

**2007 STATUS REPORT  
ON  
PUBLIC DEFENSE  
IN  
WASHINGTON STATE**

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April 2008

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Washington State Office of Public Defense

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## EXECUTIVE SUMMARY

The state, counties and cities file criminal and other legal actions against more than 230,000 impoverished people in Washington each year. In cases that may result in incarceration or that involve fundamental rights, the federal and state constitutions, state statutes and court rules require that a public defense attorney be appointed to represent the indigent person.

Public defense quality issues were largely ignored for decades in Washington, but have been the focus of a dynamic reform movement since 2004. In 2005 and 2006, the Legislature instituted a new statewide program for public defense improvement under RCW 10.101, administered by the Washington State Office of Public Defense (OPD), as well as a public defense consulting service and a training program at the state agency. State funds for public defense improvement at the county and city level were first appropriated by the 2006 Legislature, which increased the appropriation to \$6.5 million annually in 2007.

This second annual Status Report identifies important aspects of public defense improvement in Washington during 2007, with an emphasis on public defense issues for children and teenagers accused of crimes in juvenile court. The key elements of the report include:

- **Juvenile Representation:** A description of challenges that continue to impact the right to effective assistance of counsel for children and teenagers in juvenile court, including the finding that in 17 counties public defense attorneys are not available to attend the first—often critical—court hearing for juveniles accused of crimes. The report also examines caseload limits, compensation issues, educational opportunities and specialized training, and supervision of attorneys who represent juvenile offenders.
- **Committee on Public Defense:** Highlights from the Washington State Bar Association (WSBA) Committee on Public Defense activities. The Washington Defender Association (WDA) and the Committee completed a two-year review of public defense standards, including caseload standards, and recommended revisions in keeping with developments in the practice of criminal law that have occurred in the 17 years since the WSBA first endorsed standards. In September the WSBA Board of Governors adopted revised state standards for public defense services. The new standards are available on the OPD web site at [www.opd.wa.gov](http://www.opd.wa.gov).

- **OPD Programs:** A review of OPD programs in the past year, including trial court consulting with counties and cities, attorney training statewide, criminal defense pilot programs in three courts, and parents' representation in dependency and termination cases in 25 counties. In 2007, OPD conferred with many county and city officials, judges and defense attorneys to plan and facilitate local program improvements. OPD also developed and hosted five regional training conferences that provided free continuing legal education (CLE) credits to public defense attorneys in those regions.

OPD's Parents Representation Program, which provides state-funded public defense attorneys to parents in dependency and termination cases, expanded to seven additional counties in 2007. In October, OPD published an "Update on Criteria and Standards for Determining and Verifying Indigency," which is available at [www.opd.wa.gov](http://www.opd.wa.gov). OPD also continued three pilot criminal defense programs begun in 2006 in Bellingham Municipal Court, Thurston County District Court and Grant County Juvenile Court. A formal, independent evaluation of each pilot is scheduled for late 2008.

- **Statewide Public Defense Improvement Program:** An overview of significant county and city public defense program enhancements achieved in the past year as a result of the new state funding assistance under RCW 10.101. These include improvements in system structure and oversight; attorney caseloads and attorney attendance at initial court proceedings; attorney compensation, training and administrative support; and attorney access to defense investigators, interpreters and experts.
- **County Public Defense Reports:** A collection of detailed program reports from each of the 38 counties that applied for and received a pro rata share of state funding in 2007 pursuant to the requirements and distribution formula of RCW 10.101. The data in each report is compiled largely from the county's funding application, and contracts for public defense services, and Administrative Office of the Courts' county caseload reports.

While state and local governments achieved significant improvements in public defense programs in 2007, there remain troubling barriers to ensuring the constitutional and statutory guarantees of counsel. In particular, excessively high caseloads, low compensation for contracted attorneys, and inadequate oversight in the administration and delivery of trial level public defense services require ongoing and focused attention, as well as enhanced state funding. These challenges cut across all types of public defense in all areas of the state, but perhaps are most acute for public defense services for children and teenagers facing criminal charges in juvenile courts.

The constitutional obligation to provide adequate public defense representation to impoverished persons was codified in 1989 and 2005, when the Legislature established that:

effective legal representation must be provided for indigent persons ...consistent with the constitutional requirements of fairness, equal protection, and due process in all cases where the constitutional right to counsel attaches. RCW 10.101.005.

It is critical that all involved—the state, counties, cities and the justice community—continue to diligently work together to establish a public defense system that truly delivers on this promise.

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# INTRODUCTION

A large percentage of the cases in Washington's justice system are governmental prosecutions against indigent individuals. Each year, the counties and cities charge more than 200,000 poor adults with crimes that may result in their incarceration. The state files actions against thousands of parents in deprivation of parental rights cases. The counties bring some 22,000 juveniles who face allegations that they are offenders into court for initial appearances or more extended proceedings.

The U.S. and state constitutions recognize that there are fundamental individual rights at stake in these cases, as well as an enormous imbalance of power and resources between the government and the impoverished people involved. Consequently, poor individuals who face such cases in Washington are constitutionally guaranteed the right to be represented by an effective attorney to protect their rights.

As a result of the work of many groups and individuals over the past four years, public defense in Washington is now in the midst of a dynamic reform movement. Four years ago, a Seattle Times series exposed widespread inadequacies in public defense practices; the American Civil Liberties Union (ACLU) and other groups filed a lawsuit against a county for failing to provide acceptable public defense, successfully settled soon thereafter; the Washington State Bar Association (WSBA) published a Blue Ribbon Panel report analyzing the breadth and the depth of the public defense deficiencies statewide; and the courts' Justice in Jeopardy initiative targeted the improvement of public defense statewide as a critically needed reform.

The 2005 Legislature responded to these reports and findings by funding a public defense consulting and training program at the Office of Public Defense (OPD) and adopting amendments to RCW 10.101 that establish a public defense improvement program for the counties and cities. The 2006 Legislature appropriated funds for the new program; funds were distributed in December 2006 for use in calendar year 2007. The administration of the first year of the program is reported here.

Over the years, each county has developed an individualized system for providing public defense. Some have organized public defender offices; others appoint private attorneys, who are often on contract, to handle the representations. Through the RCW 10.101 process, the counties report valuable information and statistics to OPD about how public defense is administered locally. This information is set forth in county data reports located in the second half of this report.

The first half of the report updates public defense improvement efforts, with a particular emphasis on public defense for juveniles. Many state and federal resources are directed at improving services for children and teenagers in the juvenile offender system. However, adequate public defense representation for juveniles is all too often a relatively low priority in Washington jurisdictions.

## PUBLIC DEFENSE IN JUVENILE OFFENDER CASES

Children and teenagers who are alleged to have committed juvenile offenses are guaranteed the assistance of public defense attorneys under the federal and state constitutions, state statutes and court rules.<sup>1</sup> However, public defense for juveniles is often an overlooked area. Many of the counties' systems are underfunded and poorly resourced, resulting in the failure to appoint attorneys for all court appearances and excessive caseloads, among other problems.

In Washington, some 45,000 juveniles are arrested each year. Several thousand more are summoned or referred to court. Always present at the initial court appearance are a judicial officer, the prosecutor and the juvenile<sup>2</sup>.

If a juvenile lives in one of the 22 counties where public defense attorneys are present and available for appointment at the initial appearance hearing, he or she will have the assistance of counsel during this potentially intimidating and complex proceeding. Juveniles who live in 17 other counties must fend for themselves in many cases. In initial appearance hearings in these counties, public defense attorneys are often unavailable for appointment; in some of these counties, public defense attorneys are never present at initial appearance hearings.

Initial appearance hearings are critically important, establishing probable cause and often setting the course as to how the case will progress. After the initial appearance hearing, the prosecutor reviews the juvenile's case and then decides how to proceed. Prosecutors direct some 16,000 cases into diversion programs annually pursuant to RCW 13.40.070(6) and (7), which establish that a juvenile's first case must be handled through diversion and that the prosecutor has discretion to divert a later case depending on the circumstances and the juvenile's criminal history. Prosecutors press charges against another approximately 20,000 juveniles each year. When appropriate due to lack of evidence or other considerations, prosecutors take no action—resulting in the dismissal of about 8,800 referrals in 2004.<sup>3</sup>

Representing juveniles can be more challenging than representing adults, as their lack of maturity presents practical difficulties and may serve as a basis for legal defenses. In recent years, both nationally and within Washington State, attention and concern have been focused on improving the juvenile justice system and encouraging better outcomes for children and teenagers.

Washington's juvenile offender public defense system was examined in detail in 2003, when the American Bar Association (ABA), the National Juvenile Defender

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<sup>1</sup> *In re Gault*, 387 U.S. 1 (1967) established indigent juveniles' constitutional right to counsel. RCW 13.40 codifies juveniles' right to counsel at all critical stages of the proceedings and establishes that counsel shall be provided to a juvenile who is financially unable to obtain counsel without causing substantial hardship to the juvenile or the juvenile's family. Juvenile Court Rule 6.2 mandates that juveniles be appointed counsel for diversion proceedings.

<sup>2</sup> The juvenile's parents are notified to appear, but for the most part they do not speak for the juvenile or take an active role.

<sup>3</sup> Governor's Juvenile Justice Advisory Committee, Washington State Juvenile Justice Report 2006, at 177.

Center, the Northwest Juvenile Defender Center, TeamChild Advocacy for Youth, Washington Defender Association (WDA), WSBA, and the Washington State Governor's Juvenile Justice Advisory Committee jointly published a report titled *Washington: An Assessment of Access to Counsel and Quality of Representation in Juvenile Offender Matters*, supra. (Washington Juvenile Assessment). This report found that many practices in the defense of juvenile offenders needed improvement, including the adoption of standards, access to counsel, compensation, training, resources, supervision or evaluation, caseloads, and effective counsel, among others.

Commencing in late 2005, the WSBA Committee on Public Defense looked further at juvenile representation problems. A subcommittee was appointed to focus on juvenile public defense, made up of judges, defense attorneys, prosecutors, professors, and others with extensive experience in juvenile cases and a broad range of perspectives. In early 2007, the juvenile subcommittee found that

- Most of the failings of the juvenile court system identified by the Washington Juvenile Assessment four years earlier had not been addressed;
- Most counties had not adopted public defense standards;
- Many juveniles were not appointed counsel, contrary to law;
- Caseloads remained excessive; and
- Training and supervision of juvenile attorneys were lacking.

The subcommittee recommended that a court rule on waiving counsel be proposed, that effective representation be provided to children at all court hearings, that public defense standards be adopted by the jurisdictions and caseload limits be followed, and that juvenile practice training be provided to attorneys before they represent a juvenile, and on an ongoing basis. The WSBA Board of Governors unanimously adopted these recommendations.

Since the Washington Juvenile Assessment's publication, a few counties have made significant improvements in juvenile public defense, but overall the representation of children and teenagers remains inconsistent and, in a number of jurisdictions, substandard. Following is a description of the status of juvenile public defense today with respect to issues first identified by the Washington Juvenile Assessment.

### **Adoption of Standards**

The first Washington Juvenile Assessment recommendation was that all Washington counties adopt public defense standards. In 2003, few jurisdictions had formally adopted standards as required by RCW 10.101. Today, however, almost all counties have adopted public defense standards ordinances or resolutions or are in the process of doing so. Many ordinances were adopted during the past year as a direct result of OPD's administration of the RCW 10.101 public defense improvement process.

In general, these local standards, and the WSBA public defense standards do not differentiate between adult and juvenile public defense. In other words, they require that juvenile attorneys be provided with the same resources, appropriate compensation levels, adherence to caseload standards, etc., as attorneys who represent adults.

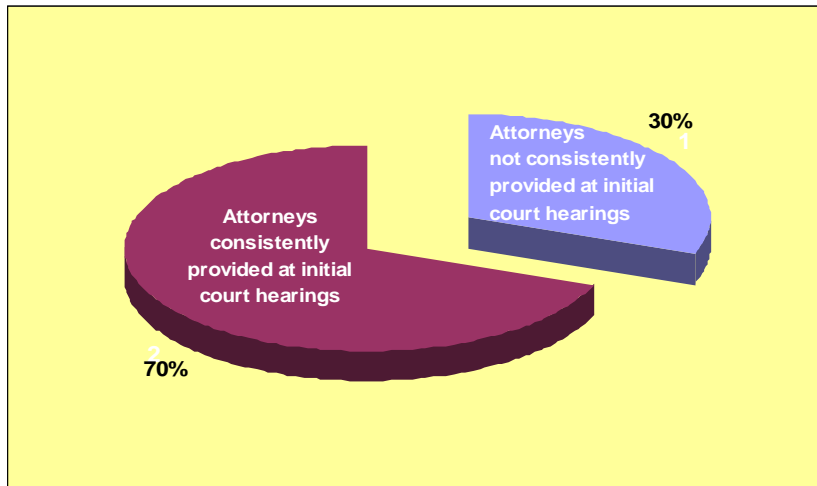
## Access to Counsel

As established by the *In re Gault* decision, 387 U.S. 1 (1967), the keystone of due process in these cases is the children and teenagers' ability to access counsel. The constitutional guarantee of counsel for them is further required by RCW 13.40.050, 13.40.100, 13.40.140 and JuCr 9.2. However, the Washington Juvenile Assessment in 2003 and the Committee on Public Defense in 2007 both reported that many juveniles do not have access to counsel at all court hearings.

Statewide data reported by the juvenile subcommittee of the Committee on Public Defense indicates that some 2,400 juvenile respondents appeared in court hearings without appointed counsel in 2005. The Committee On Public Defense found that a number of juvenile courts require juveniles to formally request counsel in writing before allowing them to consult with an attorney, and that some courts routinely allow juveniles to waive their rights and plead guilty to charges without ever speaking to an attorney to discuss their rights and options.

To address the access to counsel issue, the Committee on Public Defense has recommended a court rule that would establish a process to ensure juveniles understand their right to counsel before waiving it. After approval by the WSBA Court Rules Committee, the proposed rule was forwarded to the Supreme Court for consideration. The proposed rule requires that a public defense attorney be present at court hearings so the juvenile can consult with the attorney before deciding whether to waive counsel. The Supreme Court has published the rule for comment at [http://www.courts.wa.gov/court\\_rules/?fa=court\\_rules.proposedDetails&proposedId=26](http://www.courts.wa.gov/court_rules/?fa=court_rules.proposedDetails&proposedId=26)

An access to counsel issue of particular concern is the failure of a number of counties to provide public defense attorneys to represent juveniles at all initial appearance hearings. An OPD December 2007 survey identified 17 small to medium counties that never or only sometimes are able to ensure that a public defender is available for appointment at these hearings. The 17 counties handle about 30 percent of Washington's juvenile defense matters. An examination of Judicial Information System data from a number of these counties confirms that for many initial juvenile hearings, no public defense attorney is present.



**Counties' Provision of Public Defense Attorneys for Juveniles**

This is troubling not only because failing to provide counsel is an infringement of juveniles' statutory and constitutional right to counsel, but also because the juveniles involved are vulnerable and are forced to contend alone with the prosecutor and the judge and all the complexities of their first hearing in court. The Washington Juvenile Assessment quotes a juvenile court commissioner and a public defense attorney who explained that in their counties:

No attorney for the child is present at the First Appearance. The judge reviews the probable cause information with the child and the prosecutor....

(and, as an attorney noted) (t)here is no one making release or probable cause arguments at this hearing.

In addition to the intimidation factor, juveniles who cannot access counsel at their initial appearance are unlikely to be aware of what to expect in the case, how to question law enforcement's report about the incident in question, how to assert their constitutional rights involved in the case, how to ask for release, and how the case may impact their future, including eligibility for a driver's license, student financial aid, school notification and other collateral consequences. Further, as noted above, the prosecutor decides whether to send the juvenile's case to diversion or to press charges following the hearing. When there is no defense attorney raising pertinent questions about the allegations, for the most part, the prosecutor and the judge do not hear the other side of the story, but only law enforcement's version of the incident in question.

## **Compensation**

Low compensation is a significant barrier to the development of effective juvenile public defense representation statewide. In many counties, juvenile public defense attorneys are compensated at relatively low levels. An OPD analysis of counties' RCW 10.101 public defense improvement applications shows that in 13 counties reporting a pay differential between juvenile and adult public defense,<sup>4</sup> juvenile defense averaged about 30 percent less than the amount spent for adult felony and misdemeanor defense. (In addition, many counties pay low rates for all public defense cases, including juvenile representations.) Between the counties, the range of per-case juvenile public defense expenditure is very broad. Payment of less than \$200 per case is the norm in some counties, in both Eastern and Western Washington; some pay around \$300 per case, and a few pay some \$400 or more per case.

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<sup>4</sup> These 13 counties separately reported their juvenile public defense expenditures on their RCW 10.101 applications. The other 25 participating counties reported their juvenile and adult public defense expenditures together.

It is important for jurisdictions that underpay juvenile public defense attorneys to increase compensation to a fair professional rate. The legal representation needs of juveniles are as demanding and complex as the legal representation needs of adults. As noted by the U.S. Supreme Court in *In re Gault*,

A proceeding where the issue is whether the child will be found to be a “delinquent” and subjected to the loss of his liberty for years is comparable in seriousness to a felony prosecution. The juvenile needs the assistance of counsel to cope with problems of law, to make skilled inquiry into the facts, to insist upon the regularity of the proceedings, and to ascertain whether he has a defense and to prepare and submit it. The child “requires the guiding hand of counsel at every step in the proceedings against him.”

*Gault, supra*, p. 36.

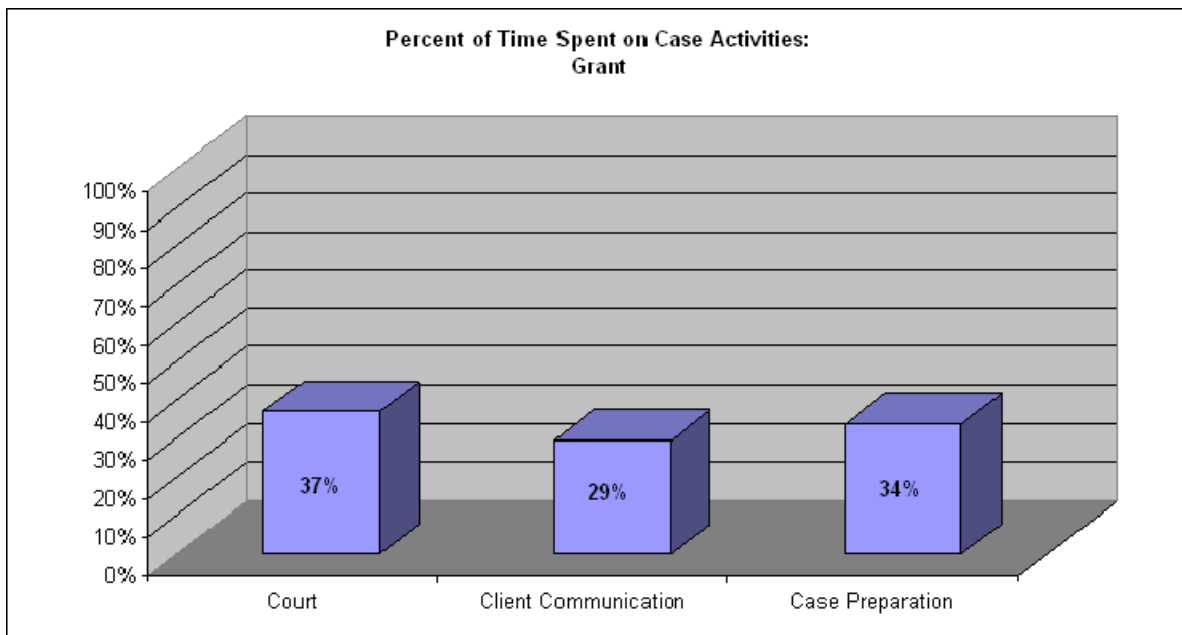
### **Caseload Limits**

Standard caseload limits are critically important to attorneys’ ability to represent public defense clients adequately. The Committee on Public Defense’s recent review of public defense caseload standards found that the existing 250-case juvenile caseload limit remains appropriate for Washington courts. Last year, Grant and Skagit counties were in compliance with this standard. King County, which processes almost 40 percent of all Washington juvenile offenders, plans to use RCW 10.101 public defense improvement funding to reduce juvenile caseloads in 2008.

In the 12 counties with public defender agencies the reported juvenile caseloads vary from slightly over 250 to 700 per attorney. In these counties, the average appears to be about 330 juvenile cases per year.

In 10 counties, juvenile criminal filings are below 250 cases per year, and in some counties, juvenile defenders carry part-time caseloads of less than 250. (For example, some small Eastern Washington contracts are for a maximum of 55 juvenile cases.) In these counties, the WSBA standards establish that public defense cases should be proportionally limited in relation to the attorneys’ additional caseload, whether made up of additional public defense cases or private cases. Low compensation rates and a lack of oversight in many jurisdictions often lead to excessive total caseloads for part-time contract attorneys. It is not uncommon for attorneys to carry two or more public defense contracts totaling many hundreds of cases, or to carry dozens of private cases on top of their public defense contract cases. Commencing in 2007, public defense contract attorneys are required to report the number of private cases in their caseloads to the counties under RCW 10.101.050.

Adherence to the 250 juvenile caseload standard can directly and dramatically improve the quality of representation services. For example, after juvenile attorney caseloads in OPD's Grant County Juvenile Court pilot program were halved, from the equivalent of 500 to the equivalent of 250 per attorney, attorneys spent substantially more time communicating with clients and preparing for court hearings, filing motions, and taking cases to trial. In OPD's preliminary pilot review, the parties and court reported that Grant County pilot program attorneys were spending more time communicating with their clients and preparing cases, in addition to time in court. The pilot database, made up of individual case reports, indicates that the attorneys spend their time as follows:



*Source: Dr. Bill Luchansky/OPD Pilot Data*

Grant County pilot attorneys spent almost 30 percent of their time communicating with clients, and one-third of their time on various kinds of case preparation, such as legal research and analysis and preparing for hearings.

The pilot evaluators indicated parties reported that prior to the pilot program, defense attorneys did not talk with juveniles before they went to court, and were not present at their arraignments. In addition, their high caseloads and limitations on investigation constrained motion practice prior to the program's institution. Pilot evaluators interviewed judges, prosecutors, court administrators and defense attorneys, who reported that the changes in defense practices decreased client confusion and increased client satisfaction with defense representation. Clients had greater access to their attorneys who were better able to respond to each case individually and could meet with their clients in private office settings rather than in public hallways for a few minutes right before court.

## **Training**

In 2003 and 2007, the Washington Juvenile Assessment and the WSBA Committee on Public Defense recommended more training opportunities for attorneys practicing in juvenile court. During the past two years, juvenile law education has significantly expanded statewide. Perhaps most important, the WSBA created a new Juvenile Law Section in 2006. This section has over 160 members statewide, and provides the opportunity for multi-disciplinary examination and discussion of juvenile court issues.

In addition, there have been a number of recent juvenile law educational opportunities in various regions of the state. Eight of OPD's continuing legal education programs in 2006 and 2007, and several WDA trainings, have included juvenile representation presentations. OPD developed a program with the Center for Justice in Spokane on sealing juvenile records. WDA developed a handbook detailing the collateral and other non-confinement consequences of juvenile adjudications. Several counties report that they have used their RCW 10.101 funds to pay for training, both in and out of state, for public defense attorneys, including juvenile attorneys.

In conjunction with the MacArthur Foundation's Models for Change initiative, TeamChild, a youth advocacy agency, is creating a special counsel position to provide additional continuing education programs and instructional materials for juvenile defenders.

## **Supervision**

Supervisors provide essential mentoring and oversight as attorneys work their cases. One of the primary benefits of the public defender agency model is that all attorney employees are directly supervised. In Washington's 12 counties with public defense offices, whether county agencies or non-profits, juvenile attorneys have supervisors. Progress was made in this area recently when public defender agencies in Snohomish, Chelan, and Cowlitz incorporated juvenile offender representation into their operations.

Last year's status report noted that supervision and evaluation are generally ignored in public defense contracts. However, in the counties that have established new public defense coordinators—Benton, Franklin and Clark—contract attorney supervision is being addressed. The coordinators help select juvenile attorneys, troubleshoot representation problems, and monitor the attorneys' performance. This has resulted in positive changes in juvenile representation (as well as adult representation) in these court systems. Other jurisdictions could efficiently supervise and evaluate contract public defense attorneys through this model, either on a county or regional level.



Contract juvenile attorneys in the remainder of the state often have little or no supervision or performance monitoring, especially if the juvenile attorney is a sole practitioner. In most counties, the issue of supervision is not addressed in contracts and no one in county government has the clearly established duty or professional expertise necessary to supervise attorney performance of public defense contracts.

In 2003, the Washington Juvenile Assessment noted that critically important supervision of juvenile public defense attorneys was available only in counties with public defender agencies. The report recommended that the state create an ombudsman position to oversee juvenile public defense issues. Though there has been no call for the creation of a similar position to monitor juvenile defender representation, effective oversight of juvenile defenders remains a priority need in efforts to improve the quality of juvenile representation.

## **2007 DEVELOPMENTS IN PUBLIC DEFENSE**

During the past year, progress has been made on a number of fronts in addressing Washington's public defense problems. This includes a major new report by the WSBA's Committee on Public Defense, the adoption of updated public defense standards by the WSBA, an OPD training program targeted at rural public defense attorneys, the expansion of OPD's Parents Representation Program, initial review of OPD's three ongoing pilot programs, and improvements implemented by the counties and cities pursuant to the state's RCW 10.101 program.

### **COMMITTEE ON PUBLIC DEFENSE**

In September 2004, the WSBA Board of Governors chartered the Committee on Public Defense to respond to the 2004 recommendations of the Blue Ribbon Panel on Criminal Defense's report and recommendations. The Committee on Public Defense met frequently from late 2004 through 2007, when the Committee's report, Making Good on Gideon's Promise, was presented to the WSBA Board of Governors. The WSBA Board of Governors approved most of the committee's recommendations. They include, among others:

- Formalize the process for juvenile waivers of counsel;
- Assure counsel at the first court appearance in all criminal matters;
- Make it an ethical violation for lawyers to knowingly enter into agreements to provide defense services when such contracts obligate the lawyer to bear the cost of providing conflict counsel or other services without reasonable compensation;
- Endorse new public defense standards;
- Promulgate the two-track contempt of court procedure for domestic and other cases;
- Continue education efforts about "Right to Counsel" and public focus on adequate defense services;
- Promote adequate funding and state sharing of public defense services;
- Promote diversion;
- Insure state funding for prosecution and defense in all aggravated murder cases including adequate investigation and mitigation specialists;
- Remedy current weaknesses in expertise, experience, pay, contracting, and training of public defense counsel;
- Support a state system for accountability to caseload standards;
- Maintain a WSBA focus on defense issues;
- Create a juvenile focused state bar section;

- Create an entity to continue the analysis of the mental illness and sex offender commitment process and promulgate needed improvements;
- Develop procedures to clear warrants for mentally disabled so their benefits are not cancelled;
- Expedite release hearings for persons when Eastern or Western Washington Hospitals deem the committed person ready for discharge; and
- Assure adequate compensation for specialty defense counsel, death penalty, etc.).

The Committee on Public Defense further adopted a resolution declaring that the WSBA should “continue to support an expanded role for the Office of Public Defense in providing meaningful oversight, monitoring, reporting and training designed to ensure that legislatively-mandated standards are adopted and implemented.” The resolution further recommended WSBA’s active involvement, monitoring and advocacy for public defense in Washington, and maintenance of a continuing special committee for public defense to continuously evaluate new recommendations for improvements in the structure and quality of public defense.

### **Committee on Public Defense Update of the Public Defense Standards**

RCW 10.101.030 requires the counties to adopt local standards for public defense by ordinance and establishes that standards adopted by the WSBA should be used as guidelines. RCW 10.101.060 also cites to the WSBA endorsed standards, mandating that counties receiving state funds must either meet the WSBA standards or document that they are using the funds to make “appreciable demonstrable improvements in the delivery of public defense services.”

Washington’s public defense standards were initially written by the WDA and were adopted by the WSBA Board of Governors in 1990. Beginning in 2005, the Committee on Public Defense conducted an exhaustive review of the standards, in recognition of considerable changes in the legal system since their adoption.

The standards review was carried out by a Committee On Public Defense subcommittee, made up of individuals with varying perspectives and decades of experience within the criminal justice system including defenders, prosecutors, state, county and city officials, the private sector, and the judiciary. WDA conducted its own review contemporaneously, and extensive communications were exchanged between the two groups. In August 2007, the Committee on Public Defense forwarded recommendations for revisions to the WSBA Board of Governors, which adopted the revised standards in September 2007. The updated Standards for Public Defense Services are available at [www.opd.wa.gov](http://www.opd.wa.gov).

As of this date, 30 counties have adopted or are in the process of adopting public defense ordinances that incorporate standards. In addition, four counties have public defense resolutions and one relies on a court rule. OPD continues to work with the remaining counties to adopt the statutorily required ordinances.

Cities receiving RCW 10.101 grant funds are also required to adopt public defense ordinances. Thus far, at least 10 cities applying for funds have enacted or are in the process of enacting public defense ordinances that adopt defense standards pursuant to statute.

## OFFICE OF PUBLIC DEFENSE PROGRAMS

### Consulting

In 2005, OPD established a public defense consulting and training program with state funds appropriated for this purpose. Counties and cities are eligible for technical assistance in all phases and methods of providing public defense services. Over the past two years, OPD staff has communicated with officials in all counties and, upon request, has consulted extensively with a number of jurisdictions. This program has succeeded in assisting the counties in planning and implementing significant changes, including contracts review, the adoption of new public defender agencies and ordinance drafting, among others.

During the upcoming year, OPD will be emphasizing its consultation role in conjunction with RCW 10.101's requirement that the agency determine whether each jurisdiction receiving state funds has substantially complied with the program's statutory requirements. To carry out this duty, OPD plans to visit each participating county and city for in-person conversations with the officials who administer the jurisdiction's public defense program.

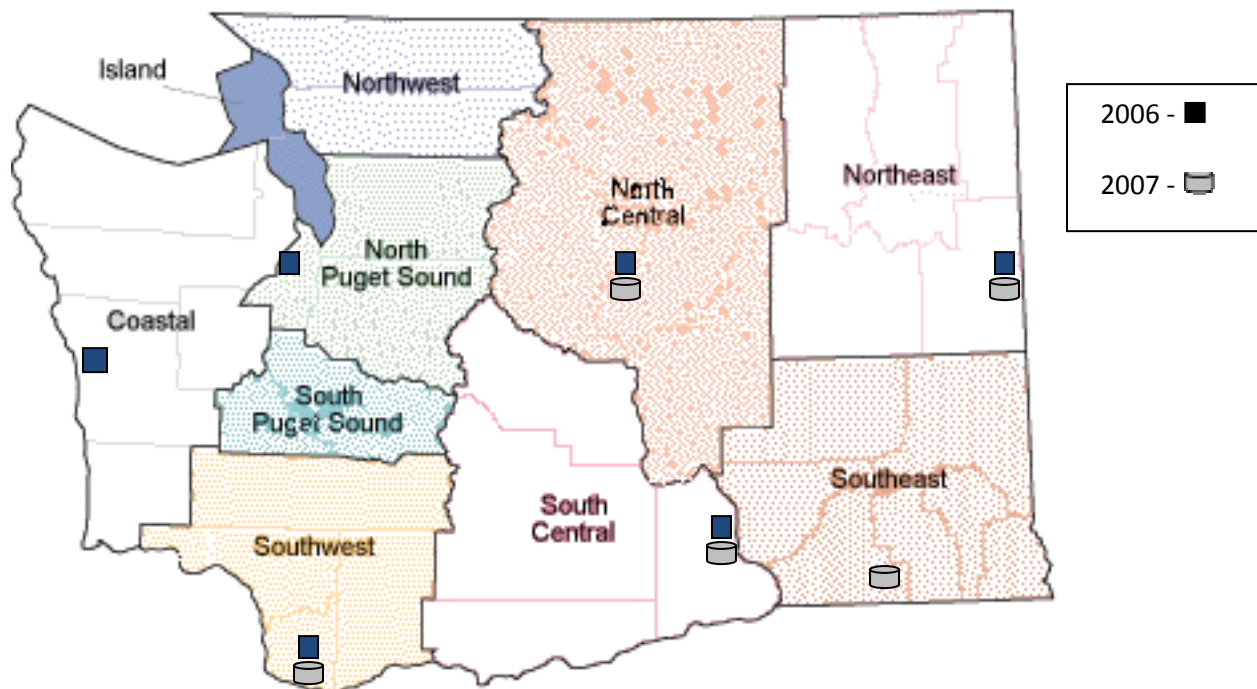
In each jurisdiction, indigency screening is a necessary part of administering a public defense program. In October 2007, OPD published a report on indigency screening in the courts. The report outlines state indigency requirements and includes a new, streamlined indigency screening form piloted for courtroom use. This report is available at [www.opd.wa.gov/Report%202.htm](http://www.opd.wa.gov/Report%202.htm), then click on *Update on Criteria Standards for Determining and Verifying Indigency (2007)*.

## Continuing Legal Education Program

In addition to technical assistance, OPD conducted five regional training conferences in Wenatchee, Vancouver, Spokane, Tri-Cities and Walla Walla during 2007. In 2006, six regional trainings were held, in Ocean Shores, Poulsbo, Vancouver, Wenatchee, Spokane, and the Tri-Cities. The one-day continuing legal education programs were provided free of charge to public defense attorneys practicing in the regions. These regional trainings targeted rural areas where continuing education is rarely, if ever, offered locally. Prior to each program, OPD created a list of all defenders in a four or five county area, and sent out individualized invitations. To ensure the programs' relevancy, OPD worked with local defense attorneys in planning program agendas.

Approximately 300 attorneys attended the conferences statewide each year. Featured subjects included ethical considerations in the new Rules of Professional Conduct, self defense, persistent offender law, juvenile practice, juvenile court records, search and seizure law, preserving the trial record for appeal, expert witnesses, immigration consequences of convictions, the development of a juvenile criminal record sealing clinic, and a tour of the state penitentiary in Walla Walla. Numerous attorneys noted their appreciation that the conferences were held in their areas, and that useful, practical information was presented. RCW 10.101 requires contract public defense attorneys to attend at least seven hours of an OPD-approved continuing legal education program per year, and OPD will continue to present regional training conferences in the future.

**OPD 2006 and 2007 Regional Conferences**



## OPD Parents Representation Program

OPD's Parents Representation Program began as a pilot program in Pierce and Benton-Franklin juvenile courts. The pilot followed an investigative report by OPD establishing that county-funded representation for parents in dependency and termination cases was inadequate. In 2005, the Legislature appropriated \$4.5 million in state annual funds to OPD's budget sufficient to expand the Parents Representation Program to 10 additional counties—Cowlitz, Ferry, Grant, Grays Harbor, Kittitas, Pacific, Pend Oreille, Skagit, Stevens and Yakima. In 2006, the Legislature appropriated an additional \$4.1 million in state funds for the Parents Representation Program, which allowed expansion to Clallam, Kitsap, Snohomish and Spokane counties, as well as to Clark County on a one-year basis.

The 2007 Legislature appropriated an additional \$3.25 million in annual funds for program expansion. OPD implemented the program in Chelan, Jefferson, Klickitat, Mason, Skamania, Thurston and Wahkiakum counties, as well as Clark County on an ongoing basis. Program counties now total 25.

The Parents Representation Program has been widely praised as instituting effective representation for parents in dependency cases in the courts in which it has been implemented. In response to a survey taken by OPD for the Joint Legislative Audit and Review Committee last fall, judicial officials in the program counties rated Parents Representation Program attorneys' quality of representation as 4.2 on a scale of 1-5.

**2007 OPD Parents Representation Program**



The Parents Representation Program is established in the gray areas.

## OPD Pilot Programs

In 2007, OPD continued three criminal court pilot programs that began in 2006. During the year, an evaluator conducted a preliminary review of the first year of the pilots. This information allowed OPD to oversee the programs effectively and was instrumental to the public defense caseload standards review process. The pilot programs are:

- A misdemeanor pilot in Bellingham Municipal Court featuring additional state-funded attorneys, an investigator, and a social worker/paralegal, which has lowered attorney caseloads and allowed public-defense representation at arraignments and first appearance calendars.
- A misdemeanor pilot at the Thurston County Office of Assigned Counsel which added three district court attorneys and one paralegal to the public defender's staff. In carrying out the pilot program, caseloads have been reduced to 400 per attorney, and the office now provides representation at all first appearance/arraignment calendars.
- The juvenile representation pilot in Grant County Juvenile Court, described earlier, added 1.4 attorney FTEs to lower public-defense representation caseloads to the WSBA-endorsed state standard of 250 cases per attorney per year. The public defense caseload is supported by investigative services and a part-time social worker.

OPD's role in managing these pilot programs has been to work with the attorneys, the public defense firms and public defender office, and the local courts; to provide training for the attorneys (and mentoring where no supervising attorney has been available); to regularly monitor the pilot programs; and to periodically evaluate them.

To evaluate the pilot programs, OPD has contracted with a professional evaluator chosen in a competitive solicitation process. The evaluator conducted an initial review in 2007 including qualitative interviews of judges, defense attorneys, prosecutors and court administrators, and concluded that all three sites appeared to be successful in maintaining case assignments at or close to levels specified by OPD; all but one attorney expressed satisfaction with the caseload level; the overwhelming majority of judges, defense attorneys, prosecutors and court personnel viewed the presence of defense attorneys at arraignment as a positive development; communication between attorneys and clients improved substantially at all three sites; and the overwhelming majority of interviewees agreed that additional attorneys and/or resources provided by the pilots gave attorneys increased ability to focus on each case.

Publication of a formal evaluation of the three pilot programs is planned for December 2008.



## **OPD Undergoes Performance Audit**

When it established OPD as an independent judicial branch agency, the Legislature made the agency subject to a sunset date of June 30, 2008, which triggered a “sunset review” to evaluate the effectiveness of OPD and assist policymakers with deciding whether the agency should be continued or terminated. The Joint Legislative Audit and Review Committee (JLARC) initiated this sunset review in mid-2007.

After nearly six months of rigorous, professional study pursuant to Generally Accepted Government Auditing Standards, the final JLARC report, issued January 2008, recommended that the Legislature repeal the sunset provision and permit OPD to continue operating. Both the Chief Justice of the Supreme Court and the director of the Office of Financial Management formally concurred in the JLARC recommendation.

Several legislators noted that they never before had seen such a favorable agency audit from JLARC, which found that OPD is substantially meeting legislative intent, operating in an effective and economical manner, meeting its performance goals and targets, and not duplicating services provided by other agencies or the private sector.

Senate Bill 6442, repealing the sunset clause and reauthorizing the Office of Public Defense, unanimously passed the Legislature during the 2008 session. Governor Gregoire signed the bill on April 1, 2008.

## **COUNTIES' PUBLIC DEFENSE IMPROVEMENTS PURSUANT TO RCW 10.101**

Last year's status report noted that counties face the following major challenges in providing effective assistance of counsel to indigent defendants, among others:

- Oversight of the administration and delivery of public defense services is inadequate, and consequently deficiencies go unnoticed or are not appropriately remedied.
- Many counties lack sufficient funds to compensate contract attorneys reasonably for carrying full public defense caseloads.
- The caseloads in most counties are excessive, often resulting in rushed and inadequate representation.

The inaugural distribution of RCW 10.101 public defense improvement funds, which occurred in December 2006, enabled counties to make significant initial strides toward addressing these concerns during 2007. Thirty-eight counties applied for and received funds, and each expended them targeting the areas they felt were most important. Based on a statutory formula that considers population and felony filings, the participating counties received state funds varying from about \$6,000 in the smallest county to more than \$600,000 in the largest.

During the application and distribution process, OPD conferred with many county officials, judges and defense attorneys to plan and facilitate local improvements. Most of the local public defense improvements achieved fall into the following general categories: system structure and oversight; reducing attorney caseloads and providing attorneys at all proceedings; attorney compensation, training and support; and increasing attorney access to defense investigators, language interpreters and experts.

Within these general categories, the counties reported spending their state funds as follows. (Counties that spent funds in more than one category are identified based on the primary area of expenditure.)

### System structure and oversight:

- Chelan County used RCW 10.101 funds to contract with a new private nonprofit public defense firm—Counsel for Defense of Chelan County. Attorneys at the firm work only on Chelan County public defense cases and represent indigent clients in felony, misdemeanor and juvenile matters.

- Clark County created and filled a new indigent defense coordinator position to administer, monitor and enforce the county's many public defense contracts with private attorneys. OPD often communicates with the new coordinator, who is identifying and implementing best practices in the largest county providing public defense exclusively through contracts with private counsel.
- Similarly, Benton and Franklin counties (which share a joint judicial district) pooled their state funds to hire a professional indigent defense coordinator to oversee the counties' many public defense contracts with local private firms and sole practitioners.
- Cowlitz County began the process of moving from a contract system to creating a public defender office as a new department of county government. The county will retain some contracts as it phases in the new agency over the next five years. The Cowlitz County Office of Public Defense now provides representation to indigent clients in felony, misdemeanor and juvenile matters.
- Kitsap County spent RCW 10.101 funds to hire a consultant to review the county's current contract system and recommend changes that would result in the greatest program improvements. The county also purchased equipment and Lexis-Nexis research programs for contract attorneys.
- Snohomish County used RCW 10.101 funds to award its primary contract for juvenile representation to the Snohomish County Public Defender Association, a nonprofit private public defense agency that handles the majority of felony and misdemeanor cases in the county. Previously, juvenile cases were handled by individual contract attorneys and law firms. The county also used RCW 10.101 funds for an additional investigator, social worker and secretary for the Public Defender Association.

Reducing attorney caseloads / providing attorneys at all proceedings:

- Ferry County spent RCW 10.101 funds to provide counsel at preliminary hearings.
- Grays Harbor County spent RCW 10.101 funds to contract with juvenile conflict attorneys and to increase compensation for contract defense attorneys.
- Island County spent RCW 10.101 funds to provide counsel at preliminary appearance calendars.

- King County spent RCW 10.101 funds to hire a county program manager, provide training, increase pay for assigned counsel, and reduce attorney caseloads.
- Lewis County spent RCW 10.101 funds to provide counsel at initial appearance calendars.
- Okanogan County spent RCW 10.101 funds to contract with an additional public defense attorney to help reduce caseloads.
- Pend Oreille County spent RCW 10.101 funds to provide counsel at preliminary hearings.
- Pierce County spent RCW 10.101 funds to hire an additional attorney to reduce caseloads. Pierce County operates the Department of Assigned Counsel as a department of county government.
- Skagit County spent RCW 10.101 funds to hire an additional defense attorney and an investigator at the Skagit County Public Defender Office, a department of county government.
- Spokane County spent RCW 10.101 funds to hire two defense attorneys and support staff to reduce caseloads for the Spokane Public Defender Office, a department of county government.
- Stevens County spent RCW 10.101 funds to provide counsel at preliminary hearings.
- Thurston County spent RCW 10.101 funds to provide counsel at arraignment, in conjunction with an OPD misdemeanor pilot program.
- Whatcom County spent RCW 10.101 funds to hire an additional defense attorney at the Whatcom County Public Defender, a department of county government, to help reduce caseloads.
- Whitman County spent RCW 10.101 funds to contract with an additional defense attorney and an investigator; the county also increased expert funds.
- Yakima County spent RCW 10.101 funds to hire an additional defense attorney at the Department of Assigned Counsel, a department of county government, to reduce caseloads. The county also funded pay increases for contract attorneys.

Attorney compensation, training, equipment and support:

- Clallam County spent RCW 10.101 funds on new office equipment and computer upgrades for Clallam Public Defender, a private nonprofit public defense corporation. The county also increased compensation for the defense attorneys and staff.
- Columbia County spent RCW 10.101 funds to increase compensation for contract public defense attorneys.
- Garfield County spent RCW 10.101 funds to increase compensation for contract public defense attorneys.
- Lincoln County spent RCW 10.101 funds to increase compensation for contract public defense attorneys, and to provide software for attorneys.
- Mason County spent RCW 10.101 funds on increases in compensation for public defense attorneys and training.
- Pacific County spent RCW 10.101 funds to increase compensation for contract public defense attorneys.
- Wahkiakum County spent RCW 10.101 funds to increase compensation for list-appointed public defense attorneys.
- Walla Walla County spent RCW 10.101 funds to increase compensation for contract public defense attorneys.

Increasing access to investigators, language interpreters and experts:

- Adams County spent RCW 10.101 funds to increase expert and interpreter services for contract public defense attorneys.
- Asotin County spent RCW 10.101 funds to increase defense investigator services, and to provide training and legal research tools for contract public defense attorneys.
- Grant County spent RCW 10.101 funds for investigators for public defense attorneys, language interpreters for attorney-client meetings, and on contracting with more private attorneys to reduce juvenile caseloads (in conjunction with an OPD pilot program in Grant County Juvenile Court).
- Jefferson County, which contracts with the private nonprofit Jefferson Associated Counsel, spent RCW 10.101 funds on a defense investigator.

- San Juan County spent RCW 10.101 funds for a social worker to assist contract public defense attorneys.
- Skamania County spent RCW 10.101 funds to increase investigative and expert services.

In addition to the original appropriation totaling \$3 million annually in RCW 10.101 funds, the 2007 Legislature appropriated another annual amount of \$3.5 million, effective in fiscal year 2008. During the fall of 2007, 38 counties again submitted applications to OPD pursuant to the process set forth in RCW 10.101.050. These counties anticipate spending these funds to expand upon the progress noted above.

As discussed earlier, OPD will be fulfilling the agency's technical assistance and monitoring functions during 2008 by visiting each county to work with local officials in developing plans and performance goals for their continued use of state public defense improvement funding.

#### **APPLICATIONS FOR CITY PUBLIC DEFENSE IMPROVEMENT GRANTS**

In addition to establishing the county funding program, RCW 10.101 sets aside 10 percent of the legislative appropriation to be allocated through a competitive grant program for city public defense programs in municipal courts. In the first year, the number of cities eligible for the grants was statutorily limited to five, so most of the 33 city applications could not be accepted.

The five cities that were awarded grants implemented the following public defense improvements:

- Auburn used RCW 10.101 grant funds to hire an investigator.
- Cheney used RCW 10.101 grant funds to provide counsel at arraignment, first appearance, and return-on-warrant hearings.
- Lynnwood used RCW 10.101 grant funds to provide counsel at in-custody arraignment hearings.
- Spokane used RCW 10.101 grant funds to provide counsel at non-domestic violence arraignment hearings and in-custody preliminary appearance calendars. (The city had already been providing counsel at domestic violence arraignments.)

- Yakima used RCW 10.101 grant funds to contract with a new public defense private firm in order to reduce caseloads, eliminate the use of subcontract public defenders, provide counsel at all stages of proceedings, and provide for an independent appellate attorney to review the trial proceedings.

Through the additional legislative appropriation in 2007, the annualized city grant amount has been increased to \$628,416. The 2007 Legislature also repealed the cap on the number of cities eligible for grants. In December 2007, 14 cities were awarded grants for use during calendar year 2008, including Bellingham, Centralia, Cheney, Des Moines, East Wenatchee, Longview, Medical Lake, Olympia, Spokane, Spokane Valley, Tacoma, Vancouver, Wapato and Yakima.

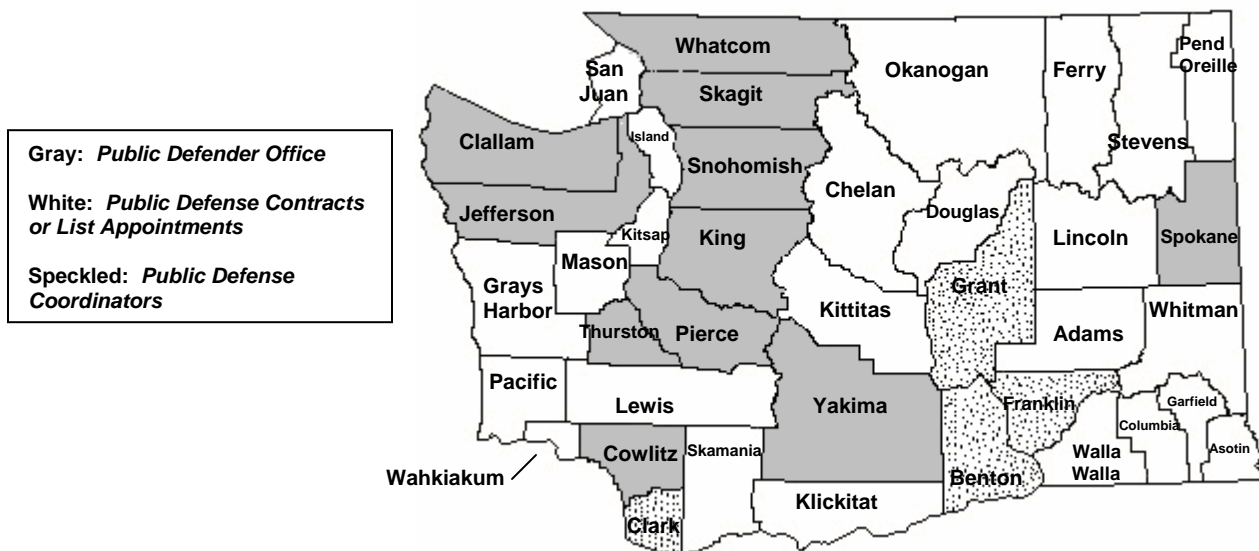
# COUNTY REPORT

## Introduction

Across the state, the county public defense systems vary widely. Except for the smallest, all counties have a primary public defense system and a method of appointing of other attorneys for conflict cases. Twelve counties have public defender offices that are part of county government or are non-profit offices, three counties appoint attorneys from a list, and twenty-four counties contract with independent private attorneys or firms to provide public defense or have a system combining both contracts and list appointments:

- **Public defender agencies** are county-funded agencies or non-profit groups that contract with the jurisdiction to provide representation.
- **Contract public defense systems** are systems in which the county enters into contracts with one or more private attorneys to provide representation.
- **Public defense coordinators operate** in four counties to improve the overall quality of representation services and monitor public defense attorneys.
- **List appointment systems** involve lists of attorneys who have agreed to accept public defense cases and are appointed by the court on a case by case basis.
- **Conflict appointments** of alternate attorneys are made by judges when the initially appointed public defense attorney is prohibited by ethics rules from representing an individual defendant, usually due to prior representation of another party in the case.

Because of the individualized nature of Washington's 39 different public defense systems, making comparisons is challenging. However, RCW 10.101 application data and the counties' 2006 contracts yield important information about actual public defense practice in Washington.





## **Methodology and data reporting**

This county report presents information on funding and caseload levels in the individual counties. Thirty-eight counties submitted RCW 10.101.050 applications. Each applying county provided 2006 data regarding public defense assignments and costs of public defense. OPD reviewed the data provided, consulted with the counties where questions arose, and used the information to prepare this report.<sup>5</sup>

Initial data from the counties varied widely due to differing case-counting and reporting practices. There is no standard method; systems differ, sometimes even within individual counties. Some are based on “points” or “credits” rather than cases, while others assign differing values to certain case types.

The manner in which jurisdictions deal with post-conviction hearings such as probation violations (PVs) also impacts caseload calculations.<sup>6</sup> Generally, PVs are less time-consuming than new cases. Some counties count PVs as a case; some do not count or report them at all; and others count them as a fraction of a case (often one-third).

Methods of accounting for and tracking cases assigned to these public defense providers are as varied as the systems. For example, many counties rely on the attorneys to cover all cases assigned and do not have any system for tracking the number of assigned cases; some counties lump together juvenile offender and Becca cases assigned to public defenders and some counties do not. Similarly, the tracking of dollars spent on public defense is varied, and includes different elements from county to county. These variations make a comparative analysis challenging and some conclusions tentative. Nevertheless, the data gathered during the RCW 10.101 application process presents a valuable picture of public defense statewide.

In preparing the county data reports that follow, OPD used information submitted as part of the county applications and data from the Administrative Office of the Courts (AOC) caseload reports. OPD’s public defense service managers contacted the counties to clarify and augment data where necessary. After the county data reports were prepared, they were sent to the counties for review. Each county had an opportunity to make additional county comments and input to the final product. County staff members were gracious and generous with their time during this process, and this report would not have been possible without their help.

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<sup>5</sup> See Appendix A: Application for Public Defense Funding.

<sup>6</sup> Probation Violations (PVs) are proceedings in which convicted persons on probation are accused of non-compliance with their conditions of probation. Because these individuals are subject to further sanctions, including incarceration, they are eligible for court-appointed counsel.

# Glossary

## County Profile

2006 Population: Total county population as reported in the Washington State Office of Financial Management April 1-Population of Cities, Town, and Counties publication.

Percent below poverty level: Percent of county population below the federal poverty level as reported by the U.S. Bureau of the Census. For most counties the 2006 information was included, however, for some counties the information was not available so the 2003 information was used.

2007 RCW 10.101 distribution: The county's allocation of the RCW 10.101 funds appropriation, as determined by the statutory distribution formula. The 2007 distributions occurred in December 2007, and are being used during calendar year 2008.

## I. 2006 Statistics

1. Total adult criminal cases per 1,000 population: The total number of new trial level adult felony and misdemeanor criminal cases (including misdemeanors filed in municipal courts), as reported by the AOC divided by the county population as expressed in thousands.
2. Amount spent for public defense: The county-reported total dollar amount spent for public defense representation during 2006.
3. Amount spent per capita: The county-reported total dollar amount spent for public defense representation divided by the total county population. **Caution:** the amount spent per capita is not directly comparable county to county. This per capita amount is influenced by a number of variables, including geography, the number of cases filed, the number of major cases filed, the number of attorneys practicing in the county, local attorney availability and the county's poverty and case filing rates.

## II. Adult felony

1. New adult superior court cases filed: The number of new (non-probation violation) adult Superior Court cases filed during 2006 as reported by the AOC.
2. New adult superior court cases per 1,000 population: The number of new adult Superior Court cases filed divided by the county population as expressed in thousands.
3. Number of new cases assigned to counsel: The county-reported number of new adult Superior Court cases assigned to public defense counsel during 2006.
4. Percent of new cases assigned to counsel: Total new adult Superior Court cases filed divided by the county-reported number of new cases assigned to counsel and expressed as a percentage.

### **III. Adult misdemeanor**

1. New county misdemeanor cases filed: The number of new (non-probation violation) District Court cases filed during 2006 as reported by the AOC.
2. Total new misdemeanor cases filed in county: The total number of new misdemeanor (non-felony) cases filed in all courts in the county, including municipal courts, during 2006 as reported by the AOC.
3. Total new misdemeanor cases per 1,000 population: The total number of new misdemeanor cases filed during 2006 divided by the county population as expressed in thousands.
4. Number of new cases assigned to counsel by county: The county-reported number of new adult District Court cases assigned to public defense counsel during 2006.

### **IV. Juvenile offender**

1. New juvenile offender cases filed: The number of new (non-probation violation) juvenile offender cases filed during 2006 as reported by the AOC.
2. New juvenile offender cases per 1,000 population: The total number of new juvenile offender cases filed during 2006 divided by the county population as expressed in thousands.
3. Number of new cases assigned to counsel: The county-reported number of new filed juvenile offender cases assigned to public defense counsel during 2006. Not all juvenile arrests result in juvenile offender cases being filed. Some are diverted and for some, no action is taken.
4. Percent of new cases assigned to counsel: Total new juvenile offender cases filed divided by the county-reported number of new cases assigned to counsel and expressed as a percentage.

## ADAMS COUNTY

2006 Population:	17,300
Percent below poverty level in 2003: (2006 information is not available)	15.8%
2007 RCW 10.101 distribution:	\$27,147

Adams County delivers indigent public defense representation through a contract system. The county contracts with a sole provider who handles 100 percent of the cases in Superior and District Court. That attorney subcontracts with other providers for overflow representation and for assumption of a specific portion of the required coverage. In addition, for all types of conflict cases, the court appoints separate counsel from a list.

### 2006 Statistics

Total adult criminal cases per 1,000 population	105.4
Amount spent for public defense	\$319,485
Amount spent per capita	\$18.47

### Adult felony

New adult superior court cases filed	207
New adult superior court cases per 1,000 population	12.0
Number of new cases assigned to counsel	191
Percent of new cases assigned to counsel	92.3%

### Adult misdemeanor

New county misdemeanor cases filed	1,128
Total new district and municipal court misdemeanor cases filed in county (See Glossary page 22.)	1,616
Total new misdemeanor cases per 1,000 population	93.4
Number of new cases assigned to counsel by county	734

### Juvenile offender

New juvenile offender cases filed	87
New juvenile offender cases per 1,000 population	5.0
Number of new cases assigned to counsel	30
Percent of new cases assigned to counsel	34.5

Adams County has adopted a resolution, but has not yet adopted a public defense standards ordinance. The Adams County public defense contracts require approved annual training and reporting of non-public defense attorney hours.

Adams County spent RCW 10.101 funds distributed in 2006 on increasing expert and interpreter services for the public defense attorney. The county plans to use 2007 funds for interpreter services for attorney-client interviews and communications.

## ASOTIN COUNTY

2006 Population:	21,100
Percent below poverty level in 2003: <small>(2006 information is not available)</small>	14.5%
2007 RCW 10.101 distribution:	\$31,177

Asotin County delivers public defense representation through a contract system. During 2006, virtually all of the contracted public defense services in Asotin County were handled by two attorneys. In Superior Court, the county contracts with two different attorneys, who are each responsible for 50 percent of the cases assigned. In District Court, one of the same providers is responsible for the entire caseload with the exception of conflict cases, for which the court appoints separate counsel from a list. Juvenile offender and dependency and termination cases are handled by two attorneys with each accepting 50 percent of the caseload.

### 2006 Statistics

Total adult criminal cases per 1,000 population	70.8
Amount spent for public defense	\$214,453
Amount spent per capita	\$10.16

### Adult felony

New adult superior court cases filed	253
New adult superior court cases per 1,000 population	12.0
Number of new cases assigned to counsel	209
Percent of new cases assigned to counsel	82.6%

### Adult misdemeanor

New county misdemeanor cases filed	582
Total new district and municipal court misdemeanor cases filed in county (See Glossary page 22.)	1,240
Total new misdemeanor cases per 1,000 population	56.4
Number of new cases assigned to counsel by county	160

### Juvenile offender

New juvenile offender cases filed	101
New juvenile offender cases per 1,000 population	4.8
Number of new cases assigned to counsel	96
Percent of new cases assigned to counsel	95.0%

Asotin County is in the process of adopting a public defense standards ordinance. Asotin County public defenders are required to attend training and report non-public defender attorney hours.

Asotin County spent RCW 10.101 funds distributed in 2006 on increasing defense investigator services, on training, and legal research tools for public defense counsel and plans to spend the 2007 funds to contract with an additional public defense attorney.

## BENTON COUNTY

2006 Population:	160,600
Percent below poverty level in 2006:	13.9%
2007 RCW 10.101 distribution:	\$160,954

Benton County provides public defense representation through a contract system. In 2007 a bi-county (with Franklin County) coordinator position was established to coordinate and monitor defense contracts, and assist in providing high-quality public defense.

### 2006 Statistics

Total adult criminal cases per 1,000 population	69.0
Amount spent for public defense	\$2,171,203
Amount spent per capita	\$13.52

### Adult felony

New adult superior court cases filed	1,599
New adult superior court cases per 1,000 population	10.0
Number of new cases assigned to counsel	N/A <sup>1</sup>
Percent of new cases assigned to counsel	N/A <sup>1</sup>

### Adult misdemeanor

New county misdemeanor cases filed	3,093
Total new district and municipal court misdemeanor cases filed in county (See Glossary page 22.)	9,487
Total new misdemeanor cases per 1,000 population	59.1
Number of new cases assigned to counsel by county	N/A <sup>1</sup>

### Juvenile offender

New juvenile offender cases filed	934
New juvenile offender cases per 1,000 population	5.8
Number of new cases assigned to counsel	N/A <sup>2</sup>
Percent of new cases assigned to counsel	N/A <sup>2</sup>

Benton County has a public defense resolution and will adopt a public defense standards ordinance by July, 2008. In addition, the Benton County public defense contracts require approved annual training and reporting of non-public defense attorney hours.

Benton County used RCW 10.101 funds distributed in 2006 for consulting on contract preparation and the development of an indigent defense coordinator position to monitor contract counsel and to assist in providing indigent defense. The county plans to use 2007 funds to continue the coordinator position and expand its indigent defense services.

<sup>1</sup> The County did not provide individualized caseload totals for each attorney, but instead provided the total maximum number of cases contracted for, which was greater than the actual number of case filings. Accordingly, the total number and percentage of new cases assigned to counsel could not be determined.

<sup>2</sup> Under the Benton and Franklin counties bi-county panel system, caseload reporting is not differentiated between counties. Accordingly, the number and percentage of new cases assigned to counsel and assigned per FTE could not be determined.

## CHELAN COUNTY

2006 Population:	70,100
Percent below poverty level in 2006:	10.8%
2007 RCW 10.101 distribution:	\$79,262

In 2007 Chelan County switched from a contract for services model to a non-profit agency model. Chelan County now contracts with the Counsel for Defense in Chelan County for public defense services. In 2008 the new non-profit public defense agency plans on adding another attorney to reduce caseload.

### 2006 Statistics

Total adult criminal cases per 1,000 population	70.2
Amount spent for public defense	\$1,070,559
Amount spent per capita	\$15.27

### Adult felony

New adult superior court cases filed	773
New adult superior court cases per 1,000 population	11.0
Number of new cases assigned to counsel	668
Percent of new cases assigned to counsel	86.4%

### Adult misdemeanor

New county misdemeanor cases filed	2,392
Total new district and municipal court misdemeanor cases filed in county (See Glossary page 22.)	4,149
Total new misdemeanor cases per 1,000 population	59.2
Number of new cases assigned to counsel by county	792

### Juvenile offender

New juvenile offender cases filed	500
New juvenile offender cases per 1,000 population	7.1
Number of new cases assigned to counsel	N/A <sup>1</sup>
Percent of new cases assigned to counsel	N/A <sup>1</sup>

Chelan County has adopted a public defense standards ordinance. In addition, the Chelan County public defense contracts require approved annual training and reporting of non-public defense attorney hours.

Chelan County used RCW 10.101 funds distributed in 2006 for the transitional and increased expenses of the newly established non-profit public defense agency. The county plans to use the 2007 increase to add an additional full-time attorney.

<sup>1</sup> The County reported a total maximum number of cases which was greater than the actual number of case filings. Accordingly, the total number and percentage of new cases assigned to counsel could not be determined.

## CLALLAM COUNTY

2006 Population:	67,800
Percent below poverty level in 2006:	14.9%
2007 RCW 10.101 distribution:	\$69,082

Clallam County contracts with the Clallam Public Defender, a non-profit corporation, for public defense representation. The Clallam Public Defender provides direct supervision of attorneys, in-house investigation services, and resolution of client complaints. The Clallam County courts appoint supplemental private investigators on a case-by-case basis. Conflict counsel is appointed by the courts from a list of attorneys.

### 2006 Statistics

Total adult criminal cases per 1,000 population	52.3
Amount spent for public defense	\$873,318.47
Amount spent per capita	\$12.88

### Adult felony

New adult superior court cases filed	599
New adult superior court cases per 1,000 population	8.8
Number of new cases assigned to counsel	577 (plus 48 PVs)
Percent of new cases assigned to counsel	96.3%

### Adult misdemeanor

New county misdemeanor cases filed	1,495
Total new district and municipal court misdemeanor cases filed in county (See Glossary page 22.)	2,947
Total new misdemeanor cases per 1,000 population	43.5
Number of new cases assigned to counsel by county	531

### Juvenile offender

New juvenile offender cases filed	352
New juvenile offender cases per 1,000 population	5.2
Number of new cases assigned to counsel	311
Percent of new cases assigned to counsel	88.3%

Clallam County is in the process of adopting a public defense standards ordinance. The Clallam County public defense contracts require approved annual training and reporting of non-public defense attorney hours.

Clallam County spent RCW 10.101 funds distributed in 2006 on purchasing new office equipment and computer upgrades for public defense attorneys, and it increased the contract compensation for defense attorneys and staff. The county anticipates using 2007 funds to increase attorney and support staff, training, with a commensurate increase in office space, equipment/resources, and increase in attorneys' and staff's compensation.



## CLARK COUNTY

2006 Population:	403,500
Percent below poverty level in 2006:	10.0%
2007 RCW 10.101 distribution:	\$309,299

Clark County delivers indigent public defense representation through a contract system. In 2007, an indigent defense coordinator was hired to oversee the public defense contracting system, monitor the contracts and provide assistance to improve the level of public defense services. OPD continues to work closely with the coordinator to implement best practices in the largest county to contract with private counsel to provide public defense services.

### 2006 Statistics

Total adult criminal cases per 1,000 population	47.1
Amount spent for public defense	\$3,876,349
Amount spent per capita	\$9.61

### Adult felony

New adult superior court cases filed	2,477
New adult superior court cases per 1,000 population	6.1
Number of felony cases assigned to counsel	2,477 (plus 2,237 PVs)
Percent of new cases assigned to counsel	100%

### Adult misdemeanor

New county misdemeanor cases filed	7,723
Total new district and municipal court misdemeanor cases filed in county (See Glossary page 22.)	16,514
Total new misdemeanor cases per 1,000 population	40.9
Number of new cases assigned to counsel by county	3645

### Juvenile offender

New juvenile offender cases filed	1,408
New juvenile offender cases per 1,000 population	3.5
Number of cases assigned to counsel	1,408 (plus 1,011 PVs)
Percent of new cases assigned to counsel	100%

Clark County has adopted a public defense standards ordinance. In addition, the Clark County public defense contracts require approved annual training and reporting of non-public defense attorney hours.

Clark County used RCW 10.101 funds distributed in 2006 to hire an indigent defense coordinator and a support staff person to oversee the public defense contract system. The county plans to use 2007 funds to continue funding for an indigent defense coordinator and one support staff, add an additional FTE attorney in district court in order to reduce overall case loads, and increase investigator funding.

## COLUMBIA COUNTY

2006 Population:	4,100
Percent below poverty level in 2003: (2006 information is not available)	11.9%
2007 RCW 10.101 distribution:	\$12,503

Columbia County delivers public defense services through a contract system. During 2007, the county contracted with two different attorneys for public defense representation; each contract specified that the attorney is responsible for 50 percent of all case types assigned, paid on a monthly basis.

### 2006 Statistics

Total adult criminal cases per 1,000 population	59.5
Amount spent on public defense	\$ 97,714
Amount spent per capita	\$23.83

### Adult felony

New adult superior court cases filed	35
New adult superior court cases per 1,000 population	8.5
Number of new cases assigned to counsel	33
Percent of new cases assigned to counsel	94.2%

### Adult misdemeanor

New county misdemeanor cases filed	120
Total new district and municipal court misdemeanor cases filed in county (See Glossary page 22.)	209
Total new misdemeanor cases per 1,000 population	51.0
Number of new cases assigned to counsel by county	102

### Juvenile offender

New juvenile offender cases filed	20
New juvenile offender cases per 1,000 population	4.9
Number of new cases assigned to counsel	19
Percent of new cases assigned to counsel	95%

Columbia is in the process of adopting a public defense standards ordinance. The Columbia County public defense contracts require approved annual training and reporting of non-public defense attorney hours.

Columbia County spent RCW 10.101 funds distributed in 2006 on increasing defense attorney compensation. The county intends to use 2007 funds for additional investigative services.

## COWLITZ COUNTY

2006 Population:	96,800
Percent below poverty level in 2006:	16.3%
2007 RCW 10.101 distribution:	\$138,865

Cowlitz County began the process of moving from a contract system to a county public defender agency. The county currently uses a mixed system, maintaining some of the existing contracts for the next five years as it phases in the new agency. The Cowlitz County Office of Public Defense provides representation to indigent clients in felony, misdemeanor and juvenile matters.

### 2006 Statistics

Total adult criminal cases per 1,000 population	86.6
Amount spent for public defense	\$1,664,541
Amount spent per capita	\$17.20

### Adult felony

New adult superior court cases filed	1,687
New adult superior court cases per 1,000 population	17.4
Number of new cases assigned to counsel	1,646 <sup>1</sup>
Percent of new cases assigned to counsel	N/A <sup>1</sup>

### Adult misdemeanor

New county misdemeanor cases filed	2,436
Total new district and municipal court misdemeanor cases filed in county (See Glossary page 22.)	6,698
Total new misdemeanor cases per 1,000 population	69.2
Number of new cases assigned to counsel by county	1347

### Juvenile offender

New juvenile offender cases filed	577
New juvenile offender cases per 1,000 population	6.0
Number of new cases assigned to counsel	577
Percent of new cases assigned to counsel	100%

Cowlitz County has adopted a public defense standards ordinance. In addition, the Cowlitz County public defense contracts require approved annual training and reporting of non-public defense attorney hours.

Cowlitz County used RCW 10.101 funds distributed in 2006 to establish a county Office of Public Defense to deliver indigent representation. The county plans to use 2007 funds to expand the services offered by the county's Office of Public Defense, including the provision of counsel at arraignments in district court.

<sup>1</sup> The case total reported included probation violation accordingly, the percentage of new cases assigned to public defense counsel could not be determined.

## DOUGLAS COUNTY

2006 Population:	35,700
Percent below poverty level in 2003: (2006 information is not available)	11.9%
2006 RCW 10.101 distribution:	\$0

Douglas County did not participate in the RCW 10.101 funding application process. Accordingly, financial data and information relating to the amount spent for public defense services or the number and percentage of new cases assigned to counsel was not available. The number of new cases filed is derived from the Office of the Administrator of the Courts case filings report.

### 2006 Statistics

Total adult criminal cases per 1,000 population	50.0
Amount spent for public defense	
Amount spent per capita	

### Adult felony

New adult superior court cases filed	279
New adult superior court cases per 1,000 population	7.8
Number of new cases assigned to counsel	
Percent of new cases assigned to counsel	

### Adult misdemeanor

New county misdemeanor cases filed	760
Total new district and municipal court misdemeanor Cases filed in county (See Glossary page 22.)	1,507
Total new misdemeanor cases per 1,000 population	42.2
Number of new cases assigned to counsel by county	

### Juvenile offender

New juvenile offender cases filed	204
New juvenile offender cases per 1,000 population	5.7
Number of new cases assigned to counsel	
Percent of new cases assigned to counsel	

## FERRY COUNTY

2006 Population:	7,500
Percent below poverty level in 2003: (2006 information is not available)	16.6%
2007 RCW 10.101 distribution:	\$14,140

Ferry County administers public defense representation through a contract system. One attorney provides representation to all indigent adults and juveniles in Superior Court except conflicts and acts as the conflict attorney for District Court cases. Another attorney provides representation to all indigent defendants for District Court cases and acts as the conflict attorney for Superior Court cases.

### 2006 Statistics

Total adult criminal cases per 1,000 population	31.2
Amount spent for public defense	\$235,520
Amount spent per capita	\$31.40

### Adult felony

New adult superior court cases filed	39
New adult superior court cases per 1,000 population	5.2
Number of new cases assigned to counsel	31
Percent of new cases assigned to counsel	79.5%

### Adult misdemeanor

New county misdemeanor cases filed	162
Total new district and municipal court misdemeanor cases filed in county (See Glossary page 22.)	195
Total new misdemeanor cases per 1,000 population	26.0
Number of new cases assigned to counsel by county	108

### Juvenile offender

New juvenile offender cases filed	15
New juvenile offender cases per 1,000 population	2.0
Number of new cases assigned to counsel	9
Percent of new cases assigned to counsel	60.0%

Ferry County is in the process of adopting a public defense standards ordinance. The Ferry County public defense contracts require approved annual training and reporting of non-public defense attorney hours.

Ferry County spent RCW 10.101 funds distributed in 2006 by contracting to provide defense counsel at preliminary hearings. The three counties in the judicial district, Stevens, Ferry, and Pend Oreille, intend to use 2007 funds to increase defense attorneys' compensation.

## FRANKLIN COUNTY

2006 Population:	64,200
Percent below poverty level in 2006:	24.9%
2007 RCW 10.101 distribution:	\$66,302

Franklin County provides public defense representation through a contract system. In 2007 the county used the RCW 10.101 funds for consulting on contract preparation and development of a bi-county (with Benton County) indigent defense coordinator position to monitor contract counsel and to assist in providing indigent defense.

### 2006 Statistics

Total adult criminal cases per 1,000 population	66.5
Amount spent for public defense	\$499,676
Amount spent per capita	\$7.78

### Adult felony

New adult superior court cases filed	575
New adult superior court cases per 1,000 population	9.0
Number of new cases assigned to counsel	356
Percent of new cases assigned to counsel	61.9%

### Adult misdemeanor

New county misdemeanor cases filed	1,292
Total new district and municipal court misdemeanor cases filed in county (See Glossary page 22.)	3,692
Total new misdemeanor cases per 1,000 population	57.5
Number of new cases assigned to counsel by county	450

### Juvenile offender

New juvenile offender cases filed	344
New juvenile offender cases per 1,000 population	5.3
Number of new cases assigned to counsel	N/A <sup>1</sup>
Percent of new cases assigned to counsel	N/A <sup>1</sup>

Franklin County has adopted a public defense resolution and plans to adopt an ordinance. The Franklin County public defense contracts require approved annual training and reporting of non-public defense attorney hours.

Franklin County used RCW 10.101 funds distributed in 2006 to establish the bi-county indigent defense coordinator position to oversee the public defense contracts, monitor the contracts and provide assistance to improve the level of public defense in Franklin County and Benton County. The county plans to use 2007 funds to continue the coordinator position and expand its indigent defense services.

<sup>1</sup> Under the Benton and Franklin Counties bi-county panel system, caseload reporting is not differentiated between counties. Accordingly, the number and percentage of new cases assigned to counsel could not be determined.

## GARFIELD COUNTY

2006 Population:	2,400
Percent below poverty level in 2003: <small>(2006 information is not available)</small>	11.3%
2007 RCW 10.101 distribution:	\$10,572

Garfield County provides public defense representation through a contract with one attorney who is responsible for 100 percent of the cases in all of the county courts except conflict cases. The court uses a list of attorneys for appointment in conflict cases at an hourly rate of \$75.

### 2006 Statistics

Total adult criminal cases per 1,000 population	100
Amount spent for public defense	\$32,737
Amount spent per capita	\$13.64

### Adult felony

New adult superior court cases filed	12
New adult superior court cases per 1,000 population	5.0
Number of new cases assigned to counsel	12
Percent of new cases assigned to counsel	100%

### Adult misdemeanor

New county misdemeanor cases filed	228
Total new district and municipal court misdemeanor cases filed in county (See Glossary page 22.)	228
Total new misdemeanor cases per 1,000 population	95.0
Number of new cases assigned to counsel by county	55

### Juvenile offender

New juvenile offender cases filed	6
New juvenile offender cases per 1,000 population	2.5
Number of new cases assigned to counsel	4
Percent of new cases assigned to counsel	66.7%

Garfield County is in the process of adopting a public defense standards ordinance. The Garfield County public defense contracts require approved annual training and reporting of non-public defense attorney hours.

Garfield County spent RCW 10.101 funds distributed in 2006 on increasing defense attorneys' compensation.

## GRANT COUNTY

2006 Population:	80,600
Percent below poverty level in 2006:	21.7%
2007 RCW 10.101 distribution:	\$88,378

Grant County has developed a consortium of individually contracted attorneys to provide public defense representation. A supervising public defender oversees the consortium.

### 2006 Statistics

Total adult criminal cases per 1,000 population	82.5
Amount spent for public defense	\$2,485,131
Amount spent per capita	\$30.83

### Adult felony

New adult superior court cases filed	862
New adult superior court cases per 1,000 population	10.7
Number of new cases assigned to counsel	NA <sup>1</sup>
Percent of new cases assigned to counsel	NA <sup>1</sup>
New cases assigned per contract	150

### Adult misdemeanor

New county misdemeanor cases filed	5,789
Total new district and municipal court misdemeanor cases filed in county (See Glossary page 22.)	5,789
Total new misdemeanor cases per 1,000 population	82.5%
Number of new cases assigned to counsel by county	3,621

### Juvenile Offender

New juvenile offender cases filed	396
New juvenile offender cases per 1,000 population	4.9
Number of new cases assigned to counsel	394
Percent of new cases assigned to counsel	99.0%

Grant County has adopted a public defense standards resolution and the Grant County public defense contracts require approved annual training.

Grant County spent RCW 10.101 funds distributed in 2006 on paying for investigators for public defense attorneys, providing interpreters for attorney-client meetings, and on hiring more defense attorneys to reduce caseloads. The county plans to use 2007 funds to increase public defender compensation and either add defense attorneys to lower public defense caseloads or set up "in-house" investigators for indigent defense.

<sup>1</sup> The number of reported new cases appears to include probation violations and other miscellaneous hearings assigned. Therefore, the number and percent of new cases were not available.

<sup>2</sup> This data reflects conditions pre-pilot. For detailed information about the OPD pilot, see page 7.



## GRAYS HARBOR COUNTY

2006 Population:	70,400
Percent below poverty level in 2006:	17.8%
2007 RCW 10.101 distribution:	\$78,275

Grays Harbor County provides public defense representation through contracts with 17 attorneys handling adult felony cases, one attorney handling juvenile offender cases, and seven handling district court cases.

### 2006 Statistics

Total adult criminal cases per 1,000 population	110.3
Amount spent for public defense	\$904,872
Amount spent per capita	\$12.85

### Adult felony

New adult superior court cases filed	752
New adult superior court cases per 1,000 population	10.7
Number of new cases assigned to counsel	698
Percent of new cases assigned to counsel	92.8%

### Adult misdemeanor

New county misdemeanor cases filed	3,098
Total new district and municipal court misdemeanor cases filed in county (See Glossary page 22.)	7,011
Total new misdemeanor cases per 1,000 population	99.6
Number of new cases assigned to counsel by county	1,321

### Juvenile offender

New juvenile offender cases filed	328
New juvenile offender cases per 1,000 population	4.7
Number of new cases assigned to counsel	328
Percent of new cases assigned to counsel	100%

Grays Harbor County is in the process of adopting a public defense standards ordinance. The Grays Harbor County public defense contracts require approved annual training.

Grays Harbor County spent RCW 10.101 funds distributed in 2006 contracting with a juvenile conflict attorney and increasing compensation for public defense attorneys. The county plans to use 2007 funds to contract with juvenile conflict attorneys and increase compensation for public defense attorneys handling major felonies.

## ISLAND COUNTY

2006 Population:	77,200
Percent below poverty level in 2003: (2006 information is not available)	8.3%
2007 RCW 10.101 distribution:	\$57,240

Island County delivers public defense representation through a mixed system, contracting with a single law firm to provide virtually all criminal defense services and using list appointments for conflict and other specific case types. The primary contract totaled \$360,000 in base fees in 2007. Conflict and other appointments are compensated according to a published county public defense fee schedule.

### 2006 Statistics

Total adult criminal cases per 1,000 population	33.6
Amount spent for public defense	\$570,809
Amount spent per capita	\$7.39

### Adult felony

New adult superior court cases filed	301
New adult superior court cases per 1,000 population	3.9
Number of new cases assigned to counsel	300
Percent of new cases assigned to counsel	99.7%

### Adult misdemeanor

New county misdemeanor cases filed	1,507
Total new district and municipal court misdemeanor cases filed in county (See Glossary page 22.)	2,292
Total new misdemeanor cases per 1,000 population	29.7
Number of new cases assigned to counsel by county	569

### Juvenile offender

Juvenile offender cases filed	151
Juvenile offender cases per 1,000 population	2.0
Number of new cases assigned to counsel	N/A <sup>1</sup>
Percent of new cases assigned to counsel	N/A <sup>1</sup>

Island County has a public defense standards resolution and is in the process of adopting a public defense standards ordinance. In addition, the Island County public defense contracts require approved annual training and reporting of non-public defense attorney hours.

Island County spent RCW 10.101 funds distributed in 2006 on providing defense counsel at preliminary appearance calendars. The county plans to use 2007 funds to continue to fund the representation at first appearance hearings. Any residual funds will be used to increase the use of conflict attorneys' services in order to reduce the caseload of the county's primary public defense provider.

<sup>1</sup> The case totals reported appear to include probation violations; accordingly, the percentage of new cases assigned to counsel could not be determined.

## JEFFERSON COUNTY

2006 Population:	28,200
Percent below poverty level in 2003: (2006 information is not available)	11.0%
2007 RCW 10.101 Distribution:	\$32,353

Jefferson County contracts with Jefferson Associated Counsel, a nonprofit corporation, for all public defense representation. The office director provides direct supervision for the attorneys and is responsible for handling client complaints. Some investigative services are provided by support staff; the balance is provided by private investigators appointed by the court on a case-by-case basis. The court appoints conflict counsel from a list of private attorneys.

### 2006 Statistics

Total adult criminal cases per 1,000 population	56.8
Amount spent for public defense	\$204,475
Amount spent per capita	\$7.25

### Adult felony

New adult superior court cases filed	219
New adult superior court cases per 1,000 population	7.8
Number of new cases assigned to counsel	174 (plus 16 PVs)
Percent of new cases assigned to counsel	79.5%

### Adult misdemeanor

New county misdemeanor cases filed	1,041
Total new district and municipal court misdemeanor cases filed in county (See Glossary page 22.)	1,384
Total new misdemeanor cases per 1,000 population	49.1
Number of new cases assigned to counsel by county	688 (plus 111 PVs)

### Juvenile offender

New juvenile offender cases filed	81
New juvenile offender cases per 1,000 population	2.9
Number of new cases assigned to counsel	77 (plus 28 PVs)
Percent of new cases assigned to counsel:	95.1%

Jefferson County has adopted a resolution and is in the process of creating a public defense standards ordinance. The Jefferson County public defense contract requires approved annual training and reporting of non-public defense attorney hours.

Jefferson County spent RCW 10.101 funds distributed in 2006 on hiring a public defense investigator. The county plans to use 2007 funds to enhance investigative services.

## KING COUNTY

2006 Population:	1,835,300
Percent below poverty level in 2006:	9.5%
2007 RCW 10.101 distribution:	\$1,354,830

King County administers public defense representation through the King County Office of the Public Defender, a county agency which contracts for direct client services with four non-profit public defense agencies: Associated Counsel for the Accused (ACA), Society of Counsel Representing Accused Persons (SCRAP), The Defender Association (TDA) and Northwest Defender Association (NDA) to provide 90 percent of public defense services. Ten percent of public defense services (for conflict cases) are provided through an assigned counsel panel composed of private attorneys accepting assignments on an hourly basis.

The King County Office of the Public Defender provides funding for these agencies that includes salaries and benefits for attorneys, supervisors and professional and clerical support staff including investigators, social workers and paralegals; administrative overhead including equipment and operational costs; rent allocations; and calendar costs per specific calendar assignments. The contract agencies are budgeted for attorney salaries, exclusive of benefits, at parity with the King County Prosecutor Office employees. Expert and other extraordinary case related expenses not included in the contracts are paid by the county upon written request to the Office of the Public Defender.

### 2006 Statistics

Total adult criminal cases per 1,000 population	43.3
Amount spent for public defense	\$36,017,479
Amount spent per capita	\$19.62

### Adult felony

New adult superior court cases filed	10,883
New adult superior court cases per 1,000 population	5.9
Number of new cases assigned to counsel	9,889 (plus 1,499 PVs)
Percent of new cases assigned to counsel	90.9%

### Adult Misdemeanor

New county misdemeanor cases filed	17,696
Total new district and municipal court misdemeanor cases filed in county (See Glossary page 22.)	68,562
Total new misdemeanor cases per 1,000 population	37.4
Number of new cases assigned to counsel by county	7,384 (plus 1,604 PVs)

### Juvenile offender

New juvenile offender cases filed	4,173
New juvenile offender cases per 1,000 population	2.3
Number of new cases assigned to counsel	4153 (plus 1,336 PVs)
Percent of new cases assigned to counsel	99.5%

The King County Council has adopted an ordinance which sets compensation and caseload standards for contract public defenders. In addition, the King County public defense contracts require approved training and reporting of public defender hours. Contractor agencies who contract with the King County Office of the Public Defender must be non-profit corporations established solely for the purpose of providing public defense services.

King County spent RCW 10.101 funds distributed in 2006 on increasing pay for assigned counsel, hiring a program manager to improve quality control, and training programs in public defense services in King County. The county plans to use 2007 funds to continue these efforts and lower caseloads.

## KITSAP COUNTY

2006 Population:	243,400
Percent below poverty level in 2006:	8.6%
2007 RCW 10.101 distribution:	\$209,070

Kitsap County administers public defense representation by contracting with different firms in each of several practice areas. Each contract has a specific caseload limit and is paid according to a published public defense fee schedule. All conflict cases are list appointed and compensated according to the published fee schedule.

### 2006 Statistics

Total adult criminal cases per 1,000 population	48.4
Amount spent for public defense	\$3,052,181
Amount spent per capita	\$12.54

### Adult felony

New adult superior court cases filed	1,852
New adult superior court cases per 1,000 population	7.6
Number of new cases assigned to counsel	1,791
Percent of new cases assigned to counsel	96.7%

### Adult misdemeanor

New county misdemeanor cases filed	6,405
Total new district and municipal court misdemeanor cases filed in county (See Glossary page 22.)	9,919
Total new misdemeanor cases per 1,000 population	40.8
Number of new cases assigned to counsel by county	2,915

### Juvenile offender

Juvenile offender cases filed	1,012
Juvenile offender cases per 1,000 population	4.2
Number of new cases assigned to counsel	739
Percent of new cases assigned to counsel	73.0%

Kitsap County has adopted a public defense standards resolution. In addition, the Kitsap County public defense contracts will require approved annual training and reporting of non-public defense attorney hours as they are renewed.

Kitsap County spent RCW 10.101 funds distributed in 2006 on hiring a consultant to review the county's public defense system, on purchasing cell phones for after-hours attorneys, on-line access for public defenders at juvenile court, and Lexis-Nexis research programs for all public defense attorneys. The county plans to use 2007 funds on implementing recommendations from the consultant retained last year.

## KITTITAS COUNTY

2006 Population:	37,400
Percent below poverty level in 2003: (2006 information is not available)	13.4%
2007 RCW 10.101 distribution:	\$44,049

Kittitas County delivers public defense representation solely through list appointment. Contracts are utilized only in extraordinary circumstances such as specific serious felonies. Appointed attorneys are paid at a published rate per case unless otherwise authorized. For Lower Kittitas District Court, one attorney contracts for all the indigent defense cases.

### 2006 Statistics

Total adult criminal cases per 1,000 population	94.0
Amount spent for public defense	\$303,679
Amount spent per capita	\$8.12

### Adult felony

New adult superior court cases filed	367
New adult superior court cases per 1,000 population	9.8
Number of new cases assigned to counsel	216 (plus 15 PVs)
Percent of new cases assigned to counsel	58.9%

### Adult misdemeanor

New county misdemeanor cases filed	2,835
Total new district and municipal court misdemeanor cases filed in county (See Glossary page 22.)	3,149
Total new misdemeanor cases per 1,000 population	74.2
Number of new cases assigned to counsel by county	684

### Juvenile offender

New juvenile offender cases filed	138
New juvenile offender cases per 1,000 population	3.7
Number of new cases assigned to counsel	125 (plus 8 PVs)
Percent of new cases assigned to counsel	91.0%

Kittitas County has adopted a public defense standards court rule and is in the process of adopting a public defense standards ordinance. The Kittitas County treasurer is holding 2006 and 2007 10.101 funds in reserve until the county adopts a public defense standards ordinance. In addition, Kittitas County public defense attorneys are required to attend approved annual training.

## KLICKITAT COUNTY

2006 Population:	19,800
Percent below poverty level in 2003: (2006 information is not available)	14.5%
2007 RCW 10.101 distribution:	\$28,937

Klickitat County administers public defense representation using one contract signed by three attorneys for all Superior Court matters. The contract specifies that the three attorneys will provide 100 percent of indigent defense services in adult felony, juvenile offender and other specific juvenile case types.

The county has two separate district courts; defense services in each court were provided for by separate contract requiring those attorneys to accept 100 percent of the cases assigned. Conflict cases in all courts are handled through list appointment by the court.

### 2006 Statistics

Total adult criminal cases per 1,000 population	63.4
Amount spent for public defense	\$258,786
Amount spent per capita	\$13.07

### Adult felony

New adult superior court cases filed	221
New adult superior court cases per 1,000 population	11.2
Number of new cases assigned to counsel	221
Percent of new cases assigned to counsel	100%

### Adult misdemeanor

New county misdemeanor cases filed	669
Total new district and municipal court misdemeanor cases filed in county (See Glossary page 22.)	1,035
Total new misdemeanor cases per 1,000 population	52.3
Number of new cases assigned to counsel by county	359

### Juvenile offender

New juvenile offender cases filed	137
New juvenile offender cases per 1,000 population	6.9
Number of new cases assigned to counsel	137
Percent of new cases assigned to counsel	100%

Klickitat County is in the process of adopting a public defense standards ordinance.



## LEWIS COUNTY

2006 Population:	72,900
Percent below poverty level in 2006:	12.4%
2007 RCW 10.101 distribution:	\$84,196

Lewis County administers public defense representation through a mixed contract and list appointment system. The county contracts with 10 attorneys for adult felony cases and seven attorneys for juvenile offender cases. The District Court maintains a list of six private attorneys for appointment on a case-by-case basis. Some attorneys accept more than one case type.

### 2006 Statistics

Total adult criminal cases per 1,000 population	72.8
Amount spent for public defense	\$1,080,512
Amount spent per capita	\$14.82

### Adult Felony

New adult superior court cases filed:	844
New adult superior court cases per 1,000 population	11.6
Number of new cases assigned to counsel	N/A <sup>1</sup>
Percent of new cases assigned to counsel	N/A <sup>1</sup>

### Adult Misdemeanor

New county misdemeanor cases filed	2,397
Total new district and municipal court misdemeanor cases filed in county (See Glossary page 22.)	4,463
Total new misdemeanor cases per 1,000 population	61.2
Number of new cases assigned to counsel by county	1,352

### Juvenile Offender

New juvenile offender cases filed	311
New juvenile offender cases per 1,000 population	4.3
Number of new cases assigned to counsel	239 (plus 141 PVs)
Percent of new cases assigned to counsel	76.8%

Lewis County has developed an indigent defense plan and adopted a public defense standards ordinance. Lewis County public defense contracts require approved annual training and reporting of non-public defense attorney hours.

Lewis County spent RCW 10.101 funds distributed in 2006 on providing defense counsel at initial appearance calendars. The county plans to use 2007 funds to continue hiring defense counsel for superior and district court initial appearance hearings, and to provide court appointed special case attorneys and investigative services for juvenile court.

<sup>1</sup> The County reported felony "units" as opposed to cases assigned to counsel so the number and percent of new cases assigned to counsel could not be determined.

## LINCOLN COUNTY

2006 Population:	10,200
Percent below poverty level in 2003: (2006 information is not available)	13.5%
2007 RCW 10.101 distribution:	\$16,067

Lincoln County administers public defense representation using a mixed system. Public defense representation for adult misdemeanors is handled through a contract with one attorney. Counsel is provided through list appointment for conflict cases, adult felony, juvenile offender, and all other Superior Court case types.

### 2006 Statistics

Total adult criminal cases per 1,000 population	61.8
Amount spent for public defense	\$74,345
Amount spent per capita	\$7.29

### Adult felony

New adult superior court cases filed	54
New adult superior court cases per 1,000 population	5.3
Number of new cases assigned to counsel	36
Percent of new cases assigned to counsel	66.7%

### Adult misdemeanor

New county misdemeanor cases filed	575
Total new district and municipal court misdemeanor cases filed in county (See Glossary page 22.)	576
Total new misdemeanor cases per 1,000 population	56.5
Number of new cases assigned to counsel by county	188

### Juvenile offender

New juvenile offender cases filed	29
New juvenile offender cases per 1,000 population	2.8
Number of new cases assigned to counsel	16
Percent of new cases assigned to counsel	55.2%

Lincoln County has adopted a public defense standards ordinance. The Lincoln County public defense contracts require approved annual training and reporting of non-public defense attorney hours.

Lincoln County spent RCW 10.101 funds distributed in 2006 on compensation increases for its public defense attorneys, and on providing AOC software for public defense attorneys. The county plans to use 2007 funds to increase superior court public defense attorneys' compensation, pay expenses for public defense training, and provide investigative services for district court cases.

## MASON COUNTY

2006 Population:	53,100
Percent below poverty level in 2003: <small>(2006 information is not available)</small>	11.9%
2007 RCW 10.010 distribution:	\$61,118

Mason County delivers public defense representation through a contract system. Each contract attorney is responsible for a specific court or case type under a stated caseload limit. Two juvenile offender contracts provide that each attorney may accept no more than 250 cases per year for a contract capacity of 500 cases. One attorney has a contract to provide representation in all District Court cases in the county. Conflict counsel is list appointed by the court.

### 2006 Statistics

Total adult criminal cases per 1,000 population	61.9
Amount spent for public defense	\$589,870
Amount spent per capita	\$11.11

### Adult felony

New adult superior court cases filed	565
New adult superior court cases per 1,000 population	10.6
Number of new cases assigned to counsel	375
Percent of new cases assigned to counsel	66.4%

### Adult misdemeanor

New county misdemeanor cases file	2,023
Total new district and municipal court misdemeanor cases filed in county (See Glossary page 22.)	2,724
Total new misdemeanor cases per 1,000 population	51.3
Number of new cases assigned to counsel by county	850

### Juvenile offender

New juvenile offender cases filed	255
New juvenile offender cases per 1,000 population	4.8
Number of new cases assigned to counsel	255
Percent of new cases assigned to counsel	100%

Mason County has adopted a public defense standards policy and is in the process of adopting a public defense standards ordinance. In addition, the Mason County public defense contracts require approved annual training and reporting of non-public defense attorney hours.

Mason County spent RCW 10.101 funds distributed in 2006 on training and increases in compensation for public defense attorneys.

## OKANOGAN COUNTY

2006 Population:	39,800
Percent below poverty level in 2003: (2006 information is not available)	18.7%
2007 RCW 10.101 distribution:	\$46,803

Okanogan County delivers public defense representation through a contract system with four primary attorneys. The county executed one contract with those attorneys for coverage of all indigent defense cases in the County.

### 2006 Statistics

Total adult criminal cases per 1,000 population	71.6
Amount spent for public defense	\$754,418
Amount spent per capita	\$18.96

### Adult felony

New adult superior court cases filed	400
New adult superior court cases per 1,000 population	10.1
Number of new cases assigned to counsel	335
Percent of new cases assigned to counsel	83.8%

### Adult misdemeanor

New county misdemeanor cases filed	2,448
Total new district or municipal court misdemeanor cases filed in county (See Glossary page 22.)	2,450
Total new misdemeanor cases per 1,000 population	61.6
Number of new cases assigned to counsel by county	2,104 <sup>1</sup>

### Juvenile offender

New juvenile offender cases filed	344
New juvenile offender cases per 1,000 population	8.6
Number of new cases assigned to counsel	272
Percent of new cases assigned to counsel	79.1%

Okanogan County is in the process of adopting a public defense standards ordinance. The Okanogan County public defense contracts require approved annual training.

Okanogan County spent RCW 10.101 funds distributed in 2006 on hiring an additional public defense attorney to help reduce caseloads. The county plans to use 2007 funds to continue and expand the efforts started last year.

<sup>1</sup> The total number of cases reported as assigned to public defense counsel in Okanogan County District Court includes probation violations.

## PACIFIC COUNTY

2006 Population:	21,500
Percent below poverty level in 2003: (2006 information is not available)	Not Available
2007 RCW 10.101 distribution:	\$33,145

Pacific County provides indigent defense representation through a contract system. Attorneys contract for a percentage of cases in a specific court. This system is used for each court level.

### 2006 Statistics

Total adult criminal cases per 1,000 population	95.9
Amount spent for public defense	\$270,866
Amount spent per capita	12.60

### Adult felony

New adult superior court cases filed	287
New adult superior court cases per 1,000 population	13.3
Number of new cases assigned to counsel	N/A <sup>1</sup>
Percent of new cases assigned to counsel	N/A <sup>1</sup>

### Adult misdemeanor

New county misdemeanor cases filed	1,032
Total new district and municipal court misdemeanor cases filed in county (See Glossary page 22.)	1,775
Total new misdemeanor cases per 1,000 population	82.6
Number of new cases assigned to counsel by county	354

### Juvenile offender

New juvenile offender cases filed	141
New juvenile offender cases per 1,000 population	6.6
Number of new cases assigned to counsel	126
Percent of new cases assigned to counsel	89.3%

The Pacific County new and renewing public defense contracts require approved annual training and reporting of non-public defense attorney hours.

Pacific County spent RCW 10.101 funds distributed in 2006 on compensation increases for its contract public defense attorneys. The county plans to use 2007 funds to implement its public defense standards.

<sup>1</sup> The number and percent of new cases that were assigned to counsel could not be determined.

## PEND OREILLE COUNTY

2006 Population:	12,300
Percent below poverty level in 2003: (2006 information is not available)	15.0%
2007 RCW 10.010 distribution:	\$18,960

Pend Oreille County provides public defense representation through a contract with three associated attorneys handling 100 percent of the caseload except conflicts.

### 2006 Statistics

Total adult criminal cases per 1,000 population	58.7
Amount spent for public defense	\$165,000
Amount spent per capita	\$13.41

### Adult felonies

New adult superior court cases filed	92
New adult superior court cases per 1,000 population	7.5
Number of new cases assigned to counsel	86
Percent of new cases assigned to counsel	93.5%

### Adult misdemeanors

New county misdemeanor cases filed	449
Total new district and municipal court misdemeanor cases filed in county (See Glossary page 22.)	630
Total new misdemeanor cases per 1,000 population	51.2
Number of new cases assigned to counsel by county	381

### Juvenile offender

New juvenile offender cases filed	45
New juvenile offender cases per 1,000 population	3.7
Number of new cases assigned to counsel	33
Percent of new cases assigned to counsel	73.3%

Pend Oreille County is in the process of adopting a public defense standards ordinance. The Pend Oreille County public defense contracts require approved annual training and new or renewed public defense contracts will require reporting of non-public defense attorney hours.

Pend Oreille County spent RCW 10.101 funds distributed in 2006 on providing counsel at preliminary hearings. The three counties in the judicial district, Stevens, Ferry and Pend Oreille, intend to use 2007 funds to increase defense attorneys' compensation.

## PIERCE COUNTY

2006 Population:	773,500
Percent below poverty level in 2006:	11.5%
2007 RCW 10.101 distribution:	\$658,382

Pierce County provides public defense representation through a county agency, the Department of Assigned Counsel (DAC). DAC employees receive salary and benefits in parity with the Pierce County Prosecutor Office employees. DAC maintains felony, misdemeanor and juvenile divisions and others related to civil practice areas. Each division has a senior supervising attorney. These supervisors, along with DAC's director, and chief deputy, provide supervision and oversight of staff attorneys and are responsible for resolving client complaints. The agency provides investigative services through a panel of pre-approved investigators.

### 2006 Statistics

Total adult criminal cases per 1,000 population	51.5
Amount spent for public defense	\$12,992,242
Amount spent per capita	\$16.80

### Adult felony

New adult superior court cases filed	6,139
New adult superior court cases per 1,000 population	7.9
Number of new cases assigned to counsel	5,414 (plus 5,377 PVs)
Percent of new cases assigned to counsel	88.2%

### Adult misdemeanor

New county misdemeanor cases filed	12,175
Total new district and municipal court misdemeanor cases filed in county (See Glossary page 22.)	33,720
Total new misdemeanor cases per 1,000 population	43.6
Number of new cases assigned to counsel by county	5,021 (plus 7,763 PVs)

### Juvenile offender

New juvenile offender cases filed	2,469
New juvenile offender cases per 1,000 population	3.2
Number of new cases assigned to counsel	2,128 (plus 1,152 PVs)
Percent of new cases assigned to counsel	86.2%

Pierce County has adopted a public defense standards ordinance. In addition, the Pierce County DAC requires approved annual training.

Pierce County spent RCW 10.101 funds distributed in 2006 on hiring additional attorneys to reduce caseloads. The county plans to use 2007 funds to hire an additional attorney and legal assistant and purchase technology/resources.

## SAN JUAN COUNTY

2006 Population:	15,700
Percent below poverty level in 2003: (2006 information is not available)	8.5%
2007 RCW 10.101 distribution:	\$18,744

San Juan County delivers public defense representation through a contract with one attorney for representation in Superior and District Court and a contract with a different attorney for juvenile offenders. The contracts use a case weighting system and provide compensation at a specific point value per case.

### 2006 Statistics

Total adult criminal cases per 1,000 population	33.5
Amount spent for public defense	\$204,100
Amount spent per capita	\$13

### Adult felony

New adult superior court cases filed	61
New adult superior court cases per 1,000 population	3.9
Number of new cases assigned to counsel	48 (13 + PVs)
Percent of new cases assigned to counsel	78.7%

### Adult misdemeanor

New county misdemeanor cases filed	465
Total new district and municipal court misdemeanor cases filed in county (See Glossary page 22.)	465
Total new misdemeanor cases per 1,000 population	29.6
Number of new cases assigned to counsel by county	150

### Juvenile offender

New juvenile offender cases filed	21
New juvenile offender cases per 1,000 population	1.3
Number of new cases assigned to counsel	N/A <sup>1</sup>
Percent of new cases assigned to counsel	N/A <sup>1</sup>

San Juan County is in the process of adopting a public defense standards ordinance. The San Juan County public defense contracts require approved annual training and reporting of non-public defense attorney hours.

San Juan County spent RCW 10.101 funds distributed in 2006 on hiring a social worker to assist the public defense attorneys. The county plans to use 2007 funds for the continued employment of a social worker and to increase counsel at regularly scheduled initial appearance calendars for district court.

<sup>1</sup> The number and percent of new cases that were assigned to counsel could not be determined.



## SKAGIT COUNTY

2006 Population:	113,100
Percent below poverty level in 2006:	14.1%
2007 RCW 10.101 distribution:	\$107,884

Skagit County delivers public defense representation through the Skagit County Public Defender, a county agency. The agency's director and chief deputy are responsible for supervision of staff attorneys and resolution of client complaints. Investigative services are provided in-house. Skagit County also contracts with law firms for mental health, involuntary commitment, and district court additional public defense representation.

### 2006 Statistics

Total adult criminal cases per 1,000 population	79.1
Amount spent on public defense	\$1,221,037
Amount spent per capita	\$10.79

### Adult felony

New adult superior court cases filed	973
New adult superior court cases per 1,000 population	8.6
Number of new cases assigned to counsel	N/A <sup>1</sup>
Percent of new cases assigned to counsel	N/A <sup>2</sup>

### Adult misdemeanor

New county misdemeanor cases filed	4,412
Total new district and municipal court misdemeanor cases filed in county (See Glossary page 22.)	7,972
Total new misdemeanor cases per 1,000 population	70.5
Number of new cases assigned to counsel by county	1,686

### Juvenile offender

New juvenile offender cases filed	444
New juvenile offender cases per 1,000 population	3.9
Number of new cases assigned to counsel	N/A <sup>1</sup>
Percent of new cases assigned to counsel	N/A <sup>2</sup>

Skagit County has adopted a public defense standards ordinance. In addition, the Skagit County Public Defender agency requires approved annual training.

Skagit County spent RCW 10.101 funds distributed in 2006 on hiring an additional defense attorney and an investigator. The county plans to use 2007 funds to hire an additional felony attorney and a felony staff support person.

<sup>1</sup> This total exceeds new cases filed because the county tracks the number of "case referrals to counsel." Upon a defendant's failure to appear and the issuance of a bench warrant, a previously referred case may be tracked as being referred to counsel on more than one occasion.

<sup>2</sup> Since individual cases may be referred to counsel on multiple occasions, the percent of new cases assigned to counsel could not be determined.

## SKAMANIA COUNTY

2006 Population:	10,600
Percent below poverty level in 2003: <small>(2006 information is not available)</small>	10.9%
2007 RCW 10.101 distribution	\$20,260

Skamania County delivers superior court, including juvenile offender, indigent defense representation through one contract with two different attorneys. A single contract also provides representation in district court for all assigned cases. When a conflict is identified, counsel is appointed from a list.

### 2006 Statistics

Total adult criminal cases per 1,000 population	120.5
Amount spent for public defense	\$82,800
Amount spent per capita	\$7.81

### Adult felony

New adult superior court cases filed	130
New adult superior court cases per 1,000 population	12.3
Number of new cases assigned to counsel	130
Percent of new cases assigned to counsel	100%

### Adult misdemeanor

New county misdemeanor cases filed	1,067
Total new district and municipal court misdemeanor cases filed in county (See Glossary page 22.)	1,147
Total new misdemeanor cases per 1,000 population	108.2
Number of new cases assigned to counsel by county	293

### Juvenile offender

New juvenile offender cases filed	47
New juvenile offender cases per 1,000 population	4.4
Number of new cases assigned to counsel	47
Percent of new cases assigned to counsel	100%

The Skamania County public defense contracts require approved annual training and reporting of non-public defense attorney hours.

Skamania County spent RCW 10.101 funds distributed in 2006 on increasing funds for defense investigation and expert services. The county plans to use 2007 funds for expert witness and investigator fees and for defense attorney training.

## SNOHOMISH COUNTY

2006 Population:	671,800
Percent below poverty level in 2006:	7.6%
2007 RCW 10.101 distribution:	\$471,259

Snohomish County provides public defense representation in adult criminal cases in both Superior and District Court through a contract with the Snohomish County Public Defender Association (PDA), a non-profit corporation. PDA is managed by a director, an assistant director and a misdemeanor supervisor who are responsible for attorney supervision and resolution of client complaints. PDA provides investigative services in-house.

The county contracts with the PDA and one private law firm to handle juvenile offender cases. Conflicts are appointed from a list.

### 2006 Statistics

Total adult criminal cases per 1,000 population	52.2
Amount spent for public defense	\$6,384,399
Amount spent per capita	\$9.50

### Adult felony

New adult superior court cases filed	3,411
New adult superior court cases per 1,000 population	5.1
Number of new cases assigned to counsel	2,737 (plus 985 PVs)
Percent of new cases assigned to counsel	80.2%

### Adult misdemeanor

New county misdemeanor cases filed	12,982
Total new district and municipal court misdemeanor cases filed in county (See Glossary page 22.)	31,659
Total new misdemeanor cases per 1,000 population	47.1
Number of new cases assigned to counsel by county	7,936

### Juvenile offender

New juvenile offender cases filed	1,694
New juvenile offender cases per 1,000 population	2.5
Number of new cases assigned to counsel	1,357 (plus 1,154 PVs)
Percent of new cases assigned to counsel	80.1%

Snohomish County has adopted a public defense standards ordinance. In addition, the Snohomish County public defense contract requires approved annual training.

Snohomish County used RCW 10.101 funds distributed in 2006 to award the primary contract for juvenile court representation to the Snohomish County Public Defender Association. Previously, juvenile cases had been handled by individual contract attorneys and law firms. The county also funded an investigator, social worker and secretary for the public defender agency. The county plans to use 2007 funds to pay for attorneys and staff at the public defender agency to reduce caseloads.

## SPOKANE COUNTY

2006 Population:	443,800
Percent below poverty level in 2006:	13.3%
2007 RCW 10.101 distribution:	\$463,581

Spokane County provides public defense representation through two separate county agencies, the Spokane County Public Defender and Counsel for Defense. Employees of both agencies are compensated in parity with Spokane County Prosecutor Office employees. Each agency is managed by a director who is responsible for attorney supervision and resolution of client complaints. Both provide investigative services in-house. The Spokane County Public Defender is the primary agency and handles Superior and District Court cases; Counsel for Defense handles the majority of Superior Court conflict cases. The primary agency also maintains a list of attorneys available to handle Superior Court cases that present a conflict of interest for both agencies. Most District Court conflicts are handled through an inter-local agreement providing that the Public Defender and the City of Spokane Public Defender accept each other's conflicts.

### 2006 Statistics

Total adult criminal cases per 1,000 population	65.1
Amount spent for public defense	\$4,741,195
Amount spent per capita	\$10.68

### Adult felony

New adult superior court cases filed	5,071
New adult superior court cases per 1,000 population	11.4
Number of new cases assigned to counsel	4,469 (plus 343 PVs)
Percent of new cases assigned to counsel	88.1%

### Adult misdemeanor

New county misdemeanor cases filed	8,567
Total new district and municipal court misdemeanor cases filed in county (See Glossary page 22.)	23,822
Total new misdemeanor cases per 1,000 population	53.7
Number of new cases assigned counsel by county	5,950 (plus 1,312 PVs)

### Juvenile offender

New juvenile offender cases filed	1,630
New juvenile offender cases per 1,000 population	3.7
Number of new cases assigned to counsel	1,560 (plus 680 PVs)
Percent of new cases assigned to counsel	95.7%

Spokane County has adopted a public defense standards ordinance. The Spokane County public defense agencies require approved annual training.

Spokane County spent RCW 10.101 funds distributed in 2006 on hiring two public defense attorneys and support staff to reduce misdemeanor caseloads. The county plans to use 2007 funds to hire two additional attorneys to appear at misdemeanor arraignments and initial appearances, as well as additional staff as funds allow.

## STEVENS COUNTY

2006 Population:	42,100
Percent below poverty level in 2003: (2006 information is not available)	14.6%
2007 RCW 10.101 distribution:	\$41,517

Stevens County provides public defense representation through a contract with an association of five attorneys to provide services for all indigent adults in District and Superior Courts. Juvenile matters are handled by contracts with four additional attorneys. Conflicts in all cases are handled through list appointment.

### 2006 Statistics

Total adult criminal cases per 1,000 population	41.8
Amount spent for public defense	\$418,215
Amount spent per capita	\$9.93

### Adult felony

New adult superior court cases filed	282
New adult superior court cases per 1,000 population	6.7
Number of new cases assigned to counsel	235 (plus 71 PVs)
Percent of new cases assigned to counsel	83.3%

### Adult misdemeanor

New county misdemeanor cases filed	931
Total new district and municipal court misdemeanor cases filed in county (See Glossary page 22.)	1,479
Total new misdemeanor cases per 1,000 population	35.1
Number of new cases assigned to counsel by county	894

### Juvenile offender

New juvenile offender cases filed	211
New juvenile offender cases per 1,000 population	5.0
Number of new cases assigned to counsel	133 (plus 45 PVs)
Percent of cases assigned to counsel	63.0%

Stevens County is in the process of adopting a public defense standards ordinance. The Stevens County public defense contracts require approved annual training and new or renewed contracts will require reporting of non-public defense attorney hours.

Stevens County spent RCW 10.101 funds distributed in 2006 on providing counsel at preliminary hearings. The three counties in the judicial district, Stevens, Ferry and Pend Oreille, intend to use 2007 funds to increase public defense attorneys' compensation.

## THURSTON COUNTY

2006 Population:	231,100
Percent below poverty level in 2006:	8.8%
2007 RCW 10.101 distribution:	\$234,631

Thurston County provides public defense representation through the Thurston County Office of Assigned Counsel (OAC), a county agency. OAC employees are compensated in parity with Thurston County Prosecutor Office employees. OAC has three senior defense attorneys to assist in the supervision of staff and resolution of client complaints. OAC provides investigative services by contracting with private investigators on a case-by-case basis.

### 2006 Statistics

Total adult criminal cases per 1,000 population	66.1
Amount spent for public defense	\$2,417,505
Amount spent per capita	\$10.46

### Adult felony

New adult superior court cases filed	2,432
New adult superior court cases per 1,000 population	10.5
Number of new cases assigned to counsel	2,015 (plus 512 PVs)
Percent of new cases assigned to counsel	82.9%

### Adult misdemeanor

New county misdemeanor cases filed	4,978
Total new district and municipal court misdemeanor cases filed in county (See Glossary page 22.)	12,837
Total new misdemeanor cases per 1,000 population	55.5
Number of new cases assigned counsel by county	2,238 (plus 492 PVs)

### Juvenile offender

New juvenile offender cases filed	1,145
New juvenile offender cases per 1,000 population	5.0
Number of new cases assigned to counsel	920 (plus 883 PVs)
Percent of new cases assigned to counsel	80.3%

Thurston County is in the process of adopting a public defense standards ordinance. The Thurston County public defense agency requires approved annual training.

Thurston County spent RCW 10.101 funds distributed in 2006 on providing counsel at all District Court first appearances. The county plans to use 2007 funds to continue first appearance representation and to pay for reduced attorney caseloads.

## WAHAKIAKUM COUNTY

2006 Population:	3,900
Percent below poverty level in 2003: (2006 information is not available)	8.9%
2007 RCW 10.101 distribution:	\$12,578

Wahkiakum County delivers public defense representation, including all felony, misdemeanor, juvenile offender, and probation violations, solely through list appointment. Attorneys on the court's list are not under contract although they have agreed to accept the appointments.

### 2006 Statistics

Total adult criminal cases per 1,000 population	47.2
Amount spent for public defense	\$64,196
Amount spent per capita	\$16.46

### Adult felony

New adult superior court cases filed	38
New adult superior court cases per 1,000 population	9.7
Number of new cases assigned to counsel	36
Percent of new cases assigned to counsel	94.7%

### Adult misdemeanor

New county misdemeanor cases filed	146
Total new district and municipal court misdemeanor cases filed in county (See Glossary page 22.)	146
Total new misdemeanor cases per 1,000 population	37.4
Number of new cases assigned to counsel by county	46

### Juvenile offender

New juvenile offender cases filed	12
New juvenile offender cases per 1,000 population	3.1
Number of new cases assigned to counsel	12
Percent of new cases assigned to counsel	100%

The Wahkiakum County public defense attorneys are required to attend approved annual training.

Wahkiakum County spent RCW 10.101 funds distributed in 2006 on increased compensation for its public defense attorneys. The county plans to use 2007 funds for court appointed attorneys.

## WALLA WALLA COUNTY

2006 Population:	57,900
Percent below poverty level in 2003: (2006 information is not available)	14.0%
2007 RCW 10.101 distribution:	\$58,787

Walla Walla County delivers public defense representation through a contract system. Seven attorneys contract for indigent public defense services. Conflict cases are distributed through list appointments.

### 2006 Statistics

Total adult criminal cases per 1,000 population	51.4
Amount spent for public defense	\$514,826
Amount spent per capita	\$8.89

### Adult felony

New adult superior court cases filed	483
New adult superior court cases per 1,000 population	8.3
Number of new cases assigned to counsel	378
Percent of new cases assigned to counsel	78.3%

### Adult misdemeanor

New county misdemeanor cases filed	2,105
Total new district and municipal court misdemeanor cases filed in county (See Glossary page 22.)	2,495
Total new misdemeanor cases per 1,000 population	43.1
Number of new cases assigned to counsel by county	349

### Juvenile offender

New juvenile offender cases filed	264
New juvenile offender cases per 1,000 population	4.6
Number of new cases assigned to counsel	N/A <sup>1</sup>
Percent of new cases assigned to counsel	N/A <sup>1</sup>

Walla Walla County has adopted a public defense standards resolution. Walla Walla County public defense contracts require approved annual training and the reporting of non-public defense attorney hours.

Walla Walla spent RCW 10.101 funds distributed in 2006 on increasing public defense attorneys' compensation.

<sup>1</sup> The number and percent of new cases that were assigned to counsel could not be determined.



## WHATCOM COUNTY

2006 Population:	184,300
Percent below poverty level in 2006:	14.9%
2007 RCW 10.101 distribution:	\$184,767

Whatcom County provides public defense representation through the Whatcom County Public Defender, a county agency. Public Defender employees are compensated in parity with the Whatcom County Prosecutor Office employees. The agency director is responsible for attorney supervision and the resolution of client complaints. The agency employs in-house staff for investigative services. Whatcom County also contracts with 18 attorneys for conflict cases.

### 2006 Statistics

Total adult criminal cases per 1,000 population	65.7
Amount spent for public defense	\$3,430,805
Amount spent per capita	\$18.62

### Adult felony

New adult superior court cases filed	1,861
New adult superior court cases per 1,000 population	10.1
Number of new cases assigned to counsel	N/A <sup>1</sup>
Percent of new cases assigned to counsel	N/A <sup>1</sup>

### Adult misdemeanor

New county misdemeanor cases filed	4,695
Total new district and municipal court misdemeanor cases filed in county (See Glossary page 22.)	10,250
Total new misdemeanor cases per 1,000 population	55.6
Number of new cases assigned to counsel by county	2,000 (plus 297 PVs)

### Juvenile offender

New juvenile offender cases filed	633
New juvenile offender cases per 1,000 population	3.4
Number of new cases assigned to counsel	N/A <sup>1</sup>
Percent of new cases assigned to counsel	N/A <sup>1</sup>

Whatcom County has adopted a public defense standards ordinance. The Whatcom County public defense agency requires approved annual training.

Whatcom County spent RCW 10.101 funds distributed in 2006 on hiring an additional defense attorney to reduce caseloads. The county plans to use 2007 funds to reduce caseloads.

<sup>1</sup> The reported number of new cases assigned to the public defenders exceeds the number of new cases filed as reported by AOC; accordingly, the percent of new cases assigned to counsel could not be determined.

## WHITMAN COUNTY

2006 Population:	42,800
Percent below poverty level in 2003: (2006 information is not available)	15.8%
2007 RCW 10.101 distribution:	\$40,910

Whitman County delivers public defense representation through two separate contracts, both with the same law firm. One contract is for all Superior Court cases, including adult felony, juvenile offender, and other specific case types; the second contract covers district court cases. Conflict cases are handled through list appointments.

### 2006 Statistics

Total adult criminal cases per 1,000 population	58.2
Amount spent for public defense	\$292,000
Amount spent per capita	\$6.82

### Adult felony

New adult superior court cases filed	265
New adult superior court cases per 1,000 population	6.2
Number of new cases assigned to counsel	141
Percent of new cases assigned to counsel	53.2%

### Adult misdemeanor

New county misdemeanor cases filed	2,137
Total new district and municipal court misdemeanor cases filed in county (See Glossary page 22.)	2,228
Total new misdemeanor cases per 1,000 population	52.1
Number of new cases assigned to counsel by county	518

### Juvenile offender

New juvenile offender cases filed	104
New juvenile offender cases per 1,000 population	2.4
Number of new cases assigned to counsel	66
Percent of new cases assigned to counsel	63.5%

Whitman County is in the process of enacting a public defense standards ordinance. In addition, Whitman County public defense contracts require approved annual training and reporting of non-public defense attorney hours.

Whitman County spent RCW 10.101 funds distributed in 2006 on hiring an additional defense attorney and an investigator, and increasing expert funds. The county plans to use 2007 funds to increase funding for counsel in conflict cases and further enhance expert and investigative services.

## YAKIMA COUNTY

2006 Population:	231,800
Percent below poverty level in 2006:	21.1%
2007 RCW 10.101 distribution:	\$269,720

Yakima County delivers public defense representation through the Yakima County Department of Assigned Counsel (DAC), a county agency. The agency's director and senior staff attorneys are responsible for attorney supervision and resolution of client complaints. DAC provides counsel in all cases requiring representation, including criminal cases, mental health/involuntary treatment act detentions, civil contempt, and felony and misdemeanor probation violations. DAC administers contracts and panels of attorneys who provide both overflow and conflict coverage.

DAC handles investigative services through two in-house investigators, who are also available to contract counsel, and through a panel of contract investigators; interpreter services are available through an approved list of providers managed by DAC.

### 2006 Statistics

Total adult criminal cases per 1,000 population	85.1
Amount spent for public defense	\$4,542,305
Amount spent per capita	\$19.60

### Adult felony

New adult superior court cases filed	3,089
New adult superior court cases per 1,000 population	13.3
Number of new cases assigned to counsel	2,724
Percent of new cases assigned to counsel	88.2%

### Adult misdemeanor

New county misdemeanor cases filed	4,902
Total new district and municipal court misdemeanor cases filed in county (See Glossary page 22.)	16,645
Total new misdemeanor cases per 1,000 population	71.8
Number of new cases assigned to counsel by county	3,279

### Juvenile offender

New juvenile offender cases filed	1,778
New juvenile offender cases per 1,000 population	7.7
Number of new cases assigned to counsel	1,304
Percent of new cases assigned to counsel	73.3

Yakima County has adopted a public defense standards ordinance. The Yakima County public defender agency requires approved annual training.

Yakima County spent RCW 10.101 funds distributed in 2006 on hiring an additional defense attorney to reduce caseloads, and increasing pay for contract public defenders. The county plans to use 2007 funds to further enhance the improvements started last year.

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## Appendix A

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Internet Email: [opd@opd.wa.gov](mailto:opd@opd.wa.gov)

**WASHINGTON STATE  
OFFICE OF PUBLIC DEFENSE**

(360) 586-3164  
FAX (360) 586-8165

**TO:** County Officials  
**FROM:** Joanne Moore, Director  
**DATE:** August 6, 2007  
**RE:** Procedure for applying for public defense funding

### **Applying for County Public Defense Funding**

RCW 10.101.050 allows counties to apply for their pro rata share of appropriated funds to improve the quality of public defense services for juveniles and adults. We are pleased to announce that the additional funding available for counties in 2008 will more than double the amount distributed for 2007. Enclosed is an application for public defense funds (the application is also available at [www.opd.wa.gov](http://www.opd.wa.gov)) and a table of the estimated pro rata share for each county.

The OPD 2008 funding applications are due September 18, 2007. The Washington State Office of Public Defense (OPD) will notify applicants of RCW 10.101 funding authorization within one month of receiving the county's application. Application materials submitted in hard copy should be three-hole punched. Alternatively, application materials may be submitted as an email attachment. (No faxes please.)

Under the statute, funds must be used to make appreciable demonstrable improvements in the delivery of public defense services. It is anticipated that usage of these funds will ordinarily be determined in consultation with the county courts and public defense attorneys.

Please note RCW 10.101.060 specifies that to qualify for continued funding, counties need to ensure that well-qualified attorneys handle the most serious cases; that county contracts provide funding for court-ordered expert and investigator costs and for compensation as ordered by the court for extraordinary cases; and that counties set up a valid method for appointing conflict counsel. Most county public defense contracts already meet these requirements. We will be working with counties in 2008 regarding compliance with RCW 10.101's requirements.

For information regarding the improvement of public defense services or this application, contact OPD Public Defense Services Managers George Yeannakis or Colleen O'Connor:

Email: [george.yeannakis@opd.wa.gov](mailto:george.yeannakis@opd.wa.gov) or [colleen.oconnor@opd.wa.gov](mailto:colleen.oconnor@opd.wa.gov)  
Phone: 360-586-3164 ext. 102 (George) or ext. 110 (Colleen)

711 Capitol Way South • Suite 106 • P.O. Box 40957 • Olympia, Washington 98504-0957

County _____	Contact name/title _____
Mailing address _____	
Phone _____	Email _____

**NOTE:** Applications are due September 18, 2007. If for some reason the county needs additional time, please contact OPD to request an extension.

**1. In 2006, attorneys providing indigent defense representation had the following caseloads:**

*Fill in section 1(a) if the county has a public defender agency, such as a department of assigned counsel or one or more non-profit public defense firm(s) whose practice is limited to public defense.*

<b><i>1(a) Counties with public defender agencies.</i></b>	Number of new cases assigned to public defenders	Number of probation violations and other miscellaneous hearings assigned	Number of full-time equivalent public defenders	Number of cases assigned to conflict counsel
Superior Court adult felonies				
District Court adult misdemeanors and gross Misdemeanors				
Juvenile Court offender cases				
Juvenile Court dependency/termination Cases				
“Becca” cases (truancy contempt, at-risk youth, CHINS)				

*Fill in section 1(b) if the county contracts with public defense attorneys or if public defense attorneys are appointed by the court from a list:*

<b><i>1(b) Counties with contract or list appointed public defense attorneys</i></b>	Number of new cases assigned to public defense attorneys	Number of probation violations and other miscellaneous hearings assigned	Number of attorneys with public defense contracts (or on court’s appointment list)
Superior Court adult felonies			
District Court adult misdemeanors and gross misdemeanors			
Juvenile Court offender cases			
Juvenile Court dependency/termination cases			
“Becca” cases (truancy contempt, at-risk youth, CHINS)			

2. If the county has public defense contracts, fill out the Table of Public Defense Contracts (Table I), and provide a copy of each current contract in alphabetical order by attorney name. (If possible, please provide scanned copies of contracts, by CD or email attachment. Hard copies are acceptable.)

3. If the county courts appoint public defense attorneys from a list, provide the name of each attorney and the compensation paid per case or per hour in the Table of List-Appointed Public Defense Attorneys (Table II).

4. In 2006, the county paid indigent defense expenses as follows: (Please use The Budget, Accounting, and Reporting System (BARS) categories listed below<sup>7</sup>. If the county does not currently use BARS, please indicate the source of the information provided.)

4a. \$ _____	<b>512.82 – Adult Felony</b>	All costs associated with providing legal counsel and services for indigent adult persons charged with a felony offense in the Superior Court and juvenile offenders charged with a felony under a statutory decline or following a decline hearing in juvenile court. Additionally, costs arising from the following actions should be reported in this category: fugitive complaints; special inquiry proceedings; material witness proceedings; coroner inquest proceedings; hearings or proceedings on remand from appellate courts; personal restraint petitions; and habeas petition hearings in Superior Court where counsel is appointed.
4b. \$ _____	<b>512.83 – Adult Misdemeanor</b>	All costs associated with providing legal counsel and services for indigent adult persons charged with a gross misdemeanor or misdemeanor offense in a district or municipal court including the cost of RALJ appeals to superior court.
4c. \$ _____	<b>512.84 – Juvenile Offender</b>	All costs associated with providing legal counsel and services for indigent juvenile persons charged with a felony, gross misdemeanor or misdemeanor offense in juvenile court including motions to revise rulings by Court Commissioners in Juvenile cases heard in Superior Court.
4d. \$ _____	<b>512.85 – Juvenile Dependency and Termination of Parental Rights</b>	All costs associated with providing legal counsel and services for indigent juvenile persons charged with a felony, gross misdemeanor or misdemeanor offense in juvenile court adults eligible for the appointment of counsel at public expense whose child(ren) are the subject of a dependency or termination of parental rights action in juvenile court. Costs associated with the appointment of an attorney to represent a child should be included in this category. Costs associated with the appointment of a guardian ad litem to represent the interests of a minor child should not be reported.
4e. \$ _____	<b>512.86 – Truancy, At-Risk-Youth, CHINS</b>	All costs associated with providing legal counsel and services for minor children named in a “BECCA case,” including at-risk-youth; child-in-need-of-services petitions; and truancy hearings.
4f. \$ _____	<b>512.87 – Civil Commitments – Mental Health/Alcohol</b>	All costs associated with providing legal counsel and services for indigent adults and minor children subject to mental health and alcohol commitment proceedings. This category also includes other miscellaneous commitments, e.g. infectious disease commitment petitions.
4g. \$ _____	<b>512.88 – Civil Commitments – Sexual Predator</b>	All costs associated with providing legal counsel and services for indigent adults subject to a sexual predator petition.
4h. \$ _____	<b>512.89 – Extraordinary Criminal Case Expenses</b>	All costs associated with providing legal counsel and services for indigent adults charged with a crime for which a jurisdiction may be eligible for reimbursement of expenses under the extraordinary criminal justice expense act (RCW 43.330.190).
4i. \$ _____	<b>512.81 –General Indigent defense</b>	For jurisdictions that only report under this sub-category, all costs as defined in 512.80. <sup>8</sup>

<sup>7</sup> The State Auditor's Local Government Finance Reporting System (LGFRS) website is located at <http://www.sao.wa.gov/applications/lgfrs/>

<sup>8</sup> BARS Code 512.80 defines Indigent Defense as follows:

All costs associated with providing legal counsel and services for indigent persons in criminal, civil, and juvenile matters for which the provision of counsel at public expense is provided for by law. Costs to be included are

This information was ( ) was not ( ) derived from the State Auditor Budgeting Accounting & Reporting System (BARS) categories. If BARS category codes are not currently used for public defense budget reporting, when will the BARS reporting system be implemented? \_\_\_\_\_

5. Prior to or upon receipt of Chapter 10.101 RCW public defense funds, the county will require that all indigent defense attorneys attend OPD-approved training at least once per calendar year. Yes ( ) No ( )

6. Prior to or upon receipt of Chapter 10.101 RCW public defense funds, the county will require that all private attorneys who contract to provide public defense services begin to report all of their public defense contracts and "hours billed for nonpublic defense legal services . . . including number and types of private cases." (RCW 10.101.050) Yes ( ) No ( )

7. Has the county adopted a public defense ordinance? Yes ( ) No ( ) If so, please attach. If not, is the county aware that under RCW 10.101.060(1)(a)(i), an ordinance addressing public defense standards must be adopted during calendar year 2007 to maintain eligibility for funding? Yes ( ) No ( )

8. Copies of all current public defense contracts are attached to this application. Yes ( ) No ( )

9. In 2007 the county used the funds for the following purpose(s):

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10. The county plans to use the 2008 funds for the following purpose; or, alternatively, will employ the following process to determine how to use the funds:

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**11. Certification**

*I declare under penalty of perjury under the laws of the State of Washington that the foregoing information is true and correct.*

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Place

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attorney salaries and benefits of contract costs for conflict counsel fees, expert witnesses, investigators, psychological and other examinations, evidence testing, etc. Interpreter costs should only be included for non-court hearing related interpreter services or interpreter services not otherwise provided under the auspices of the trial court.







## Washington State Office of Public Defense

### *RCW 10.101 County Funding Distribution (December 2007)*

	2006	2006	Total
County	Population	Filings	Distribution
Adams	17,300	207	\$27,147
Asotin	21,100	253	\$31,177
Benton	160,600	1599	\$160,954
Chelan	70,100	773	\$79,262
Clallam	67,800	599	\$69,082
Clark	403,500	2477	\$309,299
Columbia	4,100	35	\$12,503
Cowlitz	96,800	1687	\$138,865
Douglas	35,700	279	
Ferry	7,500	39	\$14,140
Franklin	64,200	575	\$66,302
Garfield	2,400	12	\$10,572
Grant	80,600	862	\$88,378
Grays Harbor	70,400	752	\$78,275
Island	77,200	301	\$57,240
Jefferson	28,200	219	\$32,353
King	1,835,300	10,883	\$1,354,830
Kitsap	243,400	1852	\$209,070
Kittitas	37,400	367	\$44,049
Klickitat	19,800	221	\$28,937
Lewis	72,900	844	\$84,196
Lincoln	10,200	54	\$16,067
Mason	53,100	565	\$61,118
Okanogan	39,800	400	\$46,803
Pacific	21,500	287	\$33,145
Pend Oreille	12,300	92	\$18,960
Pierce	773,500	6139	\$658,382
San Juan	15,700	61	\$18,744
Skagit	113,100	973	\$107,884
Skamania	10,600	130	\$20,260
Snohomish	671,800	3411	\$471,259
Spokane	443,800	5071	\$463,581
Stevens	42,100	282	\$41,517
Thurston	231,100	2432	\$234,631
Wahkiakum	3,900	38	\$12,578
Walla Walla	57,900	483	\$58,787
Whatcom	184,300	1861	\$184,767
Whitman	42,800	265	\$40,910
Yakima	231,800	3089	\$269,720
<b>Total</b>	<b>6,375,600</b>	<b>50,469</b>	<b>\$5,655,744</b>

Note: City grant funds are not reflected in this Estimated County Funding Distribution table. (RCW 10.101.080)