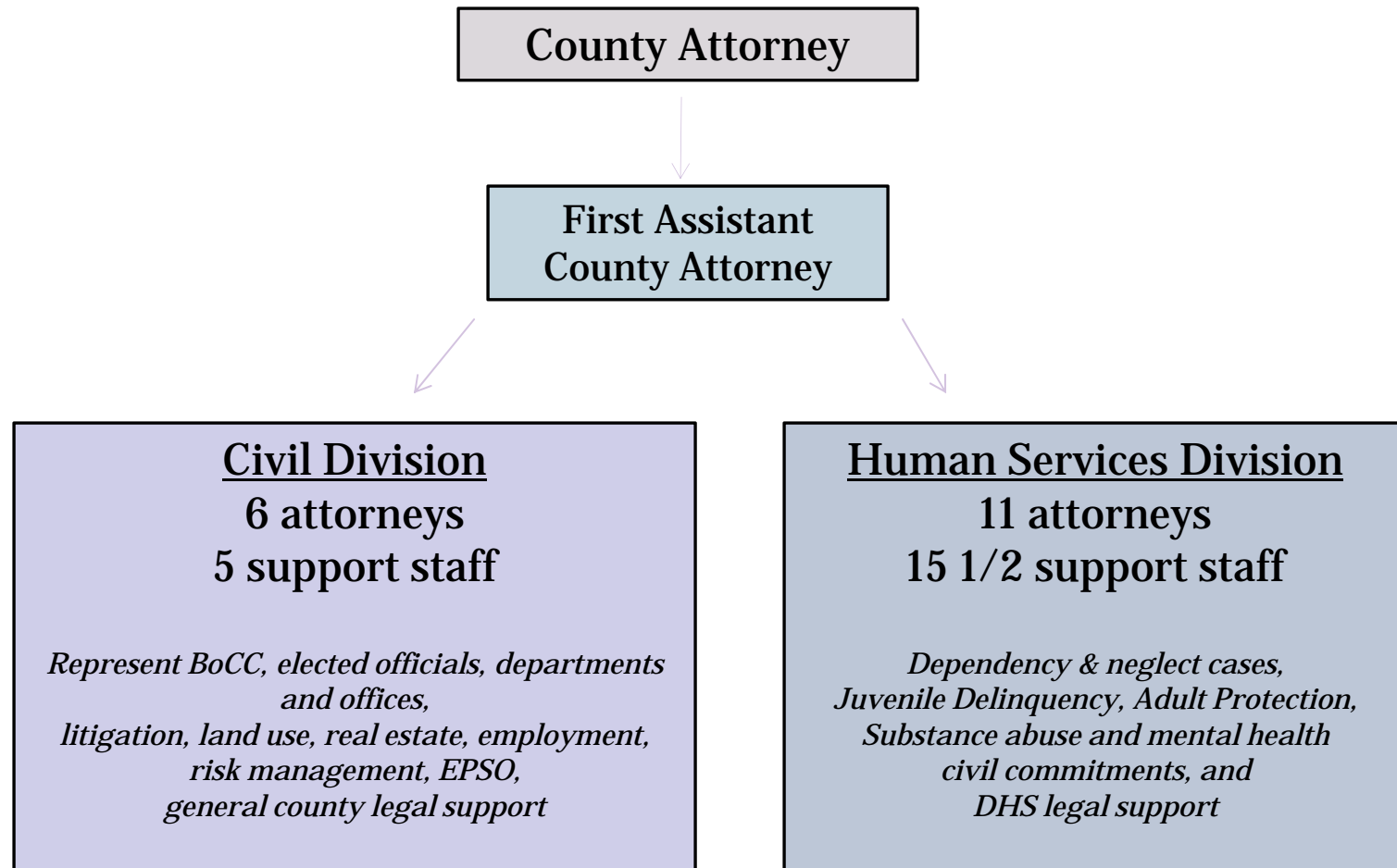


2019 Budget Presentation Office of the County Attorney

Diana K. May, First Assistant County Attorney

October 16, 2018

Organizational Chart – County Attorney





Office of the County Attorney

Operations – Civil Division

- Represents the interests of the Board of County Commissioners, administrative departments, and appointed advisory boards
- Represents the interests of other elected or appointed officials when those interests are compatible with those of the County
- Represents the County in all public liability and tort actions as a result of the County being self-insured
- Represents the County, its departments or other elected officials in a variety of other civil matters



Operations – Human Services

- Provides legal advice, opinions, and representation to the El Paso County **Department of Human Services (DHS)**
- Provides representation in **dependency and neglect cases and juvenile delinquency cases**, to include: temporary shelter hearings, dispositional hearings, permanency planning and permanent custody hearings, parental rights termination trials, emergency protective hearings and jury trials
- Provides representation in **adult protective matters**, involuntary **mental health** commitment proceedings, and **alcohol and substance abuse commitment** matters
- Provides on-going **training to DHS** in matters relating to courtroom procedure, presentation of evidence, and substantive areas of the Children's Code



Mandates/State Statutes Required

- **Civil Division**

- *Article XIV § 8 of the Colorado Constitution requires election or appointment of a County Attorney

- *Colorado Revised Statutes (C.R.S.) § 30-111-118, provides that Board may employ a County Attorney

- **Human Services Division**

- *Children's Code – C.R.S. Title 19

- *Probate Code – C.R.S. Title 15

- (Guardianships and Conservatorships)

- *Mental Health – C.R.S. Title 27

- (Care and Treatment of Persons with Mental Health Disorders and Involuntary Commitment for alcohol/substance abuse disorder)



County Strategic Plan Goals

Civil and Human Services Divisions

- The Office of the County Attorney is involved in supporting the County's Strategic Plan Goals **at almost every level**
 - Goal 1 – Maintain and Promote a Financially Sustainable County Government that is Transparent and Effective
 - Goal 2 – Continue to Enhance the Understanding of Civic Services and Promote Participation, Engagement, and Confidence in County Government
 - Goal 3 – Maintain and Improve the County's Transportation System, Facilities, Infrastructure, and Technology
 - Goal 4 – Consistently Support Regional Economic Strength
 - Goal 5 – Strive to Ensure a Safe, Secure, Resilient, and Healthy Community





Office of the County Attorney

Operating Indicators

Civil Litigation Division

- Litigation/Notices of Claim/CORAs/Settlements
 - Litigation cases:
 - 23 new cases in 2018 YTD - 23 closed cases in 2018 YTD
 - 2 - Public Health Cases
 - 5 - Coroner Cases
 - Closed cases: 1 judgment in favor of County (Casas), jury verdict in favor of County (Huntz), 3 settlements (Alba, McCully, Still)
 - Number of new cases down from 29 in 2017
 - Up from 17 new cases in 2016
 - **Since 2015– 82 lawsuits filed– 57 closed—47 by dismissal**
 - 2018: 10th Circuit and Colorado Court of Appeals oral arguments
 - COST SAVINGS: Outside Counsel Government Rate: \$180 - \$250/hour
 - CORAs
 - Legal review of over 100 CORA requests



Operating Indicators

Civil Litigation Division

- Notices of Claims:
 - 53 NOC's YTD
 - 62 in 2017

Settlements:

- 2018
 - \$75,000 DA Case
 - \$75,000 for Court Detention errors– ACLU
 - \$250,000 McCully (EPSO) Excessive Force claim*
 - 2017 \$121,438
 - 2016 - \$87,700

**Amount El Paso County Paid*



Operating Indicators

Civil Litigation Division

Trial: Huntz v. EPSO

- Plaintiff's Offers:
 - \$400,000
 - \$250,000
 - \$195,000
 - \$150,000
- Litigation handled IN HOUSE
- ***Judgment in Favor of El Paso County ON ALL CLAIMS***
- El Paso County has requested Costs: \$18,565



Operating Indicators

Civil Division—Risk Management

- Risk Management
 - Cases triaged and managed from event through lawsuit
 - Enhanced coordination between Risk Management and County Attorney's Office even in low level claims
 - Proactivity in managing risk exposure by County Attorneys
 - Educating hiring authorities and supervisors daily
 - Building solid attorney/client relationships
 - Maintaining accessibility
 - Preventing Liability



Operating Indicators

Civil Division—Employment

- EMPLOYMENT:
 - Updated Employment Manual on yearly basis
 - Streamlined due process for all employees
 - CAT conducting Title VII investigations for EPSO and Back-up for HR Department
 - *3 cases in 2018 (If handled by outside investigator – costs range from \$3,000 - \$15,000 per investigation)*
 - EEOC cases
 - *7 in 2018 YTD (5 in 2016 and 7 in 2017)*
 - CAT created and conducted Harassment Training for entire County
 - **27 hours of harassment training YTD in 2018***
 - **Civilians and sworn, first year for volunteers**
 - CAT created and conducted Supervisor Harassment Training for entire County
 - **5 hours of supervisor harassment training YTD in 2018**
 - CAT training for all County Departments in 2018

**El Paso County was paying \$175/hour for training in 2017*



Operating Indicators

Civil Division—Land Use/Real Estate

- Land Use
 - 6th year of providing on site legal help
 - Code Enforcement Ordinances updated (rubbish ordinance, weeds ordinance, unsafe building ordinance) to utilize Executive Determinations to provide streamlined processes
 - New Dangerous Building Ordinance adopted in coordination with Regional Building Department
 - 12 code-enforcement rubbish clean-ups through Administrative Entry Warrant/Abatement procedures utilizing Planning's clean-up fund
 - 21 civil cases filed in 2018 YTD (12 abatements and 9 land use violations)
 - Busy year with land use matters, subdivision reviews, and reviews of water sufficiency
 - Land use litigation matters ongoing in 2018: Courage to Change and Friends of Black Forest litigation



Operating Indicators

Civil Division

- Sheriff's Office
 - Fourth year with CAT on site at EPSO
 - 24/7 Legal advice
 - Title VII investigatory process ensures neutrality and confidentiality
 - 2018 Supervisory training conducted by CAT
 - **24 hours of supervisory training YTD in 2018**
 - 2018 Harassment training conducted by CAT
 - **26 hours of harassment training YTD in 2018**
 - 2018 additional training for EPSO staff at Training Academy
 - **87 hours (legal update, legal liability, arrest/search and seizure)**





Office of the County Attorney

Operating Indicators

Human Services Division

- CASELOADS:

- D&N:

- Largest D&N caseload in Colorado (In addition, most calls to DHS hotline statewide)
- 2018 caseload of **900+ open cases** – *consistent with 2017* – staffed by 9 attorneys

- JUVENILE DELIQUENCY REPRESENTATION IN 2018

- 179 juveniles
- New attorney and paralegal position dedicated to juvenile delinquency dockets (now fully staffed) - 2 attorneys and 1 staff total

- PROBATE:

- Consistent high caseloads in the area of Probate (76 guardianship petitions YTD; 29 conservatorships YTD; 1013 mental health cases YTD)

- APPEALS:

- Appeals increased to **30 in 2018 YTD**
 - *14 in 2016; 28 in 2017*
 - Excellent success rate – all cases ruled on were affirmed
 - First Mental Health appeal





Operating Indicators

Human Services Division

- Successful Jury Trials
 - 3 in 2018 YTD
- CAT-DHS staff Specialty Courts – including Drug Court
- Provide Daily Legal Advice to DHS Staff
- Provide Continual Training to DHS Staff/Community Partners –50 + hours in 2018
 - 10 trainings to caseworkers YTD (20-40 hours + prep time)
 - 7 “boot camp” trainings to caseworkers (28 hours + prep time)
 - 1 delinquency training (2 hours+)
 - Law enforcement training (1 hour+)
- Completed 1,986 discovery requests YTD (includes redaction and review) and responded to 10 Subpoena requests
- Two Attorneys On-Call 24/7

Civil Division General Fund Budget Breakdown

<u>Description</u>	<u>2018 Budget - OAB</u>	<u>2018 One-Time Funding</u>	<u>Other Internal changes</u>	<u>On-going Base Budget</u>	<u>2019 Critical Needs</u>	<u>2019 Requested Budget</u>
County Attorney-Civil Division	1,208,299	0	0	1,208,299	0	1,208,299

2019 High Level Goals

- Maintain and Improve Client Relationships and Service
 - Team approach
 - Effective cross training/succession planning
- Hire, Train, and Retain the Best
 - No turnover in CAT Civil for 6 years
 - 2018 Focus on CAT DHS
- Reactive to Proactive Risk Management
 - Proactive Training plan
 - Assist with assessing liability exposure



Questions?



Office of the County Attorney