ATTORNEY

MISSION

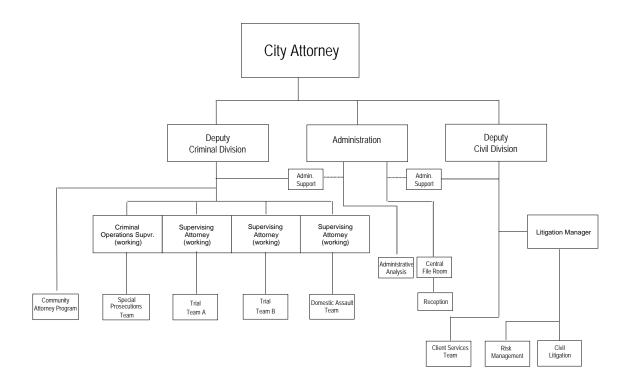
Our mission is to enhance public safety, serve justice and vigorously represent the interests of the City of Minneapolis and its residents by holding criminal offenders accountable and delivering the highest quality, cost effective legal services.

BUSINESS LINES

The City Attorney's Office has two business lines. They are:

- 1. Criminal Division: Prosecutes all adult misdemeanor, gross misdemeanor and petty misdemeanor crime in the City of Minneapolis.
- 2. Civil Division: Delivers legal services for City clients and provides litigation representation.

ORGANIZATION CHART



RESULTS MINNEAPOLIS CHARTS

RESULTS MINNEAPOLIS MEASURES, DATA AND TARGETS TABLE								
Measure Name	2004 Data	2005 Data	2006 Data	2007 Data	2008 Data	2009 Data	2010 Data (as of 6/30)	2011 Target
Number of "Top 200" chronic offenders convicted	83	81	129	130	146	136	88	168
Conviction rate of domestic violence cases	48%	48%	58%	54%	61%	66%	72%	70%
Percentage gross misdemeanor weapons cases charged by the City Attorney's Office that result in a conviction	N/A	N/A	86%	86%	84%	88%	100%	95%
Number of cases referred to neighborhood restorative justice programs	247	612	880	600 (Number was limited by capacity of providers)	687	526	187	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	\$1,424,138	\$1,500,000

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

A. Criminal Division Key Trends and Challenges

1. Improved Results: The division continues to achieve improved case results using tougher plea negotiation standards. The division has also increased the number of cases taken through trial, which is important to maintaining a healthy criminal justice system. The criminal division is obtaining an increasing number of geographic restrictions and enhanced trespass charges, along with other significant consequences in our chronic offender cases. Improved domestic violence results are noted below. Finally, the division is continuing to maintain a high conviction rate in our DWI cases despite the legal challenges to the intoxilyzer tests.

2. Increased Activities:

Chronic Offenders and Court Watch: The division is continually taking on additional work. For example, this year the division launched the Downtown 100 chronic offender initiative, which combines a dedicated prosecutor and a community probation officer to address downtown chronic offenders, in collaboration with the MPD, Downtown SafeZone and business, nonprofit and community partners. This initiative has been funded by a grant from the Minneapolis Downtown Improvement District.

A court watch program has been added on West Broadway, in addition to continuing our support for the Downtown Court Watch and four other court watch groups located in the 3rd and 5th precincts. (The Downtown Court Watch received an international community policing award last year).

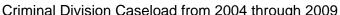
The division's Top Offender program has achieved a 51% reduction in recidivism by top offenders comparing the number of new cases in the year before top offender prosecution to the year after.

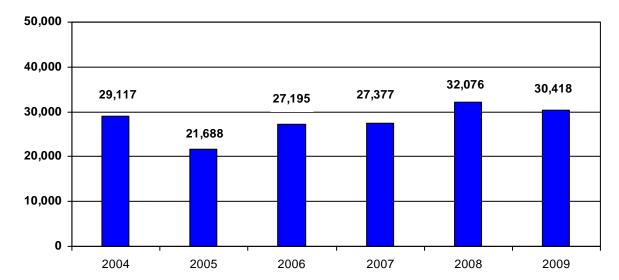
Domestic Violence Protocol: The division completed the training and roll-out of the domestic violence evidence gathering protocol to all MPD precincts. The roll-out involved training for all shifts at each of the police precincts and individualized feedback to officers on evidence gathered at domestic calls.

The division achieved a 72% conviction rate in domestic violence during the first half of 2010, increasing the conviction rate by 50% since 2005. This increase is in large part due to this successful initiative.

Additional Work Created by Budget Cuts of System Partners: As a result of budget reductions among other criminal justice system partners, the division is performing tasks previously undertaken by other system partners. For example, Hennepin County Community Corrections has stopped conducting restitution investigations for misdemeanor cases, requiring our Office to compile this information on behalf of victims.

- 3. Transition to Judge Blocking System: Beginning in September 2010, Hennepin County District Court is changing its criminal case calendaring system to a block system where all Minneapolis misdemeanor cases will be assigned to a judge on one of three teams of judges. This new system will require a more complicated scheduling system for attorneys, potentially requiring prosecutors to cover appearances in more courtrooms. While the expectation is that cases will ultimately be better managed by the court with the new system, we anticipate increased pressure on our staffing as a result.
- **4. Heavy Caseload:** The criminal division caseload has held relatively steady with a slight decline since 2008.





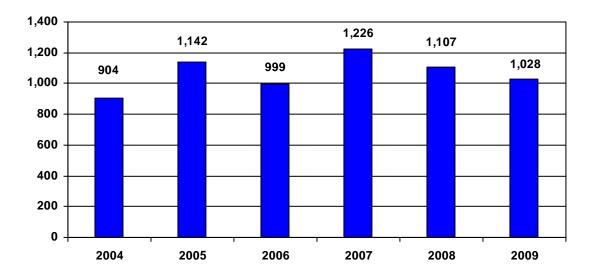
The caseload per criminal division attorney in 2009 was approximately 1,000 cases per attorney. The American Bar Association standards for public defenders handling misdemeanor cases recommend a caseload of 400 misdemeanor cases per year.

- 5. Impact of Prior Budget Adjustments: Since the Criminal Division is funded solely by the General Fund, the division has had several budget adjustments due to reductions in local government aid. The impact of those adjustments includes:
 - Loss of two criminal attorneys since 2008 through attrition who have not been replaced;
 - Loss of two paralegal positions from regular criminal division work, including elimination of a community paralegal position. (The 3rd and 5th precincts now share a paralegal, which reduces the efficiency of the community attorneys in both precincts);
 - Elimination of all vacant positions in the criminal division; and
 - Elimination of all paid criminal law clerks. (The department relies on volunteers).
- transferred to the CAO budget beginning in 2008. The formula for establishing the per diem charge for confinement in the ACF is set by state statute. While the CAO carefully reviews the County bills and is able to reduce the amount owed by thousands of dollars compared to the original invoices, the billings for the ACF have exceeded the budgeted amount for both of the last two years by \$164,000 and \$40,000, respectively. The CSL amount for this line item of our budget for 2011 is set at \$12,000 less than our 2009 actual ACF costs. The per diem rates were increased by the County for 2010 and we assume will be increased again for 2011. With budget reductions, the division cannot subsidize this line item through holding open a vacancy or other like means. The ACF billings represent 13% of the criminal division budget.

B. Civil Division Key Trends and Challenges

1. Workload: The amount and complexity of legal work and litigation has continued at a high level. The most recent Employee Survey results reflected strong civil division opinion that they are understaffed. This is a realistic assessment, particularly in litigation. Attorneys in the litigation section each handle a caseload of over 100 matters.





2. Impact of CSL Reduction and Budget Adjustment for 2010: The self insurance rate model for the 2010 civil division budget resulted in the need to reduce \$305,000 from the budget with an additional \$150,000 reduction in the 2010 final budget. This has resulted in the elimination of 3 civil division positions compared to last year. Any additional budget reductions in the civil division will leave the division unable to handle the present volume of work. An additional reduction would result in the need to increase use of outside counsel to assist with the litigation caseload at a greater cost to the city than maintaining in-house capacity.

C. Technology – Justice System Data System Integration

Technology changes within the legal/justice communities continues to be a significant trend; one which will continue. The Criminal Division is heavily reliant on information received through electronic integration with law enforcement agencies and the courts. As new integration projects are proposed, the office needs to identify funding to make internal system changes to support the external project. If the courts install an upgrade to one of their systems, BIS needs to be involved to manage any needed changes to our system. E-Discovery is a recent example of a more significant project initiated by the Hennepin Justice Integration Program (HJIP) that is being piloted between the City Attorney's Office and the Public Defender's Office to allow electronic submission of discovery requests and responses in criminal cases through the division case management system. Additional upgrades will need to be made to allow electronic transmission of all discovery. This has an estimated cost of \$370,000.

An upgrade to our Practice Manager system will be needed within the next two years at an estimated cost of \$75,000. This upgrade should result in additional efficiencies for staff, making data entry simpler and quicker.

Aside from these projects, the division experiences additional BIS charges to respond to upgrades or other changes being made by the courts or other criminal justice system partners with integrated systems.

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 its work.

Future Partnership – Negotiation Expertise: As a goal in the updated business plan, the CAO will develop a plan to improve negotiation skills not only within the office, but for client representatives.

Other internal partnerships include:

- Problem Properties/Foreclosure Issues: Partnership with Regulatory Services and CPED to address problem property and foreclosure-related issues
- Charter Plain Language Work Group: Staffed multi-department group reviewing the revised charter prepared by the Charter Commission

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

Group/Partnership	Purpose
Numerous neighborhood groups/associations	Through the Community Attorney program, the department participates in neighborhood and ward care meetings to inform and educate the community about issues with which it is concerned.
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; Implementation team for Veteran's 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. For example, effectiveness of our Chronic Offender Program is evaluated by the average number of new criminal cases for the Top 200 Chronic Offenders in the year before and the year after prosecution. The division has seen a 51% reduction in crime committed by the Top 200 in the year after prosecution. The division has also conducted a survey to measure the effectiveness of its community attorney program with neighborhood groups, the MPD and other groups served by the program. Conviction rates and sanctions obtained in cases are also reviewed.

A Business Process Improvement (BPI) review of crime victim services is complete and, as discussed below, the department is continuing to analyze alternatives to further reduce costs. The CAO is also engaged in a BPI review of file room operations.

In the Civil Division, employee productivity and outside counsel costs are reviewed, and settlements and judgment numbers are tracked. This spring the division met with client departments and surveyed client needs, satisfaction with legal service delivery, and ways that the division can improve service, provide more client value and increase effectiveness and efficiency.

What actions will the department take to meet the current service level reductions?

A. Criminal Division: \$113,000 cut to 2010 spending levels plus \$39,000 current service level reduction

The Criminal Division will meet the \$152,000 reduction through a reorganization of crime victim services function and budgetary leave. The crime victim services function has been outsourced for over a decade. Through the Business Process Improvement project conducted in 2009, the division has been able to reduce the personnel needed under that contract. However, inefficiencies remain because the contractor retains its own database and recordkeeping system so that it can comply with grant reporting requirements. In addition, the creation of the criminal supervising attorney positions last year means that supervisors can assume management of the victim witness program, thereby eliminating additional personnel costs currently incurred through the provider.

The division would plan to achieve the balance of the reduction through budgetary leave and by delaying the hire of retiring employees. The division achieved \$17,000 in savings through budgetary leave within the criminal division this year. It is anticipated that savings could be matched in 2011. The division is reviewing options to restructure administrative positions to achieve the balance of the budget savings.

FINANCIAL ANALYSIS

EXPENDITURE

The City Attorney's 2011 budget is \$14.5 million, a 0.4% or \$57,000 increase over 2010. There are 105 full-time equivalent positions in the department. Personnel are 74% of the total department budget. Contractual expenses are 23% of the total budget. The Ethical Practices Board is fully funded at \$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 (53%) and the Self-Insurance Fund (42%). The remaining 5% is derived from the federal, state or other grant funds. The General Fund budget for the department remains flat from 2010, the self-insurance fund budget remains flat, and the special revenue fund budget increases by 8.2%.

MAYOR'S RECOMMENDED BUDGET

The Mayor recommended a reduction to growth of \$121,000, which includes the reduction of one position. The department used health care savings and operational dollars to maintain the position. The department added one position added with grant funds.

COUNCIL ADOPTED BUDGET

Council approved the Mayor's recommendation. Additionally, the City Attorney is directed to work with Finance, NCR, the NCEC and IGR departments to identify options for property tax relief for the years 2012 and 2013 should legislative authority to consolidate neighborhood programs not be achieved, and report these options to Ways & Means/Budget Committee by February 15, 2011.

The Attorney added 2 FTE by moving the contract work done by victim witnesses in house. Additionally, the department received a downtown improvement district grant to add one FTE for 2011.

ATTORNEY EXPENSE AND REVENUE INFORMATION

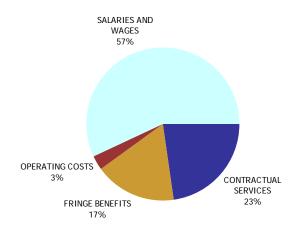
EXPENSE	2008 Actual	2009 Actual	2010 Revised Budget	2011 Council Adopted	Percent Change	Change
GENERAL			buuget	Adopted	Change	
SALARIES AND WAGES	3,686,320	3,967,055	3,926,311	4,091,072	4.2%	164,760
FRINGE BENEFITS	1,012,065	1,152,299	1,200,033	1,277,720	6.5%	77,686
CONTRACTUAL SERVICES	2,305,809	2,279,342	2,351,489	2,085,937	-11.3%	(265,552)
OPERATING COSTS	173,172	122,636	184,108	210,967	14.6%	26,859
TOTAL GENERAL	7,177,366	7,521,332	7,661,942	7,665,695	0.0%	3,753
SPECIAL REVENUE						
SALARIES AND WAGES	293,344	305,503	475,707	492,806	3.6%	17,100
FRINGE BENEFITS	74,943	75,318	143,700	168,433	17.2%	24,733
CONTRACTUAL SERVICES			20,000	25,807	29.0%	5,807
OPERATING COSTS	8,300	14,426		4,855	0.0%	4,855
TOTAL SPECIAL REVENUE	376,587	395,247	639,407	691,902	8.2%	52,495
INTERNAL SERVICE						
SALARIES AND WAGES	3,127,368	3,233,824	3,553,178	3,657,965	2.9%	104,787
FRINGE BENEFITS	860,665	934,394	1,111,283	1,062,920	-4.4%	(48,362)
CONTRACTUAL SERVICES	909,571	1,280,525	1,292,810	1,167,637	-9.7%	(125,173)
OPERATING COSTS	148,274	120,050	143,286	212,622	48.4%	69,336
TOTAL INTERNAL SERVICE	5,045,878	5,568,793	6,100,556	6,101,145	0.0%	589
TOTAL EXPENSE	12,599,831	13,485,372	14,401,904	14,458,741	0.4%	56,837

REVENUE	2008 Actual	2009 Actual	2010 Revised Budget	2011 Council Adopted	Percent Change	Change
GENERAL			_	-	_	
CHARGES FOR SERVICES	8,390	7,716	10,000	25,000	150.0%	15,000
OTHER MISC REVENUES	(11,040)	319			0.0%	0
TOTAL GENERAL	(2,650)	8,035	10,000	25,000	150.0%	15,000
SPECIAL REVENUE						
FEDERAL GOVERNMENT			81,407	88,902	9.2%	7,495
STATE GOVERNMENT	7,842	14,426			0.0%	0
LOCAL GOVERNMENT				85,088	0.0%	85,088
TOTAL SPECIAL REVENUE	7,842	14,426	81,407	173,990	113.7%	92,583
INTERNAL SERVICE						
CHARGES FOR SERVICES	106		20,000	10,000	-50.0%	(10,000)
OTHER MISC REVENUES	29,983	13,875	10,000	10,000	0.0%	0
TOTAL INTERNAL SERVICE	30,089	13,875	30,000	20,000	-33.3%	(10,000)
TOTAL REVENUE	35,281	36,336	121,407	218,990	80.4%	97,583

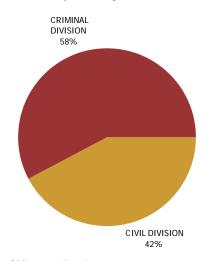
Expense by Fund

SPECIAL REVENUE 5% GENERAL 53%

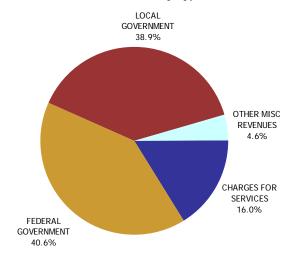
Expense by Category

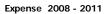


Expense by Division

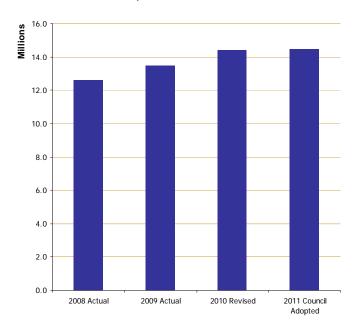


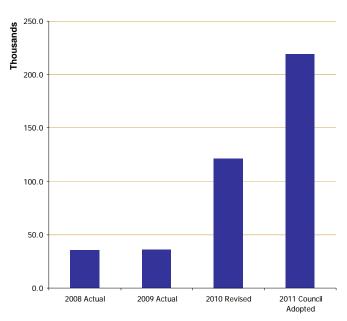
Direct Revenue by Type





Revenue 2008 - 2011

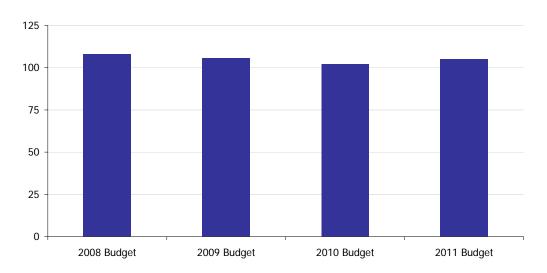




Staffing Information

Expense	2008 Budget	2009 Budget	2010 Budget	2011 Budget	% Change	Change
TENANT REMEDIES ACT FUNDING						
ATTORNEY						
CIVIL DIVISION	45.00	44.50	41.50	41.50	0.0%	
CRIMINAL DIVISION	63.00	61.00	60.50	63.50	5.0%	3.00
TOTAL	108.00	105.50	102.00	105.00	2 9%	3.00

Positions 2008-2011



Positions by Divison

CIVIL DIVISION 40%

