



Legislation Details (With Text)

**File #:** 04223      **Version:** 1      **Name:** Office of City Attorney: Community Prosecution / Nuisance Abatement Atty.

**Type:** Resolution      **Status:** Passed

**File created:** 7/25/2006      **In control:** BOARD OF ESTIMATES (ended 4/2017)

**On agenda:** 9/5/2006      **Final action:** 9/5/2006

**Enactment date:** 9/6/2006      **Enactment #:** RES-06-00724

**Title:** Authorizing a Community Prosecution / Nuisance Abatement position in the Office of the City Attorney, and amending the 2006 Operating Budget by appropriating \$11,100 from the Contingent Reserve to the City Attorney's Office.

**Sponsors:** David J. Cieslewicz, Tim Bruer, Lauren Cnare, Kenneth Golden, Michael E. Verveer, Paul J. Van Rooy

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
9/5/2006	1	COMMON COUNCIL	Adopt	Pass
8/28/2006	1	BOARD OF ESTIMATES (ended 4/2017)	RECOMMEND TO COUNCIL TO ADOPT (15 VOTES REQUIRED) - REPORT OF OFFICER	Pass
8/1/2006	1	COMMON COUNCIL	Refer	
7/26/2006	1	Finance Dept/Approval Group	Approved Fiscal Note By The Comptroller's Office	
7/26/2006	1	Attorney's Office	Referred for Introduction	
7/25/2006	1	Attorney's Office	Fiscal Note Required / Approval	

**Fiscal Note**

The funding included in this resolution anticipates filling the new position about November 1, 2006. Funds are available in the Contingent Reserve (the current balance is \$871,705). There is no impact on the tax levy or State Expenditure Restraint Program eligibility limits. The target for the Attorney's Office 2007 Operating Budget Request includes funding for this position.

**Title**

Authorizing a Community Prosecution / Nuisance Abatement position in the Office of the City Attorney, and amending the 2006 Operating Budget by appropriating \$11,100 from the Contingent Reserve to the City Attorney's Office.

**Body**

**Background**

In the last ten years, there have been increased instances of houses or other locations within the City of Madison that would qualify as nuisances. These houses have a large number of police calls, building inspection violations, drug use and other associated problems. These locations often are the first signs of a deteriorating neighborhood, and if not stemmed, may lead to very troubled areas of the City.

The Madison Police Department (MPD) and the Office of the City Attorney (OCA) were able, in some instances, to put together coordinated efforts aimed at nuisance locations. However, these efforts could not be sustained over time, primarily due to a lack of resources in the OCA. Increased obligations on the time of the assistant city attorneys has made it difficult to maintain this necessary, coordinated effort.

For example, the number of appearances by OCA attorneys in municipal court has risen from 8,405 in 2003, to 12,131 in

2004, to 13,973 in 2005. This is an increase of over 60%, without the addition of any staff. While the MPD has added 32 commissioned positions since 1999, the OCA has added a one-half time assistant city attorney, while support staff in the OCA has decreased due to budget limitations.

A Community Prosecution/Nuisance Abatement program targets problem properties early in the process of criminal activity, or other activity such as building code violations, and brings the coordinated resources of the City to bear on the problem. The OCA would dedicate at least 75% of the time of one ACA to a coordinated effort of the MPD, OCA, Building Inspection, and other city agencies. To be effective, both the Police Department and the OCA must work closely and quickly to deal with problem properties. The work of other City departments, such as building inspection, must be coordinated.

The use of coordinated civil prosecutions to solve crime-related problems has become much more successful in recent years. The Milwaukee City Attorney's Office has three Assistant City Attorneys working on a similar program in Milwaukee. Such programs have also been successful in New York and Oakland. See stories available at the following websites:

<http://www.innovations.harvard.edu/awards.html?id=3713>  
[http://www.popcenter.org/Library/Goldstein/2003/03-26%20\(W\).pdf](http://www.popcenter.org/Library/Goldstein/2003/03-26%20(W).pdf)

In order to accomplish this, this resolution would authorize one additional ACA position in the OCA. The position is budgeted as an entry-level prosecutor. If approved, the OCA would hire a new prosecutor, and free up the time of more senior attorneys. The City Attorney is committed to dedicating at least 75% of the time of an attorney as the Community Prosecutor/Nuisance Abatement attorney. This should allow this important program to move forward. Additional support staff may be needed in the future, but that will not be known until the prosecutorial attorney is on board.

Resolution

WHEREAS, the City of Madison needs additional prosecutorial resources to commit to a Community Prosecution/Nuisance Abatement program; and

WHEREAS, such a program is an important step in keeping neighborhoods safe, and stopping the deterioration of property and the crime and other problems associated with nuisance properties;

NOW, THEREFORE, BE IT RESOLVED, that one additional assistant city attorney 1 position is hereby authorized in the Office of the City Attorney, and

BE IT FURTHER RESOLVED, that the City Attorney is authorized to assign an assistant city attorney to spend at least 75% time as the Community Prosecutor/Nuisance Abatement attorney, to carry out the program described herein; and

BE IT FURTHER RESOLVED, that the 2006 budget of the Office of the City Attorney is amended by an appropriation of \$11,100 from the Contingent Reserve to the following accounts:

\$ 8,070	GN01-51110-023000	Permanent Salaries
\$ 3,030	GN01-52000-023000	Fringe Benefits
\$11,100	Total	