

City Attorney's Office

2022 Budget Presentation to the Saint Paul City Council

October 20, 2021
City Attorney Lyndsey Olson



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Role of the City Attorney's Office

City Charter 5.02: "The city attorney shall represent the city in all causes in which the city is interested and shall have full and complete charge of the legal business of the city."

Who is our Client? The City as an entity is the client



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Confidentiality

City Attorney's Office Legal Opinions

2022 Overview

95% of CAO budget goes to salaries

\$9,545,052	61.65	General Fund FTE's plus the following additions:
	1.0	Attorney (Civil – PED)
	1.0	Program Administrator (Office of Neighborhood Safety)
	2.0	Management Assistant IV (Office of Neighborhood Safety)
	1.0	Management Assistant I (Office of Neighborhood Safety)
	1.0	Associate Attorney (Administrative Citations)
	1.0	Legal Assistant II (Administrative Citations)
	.5	Attorney (full-time starting 7/1/22 in Administrative Citations)
	1.0	Legal Assistant I (1 FTE Legal Asst III replaced with 2 FTE Legal Asst I)
	<u>1.0</u>	Legal Assistant I (1 FTE Legal Asst III replaced with 2 FTE Legal Asst I)
	71.15	Total General Fund FTE's
429,307		General Fund Service & Materials & other spending
626,190		Office of Neighborhood Safety Services
2,025,134	11.45	Central Svc Fund FTE's
186,860		Central Svc Fund Svcs, Materials and other spending
140,487	1.75	VOCA Grant FTE's and Other Grant Spending (Crime Victim Services)
186,435	2	GOA Grant FTE's and Other Grant Spending
161,050		2 year renewal (\$192,000 total) of Byrne/JAG Grant (ETHOS: supporting Dispute Resolution Center and training) plus expected \$65,050 carryover
<u>\$13,300,515</u>		Total



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Staffing summary of the department's FTE's in 2019, 2020, 2021, and proposed 2022.

CAO FTE Count History
(2019-2022)

Division	By Division and Fund	2019 Adopted	2020 Adopted	2021 Adopted	2022 Proposed	Notes for Proposed Add'l FTEs in 2022
Admin	Admin - General Fund	2	2	2	2	
Civil	Civil - General Fund					Administrative Citations: 1 Assoc Atty for Admin Citations .5 Atty for Admin Fines (starting 7/1/22) 1 Legal Asst II for Admin Citations PED 1 Atty for PED work
	Civil - Outside Svcs Special Fund	8.35	10.2	11.45	11.45	
	Civil - Neighborhood Safety					2 Management Assistant IV's 1 Program Manager (Director of ONS) 4 1 Management Assistant I
	Civil - ARP					1 1 Attorney
Litigation	Litigation - General Fund	10.5	10.5	10.5	10.5	
Criminal	Criminal - General Fund	35	37	36.5	38.5	
	Criminal - VOCA Grant	1.7	1.7	2	1.5	Renewed funding through 9/30/2023
	Criminal - GOA Grant	0	0	0	2	Funding through 9/30/2022
	Criminal (ARP)	0	0	0	6.5	5.5 Attorneys 1 Victim Witness Coordinator
Total FTEs:		71.2	74.8	75.1	93.6	

By Fund:	2019 Adopted	2020 Adopted	2021 Adopted	2022 Proposed	Accounting Unit
General Fund	61.15	62.9	61.65	67.15	10012100
Neighborhood Safety				4	2021: 20017820-G1721609010017 2022: 10012200
Outside Svcs Special Fund	8.35	10.2	11.45	11.45	71012200
Grants	1.7	1.7	2	3.5	VOCA: 20012800 GOA: 20012900
ARP	0	0	0	7.5	Civil: 20017820-G1721609010008 Crim: 20017820-G1721609010004
Total FTEs	71.2	74.8	75.1	93.6	



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Litigation Summary

2016-2020

Litigation wins averaged nearly 60%

No. of cases settled averaged approx. 40%

Litigation losses were at 1%

CAO rate of success on summary judgement and motions to dismiss over the last 5 years is 4 times the national average. National average of rates for granting these motions is 15 %

CAO rate of settlement for City cases is approx. 20% lower than national average for the last 4 years.

CAO's success rate on dismissals and summary judgements in favor of city on SPPD cases is 66% over the past 5 years

Number of police cases and payouts has declined dramatically since 2018



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Litigation Summary

2020 litigation payouts lowest in 11 years

Favorable decisions in 2021 are on track to exceed the national average

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Most resources and payouts devoted to cases involving auto accidents and police encounters

In years with higher payouts, 60-75% of total payout amount is due to 2 or 3 cases

Totals Paid for Settlements and Judgments 2006-2020

Year	Amount
2006	\$ 810,090
2007	\$ 47,750
2008	\$ 271,350
2009	\$ 159,500
2010	\$ 402,800
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
The 15-year total is:	\$12,647,803



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2021 Litigation Stats

- 35 Cases Pending
- 20 Cases Resolved
- 11 Dismissals/Favorable Decisions
- 7 Settlements
- 2 Judgments Against the City



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Civil Summary

Requests

1 General Fund FTE to increase service to PED/HRA

- There are currently 3.75 Attorney FTE's assigned to PED/HRA and one paralegal as support. The attorneys covering that work are not able to keep up with the work and are receiving daily pressure to meet deadlines. This is leading to significant issues related to stress and burnout. We are asking for 1 FTE attorney to add to this team to support PED/HRA.



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Civil Division Significant Projects – 2021

ARPA Funding	Develop criteria, create process to evaluate proposals, establish federally compliant procedures and reporting processes.	132 hours	Adam Niblick Siobhan Tolar Deb Newel Sarah Sullivan
Administrative Fines	Draft language, attend community meetings, draft language for procedures to impose fines, attend Charter Commission meetings.	319 Hours	Rachel Tierney Therese Skarda Siobhan Tolar
Homeless Unsheltered	Advise City on law related to clearing encampments, re-clearing encampments.	462 hours	Therese Skarda Rachel Tierney Sarah Sullivan Judy Hanson
HR Policies	Vaccine mandate, telecommuting, return to work, other COVID-related policies.		Ginger Palmer Gail Langfield
Ford	All legal advice related to development.	720 hours	Eric Larson Adam Niblick Ian Welsh Sarah Sullivan Peter Warner

Criminal Summary

ARP personnel (funding through
December 31, 2024)

Additional staff to address the backlog of criminal cases

- 5.5 FTE Attorneys
- 1.0 FTE Victim Witness Coordinator



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Current backlog of criminal cases (misdemeanor and gross misdemeanor):

	May 2021	September 17, 2021
Total Misdemeanors	6,265	4535
• Saint Paul cases	2,119	2065
• Suburban cases	4,146	2470
Total Gross Misdemeanors	2,093	1908
• Saint Paul cases	1,008	816
• Suburban cases	1,085	1092



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Grants

Crime Victim Services (VOCA) Grant (BJA/OJP):

- The current grant has been renewed for 2 years starting October 1, 2021. The grant runs from October 1, 2021 through September 30, 2023.
- The amount of the two-year grant is \$279,534.00.
- Pays for 1 Victim Witness Coordinator (1.0 FTE), 1 Victim Witness Assistant (.75 FTE), training, and limited funding for direct victim services/assistance.



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Grants

Gone on Arrival (GOA) Grant (BJA/OJP):

- This grant runs from October 1, 2020 through September 30, 2022.
- The amount of the two-year grant is \$334,412.00.
- Pays for 1 Associate Attorney/prosecutor (1.0 FTE), 1 Victim Witness Assistant (1.0 FTE), and limited funding for custom reports from our criminal case management system (PbK).



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Grants

Edward Byrne Memorial Justice Assistance Grant (JAG),

Bureau of Justice Assistance: This grant is solely for ETHOS

- The grant has been renewed for another 2-year period starting October 1, 2021.
- The current grant runs from October 1, 2021 through September 30, 2023. The total amount of this grant is \$192,000.



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Grants

Elevating Trust and Legitimacy for City Prosecutors

- Working with Association of Prosecuting Attorneys (APA) and Yale Law School researchers.
- 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 is providing \$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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Grants

New American Economy:

Grant of data analysis on immigrant and refugee communities in Saint Paul for use in planning rapid response to COVID-19 pandemic (valued at \$1,400).



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Due to the COVID pandemic, our referrals to ETHOS in 2020 and the first part of 2021 were significantly reduced. There was a significant increase in referrals to ETHOS in the last part of 2021 and we anticipate that referrals will continue to increase in 2022.

CAO met the 2021 reduction target by shifting 1.25 FTEs from the general fund to the PED special fund to avoid layoffs. If these FTEs are returned to the general fund, the CAO will face potential layoffs and reduction in services.



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New programs commenced in 2020 or 2021

- ETHOS- Gun Diversion pilot
- Welcoming St. Paul Immigrant and Refugee Program's New American Loan Program with Affinity Credit Union
- Office of Neighborhood Safety (Carter Administration Community First Public Safety Commission Report and Recommendations)



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ETHOS

Engaging community

Taking responsibility

Healing

Overcoming obstacles

Sustainable solutions



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Violence Reduction Based in Restorative Justice

- Engage with community, including representatives from same ward
- Identify and repair harm to victim, community, and self
- Agreements that address root causes and circumstances, identify meaningful options
- Dismissed and expunged upon successful completion of the program



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Agreements/Reconciliation Actions

- Agreements are extremely diverse and individualized
- The goal is to address four areas in every agreement (if needed):
 - Self-care
 - Mental health
 - Community service
 - Reflection/apology
- Pay restitution



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Recidivism

- 3% recidivism rate after 1 year (traditional response can be up to 40%)
- Similar programs in California have had approximately 6% recidivism rate
- Minnesota's overall three-year recidivism rate for traditional prosecution of criminal cases has ranged from 35-37% in recent years



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Feedback

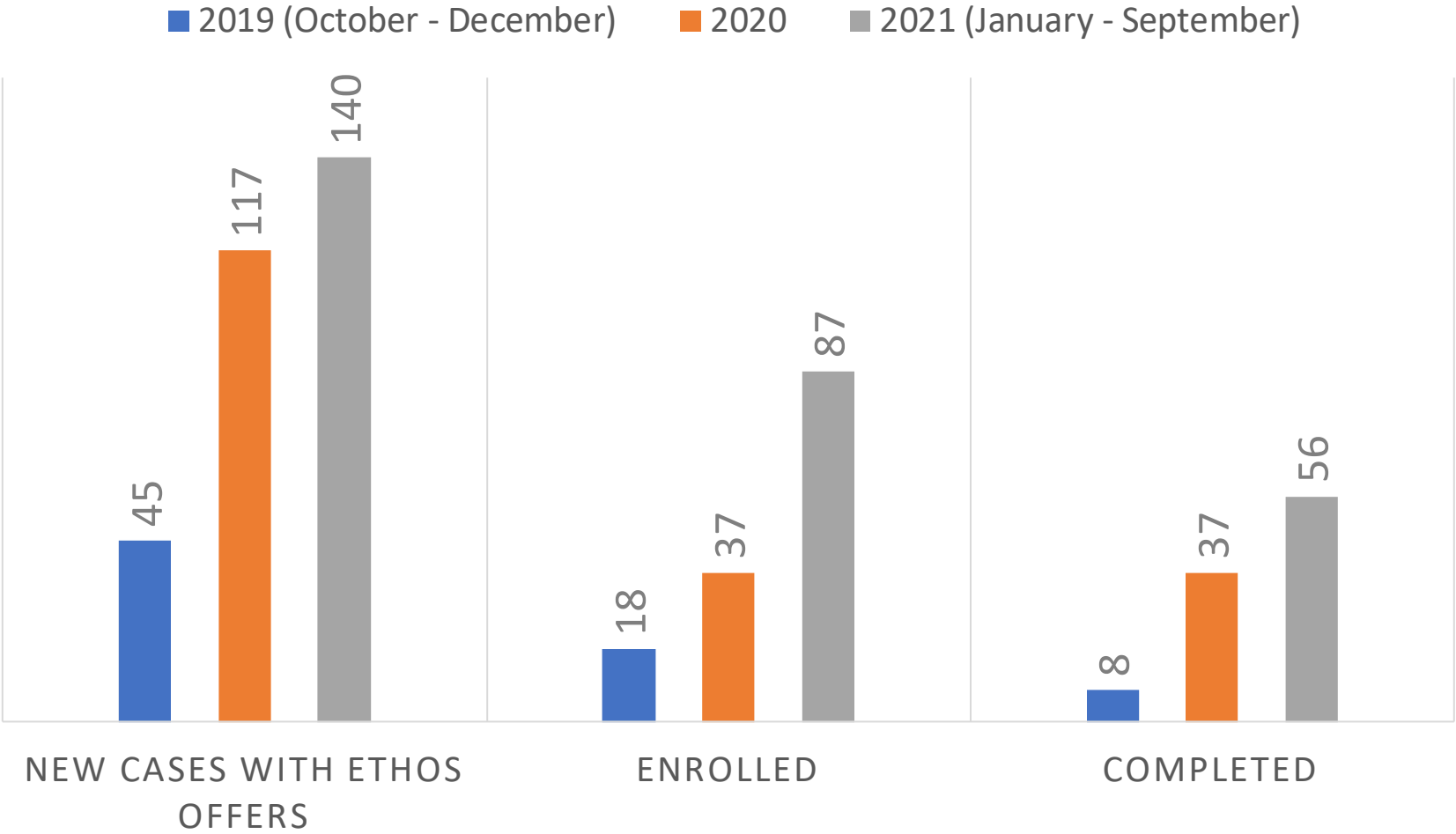
Participant:

- “I can’t think of any other step or program that is closer to what I believe justice is supposed to be. The circle members were empathetic, honest, real, and supportive; no aspect of it felt like punishment or made me feel ashamed or diminished. I sincerely hope ETHOS serves as a model for how so-called criminal justice functions in this state and beyond. I am extremely thankful for having been part of it.”



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On pace to more than triple the number of cases enrolled in 2021 compared to 2020



2021 ETHOS Spending

January 2021 – September 2021

General Funds: \$33,122

Grant Funds: \$7,150

These funds were paid out to the Dispute Resolution Center (DRC) for coordination of ETHOS circles and for interpreter services.

Note: Because of a transition in staffing at DRC and continued consequences of the pandemic, spending for the first half of the year was relatively low, averaging approximately \$2,800/month. That has increased in the last quarter, averaging approximately \$7,800/month, with September's expenditures coming in at \$12,474. We anticipate that ETHOS will continue to grow through the rest of 2021 and throughout 2022.



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ETHOS Gun Diversion- Restorative Justice

A Rehabilitative Approach to Reduce Gun Possession Crime

- Began in May 2021
- 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.
- 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 with ETHOS, when appropriate.
- Working with Association of Prosecuting Attorneys, the Joyce Foundation, and the University of Chicago researchers to conduct ongoing research and learn from colleagues across the country.



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Typical Offenses

Only misdemeanor and gross misdemeanor charges. SPCAO does not have jurisdiction over felonies.

- Possession of a Pistol without a Permit
- Negligent Storage of a Firearm
- Possession of Pistol Under the Influence
- Possession of Rifle, or Shotgun in a Public Place



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Eligibility

- Non-violent gun offense
- Offense occurred in St Paul
- Suspect is 18 years of age or older
- Misdemeanor to Gross Misdemeanor Crimes
- Non-violent background
- Willingness to participate in diversion
- SPCAO and SPPD agree on a candidate's eligibility



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Terms

- Acknowledgement of guilt.
 - The program wants offenders who admit the infraction and acknowledge that they would be convicted in court
- Knowing and voluntary waiver of right to challenge the case in traditional court
- Gun is destroyed
- Successful completion of diversion, including ETHOS component



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CAO Immigrant and Refugee Program's New American Loan Program

- Collaboration with Affinity Plus Federal Credit Union
- Provides no-interest loans to residents to pay for fees related to applications for naturalization or other immigration benefits
- Part of City's Citizen Encouragement Project



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Community First Public Safety Commission

More appropriate responders for each situation who can best assist those in need

Decriminalize behavior & response, particularly for people & communities of color

More efficient deployment of law enforcement; Reserve & focus police resources for where they are most needed

Focus on prevention and community safety

Improve systems & increase accessibility

Commissioner Recommendations for Office of Neighborhood Safety:

- 95% of commissioners recommended creating a city-staffed office focused on violence prevention.
- Commissioners recommended that the office:
 - focus on coordinating prevention efforts across the city and county;
 - be independent from the Saint Paul Police Department; and
 - empower community members (including by hiring Saint Paul residents who are impacted by violence).
- Recommendation for the ONS program focus was “Gun Violence” and “Youth Violence”, then “Group-Based Violence” and “Structural Violence.”



Office of Neighborhood Safety Scope

City of Saint Paul

- Lead the coordination of Community-First investments including violence prevention strategies and optimal response in close collaboration with our Department of Safety and Inspections, Saint Paul Police Department, Saint Paul Fire Department, and other Community-First Public Safety partners.
- Support the creation of a permanent CFPS Commission to engage community residents, local stakeholders, and public safety representatives to inform ongoing strategy development, as well as directing resources to impacted communities.
- Engage in research, data collection and analysis through participatory methods that engage residents and system stakeholders in the co-development of neighborhood assessments, alongside interventions that are responsive to the needs of our neighbors.



- ONS will be housed in the City Attorney's Office
- Alignment with community-based justice efforts in CAO including ETHOS, Community Justice Unit, Immigration Program, Community Prosecutor Program, and Gun Diversion
- The City Council approved \$25,000 in ARPA resources to hire an ONS Director prior to the final budget adoption at the end of the year; the ONS Director job posting is open until October 29th
<https://www.governmentjobs.com/careers/stpaul/jobs/3211616/office-of-neighborhood-safety-director?pagetype=jobOpportunitiesJobs>
- The ONS Director will help continue to build out the ONS scope, recruit/hire ONS staff and launch an ongoing CFPS Commission



Office of Neighborhood Safety Budget

City of Saint Paul

Allocations	FTEs	Unit Cost	Total Cost
CAO - Office of Neighborhood Safety			\$ 650,000
Program Administrator	1	\$ 164,724	\$ 164,724
Management Assistant IV	1	\$ 117,510	\$ 117,510
Management Assistant IV	1	\$ 117,510	\$ 117,510
Management Assistant I	1	\$ 79,828	\$ 79,828
Services and Materials			\$ 170,428
Fire/Service Providers – <i>Optimal response outreach team</i>			\$ 600,000
Total			\$ 1,250,000

Budget Neutral - Shift Community Ambassador Contract from Police to CAO-ONS

Add CAO - ONS GF Expense	\$ 455,760
Reduce Police GF Transfer	\$ (455,760)

QUESTIONS?



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