

# State of the City Attorney's Office



Submitted to the  
Van Buren City Council  
March 16, 2009

# ANNUAL REPORT OF THE VAN BUREN CITY ATTORNEY'S OFFICE FOR 2008

## INTRODUCTION

The Van Buren City Attorney's Office is staffed by the elected City Attorney and Prosecutor, Don Jenkins, and a Deputy Prosecutor, Keith Kannett. In addition to the attorneys, the staff includes one full-time employee, Administrative Legal Assistant, Catherine Smith.

Since January 2007, the City Attorney's Office has been divided into two divisions, a Criminal Division and a Civil Division, to offer better resources to the city and its citizens.

## MISSION STATEMENT

*The Mission of the Van Buren City Attorney's office is to provide the highest quality legal representation and legal advice to the city officers, departments, boards, commissions, and employees in order to eliminate or reduce legal liability of the City; to lawfully and effectively prosecute all misdemeanor crimes and municipal code violations which occur within the City of Van Buren, to reduce and deter crime and to improve the overall quality of life in Van Buren; and to be recognized by the judiciary, the local bar, the City government, and the public as an outstanding, fully equipped and first rate municipal law office.*

## CITIZEN AND CITY EMPLOYEE INITIATED CONTACTS WITH THE CITY ATTORNEY'S OFFICE

For 2008 there were approximately 2,520 recorded in-office contacts with the City Attorney's Office which were initiated by citizens, officials, department heads, or other employees of the City. This list does not reflect court room inquiries, calls outside business hours to the City Attorney or Deputy City Attorneys, incidental inquiries in other city offices, or unrecorded contacts. The following is a breakdown of the type citizen/employee initiated contact with our office for the year 2008:

<u>Nature of Contact</u>	<u>Total Number</u>
Phone Calls	1,956
Persons who came into office to see an attorney	
Citizens	371
City Employees/Officials	193
Total Number of Citizen/Employee Contacts for 2008	2,520

## CRIMINAL DIVISION

## OF THE CITY ATTORNEY'S OFFICE

### Court Cases:

For the 2008 calendar year, the Criminal Division of the City Attorney's Office handled approximately 6,324+ criminal matters, including cases filed in District Court, and quasi-criminal disputes which are often resolved by our office without tying up the court system.

### Type of Criminal Cases Handled in Court During 2008:

For 2008, the City Attorney's office handled a total of 6,233 formal criminal charges, and 5,402 criminal cases in the District Court (many defendants had more than one charge). The following are examples of the type of charges prosecuted in 2008:

- DWI/DUI
- Domestic Abuse (Domestic Battery and Domestic Assault)
- Unlawful Detainer (failure to vacate)
- Other Criminal Offenses
- Other Traffic Offenses
- City Ordinance Violations

As a result of these criminal cases, for 2008, \$425,094.44 in fines were collected; \$30,460 in probation fees were collected; \$44,127.36 was received for the City by the Administration of Justice fund; and approximately 4,069.25 hours of community service were assessed.

### Warrants/Summons Issued:

The Criminal Division of the City Attorney's Office prepared and submitted a total of 329 affidavits to the District Court, which resulted in an arrest warrant or criminal summons being issued and criminal proceedings initiated.

### Restitution Paid to Victims:

Through efforts by our office, in 2008, either by letter or by criminal proceeding, the City Attorney's office was able to secure restitution commitments (often time payments) of approximately \$20,000, on behalf of victims of crimes in the City of Van Buren. In addition, during 2008, approximately \$28,255 was actually collected or secured as restitution on behalf of victims, either directly or through the District Court Clerk's office.

Other Activities Generated by the Criminal Division:

In addition to the above listed activities, the attorneys of the City Attorney's Office have sent out approximately **165** letters and memos concerning criminal matters. This office also answered a total of **287** formal discovery requests from defense attorneys throughout the 2008 year. When a discovery request is filed with the City Attorney's Office, our office has to make copies of all information related to the case, and respond to the request within a certain amount of time, as required by law. In addition there were **10** cases that were appealed before the Circuit Court for jury trials, which were (and in most cases still are being) handled by this office.

CIVIL DIVISION  
OF THE CITY ATTORNEY'S OFFICE

The City Attorney's Office first and foremost serves as corporate counsel for the City. The Civil Division is responsible for: ordinance evaluation, drafting and review; drafting resolutions; drafting and reviewing contracts; and drafting correspondence with agencies, courts and other government bodies. In addition, the City Attorney is working to centralize all Freedom of Information requests and Human Resource actions to assure strict compliance with state and federal law. Below are examples of the civil activities of this office during:

ACTIVITIES

<u>Activity</u>	<u>Total Number</u>
Letters/Memos Written	246
Resolutions drafted for Council	46
Ordinances drafted for Council	53
Other legal documents prepared (includes contracts and other legal documents)	19
Other Legal Matters:	
- Answers to Writs of Garnishment	9
- Responses to FOIA requests	18
- Property liens filed after Property cleaned by City	8
- Other Lawsuits	11
Meetings Attended of City Council, Commission or Boards (including Committee Meetings)	23

## A PROACTIVE, VALUE ADDED OFFICE

The Van Buren City Attorney's Office strives to be a proactive, value added municipal law office for the City of Van Buren. As both corporate counsel for the multi-million dollar business of Van Buren, and as prosecutor for the vast majority of misdemeanors in Van Buren, below are brief examples of a few of the ways the City Attorney's Office has worked to identify and address legal issues, and give to Van Buren taxpayers the most “bang for their buck”:

1. **OUT REACH:** In addition to a weekly meeting with the other elected officials and the department heads coordinated by the Mayor, our office has made a concerted effort to reach out to the various departments and commissions. The City Attorney participated in and graduated from the Spring 2007 Citizens Police Academy and Catherine Smith from the Fall 2008 class and continues to work with the program and make presentations to the classes. The City Attorney has continued to attend and address the Planning Commission, and the Historic District Commission in an effort to provide legal guidance and to discern areas of the City Municipal Code that can be improved.
2. **RISK MANAGEMENT MEETINGS AND TRAINING:** Currently, in coordination with the Mayor's office, the City Attorney and the department heads of each department meet regularly to discuss operation and/or legal issues affecting the departments or the City as a whole. Our office has put together a 2 hour sexual harassment training seminar, a 1 hour Freedom of Information Act training seminar which we hope to administer in the near future and on an annual basis, and has implemented an officer training program to keep our officers apprized of developing legal issues and to refresh protocol awareness. Our goal is to increase the opportunities for officers, elected officials, and department heads to get updated liability training and access to legal counsel.

In addition the City Attorney (and in many cases, the Deputy City Attorney) has attended several Arkansas Municipal League/Arkansas City Attorneys Association, day long seminars addressing issues relative to Municipal law. In addition, the City Attorney's office has a membership with the *Arkansas City Attorneys Association*, the *International Municipal Lawyers Association*, the *National Association of Counties*, the *Federalist Society, Criminal Law and Procedure Group*, and the *Arkansas Bar Association - Government Practice and Labor and Employment Sections*, in an effort to stay abreast of current and cutting edge legal issues that impact and affect the operation of the city of Van Buren, code enforcement and criminal justice.

3. **ATTORNEY AVAILABILITY FOR FILING CHARGES AND MEETING WITH VICTIMS:** The City Attorney has established office hours to meet with victims of crimes, citizens with issues related to the city, and people with ongoing criminal issues on Monday, Tuesday and Thursday mornings, and by appointment. This

includes victims on cases in which the offender has already been arrested, as well as cases in which the victim is wanting to file initial or additional charges. By this scheduling we have been able to improve accessibility for the public and maximize the efficiency and availability to city staff and elected officials.

4. **CITIZEN/POLICE CONTACT THROUGH OUR WEB SITE:** Our office has implemented a very basic City Attorney web site for general information, and for citizens to make inquiries to our office through email. In conjunction with improvements to our city site, we have plans for online brochures, interactive contacts, and the posting of information for officers needed for court. The Van Buren City Attorney's Office website is [www.vanburencity.org/CityAttorney](http://www.vanburencity.org/CityAttorney).
5. **ORDINANCE REVIEW:** The City Attorney's Office continues to routinely review ordinances of the City of Van Buren to ensure our ordinances are kept up to date and current with new laws and case decisions. The City Attorney can be contacted by any council member, in office, by phone, or by email, to discuss any current or potential city resolutions, ordinances, or revisions to existing ordinances. For 2008 we expended a substantial number of hours researching and drafting zoning improvements; drafting a new section for condominium zoning; researching and drafting updates to our Gas, Planning and Land Use codes, worked with the state legislation and Representative Rick Green to change legislation to cut cost for codification, continue to work on and review the privilege license ordinance and personnel policy in conjunction with the Mayor's Office, and research various other ordinance projects that are still in progress.
6. **INFORMATIONAL BROCHURES:** In 2008, our office put together brochures for: understanding criminal subpoenas; how to use the small claims court to resolve civil disputes; how to obtain protective orders; and what to do during a traffic stop. Various other topics are in the process including: land lord tenant information packets; assistance in dealing with domestic violence; and information for combating DWIs. We also worked with Code Enforcement and the Mayor's Office to implement press releases and proactive actions with regards to the April 2008, storm damage. Despite one or two complaints about our inability to prosecute for "poor workmanship", we generally received kudos from the public and received kudos from the Southwest Times Record for our proactive approach.
7. **CIVIL SERVICE RULES AND REGULATIONS REVIEW:** The City Attorney's Office, in partnership with the Civil Service Commission, the Police Chief and Fire Chief, will continue to review the Civil Service Rules and Regulations to make sure they are kept up to date and current with new laws and case decisions, and to provide the commission and the department heads with pertinent legal advice regarding enforcement and interpretation of laws and our civil service ordinance.

8. IMPROVEMENTS TO CITY ATTORNEY OFFICE: In order to improve customer service, civic pride, and overall efficiency of our office, over the 2007 and 2008 calendar years the City Attorney’s office managed a complete renovation of its office space in the municipal complex: secured quality office furnishings that should be functional for many, many years; and upgraded the technology, all without going outside existing office annual budgets. In 2008, the City Attorney finalized technology improvements and has begun focusing on improving office accessibility via the web and the intercity exchange of information.
  
9. COST EFFECTIVENESS: A comprehensive salary survey for city attorneys, attached hereto as Exhibit “A,” demonstrates that the Van Buren City Attorney’s Office cost less per tax payer than any other city in the state’s top 20. The most comparable city in Arkansas, by population and caseload, Cabot, (which is located in a similar metropolitan area, and on an interstate) by comparison spent more than one and a half times (151%) Van Buren’s annual budget on attorney services. The Van Buren City Attorney’s criminal caseload is also impressive at over 6,000 cases a year, compared to the Fort Smith City Prosecutor, who according to the Fort Smith Chamber, handles 3,000 + cases a year, and has no civil duties with the city.
  
10. PROSECUTIONS: The City Attorney’s Office has made great strides to improve the functionability of court time and to minimize the drain on our police to be in court. Working with the local bar we have substantially reduced the length of district court trial proceedings and shortened the amount of time officers have had to wait to determine if they will have to testify in cases that are ultimately plead. We have received praise from officers and local attorneys regarding our efforts to streamline the District Court for the City.

STAFF OF CITY ATTORNEY’S OFFICE

N. Donald Jenkins, Jr. .... City Attorney  
 Keith M. Kannett..... Deputy City Attorney  
 Catherine Smith..... Administrative Legal Assistant

Respectfully submitted by:

N. Donald Jenkins, Jr.  
 Van Buren City Attorney

