restoration – The Council could choose to restore funding for one of the two Civil Division Assistant City Attorney positions, either in the Employment Section or the Contract/Utilities Section, at a cost of \$217,000 in 2025 and \$229,000 in 2026.
- C. No change.

2. Specialty Court Unit Prosecutor Reduction

LAW's 2025-2026 Proposed Budget unfunds (without abrogating) one Prosecutor from the Specialty Court Unit of the Criminal Division. This proposed reduction would result in General Fund savings in LAW of \$182,000 in 2025 and \$192,000 in 2026.

The Specialty Court Unit handles cases in Mental Health Court, Veteran's Treatment Court, and the Legal Intervention and Network of Care, as well as various non-criminal infractions and other violations. This unit also staffed Community Court cases prior to LAW's withdrawal from the agreement establishing this specialty court and its subsequent dissolution in 2023. LAW has stated that staff reductions to Prosecutors in this section of the Criminal Division will reduce timely response to criminal referrals and may reduce the ability to implement recently passed criminal justice legislation to the extent that it involves potential diversion opportunities in a Specialty Court.

Options:

- A. Restore funding to maintain current staffing in the Specialty Court Unit by adding \$182,000 in 2025 and \$192,000 in 2026.
- B. No change.

3. Implementation of Public Safety Policies

There may be additional costs to LAW and the Seattle Municipal Court (SMC) associated with ongoing implementation of public safety legislation and policy changes made by the Executive not currently included in the 2025-2026 Proposed Budget. Examples of recently passed Council public safety legislation that could generate additional staffing or other implementation costs include: Stay Out of Drug Area (SODA) Ordinance ([CB 120835](#)), Prostitution Loitering and Stay out of Areas of Prostitution (SOAP) Ordinance ([CB 120836](#)), and Illegal Racing Ordinance ([CB 120806](#)). Additionally, the City's expansion of jail capacity via the new Interlocal Agreement with the South County Correctional Entity (SCORE) to use jail beds at that facility (See [CB 120825](#)) and the [renegotiation of the King County Jail agreement](#) to increase booking capacity may also result in additional implementation costs not included in the 2025-2026 Proposed Budget.

a. Prosecutor Staffing

The creation of new criminal offenses, or expansion of authority to prosecute existing crimes, by recently passed legislation is likely to generate additional referrals to LAW by the Seattle Police Department. Without additional staffing resources, caseloads for Criminal Division attorneys and other staff are likely to increase as a result, which may create delays in the referral and prosecution process and/or reduced resources to devote to other types of cases. LAW has stated that the addition of a 1.0 FTE "Floating Prosecutor" in the Criminal Division at a cost of \$182,000 in 2025 would help address anticipated staffing needs related to the workload of this Division, in addition to the restoration of the Specialty Court Unit Prosecutor as discussed above.

b. Court Costs for Jail Expansion

SMC also anticipates additional costs associated with the implementation of Seattle's use of the SCORE jail that are not currently included in the 2025-2026 Proposed Budget. SMC has developed preliminary budget estimates for two implementation options: 1) transport of defendants from SCORE to SMC for hearings; 2) creation of a new judicial department at SMC to conduct virtual hearings for in-custody defendants at SCORE. Option one is estimated to add 3.0 FTE and cost an additional \$196,000 in 2025 and \$520,000 in 2026. Option two is estimated to add 11.0 FTE cost an additional \$584,000 in 2025 and \$1.7 million in 2026. The bulk of these cost estimates consist of additional staffing, and both options assume implementation in Q3 of 2025. Option two, establishing a new judicial department, would also require new legislation and amendments to relevant labor agreements with represented SMC employees. Though there is \$2.8 million in 2025 funding allocated to the implementation of the SCORE agreement included in the 2025-2026 Proposed Budget for Finance and Administrative Services, it is not clear what portion of these dollars, if any, may be available specifically for additional SMC costs. The Executive plans to include any additional costs related to the implementation of jail capacity expansion, for SMC and/or other City departments, in a future supplemental budget request once these costs are better understood.

Potential additional costs for LAW and SMC associated with the implementation of public safety policies described above but not included in the 2025-2026 Proposed Budget may be requested as part of a future mid-year supplemental budget request.

Options:

- A. Increase appropriations in the 2025-26 Proposed Budgets for LAW and/or SMC.
- B. No change in 2025-2026 Proposed Budget for LAW and/or SMC. Additional costs may be addressed during a future supplemental budget request.