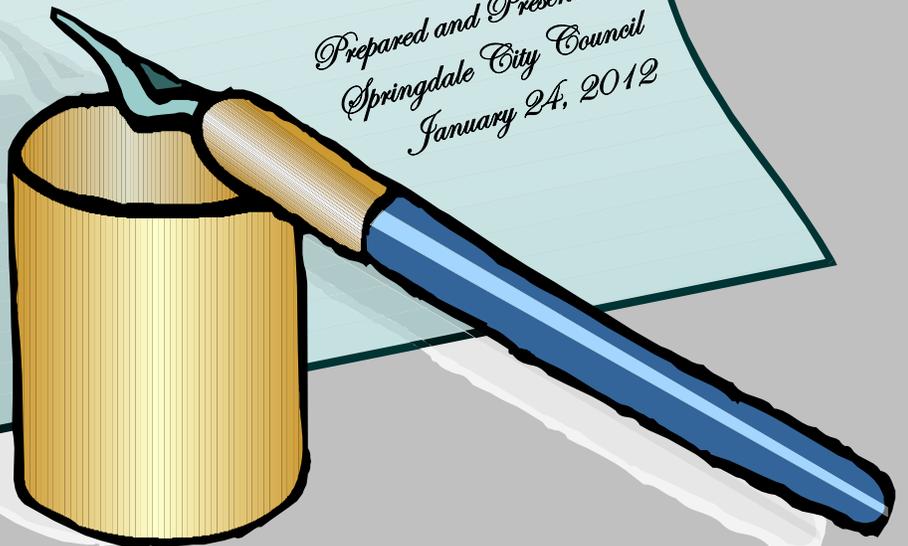




2011  
Annual Report  
Of the  
Springdale  
City Attorney's  
Office

Prepared and Presented to  
Springdale City Council  
January 24, 2012



**ANNUAL REPORT OF THE  
SPRINGDALE CITY ATTORNEY'S OFFICE  
FOR THE YEAR 2011  
PUBLISHED ON JANUARY 24, 2012**

**INTRODUCTION**

The Springdale City Attorney's Office is staffed by the City Attorney and three Deputy City Attorneys. In addition to the attorneys, the staff includes five full-time employees and one part-time employee.

The City Attorney's Office is divided into three divisions: Criminal Division, Hot Check Division, and Civil/Risk Management Division.

**MISSION STATEMENT**

The Mission of the Springdale City Attorney's office is to deliver outstanding legal services to the City of Springdale by providing sound legal advice to city officials and employees to help them achieve their goals; representing the city in litigation, and protecting public health, safety, and welfare by effectively prosecuting all misdemeanor crimes and violations which occur within the City of Springdale.

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

There were an estimated 25,593 contacts with the City Attorney's Office which involved either a phone call to the office or a citizen or employee of the City coming into our office on business. The following is a breakdown of the type citizen/ employee initiated contacts with our office in the year 2011.



Dixie Putt, Receptionist

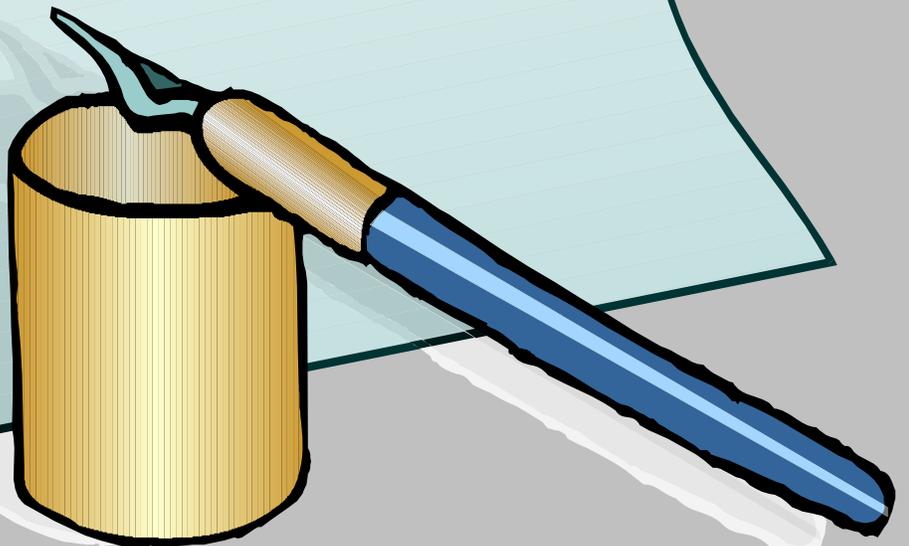
**2011  
ESTIMATED CITIZEN/EMPLOYEE INITIATED  
CONTACTS WITH THE CITY ATTORNEY'S OFFICE**

<u>Nature of Contact</u>	<u>Total Number</u>
Phone Calls	19,193
Persons who came into office on hot checks	1,111
Persons who came into office (not on hot checks)	
Citizens	3,612
City Employees/Officials	<u>1,677</u>
Total Number of Citizen/Employee Contacts	25,593

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*Criminal  
Division*

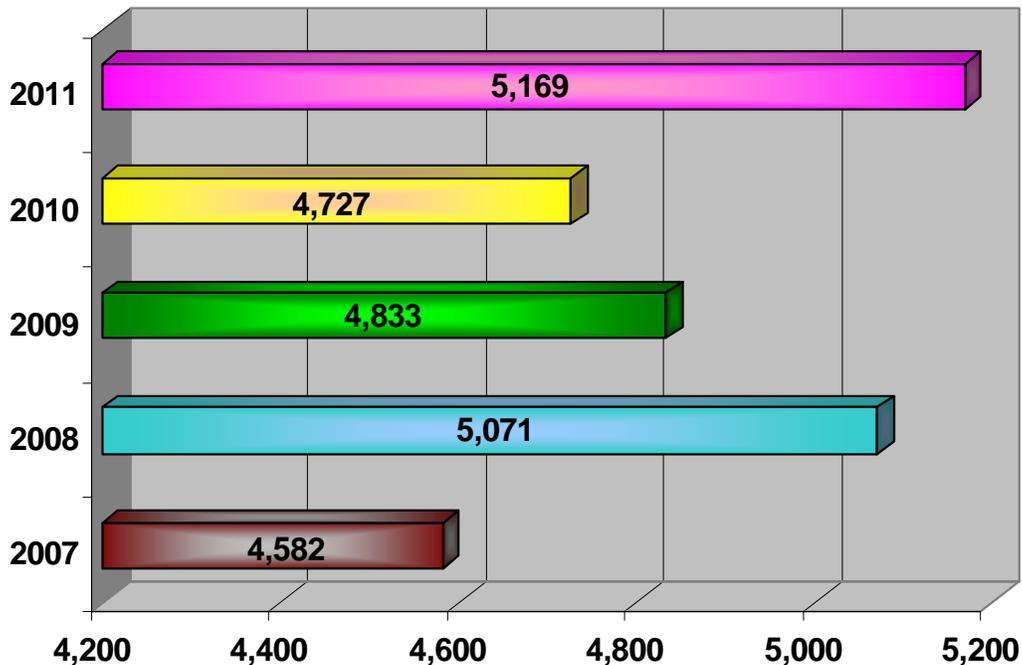


## CRIMINAL DIVISION OF THE CITY ATTORNEY'S OFFICE

### Court Cases:

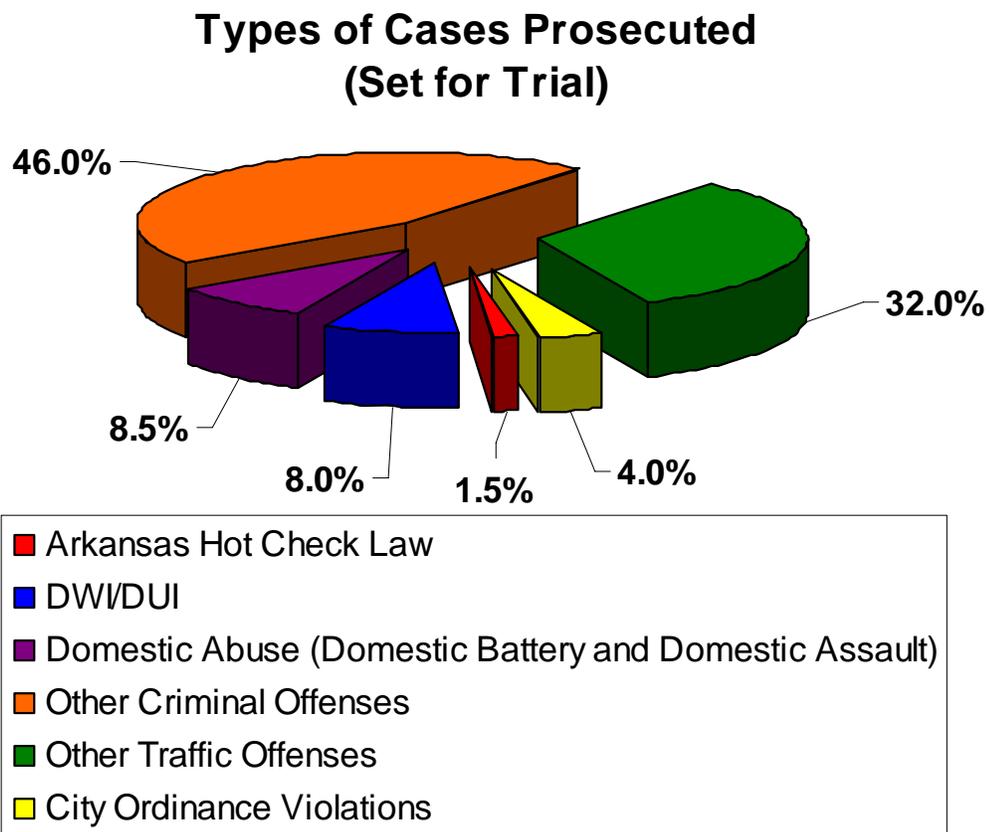
In 2011, the Criminal Division of the City Attorney's Office handled 5,169 cases. Of these 5,169 cases, 4,039 were handled at trial, while 1,130 were settled before the case went to arraignment. The 4,039 cases (defendants) handled at trial is the highest number the City Attorney's Office has ever dealt with in any calendar year. Set out below is a chart showing the total number of cases handled by the City Attorney's Office the past five years. The 5,169 total, which includes cases handled at trial and the number of persons who came into the office before arraignment and had their cases settled, was the highest number of total cases the City Attorney's Office has handled in the past five years.

**Total Court Cases (Defendants) Handled By  
City Attorney's Office  
2007-2011**



## Type of Criminal Cases Handled in Court During 2011:

The Springdale City Attorney's Office prosecuted a total of 7,811 criminal charges on the 4,039 defendants set for trial in 2011 (most defendants had more than one charge). Of the 7,811 total charges, the following is a percentage breakdown by the type of charge.



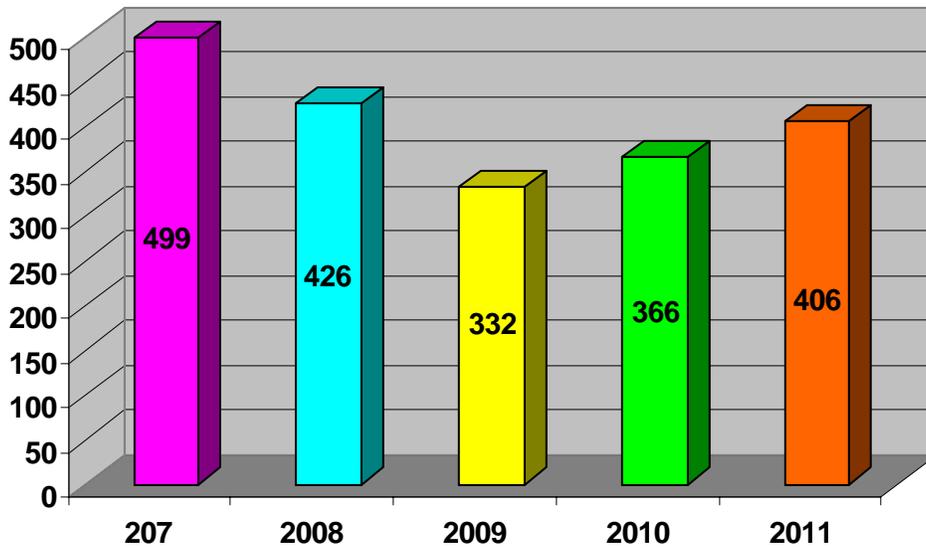
**Warrants/Summons Issued:**

The Criminal Division of the City Attorney's Office issued a total of 406 affidavits, which resulted in an arrest warrant or criminal summons being issued during the year 2011. The next chart sets out the total number of affidavits prepared for the issuance of warrants or a summons in the past five years.



Taylor Samples  
Deputy City Attorney

**Affidavits For Warrant/Criminal Summons  
Issued by City Attorney's Office**



Some of the warrants or summons issued were a result of citizens making contact with our office and filing a complaint. However, there were 312 cases from the Criminal Investigation Division of the Springdale Police Department sent to our office for a decision on whether a warrant should be issued.

### **Activity by Victim Advocate:**

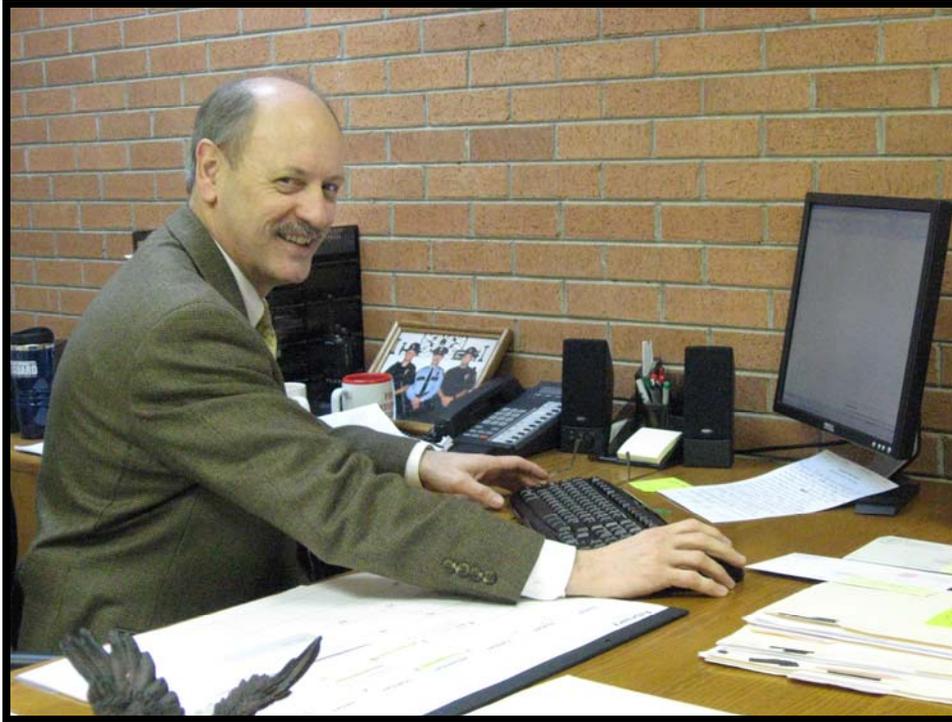
Lynda Belvedresi acts as both Case Coordinator and Victim Advocate for the City Attorney's Office. One of her main duties involves contact with misdemeanor domestic abuse victims. In 2011, Lynda made contact with 68 intimate domestic violence victims, 10 non-intimate domestic victims and 5 victims of other crimes, for a total of 83 victims contacted.



Lynda Belvedresi, Case Coordinator/  
Victim Advocate

### **Restitution Paid to Victims:**

In 2011, the City Attorney's Office, in a partnership with the Springdale District Court, collected \$77,408.37, which was paid to crime victims of the City of Springdale. This does not include hot check violations, which are set out in detail later in this report. Counting the two together, non-hot check restitution paid to victims and hot check restitution paid to victims, our office was responsible for collecting a total of \$226,628.62 for crime victims of the City of Springdale in the year 2011.



Steve Helms, Investigator

**Activity by Investigator:**

The main functions of the Investigator in the City Attorney's Office is to serve subpoenas, locate witnesses needed for court, locate persons who have warrants issued by our office and to investigate various matters referred to our office. In 2011, the Investigator contacted 679 victims about their court date and 260 witnesses, which totals 939 persons contacted. The Investigator also investigated 76 different incidents, which required follow-up investigation. The Investigator also served 337 subpoenas, and was instrumental in the service of 412 warrants/summons.

**Other Activities Generated by the Criminal Division:**

In addition to the above listed activities, the attorneys of the City Attorney's Office wrote 428 letters and memos concerning criminal matters in the year 2011. The office also answered a total of 542 discovery requests from defense attorneys. When a discovery request is filed with the City

Attorney's Office, our office has to provide the information related to the case to the defense within a certain amount of time, as required by law. Most discovery requests are now answered by email, which saves copy and postage costs. The office also issued 72 prosecutor subpoenas in regard to investigations being conducted by the Springdale Police Department. In addition, there were 650 criminal judgments prepared by the City Attorney's Office in 2011.



Jacquie Roth, File Clerk

### **Studies Published:**

The City Attorney's Office published its 2010 annual activity report on February 8, 2011; a study on 2010 intimate domestic violence cases in Springdale, which was published on October 7, 2011; and a study on DWI arrests and prosecutions for the year 2010, which was published on December 1, 2011. All reports can be accessed on our web site at [www.springdalear.gov/cosa](http://www.springdalear.gov/cosa).



Jeff Harper City Attorney

### **Training:**

Employees in the City Attorney's Office attended training in the following areas related to criminal prosecution:

- *DWI Prosecution*, sponsored by the Arkansas Prosecuting Attorney's Association;
- *Best Practices for Domestic Violence and Child Custody*, sponsored by Legal Aid of Arkansas, Washington and Benton County Bar Associations, Fayetteville City Prosecutor's Office, Springdale City Attorney's Office, and Peace at Home Shelter
- *Ethics*, sponsored by Arkansas Prosecuting Attorneys Association
- *Arkansas Case Law Update*, sponsored by Arkansas Municipal League

### **Other Programs:**

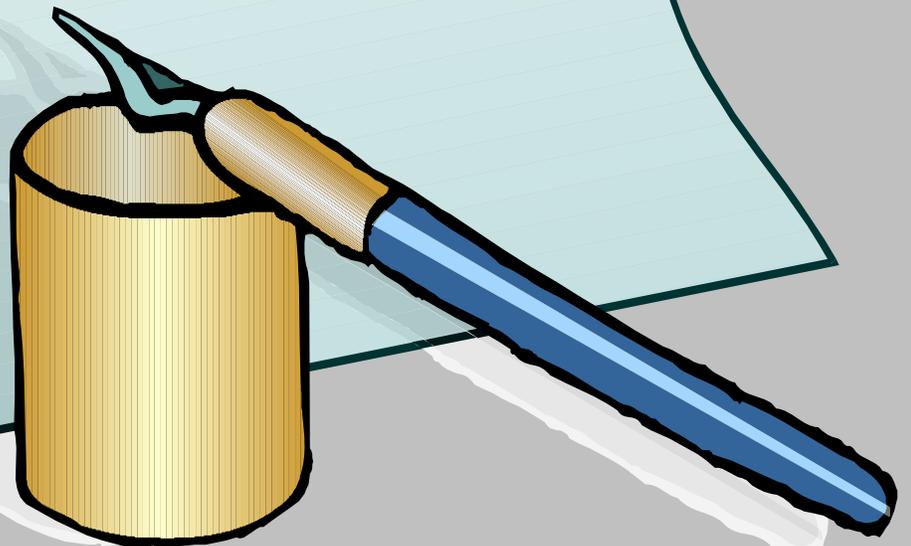
In 2011, the City Attorney's Office continued to distribute material aimed at combating drunk driving, domestic abuse, and educating the public on

the seriousness of passing school buses that are stopped with red lights flashing. In addition to the pamphlets, the City Attorney's Office made the following presentations or contacts with the community:

- Brooke Lockhart, Deputy City Attorney, was the liaison from our office with the Law and Public Safety Academy at Springdale High School and provided several programs and training to them in 2011 and volunteered 35 hours of her time in assisting them with their mock trial competition;
- 1/12/11 - Jeff Harper, City Attorney, spoke to three classes at Willis Shaw Elementary School;
- 4/1/11 - Brooke Lockhart, Deputy City Attorney, spoke to students from the Law and Public Safety Academy at Springdale High School;
- 4/1/11 - Brooke Lockhart, Deputy City Attorney, spoke at Marshellese Women's Conference held at the Jones Center concerning criminal and traffic issues affecting the Marshallese community;
- 4/1/11 - Lynda Belvedresi, Victim Advocate for City Attorney's Office, spoke at Marshellese Women's Conference held at the Jones Center concerning victims' rights affecting the Marshallese community;
- 5/16/11 - Brooke Lockhart, Deputy City Attorney, delivered the commencement address for her high school alma mater, Gentry High School;
- 6/22/11 - Jeff Harper, City Attorney, spoke to Springdale Noon Lions Club;
- 9/23/11 - Jon Nelson and Taylor Samples, Deputy City Attorneys, were shadowed by an eighth grade student from the Springdale Public Schools;
- 12/8/11 - Jeff Harper, City Attorney, spoke to Springdale Leadership Class, sponsored by the Springdale Chamber of Commerce.



*Hot Check  
Division*



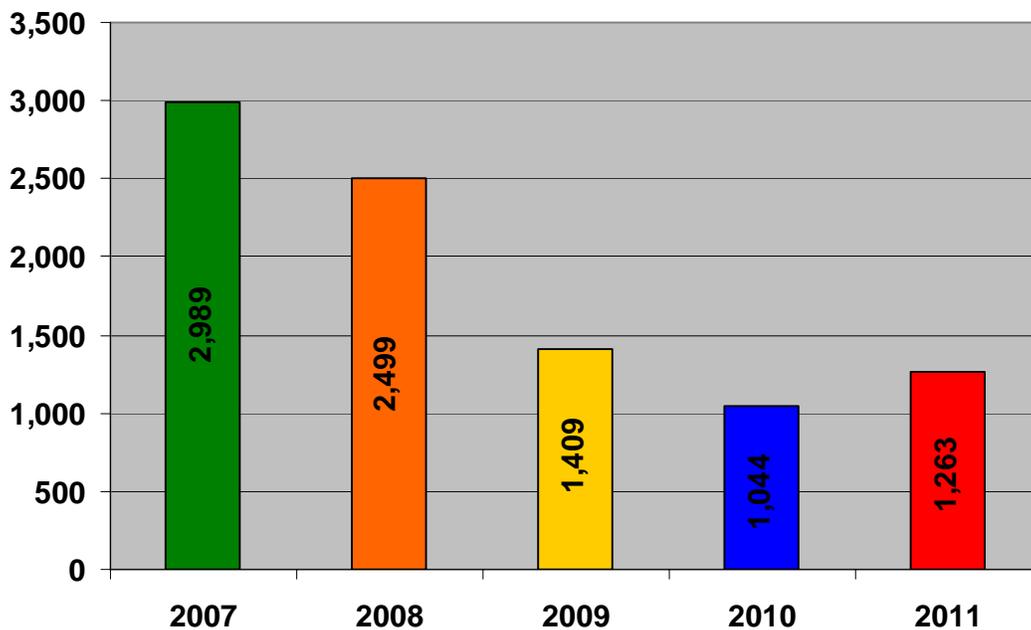
## HOT CHECK DIVISION

The Hot Check Division continues to be very successful in collecting money for merchants. A total of 1,263 hot checks were brought into our office by merchants for collection in 2011. This is the first year in the last ten years that the number of hot checks brought into our office increased from the previous year. The reason for the decline in hot checks is that many merchants no longer take checks, often taking debit cards or credit cards instead.

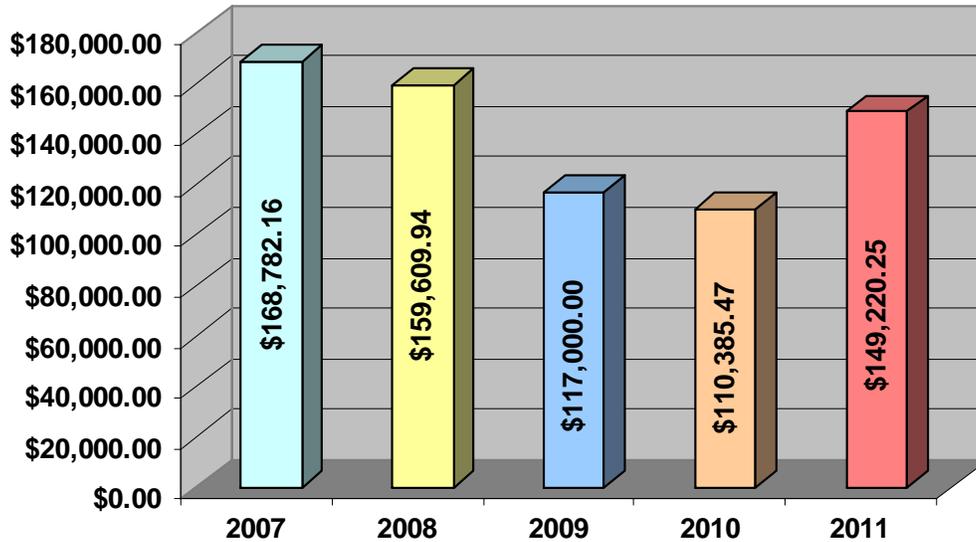
In 2011, \$149,220.25 was paid to merchants of the City of Springdale, who were the victims of hot check writers. This is an increase from \$110,385.47 paid to merchants in 2010 and the increase reflects the increased number of hot checks brought into the office from the previous year.

The two graphs that follow reflect how many hot checks have been brought into our office by merchants the last five years, as well as how much money our office has paid to merchants in the last five years.

**Number of Hot Checks Brought to  
City Attorney's Office for Collection  
2007-2011**



### Total Amount Paid to Merchants 2007-2011



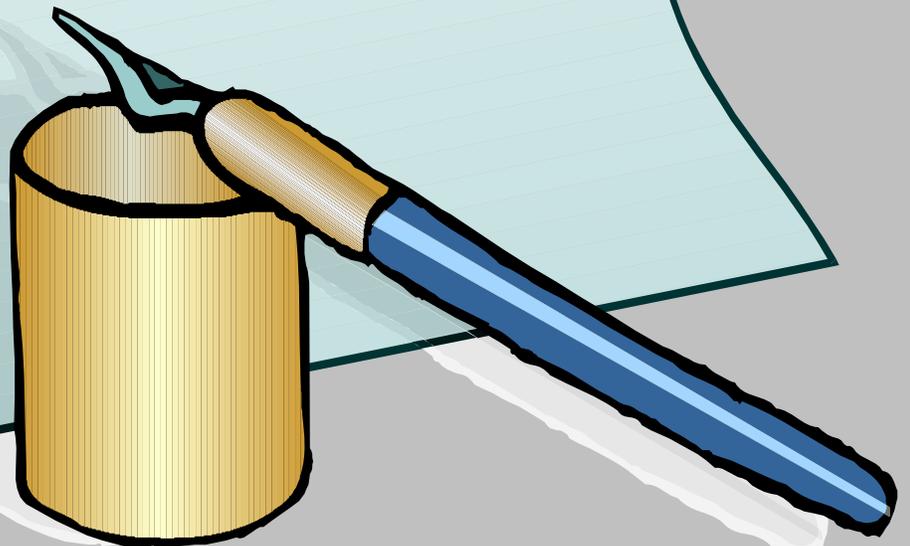
The City Attorney's Office collected \$27,375.22 in fees for prosecution of hot checks in 2011. These fees are paid by the offenders and defray the cost of administering the program.



Linda Brown  
Hot Check Administrator



*Civil - Risk  
Management  
Division*



**CIVIL/RISK MANAGEMENT DIVISION**

**2011  
CIVIL/RISK MANAGEMENT DIVISION  
ACTIVITIES**

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| <b><u>Activity</u></b>                                                                        | <b><u>Total Number</u></b> |
|-----------------------------------------------------------------------------------------------|----------------------------|
| Letters/Memos Written                                                                         | 391                        |
| Resolutions drafted for Council                                                               | 18                         |
| Ordinances drafted for Council                                                                | 84                         |
| <i>The M.A.P.</i> newsletter published                                                        | 2                          |
| C.A.L.L. newsletter published                                                                 | 4                          |
| Other legal documents prepared<br>(includes contracts, deeds, etc.)                           | 58                         |
| Lawsuits Handled:                                                                             | 9                          |
| Other Legal Matters:                                                                          |                            |
| ~ Property referrals from Code<br>Enforcement for lien or raze/removal                        | 119                        |
| Amount of public funds recouped on<br>clean-up liens in 2011                                  | \$18,232.64                |
| Meetings Attended of City Council,<br>Commissions or Boards (including<br>Committee Meetings) | 91                         |
| SNAP (Springdale Nuisance Abatement<br>Partnership) meetings attended                         | 12                         |



Jonathan Nelson  
Deputy City Attorney

## Code Enforcement Involvement

In 2009, the Arkansas legislature made revisions to the state statute that gives municipalities the authority to remedy ordinance violations on private property and then recover the costs associated therewith as a lien on the property. In 2011, the Code Enforcement Division referred 105 of these properties to the City Attorney's Office for action.

In 2011, the City Attorney's Office was successful in recouping a total of \$18,232.64 in public funds that had been expended to remedy code violations on private property. This

is a decrease from 2010, when \$26,016.15 in public funds were recovered. Some of the amounts recovered in 2011 were recovered without having to file a lien on the property. In those cases, the City remedied the violation, the City Attorney's Office made demand for the amount expended by the City, and payment was made to the City prior to a lien being filed. This method accounted for the recovery of \$11,323.01 on 54 properties.

Many times, however, a demand by the City was not enough to recover the amount spent to bring a property in compliance. In those instances, the City Attorney's Office prepared, and the City Council passed, an ordinance placing a lien on the property in the amount spent by the City to bring the property into compliance. In 2011, the City placed a lien on 24 such properties, compared to 32 in 2010. The liens placed in 2011 represented \$7,317.29 in public funds spent to bring these properties into compliance, compared to \$14,490.77 in 2010. With a property lien, the City's interests are adequately protected, and the funds will be recovered by the Tax Collector as back taxes. In 2011, the City received payment for 40 liens,

totaling \$6,909.63, compared to 2010, when the City received payment for 46 liens, totaling \$13,665.63.

In addition, in 2011 the Building Inspector's Office delivered 12 unsafe structures files to the City Attorney's Office for raze and removal. Of these 12 unsafe structures, two of the properties were razed and removed by the property owners. City Council passed ordinances to raze and remove 2 of the 12 unsafe structures. A demolition permit has been obtained by one of the property owners, and City Council gave the property owner 60 days to begin work on razing and removing the structure. The City Attorney's Office also continued to work on two unsafe structures from 2010, both of which have been razed and removed by the property owner. Eight properties are pending due to notification to property owner/lienholder.

### **S.N.A.P. Involvement**

In addition to taking action to recover public funds that have been spent to remedy ordinance violations on private property, the City Attorney's Office also actively participates in SNAP. SNAP (Springdale Nuisance Abatement Partnership) was established in 2006. The partnership includes the following departments of the City of Springdale: Police Department, Fire Department, Building Inspection, Code Enforcement, Planning and Community Development, Public Works, and the City Attorney's Office. The partnership also includes local representatives from the State Alcoholic Beverage Control and representatives from the Arkansas Department of Health.



Brooke Lockhart  
Deputy City Attorney

SNAP holds a monthly meeting at 11:00 a.m. the first Wednesday of every month. These meetings are designed to allow each department to address nuisance and code enforcement issues throughout the City of Springdale, including remedies and solutions to abate these nuisances. The result of these meetings is an organized and coordinated effort to abate nuisances and code violations in the City of Springdale. In 2011 the City Attorney's representatives to the SNAP team are Brooke Lockhart and Jonathan Nelson, Deputy City Attorneys.

A representative of the City Attorney's Office also attends meetings with owners of businesses who willingly cooperate with the SNAP team in addressing solutions to problems on their property. If the nuisance business does not comply, the business license revocation ordinance is utilized.

#### **Training Conducted by City Attorney's Office:**

The City Attorney's Office conducted the following training in 2011:

- *Northwest Arkansas Basic Police Academy* - taught criminal law, criminal procedure and civil liability on April 25, 2011 through April 27, 2011 and August 8, 2011 through August 10, 2011 (48 hours); taught Testifying in Court on May 5, 2011 and July 27, 2011 (8 hours) - (56 total hours)
- *New City Council Orientation* - January 3, 2011 (2 hours)
- *In-Service Springdale Police Department Training on Domestic Abuse Report Writing* - taught on January 19, 2011 and February 15, 2011 (2 hours)
- *Training for Civil Service Commissioners* - taught on January 19, 2011 (2 hours)
- *Dealing With City Attorney's Office* - taught at Peace at Home Shelter on February 23, 2011 (1 hour)
- *New Arkansas Laws Passed in 2011* - taught to Springdale Police Officers on July 14, 2011, July 25, 2011, and July 27, 2011 (3 hours)

***Total Hours Training conducted*** = 66 hours in 2011



Cindy Horlick, Administrative Legal Assistant/Paralegal

### **Risk Management Meetings**

The City Attorney's Office conducted risk management meetings along with the Human Resource Director with every department of the City of Springdale in 2011. This consisted of a total of 10 hours in meetings on risk to the City and ways to avoid liability.

### **Civil Liability/Risk Management Training Completed by City Attorney Employees:**

Attorneys in the City Attorney's Office completed the following training regarding civil liability/risk management in 2011:

- *Arkansas Case Law Update*, sponsored by Arkansas Municipal League
- *Police Liability*, sponsored by Arkansas Municipal League

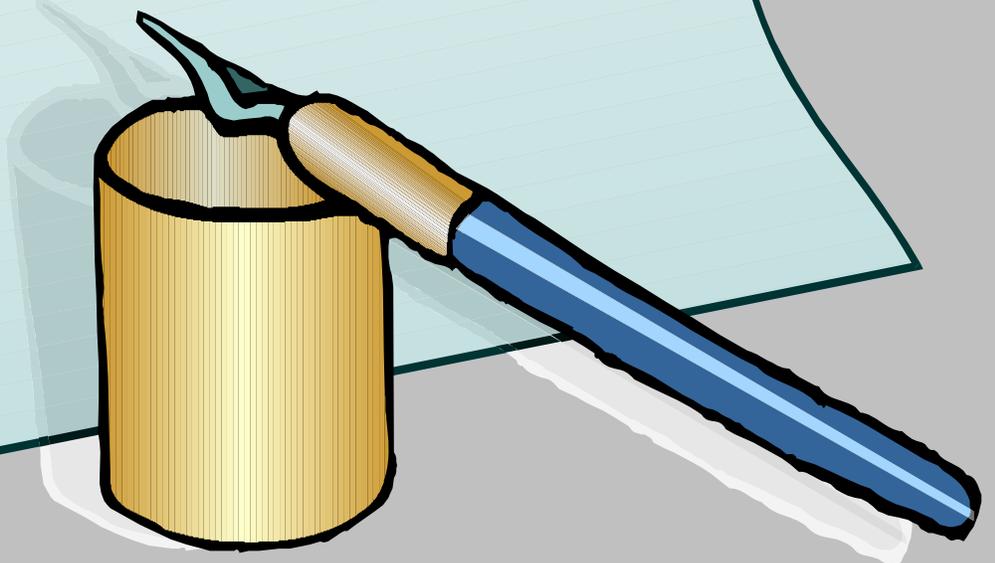
- *Legislative Update*, sponsored by Arkansas Municipal League
- *The Care and Feeding of Your Planning Commission*, sponsored by Arkansas Municipal League
- *Water and Fire Code Updates*, sponsored by Arkansas Municipal League
- *Ethics*, sponsored by Arkansas Municipal League
- *Litigating the High Profile Case*, sponsored by Arkansas Municipal League
- *Freedom of Information Act Issues*, sponsored by the Arkansas Attorney General's Office
- *Reaching for Stellar Service*, sponsored by Northwest Arkansas Community College (NWACC)



Jeff Harper, City Attorney  
Brooke Lockhart, Jonathan Nelson, and Taylor Samples  
Deputy City Attorneys



*A*  
*Proactive*  
*Office*



## A PROACTIVE OFFICE

The Springdale City Attorney's Office strives to be proactive. The following are ways the City Attorney's Office is proactive:

### 1. PUBLICATIONS

A. **The C.A.L.L.** ~ The C.A.L.L. (City Attorney Law Letter) was first published by our office on July 1, 1997. The goal of the publication is to provide Springdale police officers with the latest information on case law, laws passed, and other legal issues effecting law enforcement. C.A.L.L. is published by our office each quarter, on January 1, April 1, July 1 and October 1. We also put the latest edition of C.A.L.L., as well as archived issues of C.A.L.L. on our web site which can be accessed at: <http://www.springdaleark.org/cosa/call.htm>

B. **The M.A.P.** ~ The M.A.P. (Municipal Attorney Periodical) was first published by our office on September 1, 1998. The goal of this publication is to provide legal information to elected officials of the City of Springdale (Mayor, City Council, and City Clerk), as well as officials appointed to boards and commissions of the City of Springdale, department heads, and supervisors of the City. The newest laws, case decisions, and legal issues effecting these positions are covered in *The M.A.P.* *The M.A.P.* is published semi-annually, on March 1 and September 1. We also put the latest edition of *The M.A.P.*, as well as archived issues of *The M.A.P.* on our web site which can be accessed at: <http://www.springdaleark.gov/cosa/map.htm>

2. **RISK MANAGEMENT MEETINGS** ~ In partnership with the Mayor's office and personnel office of the City, the City Attorney, personnel officer, and the department head and risk manager of each department meet annually to discuss liability issues effecting that department. A review is made of potential legal issues effecting that department in the future and the previous year is reviewed as to risk management issues (such areas as number of employees hurt on the

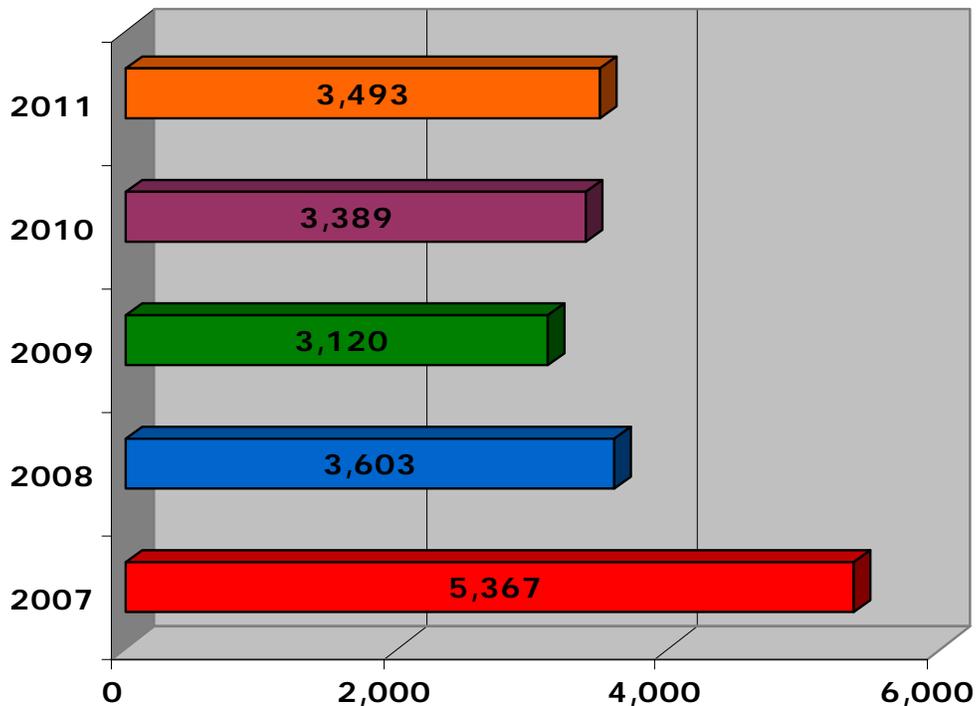
job, workers compensations claims filed, accidents that occurred, new policies/procedures initiated, and other liability issues).

3. **ATTORNEY AVAILABILITY TO SETTLE TRAFFIC TICKETS ~** Our office always has an attorney on duty during regular business hours to meet with persons who want to settle traffic tickets involving minor traffic offenses (such as speeding, disobeyed traffic signal, etc.) before their arraignment date in Springdale District Court. This program is in partnership with the Springdale District Court. By settling these tickets before arraignment, the court docket is more efficient because there are fewer cases set for trial, and the citizen is able to settle their ticket without making an appearance in court, which involves additional inconvenience to the citizen.
4. **ATTORNEY AVAILABILITY FOR FILING CHARGES AND MEETING WITH VICTIMS ~** Our office always has an attorney on duty to meet with victims of crimes. 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 new charges.

No appointments with an attorney have to be made and the victim can just walk into our office during normal business hours, at a time convenient to the victim. Our office also has an attorney assigned to each criminal investigation case sent to our office by the Criminal Investigation Division (CID) of the Springdale Police Department.

5. **CITIZEN/POLICE CONTACT THROUGH OUR WEB SITE ~** Our office has a web site ([www.springdalear.gov/cosa](http://www.springdalear.gov/cosa)) and citizens can make inquiries to our office through email. This is another way in which citizens can make contact with our office, and get a response at times convenient to them. On our web site we also have information posted weekly on officers we need for court. This way, police officers needed for court can log on to our web site and find out if they are needed for court without having to personally contact our office. In 2011, we had 3,493 persons visit our website, which was up from the 3,389 persons that visited our website in 2010.

### Persons Visiting City Attorney's Website



6. **PERSONNEL PERFORMANCE/APPRAISAL AUDITS ~**

The City Attorney will contact several persons each year who have dealt with the City Attorney's Office, and will get their opinion on their dealings with the City Attorney's Office. In the past, we have found areas we needed to improve on as a result of this process. When contact is made with the citizen, they are asked such questions as how long they had to wait in our waiting room before having their business taken care of, how they felt they were treated, how well they were satisfied with the services provided, and whether they have any suggestions for improvement.

## 7. **MONITORING CRIMINAL CASES ~**

A. **Monitoring Cases Through the City's Computer System.** The City Attorney's Office monitors criminal cases contained in the City of Springdale computer system. For instance, we log all DWI arrests, domestic violence arrests, and domestic violence cases in which the suspect was not arrested. This allows for early identification of any problems with the cases. It further allows us to make quicker contact with the victims. For instance, by monitoring the cases, we are able to identify persons who are victims of DWI crashes. We then send the victims a letter before the offender goes to court and ask them to contact our office concerning the damages they incurred. At this stage, it is often found out that the defendant did not have insurance and restitution is pursued through the prosecution. By early intervention in the case, there is a greater chance the victim will receive restitution from the offender.

B. **Monitoring Cases at Arraignment.** The City Attorney assigns an attorney from the office to all arraignments held at the Springdale District Court. The attorney assigned reviews each major criminal case for potential problems in prosecution. For example, by reviewing records of the person being arraigned for DWI, the attorney assigned to arraignment has discovered that the defendant has pending DWI cases in other jurisdictions, and this allows us to monitor the cases from the other courts (for example, the defendant at Springdale may have three pending cases in other jurisdictions for DWI, which would make the Springdale case a No. 4, which is a felony). The arraignment prosecutor is also able to bring up issues of restitution, in the event the defendant pleads guilty at arraignment. This allows us an opportunity to collect restitution for victims more efficiently.

8. **TRAINING ~** In a partnership with other City departments, our office, on a regular basis, provides training to Springdale police officers, and often times other personnel of the City. The training is

designed to identify and solve potential legal problems before they occur. For instance, we usually conduct a one week training class each year for police officers who have been on the street approximately two years or less (in a seminar called Legal Survival Skills for Rookies). We also, on a bi-annual basis, provide training for Council members who have just been elected to the City Council. All Council members, as well as City Board and Commission members, and department heads are encouraged to contact our office any time they identify a potential legal problem, or have a question.

9. **INFORMATIONAL BROCHURES** ~ Our office publishes a number of brochures on a variety of issues. We have brochures explaining the procedure of what is going to happen for persons filing charges in our office, brochures on preventing domestic violence and drunk driving, a brochure which provides information to persons whose land is being effected by city projects, a brochure on parking in residential zoning districts, and a brochure to provide education to persons on the law concerning passing stopped school buses, while the bus is stopped with its red lights flashing.
10. **PROGRAMS IN SCHOOLS** ~ In a partnership with the Police Department School Resource Officers and the Springdale Public Schools, our office has made presentations to the Law and Public Safety Academy at the Springdale High School, as well as other schools within the City of Springdale.
11. **ORDINANCE REVIEW** ~ The City Attorney's Office, in partnership with the Springdale City Council, routinely reviews ordinances of the City of Springdale to ensure our ordinances are kept up to date and current with new laws and case decisions.
12. **CIVIL SERVICE RULES AND REGULATIONS REVIEW** ~ The City Attorney's Office, in partnership with the Civil Service Commission and the Police Chief and Fire Chief, routinely reviews the Civil Service Rules and Regulations to make sure they are kept up to date and current with new laws and case decisions. In 2008, in a partnership with the Springdale Police Department, Springdale Fire

Department, the Department of Information Services, and the Springdale Civil Service Commission, the Civil Service Rules and Regulations were made available online through the City of Springdale website. Persons wanting to access these rules and regulations can go to the website of the Springdale Fire Department or Springdale Police Department and click on "Civil Service Commission," which is a link set out on the left side of each department's home page. After accessing the Civil Service homepage, click on Rules and Regulations.

13. **PERSONNEL RULES AND REGULATIONS** ~ In partnership with the Mayor's office, the Human Resource Officer, and our department, the Personnel and Procedures Manual is routinely reviewed to make sure such policies are kept up to date and current with new laws and case decisions. In partnership with these three departments, as well as the Department of Information Services, the Personnel and Procedures Manual can now be accessed through the City of Springdale website ([www.springdalear.gov](http://www.springdalear.gov)), click on "Careers" to the left, and then click on "Personnel and Procedures Manual" to the left.

**STAFF OF CITY ATTORNEY'S OFFICE**

Jeff C. Harper ~~~~~ City Attorney

Brooke Lockhart ~~~~~ Deputy City Attorney

Jonathan D. Nelson ~~~~~ Deputy City Attorney

Taylor Samples ~~~~~ Deputy City Attorney

Steve Helms ~~~~~ Investigator

Cindy Trimble ~~~~~ Administrative Legal Assistant/Paralegal

Lynda England ~~~~~ Case Coordinator/Victim Advocate

Linda Brown ~~~~~ Hot Check Administrator

Dixie Putt ~~~~~ Receptionist

Jacque Roth ~~~~~ Part-time Clerk