

CITY COUNCIL AGENDA ITEM

CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: Prosecution Services Contract Extension
DEPARTMENT: City Attorney
PRESENTED BY: Ian R. Sievers, City Attorney

PROBLEM / ISSUE STATEMENT: Under State law Shoreline is responsible for the criminal justice costs of misdemeanors and infractions committed within our jurisdiction. These costs include court services, indigent defense and prosecution. The City's prosecution contract terminates at the end of 2011. As part of the 2011 budget process the City Attorney's Office reviewed department programs and expenses for efficiencies and cost savings. One of these was a renegotiation of the existing prosecution contract with the Law Office of Sarah Roberts for a reduction of 10%. Adjustments were made to scope of work in the prosecutor's contract to allow flexibility in attending arraignment calendars, providing assistance in the preparation of protective orders, and adding first appearance responsibilities for video hearings in Snohomish County under the new jail contract which had been conducted in Seattle District Court for bookings in the King County jail under a different City prosecutor. A three- year extension was included.

BACKGROUND: Since incorporation the City has contracted for legal services to file and prosecute City cases in the Shoreline Municipal Court, a division of Shoreline District Court. Since incorporation Shoreline has contracted for these expenses with the King County District Court and various private attorneys. Our prosecutor makes charging decisions for misdemeanor and infractions under the Shoreline criminal code and is responsible for filing charging documents, attending arraignments, hearings, sentencing, conducting bench and jury trials, probation violation hearings and appeals.

Caseloads have not appreciably increased over the past couple of years.

	2008	2009	2010 <i>estimated</i>
Non-Traffic infractions	78	60	59
DUI/Physical Control	145	147	118
Other Traffic Misdemeanors	256	597	522
Non-Traffic Misdemeanors	569	575	551
Appeals	2	7	2

The prosecutor will attend arraignment calendars under the amended contract on a discretionary basis or when required by the judge. Typically the prosecutor will attend when there is a need to propose changes to conditions of pre-trial release such as entering a no contact order or changing bail. These conditions are initially set at the defendant's first appearance but additional investigation may provide grounds for proposing changes. Absent this reason for attending, the current requirement to attend arraignments is unnecessary, since the only other business at arraignment is to take a plea from the defendant.

The other change proposed is to discontinue processing protective orders that are not associated with Shoreline prosecutions. This service was provided by the County until the service was discontinued in the Shoreline District Court several years ago, but continues to be available as a court service at the King County NE District Court and the Seattle District Court. This service has been required for Shoreline residents as part of the current prosecution contract, and is typically performed by the prosecutor's victim's coordinator. The scope of the contract is amended to continue the victim's coordinator position, but limiting the function to working with victims connected to a prosecution for domestic violence offenses such as assault and trespass. Resource referrals will continue to be made to other residents requesting a protective order. In addition to King County District Court assistance to those requesting assistance with the paperwork, Shoreline sponsors New Beginnings through its Human Services Division. This nonprofit provides resources and advocacy to victims of domestic violence, including assistance with protective orders. The City Attorney web site has a link to New Beginnings as well as Washington Law Help, another non-profit that provides forms and instructions for protective orders.

Finally, the allowance for appeals of municipal court cases in the current contract has been reduced by approximately \$3500 annually.

In consideration of reopening the 2011 contract the amended contract is extended for three years, terminating at the end of 2014.

All other terms of the contract remain unchanged including an annual cost of living adjustment equal to 90% of the June CPI -U for fees, the same inflation factor typically used for City salary adjustments.

Financial Impact. The proposed contract has a saving in the 2011 budget of \$17,000

RECOMMENDATION

Staff recommends that the City Council authorize the City Manager to execute an amendment to the contract for 2011-14 prosecution services with the Law Office of Sarah Roberts for a base fee of \$147,200 annually.

Approved By:

City Manager  City Attorney ____

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