

June 25, 1997

REPORT TO THE HONORABLE
MAYOR AND CITY COUNCIL

**SAN DIEGO CITY ATTORNEY BUDGET
PROPOSED BUDGET FISCAL YEAR 1997-1998**

BACKGROUND

The San Diego City Attorney is the chief legal advisor to, and attorney for, the City of San Diego. Since 1931, the City Attorney has served as the independently elected attorney for the Mayor, City Council, and City departments, boards and commissions. In the 1995-96 Fiscal Year, the City Attorney proposed his budget to you directly for the first time. This effort was in response to four years of budget cuts which had severely hampered the City Attorney's ability to perform his Charter-mandated responsibilities. You responded by restoring a portion of the monies previously cut and declining the Manager's proposal to eliminate the Consumer and Environmental Unit and legal advisors to the Police Department. You added monies specifically earmarked for the Litigation Division, the Domestic Violence Unit, and for Phase I of a three-year officewide automation effort.

In the 1996-1997 Fiscal Year, the City Attorney came before you once again seeking to address pressing needs not provided for in the Manager's Proposed Budget. You responded by funding four of these needs: (1) a Public Integrity Unit to review and prosecute ethics and campaign violations; (2) a Civil Enforcement Section to pursue litigation on behalf of the City in bankruptcy matters, collections, breach of contract cases, and civil fraud matters; (3) a Capital Improvement Projects Section to provide "early intervention," "proactive" legal advice and assistance on major capital improvement or public works contracts in order to avoid contractual disputes and potential litigation; and, (4) Phase II of our three-year automation effort.

This year the City Attorney has not proposed a budget outside of the Manager's Proposed Budget. The City Manager and I worked closely together this spring and my budget proposal is incorporated in the Manager's Proposed Budget. I am seeking additional funding in three areas: continuing automation needs, drug/nuisance abatement, and a neighborhood policing/prosecution initiative.

This report provides an overview of the accomplishments of the Office over the last year based on support of the Mayor and the Council, and discusses the limited areas of additional funding we are seeking in order to more effectively support you and serve the citizens of San

Diego.

PROGRESS REPORT

In December 1996, I was honored to take office as the twenty-fourth City Attorney of San Diego. My vision for the City Attorney's Office was to see a proactive, early intervention philosophy adopted throughout the organization. Even prior to taking office, however, we had begun to pursue this vision with the budget initiatives in FY 1996-1997. As I took office, we sought staff input on ways to move this vision forward and our staff responded. Our management team took the many ideas gained through small group sessions I held with our staff, clients, and community advisers to create a six-month action plan. To date, every item in that action plan has been accomplished or is being accomplished. I challenged our staff to develop closer relationships with community, neighborhood, business, and social service organizations as we worked to partner with those in the community working to address issues facing our city. Again, throughout the organization, we have seen creative initiatives to move our vision forward.

Over the last six months, we have seen exciting successes in the effort to get involved early in city projects and initiatives, rather than waiting until the end of the process. We have adopted an early intervention approach to problem-solving using mediation and arbitration techniques to avoid major lawsuits, and to reduce our financial exposure in lawsuits that go forward. Finally, we have been working very closely with community organizations in both formal liaison roles and through staff-initiated volunteer work including graffiti removal, neighborhood clean-up efforts, job shadowing opportunities for high risk teens, and a host of other activities by attorneys and classified staff alike.

Because the Mayor and Council have supported the City Attorney's budget proposal over the last two years, we have been able to address the City's pressing needs. I want to take this opportunity to discuss a number of the initiatives we are successfully pursuing with your support.

Public Integrity Section

In August 1996, the Mayor and City Council funded the Public Integrity Section. The section was established within the Consumer and Environmental Protection Unit and staffed in late September with one deputy, one legal assistant and one investigator. The section works closely with both the City Clerk's Office and our election law experts in the Civil Division to address local election and campaign finance laws, as well as crimes involving waste, fraud and abuse of City resources.

Since its inception, the Public Integrity Section has been called upon to enforce campaign finance laws against laundering campaign contributions, to assist the Council in rewriting the municipal lobbying ordinance and harmonizing Proposition 208 with our Municipal Code, and to review alleged violations of both the state Political Reform Act [PRA] and the Municipal Election Campaign Control Ordinance [ECCO]. In April 1997, the section settled a complaint against former San Diego mayoral and city council candidate, Peter Navarro, for violations of both the Political Reform Act and the City's Election Ordinance. Mr. Navarro paid fines and investigation costs and was permanently enjoined from future campaign law violations in a

lawsuit which grew out of his failure to properly disclose the details of a loan he secured in the summer of 1995. The section is currently investigating other accusations of inadequate campaign finance reporting, improper campaign funding, and other related matters. The new Public Integrity Hotline has prompted investigations of citizen complaints regarding criminal misuse of city property, and conflicts of interest on City boards and commissions.

Capital Improvement Project Section

The Capital Improvement Project Section consists of two deputy city attorneys, .5 investigator, .5 legal assistant, and .5 legal secretary. The funding for these positions was provided last year by the Engineering and Capital Projects Section through a legal services item written into each capital improvement project. These “hard hat lawyers” provide proactive, hands-on legal support to the Engineering and Capital Projects Section.

Early review of contracts, legal advice in negotiation of contract modifications and change orders, mediation and arbitration have helped to avoid costly litigation. To date, we estimate that 19 public works contracts or potential lawsuits against the City with potential exposure of over \$7 million have been successfully addressed without major litigation.

Civil Enforcement Section

The Civil Enforcement Section, funded by the Mayor and Council last year, includes two deputy city attorneys, one investigator, one legal assistant, and .5 legal secretary. The Civil Enforcement Section provides legal services to all City Departments on issues related to pursuing potential claims on behalf of the City.

The Civil Enforcement Section has filed numerous cases on behalf of the City and obtained awards totaling more than \$394,000. It is currently litigating bankruptcy claims in excess of \$1,100,000. The section has also filed civil actions that could result in recoveries in excess of \$500,000.

The Civil Enforcement Section is the City's litigation arm allowing it to recover monies owed to the City. Because of the Civil Enforcement Section, we can now take action to enforce financial obligations owed to the City that previously were not pursued.

Domestic Violence Unit

The Domestic Violence Unit, originally funded by the Mayor and Council in 1988, with budget increases in 1990 and 1995, continues to receive national and international recognition for its leadership in the area of domestic violence. The past year, the Unit has been instrumental in launching several new and exciting programs either independently or in partnership with other agencies or private corporations such as the:

- * Cellular Safety Phone Program - which, in partnership with the Police Department, provides free cellular phones to high risk domestic violence and stalking victims;

- * Domestic Violence Court - which will handle all misdemeanor domestic violence and child abuse cases using specialized San Diego Municipal Court judges, prosecutors, and defense attorneys;
- * Teen Summit - a partnership with the San Diego Domestic Violence Council, which is focusing on developing new protocols in response to teen relationship violence;
- * Elder Abuse Prevention Program - which initially was formed to develop an elder abuse awareness campaign for the month of May 1997, because of its success, we will now continue to develop a county-wide protocol, a death review team, training videos, public service announcements and legislative initiatives;
- * Domestic Violence Hotline - a 24-hour hotline for police officers and others, provides immediate access to current information concerning available shelter space in San Diego County;
- * Strangulation Study - which reviewed over 300 cases of reported strangulation by domestic violence and child abuse victims, resulting in a comprehensive training program and an informational pamphlet;
- * Medical Mandated Reporting Video Project - which put over 1,000 copies of a training video in the hands of health practitioners who are mandated to report family violence crimes;
- * Safety Plan Pamphlet - designed to assist victims when they are ready to leave an abusive relationship;
- * Misdemeanor Child Abuse Pilot Project - which teams DV prosecutors with Police Department detectives to evaluate misdemeanor child abuse cases and increase referrals to the City Attorney's Office;
- * Law Enforcement Camera Kit Project - which, in partnership with the Polaroid Corporation, provided cameras and specialized training to over 1600 law enforcement officers; and
- * Violence Against Women Act Prosecution Initiative - a partnership with the United States Attorney's Office and other agencies to develop cross-agency training to facilitate the investigation and prosecution of federal felony domestic violence, sexual assault, stalking, and weapons violations under the Violence Against Women Act.

San Diego Parenting Project

The San Diego Parenting Project is a program for minor children who have come in contact with law enforcement. Its purpose is to help parents of delinquent minors comply with Penal Code section 272.

City Attorney hearing officers screen cases referred by the San Diego Police Department, Juvenile Court, the County Probation Department, and school authorities. Since November 1995, our two hearing officers have evaluated more than 640 cases and conducted more than 360 hearings. Seventy-three percent of parents referred to classes have either completed classes, are currently enrolled in classes, or are awaiting classes.

The San Diego Parenting Project introduces positive parenting skills into the homes of minor children whose parents lack sufficient parenting skills. Parents who attend classes receive parenting instruction in many aspects of parenting:

- * Establishing firm rules;
- * Setting clear directions with limits;
- * Providing consistent and effective supervision; and
- * Providing preventive discipline and contracting.

Getting minors and parents on the right track while criminal activity is at the misdemeanor level is one part of the City Attorney's vision. It is a proactive, early intervention strategy to prevent juvenile delinquency.

Office Automation

This year we completed the second phase of the City Attorney's microcomputer network. Phase II consisted of purchasing hardware and software to automate the entire Civil Division. Monies were used to fund on-going access costs and a second data systems coordinator to operate our newly installed local area network [LAN]. The newly installed system has meant better efficiencies within the City Attorney's Office and better communication with the various City departments.

FISCAL YEAR 1998 PROPOSED BUDGET

The City Attorney's proposed budget for Fiscal Year 1997-98 is \$19.075 million. Nearly \$1 million of the \$1.2 million increase is due to the negotiated citywide Fiscal Year 1997 and Fiscal Year 1998 salary increases, average salary adjustments, and related fringe benefits. The remaining increase is due to on-going support costs for our automation effort, and the addition of two deputy city attorneys, one to provide enhanced prosecution support for our neighborhood policing/police legal advisor function, and one to strengthen our Code Enforcement Unit's drug/nuisance abatement efforts.

Summary

The City Attorney's proposed budget of \$19.075 million for Fiscal Year 1997-98 includes the following increases for Fiscal Year 1997-98:

- * \$953,000 Personnel Expense Adjustment to reflect negotiated citywide raises for all employees in FY 1997 and FY 1998 and related fringe benefits
- * \$120,000 Automation - on-going access costs

- * \$125,067 Automation - 2 Data Systems Technicians, 1 CAII
- * \$ 87,089 1 Deputy - Neighborhood Policing/Police Legal Advisor
- * \$ 87,089 1 Deputy - Drug and Nuisance Abatement (Code Enforcement Unit)

THE BUDGET BREAKDOWN

Office Automation Program

During the coming year, we expect to complete the final phase of installing our microcomputer network. The cost for Phase III will be \$300,000. This money has already been set aside in the Citywide Automation account.

We estimate that the additional cost of maintaining and administering our microcomputer network, compared to the current mainframe system, will be \$245,000 during the upcoming fiscal year. These additional monies include \$120,000 to fund on-going access costs and to cover additional SANNET charges, and \$125,000 for two data systems technicians, and one clerical assistant to assist in administering the LAN.

A LAN with 200 to 250 terminals should have 4 to 5 full-time staff members to operate and maintain the system. Currently, with 260 employees, we are maintaining our existing LAN with just two budgeted positions. Moving forward with our automation effort is imperative.

Neighborhood Policing Unit

Our Neighborhood Policing Unit has prosecuted persons as a result of several Problem Oriented Policing [POP] projects. The crimes POP projects are designed to prevent include:

- * illegal lodging in the Mission Valley Riverbed;
- * lewd acts in Presidio Park;
- * car club racing in Kearny Mesa;
- * illegal possession of shopping carts in Pacific Beach;
- * loitering for prostitution in Mid City;
- * loitering for drug activity downtown; and
- * excessive false alarms throughout the City.

By dedicating an additional attorney to neighborhood policing efforts, we will be able to have two POP project deputies working in the field with the Police Department to support their neighborhood policing initiatives. Our commitment to neighborhood policing reflects our division-wide philosophy of proactivity, early intervention, and close working relationships with law enforcement and the community.

Drug/Nuisance Abatement (Code Enforcement Unit)

As part of the City's Drug Abatement Response Team, the City Attorney's Office has assisted in abating illegal drug activity on dozens of properties. By adding a deputy, we can prosecute more drug abatement cases, and be more proactive abating illegal gang activity, public

nuisances, and other public disorder crimes affecting the health and safety of community residents.

CONCLUSION

These are challenging times for the City of San Diego. With major infrastructure projects on the horizon, the challenges of maintaining our falling crime rates, and the 1998 Superbowl approaching, we are facing exciting opportunities ahead. The City Attorney's Office will play a crucial role as we move forward into the 21st century. We are optimistic about the changes we are implementing, and believe our proactive approach will benefit the City as we face the future.

The City Manager's proposed budget includes funds for the City Attorney's Office that are designed to meet the needs of the Mayor, City Council, City Manager, City departments, and citizens of San Diego. It is structured with our Charter-mandated duties in mind. We have not sought support beyond our projected needs. We have not sought to increase our budget simply because of the improved economic climate. The additional monies we have asked for are designed to help us provide more effective legal assistance. We urge you to support our efforts to provide proactive, client-friendly, and effective legal counsel for the City of San Diego.

Respectfully submitted,

CASEY GWINN
City Attorney

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