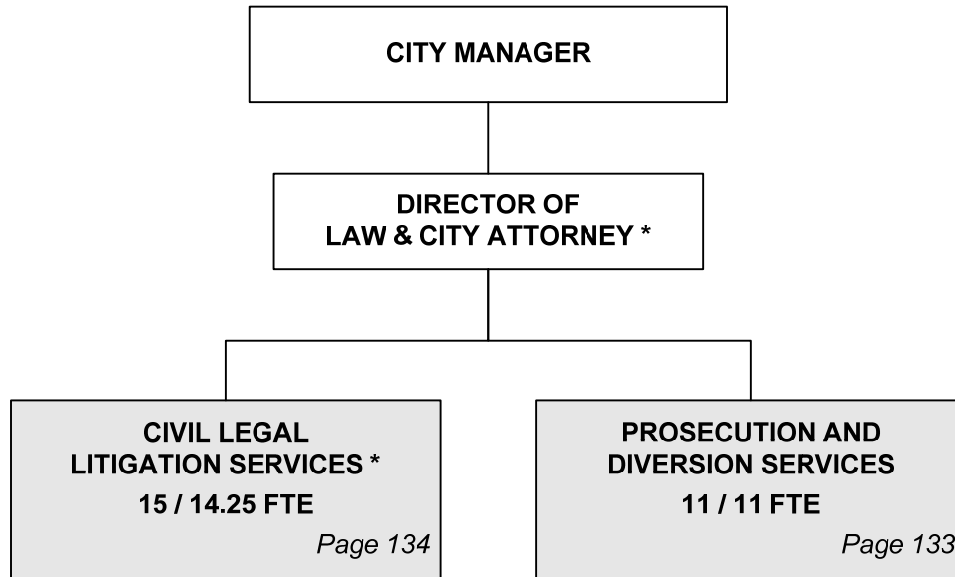




# ORGANIZATION CHART AND AUTHORIZED POSITIONS

## LAW DEPARTMENT



\* Position included with Civil Legal Litigation Services

Total Authorized Positions/Full-Time Equivalent = 26 / 25.25 FTE

Authorized Positions	Range	2008	2009	2010
Department Director	E83	1	1	1
Chief Deputy City Attorney	D72	1	1	1
Deputy City Attorney	D71	3	3	3
Chief Prosecutor	D61	1	1	1
Assistant City Attorney III	C45	4	4	4
Assistant City Attorney II	C44	2	2	2
Assistant City Attorney I	C43	5	5	5
Program Specialist	C41	1	1	1
Administrative Aide II	623	1	1	1
Administrative Secretary	621	1	1	1
Secretary	619	2	2	2
Legal Secretary	620	3	3	3
Cooperative Edu. Student (.25 FTE)	410	1	1	1
<b>TOTAL AUTHORIZED POSITIONS</b>		<b>26</b>	<b>26</b>	<b>26</b>
General Fund		26	26	26



**MISSION**

To represent the City in all legal actions, provide legal advice and manage the diversion and deferred judgment programs.

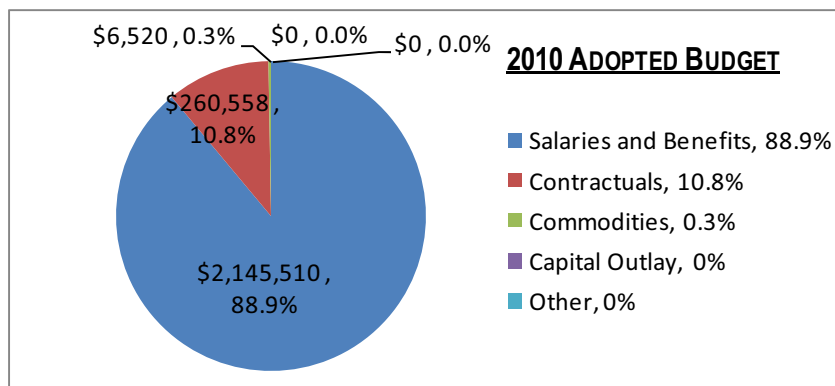
**DEPARTMENTAL GOALS**

1. Continue to pursue excellence in the practice of law, be recognized experts in municipal law, and focus on preventive legal advice.
2. Provide legal services in a cost effective manner and at a lower cost than services provided by comparable private law firms.
3. Maintain a credible threat of successful prosecution to further enforcement and deter violations of municipal ordinances.
4. Administer Diversion and Deferred Judgment programs to provide mechanisms for first-time offender education and positive incentives to avoid recidivist behavior.

DEPT. GOAL ALIGNMENT	Service Objectives
1	A. Use research tools to examine problems, find solutions, and suggest safer alternatives in keeping with policy level directives.
3	B. Effectively use computer records and research access to evaluate police procedures and charging documents and to effectively craft and respond to oral and written legal arguments in municipal cases.
4	C. Effectively use computer records access and certifications submitted by program participants to track the progress of participants in the Diversion and Deferred Judgment programs.

OBJECTIVE ALIGNMENT	PERFORMANCE MEASURES	BENCHMARK	2006 ACTUAL	2007 ACTUAL	2008 ACTUAL	2009 TARGET	2010 TARGET
A	Turnaround time for processing civil legal services (0-30 Days)	96.0%	94.0%	95.5%	95.8%	95.1%	95.1%
B	Total Number of Cases Resolved Requiring Prosecution Action	117,000	NA	133,995	109,039	115,000	117,000
C	Diversion/Deferred Judgment applications processed	3,244	3,254	3,773	3,046	3,080	3,244

SERVICES EXPENDITURES BY FUND	FUND	2008 ACTUAL	2009 ADOPTED	2009 REVISED	2010 ADOPTED	2011 APPROVED
Prosecution and Diversion Services	General Fund	845,121	930,422	901,795	877,502	986,686
Civil Legal Litigation Services	General Fund	1,506,802	1,448,155	1,490,729	1,535,085	1,544,124
<b>TOTAL EXPENDITURES</b>		<b>\$2,351,923</b>	<b>\$2,378,577</b>	<b>\$2,392,524</b>	<b>\$2,412,588</b>	<b>\$2,530,810</b>
	<b>2010</b>					
<b>TOTAL GENERAL FUND</b>	<b>100.0%</b>	<b>\$2,351,923</b>	<b>\$2,378,577</b>	<b>\$2,392,524</b>	<b>\$2,412,588</b>	<b>\$2,530,810</b>



The Law Department is 100% funded from the General Fund. Salaries and benefits comprise 89% of the total expenditures supporting 25 total positions. The Economic Development Fund and the Pension Fund provide partial compensation for two Deputy City Attorneys.

The Law Department contracts administration of Domestic Violence Services and Victim's Rights Services.



# PROSECUTION AND DIVERSION SERVICES

## LAW DEPARTMENT

### MISSION

To conduct prosecution in the Municipal Court, to manage the City's diversion and deferred judgment programs in accordance with the requirements of applicable laws and the policy decisions of the City Council, to provide training to Police officers on charging and procedural issues, and to oversee and act as liaison with the Victim Rights and Domestic Violence Advocacy program contractors.

### SERVICE DESCRIPTION

The Prosecution function is responsible for the prosecution of all misdemeanor crimes and traffic offenses that occur within the City of Wichita. There are over 100,000 cases filed each year in Municipal Court. The crimes encompassed in the numbers include traffic offenses, theft, battery, weapons violations, environmental crimes, code offenses, and sex offenses. The Prosecution function consists of a supervisor, seven prosecutors, two secretaries, a diversion coordinator, a victim/witness coordinator (by contract), and a domestic violence advocate (by contract). Diversion programs, or alternatives to traditional prosecution, exist for first offense violators of driving under the influence of alcohol and/or drugs, theft, drug, and domestic violence offenses. These alternatives concentrate on rehabilitation of the offender, in order to discourage future criminal conduct. Prosecutors, by prosecuting criminal and traffic violations, can remove those defendants from our streets who show a very low regard for our laws aimed at keeping the public safe. Prosecutors, by prosecuting criminal and traffic violations, send a message that such actions will not be tolerated, thus deterring future crime.

SERVICE OBJECTIVES		DEPT. GOAL ALIGNMENT
A	Use computer records and research access to evaluate police procedures and charging documents and to effectively craft and respond to oral and written legal arguments in municipal cases.	3
B	Review all docketed cases prior to their trial setting, to make informed continuance requests, dismissals and plea offers.	3
C	Use computer records access and certifications submitted by program participants to track the progress of participants in the Diversion and Deferred Judgment programs.	4

OBJECTIVE ALIGNMENT	PERFORMANCE MEASURES	BENCHMARK	2006 ACTUAL	2007 ACTUAL	2008 ACTUAL	2009 TARGET	2010 TARGET
A	Total Number of Cases Resolved Requiring Prosecution Action	117,000	NA	133,995	109,039	115,000	117,000
C	Revenues generated through diversion and deferred judgment programs (including application fees)	\$370,000	\$358,546	\$385,241	\$355,405	\$359,050	\$370,000
C	Diversion/Deferred Judgment applications processed	3,244	3,254	3,773	3,046	3,080	3,244

### STRATEGIC HIGHLIGHTS

- Effectively used computer record access and certifications submitted by program participants in the Diversion and Deferred Judgment programs, in order to appropriately determine whether the participant has achieved a successful outcome.
- Delay filling an Assistant City Attorney I through 2010.

REVENUES BY SOURCES / EXPENDITURES BY CATEGORY	2008 ACTUAL	2009 ADOPTED	2009 REVISED	2010 ADOPTED	2011 APPROVED
General Fund Allocation	845,121	930,422	901,795	877,502	986,686
<b>TOTAL PROGRAM REVENUES</b>	<b>\$845,121</b>	<b>\$930,422</b>	<b>\$901,795</b>	<b>\$877,502</b>	<b>\$986,686</b>
Salaries and Benefits	741,456	758,391	793,491	778,958	871,142
Contractuals	101,129	169,511	105,784	96,024	113,024
Commodities	2,535	2,520	2,520	2,520	2,520
Capital Outlay	0	0	0	0	0
Other	0	0	0	0	0
<b>TOTAL PROGRAM EXPENDITURE</b>	<b>\$845,121</b>	<b>\$930,422</b>	<b>\$901,795</b>	<b>\$877,502</b>	<b>\$986,686</b>
<b>TOTAL POSITIONS / FTE</b>	<b>11 / 11</b>	<b>11 / 11</b>	<b>11 / 11</b>	<b>11 / 11</b>	<b>11 / 11</b>



**MISSION**

To represent the City in all legal actions brought against the City or initiated by the City, including court actions as well as administrative and tax matters, to provide claims management and litigation services required by the City, to provide required legal research and advice to the City Council, City Manager, and the departments, boards and agencies of the City, to prepare and review all ordinances and resolutions required by the City to accomplish the policies adopted by the City Council, and to prepare or review all contracts, bonds and other legal documents of significance to the City.

**SERVICE DESCRIPTION**

The Civil Legal/Litigation Service Unit provides research, advice and legal representation to the City of Wichita in lawsuits, claims and cases, and in the drafting and review of legislative and transactional documents, with the aim to help implement City programs, to improve City program quality, and prevent or limit unintended City legal or financial exposures. It also provides assistance to the Prosecution function in connection with diversion programs and appeals of Municipal Court cases proceeding in the district courts and Kansas appellate courts. Those aspects of the service that relate to representation in legal actions and evaluation of claims are mandated by Kansas statutes.

SERVICE OBJECTIVES		DEPT. GOAL ALIGNMENT
<b>A</b>	Use research tools to review problems, find solutions and suggest safer alternatives in keeping with policy level directives.	1
<b>B</b>	Investigate facts alleged by the claimant and research the law to determine if the basic elements of tort are present, and if so, whether a specifically applicable municipal doctrine or statutory immunity negates the alleged liability of the City.	2

OBJECTIVE ALIGNMENT	PERFORMANCE MEASURES	BENCHMARK	2006 ACTUAL	2007 ACTUAL	2008 ACTUAL	2009 TARGET	2010 TARGET
<b>B</b>	Percent of Claims Resolved Without Payment	80.0%	79.6%	67.0%	87.0%	77.9%	77.9%
<b>B</b>	Percentage of lawsuits resolved in favor of the City or within established settlement range	80.0%	74.5%	77.0%	79.3%	76.9%	76.9%
<b>A</b>	Turnaround time for processing civil legal services (0-30 Days)	96.0%	94.0%	95.5%	95.8%	95.1%	95.1%

**STRATEGIC HIGHLIGHTS**

- ◆ As the City continues to support special projects and pursue major enhancements in service delivery, the Law Department will need to deal with the attendant additional technical and logistical burdens of supporting these projects and service efforts.

REVENUES BY SOURCES / EXPENDITURES BY CATEGORY	2008 ACTUAL	2009 ADOPTED	2009 REVISED	2010 ADOPTED	2011 APPROVED
General Fund Allocation	1,506,802	1,448,155	1,490,729	1,535,085	1,544,124
<b>TOTAL PROGRAM REVENUES</b>	<b>\$1,506,802</b>	<b>\$1,448,155</b>	<b>\$1,490,729</b>	<b>\$1,535,085</b>	<b>\$1,544,124</b>
Salaries and Benefits	1,282,247	1,342,158	1,325,709	1,366,552	1,375,590
Contractuals	221,410	101,597	161,020	164,534	164,534
Commodities	3,145	4,400	4,000	4,000	4,000
Capital Outlay	0	0	0	0	0
Other	0	0	0	0	0
<b>TOTAL PROGRAM EXPENDITURE</b>	<b>\$1,506,802</b>	<b>\$1,448,155</b>	<b>\$1,490,729</b>	<b>\$1,535,085</b>	<b>\$1,544,124</b>
<b>TOTAL POSITIONS / FTE</b>	<b>15 / 14.25</b>	<b>15 / 14.25</b>	<b>15 / 14.25</b>	<b>15 / 14.25</b>	<b>15 / 14.25</b>