

# City Attorney's Office

## 2023 Budget Presentation to the Saint Paul City Council

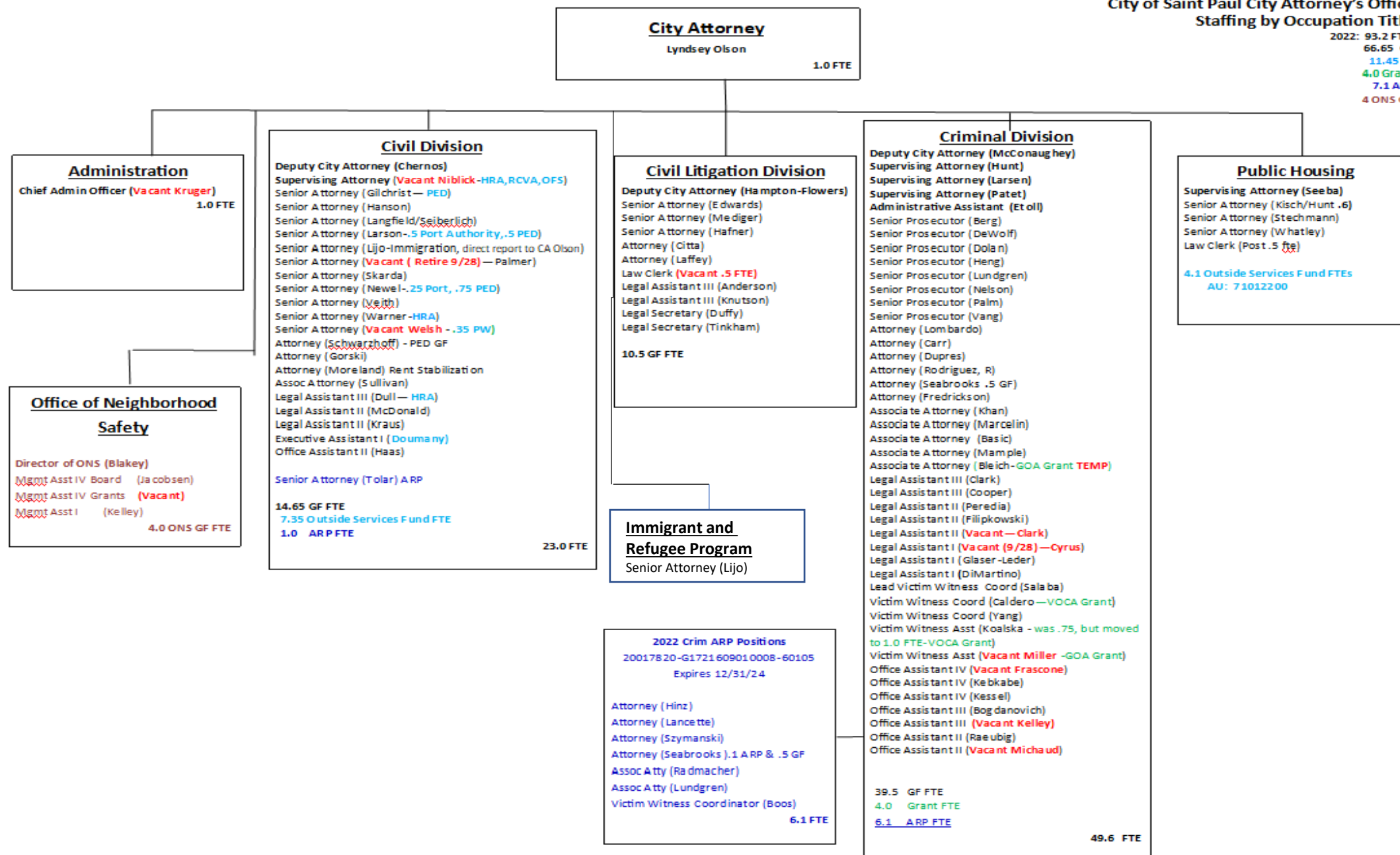
September 28, 2022  
City Attorney Lyndsey Olson



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# City of Saint Paul City Attorney's Office Staffing by Occupation Title

2022: 93.2 FTE:  
66.65 GF  
11.45 SF  
4.0 Grant  
7.1 ARP  
4 ONS GF



# Civil Division Significant Projects - 2022

ARPA Funding	Develop criteria, create process to evaluate proposals, establish federally compliant procedures and reporting processes, draft contracts and other documents and provide legal advice to city departments.	551 hours  (includes paralegal time)	Adam Niblick*  Siobhan Tolar  Deb Newel  Dan Gilchrist  Sarah Schwarzhoff
Liveability Initiatives	Skyway access, public art, trash removal, etc.	75	Therese Skarda  Stephen Earnest*
Homeless Unsheltered	Advise City on law related to clearing encampments, re-clearing encampments.	154	Therese Skarda  Sarah Sullivan  Judy Hanson

\*Attorneys no longer with our office – vacancies to be filled

# Civil Division Significant Projects - 2022

HR Policies	Vaccine mandate, telecommuting, return to work, other COVID-related policies.	605 hours	Ginger Palmer Gail Langfield Megan Hafner**
Highland Bridge	All legal advice related to development.	339 (includes paralegal time)	Eric Larson Adam Niblick Ian Welsh* Sarah Sullivan Peter Warner Dan Gilchrist Therese Skarda
Rent Stabilization		491	Asha Moreland David Gorski Ian Welsh Adam Niblick Stephen Earnest Megan Hafner** Kyle Citta**

\*Attorneys no longer with our office – vacancies to be filled

\*\*Civil Litigation Division attorneys

# Civil Division Significant Projects - 2022

COVID – Emergency Ordinances, Business support		70 hours	Therese Skarda Ian Welsh Adam Niblick
HUD Federal Funding Sources	Provide advice, draft and review contracts, policies and procedures and other documents, research and analyze issues related to federal funding sources and participate in HUD monitoring process	Over 400 hours	Deb Newel Eric Larson
PED/HRA – General	Acquisition and sale of properties, 4d program, district councils, review of policies and procedures and other general advice	277 (does not include paralegal time)	Deb Newel Eric Larson Dan Gilchrist
Central Station Redevelopment RFP and HAMMS Redevelopment RFP	Research, draft contracts, attend cross-functional meetings, site visit, RFP team participation and counsel	140 hours	Dan Gilchrist Adam Niblick Eric Larson

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City Attorney's Office  
Immigrant and Refugee Program - New Programs Commenced in 2022

**The Immigration Legal Defense Program** – The City entered a Joint Powers Agreement with Ramsey County in August 2022 to extend the program. Saint Paul's commitment for legal services is \$100K per year.

**Gateways for Growth** –In March 2022, Saint Paul received a G4G Implementation Technical Assistance grant which included 6 more months of technical assistance and a **\$15,000.00 cash award** for implementation of the recommendations from the Journey to Belonging Inclusion Plan.

**The Citizenship Encouragement Project** – The Project's mission is to increase citizenship among eligible U.S. Lawful Permanent Residents living in the Twin Cities. The Cities of Saint Paul and Minneapolis initiated a yearlong series of events to promote and encourage permanent residents to file for naturalization .

**The New American Loan Program** – This program was launched in September 2021. The CAO continues its work to market the program through appearances on radio, and other marketing events with Affinity Plus. A new media campaign began in September.

# Litigation Summary

- The Litigation Division defends the City, HRA and SPRWS against approximately 50 civil lawsuits each year, with many cases spanning 2-3 years.
- Fewer cases challenge the ministerial acts of City employees
- Current litigation trend reflects more challenges the legislative decisions, policies, and authority of the City and its elected officials
- Majority of staff time and payouts devoted to employment claims and challenges to City ordinances, programs and policies.
- In years with higher payouts, 65-77% of total payout amount is due to 2 or 3 cases



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# Settlements & Judgments Paid 2011 - 2021

2011	\$ 939,738
2012	\$ 1,376,531
2013	\$ 601,700
2014	\$ 1,947,411
2015	\$ 629,900
2016	\$ 830,285
2017	\$ 2,579,082
2018	\$ 1,086,924
2019	\$ 778,992
2020	\$ 185,750
2021	\$ 2,011,110
	<hr/>
<b>TOTAL:</b>	<b>\$12,967,423</b>



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# 2022 Settlements & Judgments

• Labor/Employment	433,250
• Constitutional Tort	99,087
• Negligence	28,250
• Auto Accidents	17,500
• Police Misconduct	5,000

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2022 Total to Date	637,337
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# 2022 Litigation Stats

- 32 Cases Currently Pending
  - 37% Labor/Employment; Police Misconduct; and Negligence
  - 31% Assessment Appeals
  - 15% Ordinance Challenges; Constitutional Torts
  - 15% Zoning; Land Use; Development
- 13 Cases Resolved
  - 46% Labor/Employment; Police Misconduct; and Negligence
  - 23% Ordinance Challenges; Constitutional Torts
  - 15% Auto Accidents
  - 15% Statutory Violations



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# Criminal Division Summary

- Criminal Division handles approximately 10,000 to 12,000 cases annually
  - Attorneys = 23 (5 ARP funded; expires 12.31.2024)
  - Legal Assistants = 8 (2 currently vacant)
  - Victim Witness Staff = 6 (3 grant funded; expires 9.30.2023; 1 ARP funded; expires 12.31.2024)
  - Office Assistants = 6 (2 currently vacant)
  - Supervisors = 5 (Deputy; 3 supervising attorneys; administrative assistant)



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# Update on Criminal Case Backlog

(Misdemeanor and Gross Misdemeanor Cases)

Saint Paul cases	May 2021	September 2021	September 2022
Misdemeanor & Gross Misdemeanor	Approximate 3100	Approximate 2900	Approximate 1900



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# SPPD and SPCAO Gun Diversion Pilot Program

- **A Rehabilitative Approach to Reduce Gun Possession Crime**
  - Began in May 2021; collaboration between SPPD and SPCAO
  - Goal: To keep low-level, non-violent gun offenders from re-entering the criminal justice system by offering them an alternative to conviction and sentencing.
  - This program creates an opportunity for early intervention in the lives of young, low-level, non-violent gun offenders who have recently become involved in the criminal justice system by offering them diversion, when appropriate.



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# Gun Diversion Pilot Program

## Case Totals as of August 31, 2022

(May 2021 – August 2022)

Number of total participants referred to gun diversion for law enforcement/prosecutor review: **106**

Number of participants approved for gun diversion = 18

Number of participants declined for gun diversion = 88\*



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# Increased referrals to ETHOS and Diversion

**E**ngaging community

**T**aking responsibility

**H**ealing

**O**vercoming obstacles

**S**ustainable solutions

# cases referred	2019	2020	2021	2022 (Jan – Aug)
ETHOS	20 (Sept – Dec)	58	112	139
DIVERSION	190 (Jan – Dec)	31	203	259

# ETHOS

**Edward Byrne Memorial Justice Assistance Grant (JAG),  
Bureau of Justice Assistance:** This grant is solely for  
ETHOS

- The current grant runs from October 1, 2021, through September 30, 2023.
- Total amount received = \$257,050
  - Current remaining grant funds = \$ \$235,340
  - Note: Current remaining CAO general fund for ETHOS = \$27,000

**REMAINING Available funds for ETHOS = \$262,340**



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# Criminal Division Projects

## Elevating Trust and Legitimacy for City Prosecutors

- Association of Prosecuting Attorneys (APA) and Yale Law School researchers; 24-month project (September 1, 2021 – August 31, 2023)
- Project is based on theory of procedural justice: evidence-based practice focusing on how police and other legal authorities interact with public and how perceptions of interactions shape views of criminal justice system.
- Assessing how CAO lawyers and staff interact with community.
- Supporting implementation of evidence-based practices that increase public trust
- Developing model for prosecutors' offices across the country
- Joyce Foundation provided \$50,000 to CAO to implement and grow our ETHOS gun diversion pilot program (University of Chicago Law providing research grant)

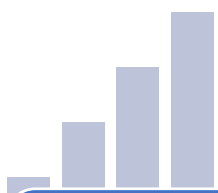


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## Strategic Pillars

In the inaugural year, ONS is guided by the following strategic pillars:



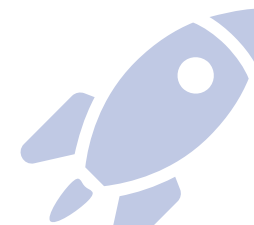
Strengthened  
and built on  
what's working  
well  
CFPS Framework



Continued  
accountability to  
the community



Implementation  
Plan for  
longevity with  
sustainable  
practices



Launched  
Project PEACE



## YEAR 1

- Onboarding of ONS Director (February 2022)
- Onboarding 2 of 3 ONS Staff- NSCC Manager and Office Administrator (June 2022)
- Renewing 1-Community Based Contract-Community Ambassadors (July 2022)
- **Attended** multiple district council meetings to discuss feedback on the office implementation and public safety more broadly (Ongoing)
- **Participation in Alternative Response Workgroup in Collaboration w/ Ramsey County (February 2022-Ongoing)**
- Coordination with optimal response teams. Beginning stages of piloting coordinated response with SPPD **and** Ramsey County (Ongoing)

# Highlights of 2023 proposed budget – additional personnel

- 2022 Adopted/Amended budget = 91.1 FTEs
- 2023 Proposed budget = 95.1 FTEs
- **Mid Cycle Adds:**
  - **1.0 FTE** (Legal Assistant 3 – Civil; PED). Not currently in 2022 budget; to be added via amendment in 2022/ technical change for 2023. This new position will support the work of the attorneys assigned to PED; PED will pay for this position.
  - **1.0 FTE** – convert Senior Prosecutor to Attorney and Associate Attorney
  - **1.0 FTE** (Attorney) for Rent Stabilization (added mid-year 2022 as an amendment to the 2022 adopted budget)
- **2023 Budget Asks: 2.0 FTEs** to ONS (Management Assistant 4 and Management Assistant 1). New positions to support the work of ONS as outreach staff.



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QUESTIONS?



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