

**2011 STATUS REPORT
ON
PUBLIC DEFENSE
IN
WASHINGTON STATE**

WASHINGTON STATE OFFICE OF PUBLIC DEFENSE

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Washington State Office of Public Defense
711 Capitol Way South, Suite 106
P.O. Box 40957
Olympia, Washington 98504-0957

Phone: (360) 586-3164
Facsimile: (360) 586-8165
Email: opd@opd.wa.gov
Website: www.opd.wa.gov

Advisory Committee Members

Honorable Bobbe J. Bridge, Chair
Retired, Washington State Supreme Court

Robert Flennaugh II
The Law Office of Robert Flennaugh II, PLLC

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Retired, Court of Appeals

Helen Anderson
Associate Professor of Law, UW School of Law

Honorable Val Stevens
Washington State Senate

Office of Public Defense

Joanne I. Moore, Director
Sophia Byrd McSherry, Deputy Director
711 Capitol Way South, Suite 106
P.O. Box 40957
Olympia, Washington 98504-0957

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INTRODUCTION

Washington State has the constitutional duty to guarantee the right to counsel for indigent persons throughout the state criminal justice system. The Office of Public Defense (OPD) works to implement the State's obligation and administers state funding assistance to city and county governments for delivering public defense services through the Indigent Defense Services Act, Chapter 10.101 RCW. OPD monitors progress and offers expert and technical support to local public defense programs in order to improve indigent representation and ensure effective indigent representation statewide.

Most counties and selected cities have effectively used state funding to make vital public defense improvements, as required by Chapter 10.101 RCW. Although continuing economic pressures causing major state and local budget cuts have severely strained public defense services, progress continued in 2011 to address some most of the pressing and persistent deficiencies in the criminal justice system.

Court rules adopted by the Washington Supreme Court in 2010 call for attorneys to certify that they meet certain public defense standards to address longstanding concerns about quality representation. Establishing appropriate attorney caseload limits continues to be the primary challenge in finalizing the standards necessary to implement the Court's rules, and was the predominant public defense focus of 2011.

Despite another year of state and local budget reductions, OPD continued to offer regional training for indigent defense attorneys around the state, as well as consulting services for courts and local governments. In addition, pursuant to legislative directive, OPD staff developed a proposal to provide statewide trial indigent defense for persons involved in sexually violent predator civil commitment proceedings under Chapter 71.09 RCW.

This sixth annual Status Report highlights some of the significant gains made over the last year as well as the challenges remaining ahead to continue to improve indigent defense services in the trial courts. OPD's public defense improvement resources, including attorney training programs, compilation of statewide trial-level public defense data, and expert consultation, will assist local governments in meeting the challenges in the coming year.

Court Rules Require Certification for Public Defense Attorneys

Supreme Court Prepares to Adopt Indigent Defense Standards

The Washington Supreme Court adopted rules in 2010 that will allow appointment of indigent cases to only those attorneys who meet certain quality standards¹. The rules mark the culmination of longstanding efforts in the public defense community and the Washington State Bar Association (WSBA) to address the inconsistent quality of defense services throughout the state and ensure adequate representation for all indigent defendants.

Public defense standards were originally developed by the Washington Defender Association (WDA) in 1984 and have been endorsed and separately adopted by the WSBA. In 2007, the WSBA Council on Public Defense conducted an extensive review of them, and the WSBA published updated Standards on Indigent Defense Services. Although state law for more than 20 years has required counties and cities that administer trial-level public defense services to adopt local standards using the WSBA Standards as guidelines, a 2004 Blue Ribbon Panel on Criminal Defense reported that many jurisdictions continued to ignore the requirement.

The new court rules require public defense attorneys to certify to each trial court in which they practice that they comply with certain standards before accepting appointments to represent indigent clients in all felony, misdemeanor and juvenile offender cases. During 2011 the Supreme Court suspended implementation of the rules while it considered which specific standards to designate for public defender certification.

During the period of suspension, the Court asked the WSBA to recommend standards for Court adoption. The WSBA charged its Council on Public Defense (CPD) with analyzing and identifying appropriate standards to recommend, and the CPD this past year has engaged in a thorough review of the Standards for this purpose, meeting at least monthly and soliciting comments from stakeholders.

Ultimately, the CPD presented six standards² to implement the certification rules, including a revised version of a numeric caseload limit standard³. After extensive debate,

¹ CrR 3.1 (superior courts); CrRLJ 3.1 (courts of limited jurisdiction); and JuCR 9.2 (juvenile courts).

² The CPD recommendations included the following standards for inclusion in the new court rule: an initial commitment to accept caseloads that are not excessive (Standard 3.2) with later implementation of numeric caseload standards (Standard 3.4); an office and phone services to accommodate client communication (Standard 5.2); use of investigator services when appropriate (Standard 6.1); limiting private practice of attorneys

particularly of the caseload limits, the WSBA's elected 19-member Board of Governors approved all the CPD's recommendations and submitted them to the Supreme Court.

The Court published the WSBA's recommended standards for public comment through April 2012 in order to subsequently decide which, if any, standards to adopt.⁴ The recommended standards were proposed to become effective in two stages, with all but the numeric caseload limits to be effective in 2012 and the caseload limits to become effective in 2013. This was in recognition of the additional time that could be required for some local governments and the attorneys they contract with to renegotiate contract terms, including maximum per-attorney caseloads and appropriate compensation.

WSBA PROPOSES CASE WEIGHTING GUIDELINES FOR CASELOAD LIMITS STANDARD

The CPD's review of the Standards on Indigent Defense focused largely on Standard 3.4, regarding numeric caseload limits, which proved to be the most critical and controversial issue considered for implementation in the new rules. The need for limiting cases is generally accepted by public defenders, but there is disagreement and uncertainty over how to enforce such a standard.

Limiting the caseloads of public defense attorneys helps sustain manageable workloads and ensure that each attorney is in a position to provide competent representation in all indigent cases without compromising the time and attention required for each client. Excessive attorney workloads can create systemic problems in jurisdictions that do not enforce caseload standards. These dangers were brought into sharp focus in Grant County, which has been subject to a settlement agreement and court-ordered monitoring since 2005. In prior years, attorney caseloads had far exceeded the WSBA Standards and Grant County had systematically failed to provide a public defense system that supported effective representation. The court recently lifted the supervision requirement after the county in 2012 overhauled its public defense system, including enforcing the WSBA's numeric caseload limits for attorneys.

Caseload problems again surfaced in 2011 when former clients filed a class-action lawsuit in federal court against two Skagit County municipalities for providing inadequate representation where contracted public defender caseloads had ballooned to 1,000

who provide public defense services (Standard 13); and meeting certain minimum professional qualifications (Standard 14).

³ The numeric caseload limits are in Standard 3.4.

⁴ The proposed standards are published for comment on the Washington Courts website at http://www.courts.wa.gov/court_rules/?fa=court_rules.proposed

misdemeanor appointments a year on top of their private caseload. The lawsuit alleges that such high caseloads make it practically impossible for attorneys to adequately investigate charges or communicate and meet with clients before trial. The case remains pending in federal court.

While many local jurisdictions have adopted formal public defense practice standards, as required in statute since 1989, only nine counties and two cities receiving state funds through OPD currently have adopted either the WSBA numeric caseload standards or similar specific numeric limits. More than half of counties have adopted ordinances or resolutions that are unspecific as to caseload, only requiring, for example, that they be “reasonable” or “manageable.” Nevertheless, in recent years Washington counties and cities have begun to recognize the importance of caseload as a barometer of quality and now identify caseload reduction as a high priority. Nearly 53 percent of counties (20 of 38) have reported to OPD that they currently use state funds to reduce attorney caseloads, up from just 10 counties reporting that use in 2007. Likewise, 40 percent of cities that received state grants report using some or all of the funding for caseload reduction. OPD continues to monitor progress in these areas.

Caseload limits have been a part of the public defense standards since they were first established and endorsed by the WSBA. A special subcommittee conducted an extensive study of caseload limits during the CPD’s 2007 review of the Standards. Standard Three has long included numeric case limits and general considerations for calculating cases, but has not offered specific direction on how to implement a system for counting cases. Specifically, Standard Three limits an attorney’s yearly combined total of appointments based on case type:

- 150 felony cases; or
- 300 to 400 misdemeanor cases; or
- 250 juvenile cases; or
- 80 juvenile dependency cases; or
- 250 civil commitment cases.

During the CPD’s latest review, some local jurisdictions and public defenders raised concerns over these standards in light of the new court rules regarding the practical ability of a rigid caseload limit to effectively manage attorney workloads. A major problem identified was that the standards failed to incorporate a flexible method of counting cases in consideration of the differing amount of work required, especially for misdemeanor cases, which can vary greatly in degree of complexity and consequences.

The CPD addressed some of these concerns in its recommendations. The CPD’s revision to Standard Three maintains the same numeric limits, but instructs that cases may be assessed or “weighted” based on an objective analysis of the amount of work required. The revised Standard further notes that local governments may “adopt and publish written policies

and procedures to implement a numerical case-weighting system to count cases,” and provides guidance in developing formulas for counting and weighting cases.⁵

The CPD studied existing case-weighting models that several counties and cities previously developed to limit attorney caseloads. For example, existing models weigh more serious charges upward (such as five case credits for one homicide case), and weigh cases downward that do not require as much attention (such as one-third credit for each sentencing violation).

Drawing on these existing models, the CPD’s revision to Standard Three offers general recommendations and examples for determining how to weigh cases upward or downward. Serious offenses or complex cases that involve above average investigation, research and writing, use of experts or witnesses should be weighted upward.

Case weighting downward is a more sensitive issue. The revised Standard cautions against underestimating the amount of work routinely required of attorneys in most cases. Downward weighting may be appropriate where less work is objectively required, including:

- Cases that result in partial representation that require limited appearances;
- Cases that do not involve filing new charges, such as probation violations;
- Cases in therapeutic courts, such as drug court or mental health courts;

The revised Standard Three specifically recommends against weighing downward for cases resolved by guilty pleas at initial proceedings to eliminate any perceived economical incentive for an attorney to seek plea agreements prematurely. The standard, however, offers some flexibility to allow for downward weighting where the incentive to plead is mitigated, including:

- Cases where representation is limited to first appearance or arrangements that are not resolved, i.e. guilty pleas, and the attorney is not expected to continue representation beyond that proceedings; and
- Cases in courts of limited jurisdiction on charges that the court regularly resolves in a pre-trial diversion program that does not require a finding of guilt.

These case weighting guidelines offer local governments flexibility in calculating caseloads, particularly for misdemeanor cases, where local court practices vary widely on how cases are resolved. Early resolutions through diversion and other programs are common

⁵ “Case weighting” refers to the system of assigning a variable value to a case based on the necessary work performed so that a caseload standard measures attorney workload. Average cases receive a standard value, which can be adjusted upward or downward for case types that require more or less work.

practice in some jurisdictions, which often do not require the same amount of work as other cases. The revised Standard also readjusts the numeric limit on misdemeanor cases by allowing up to a 400 case limit “in jurisdictions that have not adopted a numerical case weighting system.”

The revision also amends the definition of a misdemeanor case to allow multiple citations arising from the same incident to be counted as a single case. Under the new case definition, an attorney will only have to count the multiple related citations as one case towards his or her limit.

OPD Trial Level Public Defense Improvement Services

Trial Level Public Defense Consulting Program

Since 2005, OPD has implemented a local 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 approaches of providing public defense services. Over the past six years, OPD staff have enjoyed mutually productive relationships with officials in local jurisdictions receiving state funding, and, upon request, have consulted extensively with officials and defense attorneys in a number of counties and cities.

In 2011, OPD's two Public Defense Services Managers assisted numerous local governments in planning and implementing improvements to local public defense programs. OPD's support included:

- Providing technical assistance in the development of public defense standards ordinances when asked by a number of jurisdictions.
- Reviewing counties' and cities' public defense contracts on request. OPD staff were instrumental in advising jurisdictions how to comply with changes to statewide court rules and attorney ethics rules.
- Promoting a streamlined indigency screening procedure and form now used by many counties and cities.
- Advising public defense attorneys and local agencies around the state of new case law, court rules and attorney rules of professional conduct.
- Compiling and analyzing local trial-level public defense data, including county and city ordinances and contracts related to public defense services. Prior to 2006 no entity systematically collected such data on a statewide basis.
- Responding to frequent public requests for information about public defense in Washington.

In 2011 OPD staff visited eight counties and nine cities, observing courtroom proceedings as well as meeting with judges, court administrators, public defense agency directors and coordinators, public defense attorneys, county commissioners and their staff. As the Washington State Joint Legislative Audit and Review Committee (JLARC) found in its 2008

audit of OPD, personal visits and ongoing practical assistance from the state agency directly and positively impact local efforts to improve public defense.⁶

During 2012, OPD will emphasize its consultation role in conjunction with Chapter 10.101 RCW's requirement that the agency determine whether each jurisdiction receiving state funds has substantially complied with the statutory requirements. To fulfill this duty, OPD will continue to visit participating counties and cities to observe court proceedings and meet one-on-one with the officials who fund and administer each jurisdiction's public defense program.

CONTINUING LEGAL EDUCATION PROGRAM

Since 2006, OPD has provided training for public defense attorneys who practice predominately in non-urban areas throughout the state. Historically these attorneys have had to travel long distances and incur significant personal expense to attend quality training, but now can anticipate that OPD will host at least one high-quality, public defense oriented Continuing Legal Education (CLE) class each year within an hour or two of their local practice.

In 2011, OPD hosted three regional CLEs. OPD also administered funding to underwrite public defense CLEs organized by the Washington Defender Association (WDA)⁷.

A county or city receiving state funds under Chapter 10.101 RCW, must require local defense attorneys to take at least seven hours of CLE classes annually in defense-related criminal law. OPD's regional CLE program allows public defense attorneys to obtain these credits for no charge with high quality, up-to-date presentations. When planning the programs, OPD works with local attorneys to target important local issues. The CLEs also provide attorneys the opportunity to network with practitioners in neighboring communities.

⁶ <http://www.leg.wa.gov/JLARC/AuditAndStudyReports/2008/Documents/08-2.pdf>

⁷ For information on CLE's organized by WDA, See www.defensenet.org/education-and-training

OPD's 2011 CLE Programs Featured a Variety of Topics:

Implementing Indigent Defense Performance Guidelines

Dan Fessler, Yakima County
Bob Boruchowitz, Seattle University
Les Tolzin, Pierce County
John Rodgers, Spokane County

Consequences of Convictions and Adjudications

Rene Alsept, Clark County attorney

How Adherence to Standards Affects the Lives of Clients

Gerald Hankerson, NAACP

Ethics and Immigration

Ann Benson, WDA Immigration Project

Representing Clients with Traumatic Brain Injury

Cindy Arends, Washington Defender Association
Bette Fleishman, attorney/behavioral counselor

Mental Health Evaluations and Capacity in Juveniles

Megan McNeal, Psy. D.

Juvenile Records

George Yeannakis, Team Child

OPD's 2011 CLEs were located in Vancouver, Everett and Spokane for 185 public defense attorneys, focusing on emerging ethics and practice issues related to public defense. The class locations and agendas were designed to serve public defense attorneys in traditionally underserved regions, many of whom practice without the institutional support of a local public defense agency.

RESOURCE ATTORNEYS

OPD continued to contract with the Washington Defender Association (WDA) for criminal law resource attorney services during 2011, pursuant to legislative budget directive and Chapter 10.101 RCW. Two attorneys are funded through this program to provide one-on-one consultation and professional support to individual public defense attorneys who contact them about specific case-related issues. The resource attorneys each provided hundreds of consultations with individual local attorneys during the year. In addition, they produced and distributed weekly case law updates and practice advisories to public defense attorneys throughout the state.

OTHER ACTIVITIES

In addition to administering the state agency's programs, OPD staff continued in 2011 to exercise leadership roles with the WSBA's Council for Public Defense (CPD), the Criminal Justice Summit convened by the state's three law schools, and the Supreme Court's Justice In Jeopardy Implementation Committee whose purpose is to broaden awareness of the critical role of the judicial branch of government in maintaining the rule of law in a free society. The OPD director and deputy director were invited to speak at outside CLEs and other organizations' meetings, the state Board for Judicial Administration, the WSBA Board of Governors, and state legislative workshops and formal hearings.

Pursuant to a proviso in the 2011-2013 biennial state operating budget, and consistent with its mission to implement the right to counsel and to ensure the effective and efficient delivery of indigent defense services in the state, the legislature directed OPD to propose a transfer of responsibility for statewide public defense services in Chapter 71.09 RCW (sexually violent predator) civil commitment cases from the Department of Social and Health Services (DSHS) to OPD. Following several months of comprehensive research and analysis, OPD submitted its proposal to the Legislature on December 1, 2011.⁸ The proposal identifies four options for OPD administration of RCW 71.09 defense services. Each option would ensure the

⁸ See the OPD PROPOSAL FOR THE ADMINISTRATION OF DEFENSE SERVICES FOR INDIGENT PERSONS INVOLVED IN PROCEEDINGS UNDER CHAPTER 7.09 RCW (SEXUALLY VIOLENT PREDATOR) AT OPD'S WEBSITE: <http://www.opd.wa.gov/>

right to counsel while incorporating oversight and cost controls, with savings projections ranging from \$50,000 per year to \$1 million per year, and the Legislature took the proposal under consideration for the 2012 session.

Introduction

Across the state, cities' public defense systems for their municipal courts vary widely. Of the cities that received state funding through competitive grants under Chapter 10.101 RCW, the vast majority—12 of 14—contract with independent private attorneys or firms to provide public defense services. For conflict cases the cities administer additional contracts or combine both contracts and list appointments. Only one city receiving state grant funding—Spokane—provides public defense services through a city government agency. One other city—Tacoma—contracts with the county government-based public defender agency. One small city appoints attorneys from a list of attorneys that have agreed to provide public defense services for an hourly rate.

For an explanation of the methodology and data reporting procedures utilized for this report, see Appendix A. For a complete glossary of terms, see Appendix B.

- **Public defender agencies** are city government-based agencies.
- **Non-profit systems** involve the city contracting with a non-profit group or groups that are organized to provide public defense services.
- **Contracting with another government-based public defender agency** allows a city to take advantage of the high-quality legal services and administrative oversight provided by a professional full-time public defender agency.
- **Contract public defense systems** are systems in which the city enters into contracts with one or more private attorneys or firms to provide representation.
- **List appointment systems** involve lists of attorneys who have agreed to accept public defense cases and are appointed by the municipal 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 or when there are multiple defendants in the case.

City Use of State Funding

Cities	Caseload Reduction	Attorneys at 1 st Appearance/ Arraignment	Oversight and Accountability	Attorney Compensation	Investigators Experts Interpreters
Bellingham		√			
Bremerton		√		√	
Centralia		√			√
Cheney		√			
Des Moines		√			
East Wenatchee				√	
Federal Way	√				
Olympia		√			
Port Angeles		√		√	
Spokane	√	√			
Stevenson				√	
Tacoma	√				
Vancouver	√				
Yakima	√				
Total	6	8		4	2

CITY OF BELLINGHAM

2009 population:	76,130
Percent below poverty level in 2009:	22.8%
2009 median household income (in 2009 dollars):	\$60,102
2010 Competitive Grant Award:	\$130,000

The City of Bellingham delivers public defense representation through a contract system. The city contracts with one primary law firm, Bellingham Assigned Counsel (BAC), to handle the cases in Bellingham Municipal Court. BAC and the Whatcom County Public Defender have a contract to exchange representation for conflict cases at no additional cost to either jurisdiction.

2009 Statistics

Amount spent for public defense	\$713,747
Amount spent per capita	\$9.38

Adult Misdemeanors

New city misdemeanor cases filed	3,665
Total new misdemeanor cases per 1,000 population	48.1
Number of new cases assigned to counsel by city	2,116

The City of Bellingham has adopted a public defense standards ordinance. The primary city public defense contract requires annual training for attorneys and reporting of non-public defense attorney hours.

The city continues to use its grant funding to ensure attorney attendance at all criminal hearings by its primary service provider, Bellingham Assigned Counsel.

CITY OF BREMERTON

2009 population:	36,620
Percent below poverty level in 2009:	19.4%
2009 median household income (in 2009 dollars):	\$48,379
2010 Competitive Grant Award:	\$15,000

The City of Bremerton delivers public defense representation through a contract system. The city contracts with one primary law firm, Bremerton Defenders, to handle the eligible cases in Bremerton Municipal Court. Conflict attorneys are appointed from a list and are paid a flat fee for each case.

2009 Statistics

Amount spent for public defense	\$219,943
Amount spent per capita	\$6.01

Adult Misdemeanors

New city misdemeanor cases filed	2,854
Total new misdemeanor cases per 1,000 population	77.9
Number of new cases assigned to counsel by city	956

The City of Bremerton has adopted a public defense standards ordinance. The primary city public defense contract requires annual training of attorneys and reporting of non-public defense attorney hours.

Bremerton Defenders continues to provide attorneys at all arraignments. For public defense cases the attorneys are present at all critical stages, including post conviction hearings such as compliance hearings and motions to revoke suspended sentences. The City of Bremerton also provides office space for two attorneys and a paralegal within the court facility. Providing office space in the court facility has improved communication with the law firm as well as defendants. The conflict attorney list has been expanded so the appointments are not significantly impacting one firm.

CITY OF CENTRALIA

2009 population:	15,570
Percent below poverty level in 2009:	22.0%
2009 median household income (in 2009 dollars):	\$43,917
2010 Competitive Grant Award:	\$10,000

The City of Centralia delivers public defense representation through a contract system. The city contracts with one primary law firm to handle the cases in Centralia Municipal Court. Conflict attorneys are appointed from a list.

2009 Statistics

Amount spent for public defense	\$87,550
Amount spent per capita	\$5.62

Adult Misdemeanors

New city misdemeanor cases filed	1,076
Total new misdemeanor cases per 1,000 population	69.1
Number of new cases assigned to counsel by city	650

The primary city public defense contractors are required to attend annual training for attorneys and report non-public defense attorney hours.

The city used its state grant funds to make indigent counsel services available for defendants at initial arraignments. Having defense counsel available gives defendants the opportunity to better understand their rights and the charges being brought against them.

CITY OF CHENEY

2009 population:	10,550
Percent below poverty level in 2009:	36.9%
2009 median household income (in 2009 dollars):	\$52,288
2010 Competitive Grant Award:	\$15,000

The City of Cheney delivers public defense representation through a contract system. The city contracts with one primary attorney to handle the cases in Cheney Municipal Court. Conflict attorneys are appointed from a list and are paid a flat fee for each case.

2009 Statistics

Amount spent for public defense	\$49,400
Amount spent per capita	\$4.68

Adult Misdemeanors

New city misdemeanor cases filed	468
Total new misdemeanor cases per 1,000 population	44.4
Number of new cases assigned to counsel by city	319

The City of Cheney has adopted a public defense ordinance. The primary city public defense contract requires annual training for attorneys and reporting of non-public defense attorney hours.

The city used its state grant funds to enhance indigent defense services by providing a public defender at arraignments. The public defender also visits in-custody defendants at the jail prior to their court date and arrives early for hearings to meet with defendants to prepare paperwork and speak to the prosecutor before court begins.

CITY OF DES MOINES

2009 population:	29,270
Percent below poverty level in 2009:	13.1%
2009 median household income (in 2009 dollars):	\$70,582
2010 Competitive Grant Award:	\$15,000

The City of Des Moines delivers public defense representation through a contract system. The city has one primary defense contract with two attorneys to handle the cases in Des Moines Municipal Court. Conflict attorneys are appointed from a list and are paid a flat fee for each case.

2009 Statistics

Amount spent for public defense	\$123,695
Amount spent per capita	\$4.23

Adult Misdemeanors

New city misdemeanor cases filed	975
Total new misdemeanor cases per 1,000 population	33.3
Number of new cases assigned to counsel by city	156

The City of Des Moines has adopted a public defense resolution. The primary city public defense contractors are required to attend approved annual training and report their non-public defense attorney hours.

The city used its state grant funds to provide a public defender at first appearance hearings for defendants who are in custody and at arraignments for out-of-custody defendants. Some of the grant funds were also used for training purposes and for interpreter services to assist counsel.

CITY OF EAST WENATCHEE

2009 population:	11,660
Percent below poverty level in 2009:	16.5%
2009 median household income (in 2009 dollars):	\$57,173
2010 Competitive Grant Award:	\$15,000

The City of East Wenatchee delivers public defense representation through a contract system. The city has two primary defense contracts with law firms to handle the cases in East Wenatchee Municipal Court. The city has a separate contract with another law firm that is paid an hourly rate to handle conflict cases.

2009 Statistics

Amount spent for public defense	\$94,325
Amount spent per capita	\$8.09

Adult Misdemeanors

New city misdemeanor cases filed	781
Total new misdemeanor cases per 1,000 population	67.0
Number of new cases assigned to counsel by city	383

The City of East Wenatchee has adopted a public defense resolution. The city public defense standards resolution requires attorneys to attend approved annual training and report their non-public defense attorney hours.

The city used its state grant funds to continue the increase in public defender compensation, which started with prior grant fund awards. The increased compensation helped retain competent public defenders who provide high quality defense representation.

CITY OF FEDERAL WAY

2009 population:	88,580
Percent below poverty level in 2009:	12.1
2009 median household income (in 2009 dollars):	\$67,120
2010 Competitive Grant Award:	\$14,497

The City of Federal Way delivers public defense representation through a contract system. The city has one primary defense contract with a law firm to handle the cases in Federal Way Municipal Court. Conflict attorneys are appointed from a list and are paid a flat fee for each case, review, or appeal.

2009 Statistics

Amount spent for public defense	\$544,636
Amount spent per capita	\$6.15

Adult Misdemeanors

New city misdemeanor cases filed	4,094
Total new misdemeanor cases per 1,000 population	46.2
Number of new cases assigned to counsel by city	3,599

The City of Federal Way has adopted a public defense ordinance and the primary city public defense contract requires compliance with the ordinance.

The city used state grant funding to help fund an additional public defender. This provides for public defenders at all arraignments and helps reduce public defender caseloads.

CITY OF OLYMPIA

2009 population:	45,250
Percent below poverty level in 2009:	14.9%
2009 median household income (in 2009 dollars):	\$51,436
2010 Competitive Grant Award:	\$25,000

The City of Olympia delivers public defense representation through a contract system. The city contracts with three private attorneys to handle the cases in Olympia Municipal Court. When a case presents a conflict for all three contracted attorneys, the court appoints additional conflict counsel.

2009 Statistics

Amount spent for public defense	\$144,000
Amount spent per capita	\$3.18

Adult Misdemeanors

New city misdemeanor cases filed	2,338
Total new misdemeanor cases per 1,000 population	51.7
Number of new cases assigned to counsel by city	1,116

The city of Olympia has adopted a public defense ordinance. The city's public defense contracts require attorneys to attend approved annual training and report their non-public defense attorney hours.

The city used its state grant funding to secure a public defense attorney at all arraignment calendars. This allowed defendants to be represented by counsel at every critical hearing stage, resulting in fewer continuances and more timely resolution of cases. With early resolution of simple cases, public defense caseloads were reduced, allowing attorneys to focus on higher priority or more complex cases. Those whose cases were not appropriate for resolution at arraignment understood the process better and were able to more readily participate in the defense of their case.

CITY OF PORT ANGELES

2009 population:	19,260
Percent below poverty level in 2009:	17.8%
2009 median household income (in 2009 dollars):	\$52,172
2010 Competitive Grant Award:	\$12,000

The City of Port Angeles delivers public defense representation through a contract with the Clallam Public Defender, a private nonprofit organization. When the Clallam Public Defender has a conflict, the court appoints a conflict attorney from a list.

2009 Statistics

Amount spent for public defense	\$87,927
Amount spent per capita	\$4.57

Adult Misdemeanors

New city misdemeanor cases filed	944
Total new misdemeanor cases per 1,000 population	49.0
Number of new cases assigned to counsel by city	610

The City of Port Angeles is waiting for the Supreme Court to adopt public defense standards before adopting its local ordinance. The amended contract with the Clallam Public Defender requires the defense attorneys to participate in regular training programs on public defense.

The city used state grant funds to increase attorney compensation and require the Clallam Public Defender to use its best efforts to review the county jail roster on a daily basis so attorneys can consult with incarcerated clients as soon as possible to represent their interests.

CITY OF SPOKANE

2009 population:	205,500
Percent below poverty level in 2009:	18.6%
2009 median household income (in 2009 Dollars):	\$50,911
2010 Competitive Grant Award:	\$84,000

The City of Spokane delivers public defense representation through a city public defender agency. The City of Spokane Public Defender Office has a director, 18 attorneys, and several part-time investigators. The City of Spokane agency and the Spokane County Public Defender's Office have an inter-local agreement to provide representation for each other's conflict cases.

2009 Statistics

Amount spent for public defense	\$2,870,599
Amount spent per capita	\$13.97

Adult Misdemeanors

New city misdemeanor cases filed	10,827
Total new misdemeanor cases per 1,000 population	52.7
Number of new cases assigned to counsel by city	9,533

The City of Spokane has adopted a public defense resolution. The City of Spokane Public Defender Office pays for approved attorney training.

The city used state grant funds to fund a public defender to handle daily arraignment and bench warrant recall case dockets in Spokane Municipal Court. The city also started providing an attorney at first appearances for in-custody defendants. This resulted in appreciable improvement in the handling and processing of cases.

CITY OF STEVENSON

2009 population:	1,455
Percent below poverty level in 2009:	15.5%
2009 median household income (in 2009 dollars):	\$50,804
2010 Competitive Grant Award:	\$2,500

The City of Stevenson delivers public defense representation through a list appointment system. Private defense attorneys have agreed to accept appointments for an hourly rate of compensation.

2009 Statistics

Amount spent for public defense	\$13,635
Amount spent per capita	\$9.37

Adult Misdemeanors

New city misdemeanor cases filed	83
Total new misdemeanor cases per 1,000 population	57.0
Number of new cases assigned to counsel by city	58

The city used its state grant funding to increase compensation for defense attorneys accepting appointments from \$65 per hour to \$75 per hour.

CITY OF TACOMA

2009 population:	203,400
Percent below poverty level in 2009:	17.1%
2009 median household income (in 2009 Dollars):	\$46,645
2010 Competitive Grant Award:	\$55,000

The City of Tacoma delivers public defense representation through an interlocal agreement with the Pierce County Department of Assigned Counsel (DAC), the county public defender agency.

2009 Statistics

Amount spent for public defense	\$1,117,020
Amount spent per capita	\$5.49

Adult Misdemeanors

New city misdemeanor cases filed	10,042
Total new misdemeanor cases per 1,000 population	49.4
Number of new cases assigned to counsel by city	5,485

Pierce County has adopted a public defense ordinance that is followed in DAC's public defense representation in Tacoma Municipal Court. The public defense attorneys are required to attend seven hours of OPD-approved training annually.

The city used its state grant funds to reduce attorney caseloads. Tacoma matched the state grant funds with additional city funds sufficient to allow DAC to hire an extra .5 FTE defense attorney.

CITY OF VANCOUVER

2009 population:	164,500
Percent below poverty level in 2009:	14.6%
2009 median household income (in 2009 dollars):	\$55,961
2010 Competitive Grant Award:	\$80,000

The City of Vancouver delivers public defense representation through a contract system. The city has one primary defense contract with a law firm to handle cases in Vancouver Municipal Court, as well as three contracts with additional attorneys to provide representation in conflict cases.

2009 Statistics

Amount spent for public defense	\$528,738
Amount spent per capita	\$3.21

Adult Misdemeanors

New city misdemeanor cases filed	6,504
Total new misdemeanor cases per 1,000 population	39.5
Number of new cases assigned to counsel by city	4,054

The City of Vancouver adopted a new public defense standards ordinance in 2009. The old ordinance was adopted in 1990 and was not consistent with current recommended standards. The city requires attorneys to attend approved annual training and report their non-public defense attorney hours.

The city used its state grant funds to continue to fund additional full-time attorneys to reduce caseloads.

CITY OF YAKIMA

2009 population:	84,850
Percent below poverty level in 2009:	21.4%
2009 median household income (in 2009 dollars):	\$44,285
2010 Competitive Grant Award:	\$150,000

The City of Yakima delivers public defense representation through a contract system. The city has one primary defense contract with a law firm to handle cases in Yakima Municipal Court. A second contract provides attorneys to handle conflict cases and some of the primary defense contractor cases to help reduce the caseload of the primary contractor attorneys. Additional attorneys are utilized on an as-needed basis when the conflict attorney is conflicted out, or appellate services are needed.

2009 Statistics

Amount spent for public defense	\$428,970
Amount spent per capita	\$5.06

Adult Misdemeanors

New city misdemeanor cases filed	6,117
Total new misdemeanor cases per 1,000 population	72.1
Number of new cases assigned to counsel by city	6,117

The City of Yakima has adopted a public defense standards ordinance. The primary city public defense contract requires attorneys to attend approved annual training and report their non-public defense attorney hours.

The city used its state grant funds for additional attorneys and a conflict attorney to help reduce caseloads and to provide public defender services at arraignment.

COUNTY REPORT

Introduction

Across the state, county public defense systems vary widely. Except for the smallest, all counties have a primary public defense system and a method of appointing other attorneys for conflict cases. As of December 2011, nine counties operate public defender offices as agencies of county government, five counties contract with non-profit providers, four counties employ a professional public defense coordinator, three counties appoint attorneys from a list, and 21 counties contract with independent private attorneys or firms to provide public defense, or have a system combining both contracts and list appointments.⁹

- **Public defender agencies** are county government-based agencies.
- **Nonprofit systems** involve the county contracting with a non-profit group or groups that are organized exclusively to provide public defense services.
- **Contract public defense systems** are systems in which the county enters into contracts with one or more private attorneys or firms to provide representation.
- **Public defense coordinators** are county employees or contractors hired to improve the overall quality of representation services and provide oversight and accountability for public defense contracts with individual private attorneys or firms.
- **List appointment systems** involve lists of private attorneys who have agreed to accept public defense cases and who 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 or when there are multiple defendants in the case.

⁹ For an explanation of the methodology and data reporting procedures utilized for this report, see Appendix A. For a complete glossary of terms, see Appendix B.

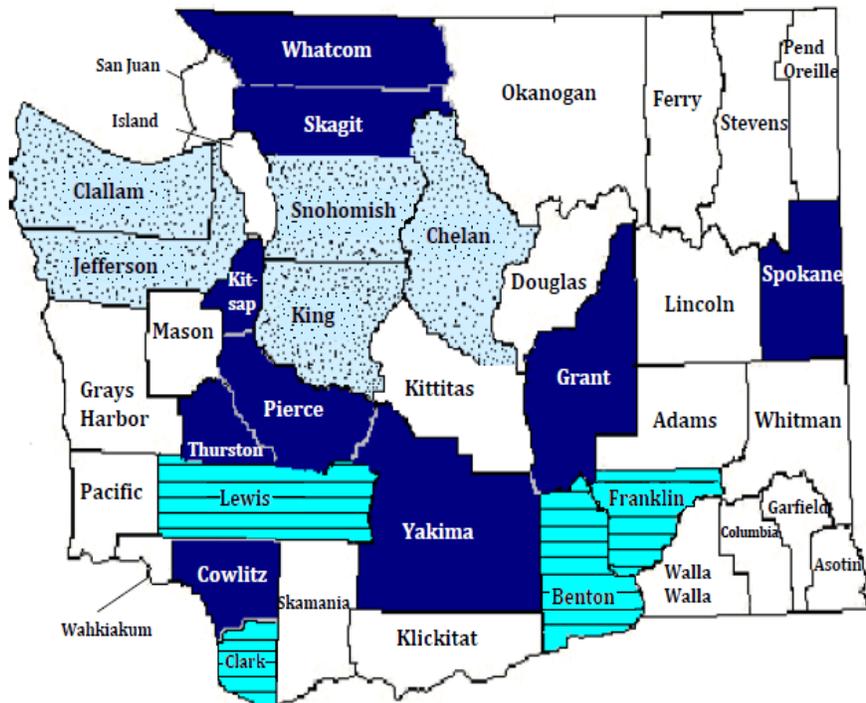
Provision of Public Defense in 2005

In 2005, public defense was provided by county public defender agencies in 6 counties, by contracts with non-profit offices in 4 counties, and through defense contracts or list appointment systems in 29 counties.



Provision of Public Defense in 2011

By 2011, changes made with state funding include new county public defender agencies in Cowlitz, Grant and Kitsap counties, a new nonprofit public defender office in Chelan County, new public defense coordinators in Benton, Franklin, Clark, and Lewis counties, and the continuation of defense contracts or list appointment systems in 21 counties.



Navy – County government-based public defender agency
 Blue Speckled – Contract with a nonprofit public defense office
 Turquoise Striped – Public defense coordinator
 White – Public defense contracts or list appointments

RCW 10.101.070 County Distribution of Funds

Since August of 2006, counties have applied annually to OPD for funds to improve the quality of criminal indigent defense in the trial courts. Eligible counties receive a share of state funds based upon a formula set forth in RCW 10.101.070. This year 38 counties were determined to be eligible for the funds. Due to a special legislative session in December and funding uncertainties, OPD distributed a portion of the statutory formula funds to the eligible counties in December. Depending on the outcome of potential budget cuts, it is anticipated that the remainder of the funds will be distributed in the spring of 2012.

County Use of State Funding

County	Oversight and Accountability	Attorney Compensation	Caseload Reduction	Attorneys at 1 st Appearance/ Arraignment	Investigators Experts Interpreters
Adams		√		√	√
Asotin		√	√		√
Benton	√				
Chelan		√			
Clallam			√		
Clark	√		√	√	√
Columbia		√			
Cowlitz	√	√	√	√	√
Douglas					
Ferry				√	
Franklin	√				
Garfield		√	√	√	√
Grant	√		√		√
Grays Harbor		√		√	√
Island		√	√		√
Jefferson		√	√		√

County	Oversight and Accountability	Attorney Compensation	Caseload Reduction	Attorneys at 1 st Appearance/ Arraignment	Investigators Experts Interpreters
King	√	√	√		
Kitsap	√				√
Kittitas		√		√	√
Klickitat		√			√
Lewis	√			√	
Lincoln		√	√	√	√
Mason		√			√
Okanogan			√		√
Pacific		√	√		√
Pend Oreille		√		√	
Pierce		√	√	√	
San Juan		√	√	√	√
Skagit			√		√
Skamania					√
Snohomish	√	√	√	√	
Spokane			√	√	
Stevens				√	
Thurston			√		
Wahkiakum		√			
Walla Walla		√		√	√
Whatcom			√		
Whitman		√			
Yakima		√	√	√	
Total	9	23	20	17	20

ADAMS COUNTY

2010 population:	18,728
Percent below poverty level in 2009:	18.2%
2009 median household income:	\$43,088
2011 Chapter 10.101 RCW Anticipated Total Distribution:	\$27,214
Amount paid in December 2011	\$13,607

Adams County delivers public defense representation through a contract system. The county contracts with two law firms and two private attorneys that handle most of the cases in Superior and District courts.

2010 Statistics

Total adult criminal cases per 1,000 population	92.9
Amount spent for public defense	\$370,000
Amount spent per capita	\$19.76

Adult Felony

New adult superior court cases filed	163
New adult superior court cases per 1,000 population	8.7
Number of new cases assigned to counsel	175

Adult Misdemeanor

New county misdemeanor cases filed	1,046
Total new district and municipal court misdemeanor cases filed in county (see Glossary)	1,577
Total new misdemeanor cases per 1,000 population	84.2
Number of new cases assigned to counsel by county	428

Juvenile Offender

New juvenile offender cases filed	86
New juvenile offender cases per 1,000 population	4.6
Number of new cases assigned to counsel	68

Adams County has adopted a public defense standards ordinance. The public defense contractors are required to attend approved annual attorney training.

In 2011 Adams County spent its state funding to increase investigator, expert, and interpreter services for the public defense attorneys, and provide public defense services at preliminary appearance calendars. The county plans to use its funds in 2012 to continue these improvements.

ASOTIN COUNTY

2010 population:	21,623
Percent below poverty level in 2009:	15.0%
2009 median household income:	\$41,190
2012 Chapter 10.101 RCW Anticipated Total Distribution:	\$28,414
Amount paid in December 2011	\$14,207

Asotin County delivers public defense representation through a contract system. During 2011, virtually all of the contracted public defense services in Asotin County were handled by three attorneys for Superior Court and Juvenile Court cases and one attorney for District Court cases with the exception of conflict cases, for which the court appoints separate counsel from a list.

2010 Statistics

Total adult criminal cases per 1,000 population	63.3
Amount spent for public defense	\$286,581
Amount spent per capita	\$13.25

Adult Felony

New adult superior court cases filed	164
New adult superior court cases per 1,000 population	7.6
Number of new cases assigned to counsel	157

Adult Misdemeanor

New county misdemeanor cases filed	461
Total new district and municipal court misdemeanor cases filed in county (see Glossary)	1,205
Total new misdemeanor cases per 1,000 population	55.7
Number of new cases assigned to counsel by county	180

Juvenile Offender

New juvenile offender cases filed	83
New juvenile offender cases per 1,000 population	3.8
Number of new cases assigned to counsel	88

Asotin County has adopted a public defense standards ordinance. Asotin County public defense attorneys are required to attend training and report non-public defense attorney hours.

In 2011 Asotin County spent its state funding to contract with an additional attorney to lower public defense caseloads, to add investigator, expert, and interpreter services, and to increase public defense attorney compensation. The county plans to use its state funds in 2012 to continue these improvements.

BENTON COUNTY

2010 population:	175,177
Percent below poverty level in 2009:	11.3%
2009 median household income:	\$57,603
2011 Chapter 10.101 RCW Anticipated Distribution:	\$167,372
Amount paid in December 2011	\$83,686

The bi-county Office of Public Defense (Benton County and Franklin County) employs an attorney coordinator overseeing the public defense program in both counties. Benton County provides indigent defense services with a “hybrid” model consisting of two county-employed staff attorneys and contract attorneys.

2010 Statistics

Total adult criminal cases per 1,000 population	60.0
Amount spent for public defense	\$3,518,830
Amount spent per capita	\$20.09

Adult Felony

New adult superior court cases filed	1,322
New adult superior court cases per 1,000 population	7.5
Number of new cases assigned to counsel	1,130

Adult Misdemeanor

New county misdemeanor cases filed	3,325
Total new district and municipal court misdemeanor cases filed in county (see Glossary)	9,190
Total new misdemeanor cases per 1,000 population	52.5
Number of new cases assigned to counsel by county	4,496

Juvenile Offender

New juvenile offender cases filed	833
New juvenile offender cases per 1,000 population	4.8
Number of new cases assigned to counsel	835 ¹⁰

Benton County has adopted a public defense standards ordinance. In addition, the Benton County public defense contractors are required to attend approved annual attorney training and to report of non-public defense attorney hours.

In 2011 Benton County used its state funding to support the bi-county Office of Public Defense with an Indigent Defense Coordinator and provide public defense services at preliminary appearance calendars. The county plans to use its 2012 funds to continue these activities, and to oversee new programs.

¹⁰ Benton County and Franklin County operate a joint juvenile justice department. Attorneys representing juveniles are routinely assigned cases from both counties so it is difficult to track exact numbers.

CHELAN COUNTY

2010 population:	72,453
Percent below poverty level in 2009:	13.0%
2009 median household income:	\$48,086
2011 Chapter 10.101 RCW Anticipated Total Distribution:	\$78,343
Amount paid in December 2011	\$39,171

Chelan County contracts with Counsel for Defense in Chelan County, a private nonprofit agency, to provide public defense services for Superior and District Court cases. The county contracts with private attorneys to handle conflict cases.

2010 Statistics

Total adult criminal cases per 1,000 population	55.4
Amount spent for public defense	\$1,643,465
Amount spent per capita	\$22.68

Adult Felony

New adult superior court cases filed	605
New adult superior court cases per 1,000 population	8.4
Number of new cases assigned to counsel	469

Adult Misdemeanor

New county misdemeanor cases filed	1,673
Total new district and municipal court misdemeanor cases filed in county (see Glossary)	3,406
Total new misdemeanor cases per 1,000 population	47.0
Number of new cases assigned to counsel by county	746

Juvenile Offender

New juvenile offender cases filed	234
New juvenile offender cases per 1,000 population	3.2
Number of new cases assigned to counsel	404

Chelan County has adopted a public defense standards resolution, and is working on adopting an ordinance. The Chelan County public defense primary contract requires approved annual attorney training.

In 2011 Chelan County used its state funding to add investigator services. The county plans to use its state funds in 2012 to maintain prior improvements.

CLALLAM COUNTY

2010 population:	71,404
Percent below poverty level in 2009:	14.3%
2009 median household income:	\$43,533
2011 Chapter 10.101 RCW Anticipated Total Distribution:	\$72,958
Amount paid in December 2011	\$36,479

Clallam County contracts with the Clallam Public Defender, a private nonprofit 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 private attorneys who are paid on an hourly basis.

2010 Statistics

Total adult criminal cases per 1,000 population	42.3
Amount spent for public defense	\$1,468,189
Amount spent per capita	\$20.56

Adult Felony

New adult superior court cases filed	532
New adult superior court cases per 1,000 population	7.5
Number of new cases assigned to counsel	Unable to determine

Adult Misdemeanor

New county misdemeanor cases filed	895
Total new district and municipal court misdemeanor cases filed in county (see Glossary)	2,491
Total new misdemeanor cases per 1,000 population	34.9
Number of new cases assigned to counsel by county	506

Juvenile Offender

New juvenile offender cases filed	282
New juvenile offender cases per 1,000 population	3.9
Number of new cases assigned to counsel	263

Clallam County is in the process of adopting a public defense standards ordinance. The Clallam County public defense contract requires approved annual attorney training.

In 2011 Clallam County spent its state funding to maintain staffing compensation increases. The county anticipates using its state funds in 2012 for the same purpose.

CLARK COUNTY

2010 population:	425,363
Percent below poverty level in 2009:	11.8%
2009 median household income:	\$56,351
2011 Chapter 10.101 RCW Anticipated Total Distribution:	\$318,765
Amount paid in December 2011	\$159,382

Clark County employs an attorney as a professional indigent defense coordinator who oversees the public defense contracting system, administers contracts with private attorneys, and provides assistance to the contractors to improve the level of public defense services. The coordinator has worked with state OPD to implement best practices in the state's largest county that contracts with private counsel to provide public defense services.

2010 Statistics

Total adult criminal cases per 1,000 population	38.1
Amount spent for public defense	\$4,813,342
Amount spent per capita	\$11.32

Adult Felony

New adult superior court cases filed	2,108
New adult superior court cases per 1,000 population	5.0
Number of felony cases assigned to counsel	2,033

Adult Misdemeanor

New county misdemeanor cases filed	6,627
Total new district and municipal court misdemeanor cases filed in county (see Glossary)	14,084
Total new misdemeanor cases per 1,000 population	33.1
Number of new cases assigned to counsel by county	2,386

Juvenile Offender

New juvenile offender cases filed	1,259
New juvenile offender cases per 1,000 population	3.0
Number of cases assigned to counsel	1,165

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

In 2011 Clark County used its state funding to continue the indigent defense coordinator position, including one support staff, to continue funding one FTE attorney in District Court, and to maintain investigator funding. The county plans to use its state funds in 2012 to continue these improvements.

COLUMBIA COUNTY

2010 population:	4,078
Percent below poverty level in 2009:	14.1%
2009 median household income:	\$41,090
2011 Chapter 10.101 RCW Anticipated Total Distribution:	\$12,763
Amount paid in December 2011	\$6,381

Columbia County delivers public defense services through a contract system. During 2011, the county contracted with two private 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. The courts appoint attorneys from a list for conflict cases.

2010 Statistics

Total adult criminal cases per 1,000 population	55.4
Amount spent on public defense	\$132,500
Amount spent per capita	\$32.49

Adult Felony

New adult superior court cases filed	35
New adult superior court cases per 1,000 population	8.6
Number of new cases assigned to counsel	27

Adult Misdemeanor

New county misdemeanor cases filed	123
Total new district and municipal court misdemeanor cases filed in county (see Glossary)	191
Total new misdemeanor cases per 1,000 population	46.8
Number of new cases assigned to counsel by county	Unable to determine

Juvenile Offender

New juvenile offender cases filed	16
New juvenile offender cases per 1,000 population	3.9
Number of new cases assigned to counsel	15

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

In 2011 Columbia County spent its state funding to increase public defense attorney compensation and provide attorneys access to a county facility to handle indigent defense business. The county intends to use its state funds in 2012 to maintain these improvements.

COWLITZ COUNTY

2010 population:	102,410
Percent below poverty level in 2009:	16.0%
2009 median household income:	\$45,839
2011 Chapter 10.101 RCW Anticipated Total Distribution:	\$144,437
Amount paid in December 2011	\$72,219

Cowlitz County operates a county government-based public defender agency that uses a mixed system of contracts and county-employed public defense attorneys. The Cowlitz County Office of Public Defense provides representation to indigent clients in felony, misdemeanor and juvenile matters.

2010 Statistics

Total adult criminal cases per 1,000 population	74.0
Amount spent for public defense	\$1,997,736
Amount spent per capita	\$19.51

Adult Felony

New adult superior court cases filed	1,403
New adult superior court cases per 1,000 population	13.7
Number of new cases assigned to counsel	1,219

Adult Misdemeanor

New county misdemeanor cases filed	2,060
Total new district and municipal court misdemeanor cases filed in county (see Glossary)	6,177
Total new misdemeanor cases per 1,000 population	60.3
Number of new cases assigned to counsel by county	1,071

Juvenile Offender

New juvenile offender cases filed	533
New juvenile offender cases per 1,000 population	5.2
Number of new cases assigned to counsel	482

Cowlitz County has adopted a public defense standards ordinance. In addition, the Cowlitz County public defense contractors are required to attend approved annual attorney training and report non-public defense attorney hours.

In 2011 Cowlitz County used its state funding to maintain and expand the county Office of Public Defense, add attorneys to lower public defense caseloads, increase public defense attorney compensation, provide public defense services at preliminary appearance calendars, provide expert and investigator services, provide interpreter services for attorney-client interviews and other necessary communications. The county plans to use its state funds in 2012 to maintain these improvements.

DOUGLAS COUNTY

2010 population:	38,431
Percent below poverty level in 2009:	14.6%
2009 median household income:	\$47,430
2011 Chapter 10.101 RCW Anticipated Total Distribution:	\$0
Amount paid in December 2011	\$0

Douglas County has not participated in the Chapter 10.101 RCW funding since the application process began in 2006. 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 Washington State Administrative Office of the Courts (AOC) caseload report.

2010 Statistics

Total adult criminal cases per 1,000 population	53.6
Amount spent for public defense	
Amount spent per capita	

Adult Felony

New adult superior court cases filed	213
New adult superior court cases per 1,000 population	5.5
Number of new cases assigned to counsel	

Adult Misdemeanor

New county misdemeanor cases filed	793
Total new district and municipal court misdemeanor cases filed in county (see Glossary)	1,848
Total new misdemeanor cases per 1,000 population	48.1
Number of new cases assigned to counsel by county	

Juvenile Offender

New juvenile offender cases filed	164
New juvenile offender cases per 1,000 population	4.3
Number of new cases assigned to counsel	

FERRY COUNTY

2010 population:	7,551
Percent below poverty level in 2009:	19.9%
2009 median household income:	\$34,802
2011 Chapter 10.101 RCW Anticipated Total Distribution:	\$14,394
Amount paid in December 2011	\$7,197

Ferry County administers public defense representation through a contract system. Ferry County contracts with two private attorneys. The court appoints conflict counsel from a list and pays conflict counsel on an hourly basis.

2010 Statistics

Total adult criminal cases per 1,000 population	37.9
Amount spent for public defense	\$137,910
Amount spent per capita	\$18.26

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	35

Adult Misdemeanor

New county misdemeanor cases filed	197
Total new district and municipal court misdemeanor cases filed in county (see Glossary)	247
Total new misdemeanor cases per 1,000 population	32.7
Number of new cases assigned to counsel by county	165

Juvenile Offender

New juvenile offender cases filed	17
New juvenile offender cases per 1,000 population	2.3
Number of new cases assigned to counsel	14

Ferry County has adopted a public defense standards ordinance. The Ferry County public defense contractors are required to attend approved annual attorney training and report non-public defense attorney hours.

In 2011 Ferry County spent its state funding for contracts to provide defense counsel at preliminary hearings. The county intends to use its state funds in 2012 to maintain these improvements.

FRANKLIN COUNTY

2010 population:	78,163
Percent below poverty level in 2009:	17.3%
2009 median household income:	\$47,719
2011 Chapter 10.101 RCW Anticipated Total Distribution:	\$69,672
Amount paid in December 2011	\$34,836

Franklin County provides public defense representation through a contract system coordinated and monitored by a bi-county (with Benton County) indigent defense coordinator. The program also oversees investigative services.

2010 Statistics

Total adult criminal cases per 1,000 population	51.6
Amount spent for public defense	\$1,356,697
Amount spent per capita	\$17.36

Adult Felony

New adult superior court cases filed	445
New adult superior court cases per 1,000 population	5.7
Number of new cases assigned to counsel	409

Adult Misdemeanor

New county misdemeanor cases filed	1,098
Total new district and municipal court misdemeanor cases filed in county (see Glossary)	3,592
Total new misdemeanor cases per 1,000 population	46.0
Number of new cases assigned to counsel by county	575

Juvenile Offender

New juvenile offender cases filed	413
New juvenile offender cases per 1,000 population	5.3
Number of new cases assigned to counsel	358 ¹¹

Franklin County has adopted a public defense standards ordinance. In addition, the Franklin County public defense contractors are required to attend approved annual attorney training and report non-public defense attorney hours.

In 2011 Franklin County used its state funding to support an Indigent Defense Coordinator and to provide public defense services at preliminary appearance calendars. The county plans to use its 2012 funds to continue these improvements.

¹¹ Benton County and Franklin County operate a joint juvenile justice department. Attorneys representing juveniles are routinely assigned cases from both counties so it is difficult to track exact numbers.

GARFIELD COUNTY

2010 population:	2,266
Percent below poverty level in 2009:	14.3%
2009 median household income:	\$41,305
2011 Chapter 10.101 RCW Anticipated Total Distribution:	\$10,964
Amount paid in December 2011	\$5,482

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.

2010 Statistics

Total adult criminal cases per 1,000 population	74.1
Amount spent for public defense	\$26,266
Amount spent per capita	\$11.59

Adult Felony

New adult superior court cases filed	19
New adult superior court cases per 1,000 population	8.4
Number of new cases assigned to counsel	13

Adult Misdemeanor

New county misdemeanor cases filed	149
Total new district and municipal court misdemeanor cases filed in county (see Glossary)	149
Total new misdemeanor cases per 1,000 population	65.8
Number of new cases assigned to counsel by county	11

Juvenile Offender

New juvenile offender cases filed	0
New juvenile offender cases per 1,000 population	0
Number of new cases assigned to counsel	0

Garfield County has adopted a public defense standards ordinance. The Garfield County public defense contractors are required to attend approved annual attorney training and report non-public defense attorney hours.

In 2011 Garfield County spent its state funding to increase attorney compensation, add conflict attorneys, provide public defense services at preliminary appearance calendars, add expert services, add investigator services, and provide interpreter services for attorney-client interviews and other necessary communications. The county plans to use its state funds in 2012 to maintain these improvements.

GRANT COUNTY

2010 population:	89,120
Percent below poverty level in 2009:	18.6%
2009 median household income:	\$45,183
2011 Chapter 10.101 RCW Anticipated Total Distribution:	\$89,630
Amount paid in December 2011	\$44,815

Grant County has a county government-based agency with oversight responsibilities for felony indigent defense services. The felony program has staff public defense attorneys and contracts with private attorneys. Grant County contracts with private attorneys for District Court and Juvenile Court indigent defense services.

2010 Statistics

Total adult criminal cases per 1,000 population	76.1
Amount spent for public defense	\$1,710,431
Amount spent per capita	\$19.19

Adult Felony

New adult superior court cases filed	675
New adult superior court cases per 1,000 population	7.6
Number of new cases assigned to counsel	632

Adult Misdemeanor

New county misdemeanor cases filed	6,109
Total new district and municipal court misdemeanor cases filed in county (see Glossary)	6,111
Total new misdemeanor cases per 1,000 population	68.6
Number of new cases assigned to counsel by county	4,468

Juvenile Offender

New juvenile offender cases filed	388
New juvenile offender cases per 1,000 population	4.4
Number of new cases assigned to counsel	363

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

In 2011 Grant County spent its state funding to continue services provided by the Grant County Department of Public Defense, a county agency, to add attorneys to lower caseloads, to increase investigative services, and to provide training. The county plans to use its state funds in 2012 to maintain the improvements already implemented.

GRAYS HARBOR COUNTY

2010 population:	72,797
Percent below poverty level in 2009:	19.3%
2009 median household income:	\$37,637
2011 Chapter 10.101 RCW Anticipated Total Distribution	\$72,617
Amount paid in December 2011:	\$36,308

Grays Harbor County delivers public defense representation through a contract system with 21 attorneys who handle adult felony cases, two attorneys who handle juvenile offender cases, and six who handle District Court cases.

2010 Statistics

Total adult criminal cases per 1,000 population	90.9
Amount spent for public defense	\$832,480
Amount spent per capita	\$11.44

Adult Felony

New adult superior court cases filed	519
New adult superior court cases per 1,000 population	7.1
Number of new cases assigned to counsel	519

Adult Misdemeanor

New county misdemeanor cases filed	2,042
Total new district and municipal court misdemeanor cases filed in county (see Glossary)	6,096
Total new misdemeanor cases per 1,000 population	83.7
Number of new cases assigned to counsel by county	Unable to determine

Juvenile Offender

New juvenile offender cases filed	206
New juvenile offender cases per 1,000 population	2.8
Number of new cases assigned to counsel	206

Grays Harbor County has a public defense standards resolution. The Grays Harbor contract attorneys are required to attend approved annual attorney training and report non-public defense attorney hours.

In 2011 Grays Harbor County spent its state funding on increasing compensation for public defense attorneys, providing public defense services at preliminary appearance calendars, providing investigator and expert services, and providing interpreter services for attorney-client interviews and other necessary communications. The county plans to use its state funds in 2012 to maintain these improvements.

ISLAND COUNTY

2010 population:	78,506
Percent below poverty level in 2009:	7.8%
2009 median household income:	\$55,394
2011 Chapter 10.101 RCW Anticipated Total Distribution:	\$58,154
Amount paid in December 2011	\$29,077

Island County delivers public defense representation through a mixed system, contracting with a single private law firm to provide virtually all criminal defense services and using list appointments for conflict and other specific case types. Conflicts and other appointments are compensated according to a published county fee schedule.

2010 Statistics

Total adult criminal cases per 1,000 population	27.5
Amount spent for public defense	\$893,650
Amount spent per capita	\$11.38

Adult Felony

New adult superior court cases filed	274
New adult superior court cases per 1,000 population	3.5
Number of new cases assigned to counsel	200

Adult Misdemeanor

New county misdemeanor cases filed	1,201
Total new district and municipal court misdemeanor cases filed in county (see Glossary)	1,888
Total new misdemeanor cases per 1,000 population	24.0
Number of new cases assigned to counsel by county	544

Juvenile Offender

Juvenile offender cases filed	193
Juvenile offender cases per 1,000 population	2.5
Number of new cases assigned to counsel	Unable to determine

Island County has adopted a public defense standards ordinance, and the Island County Standards for Public Defense require approved annual attorney training and reporting of non-public defense attorney hours.

In 2011 Island County spent its state funding to provide defense counsel at preliminary appearance calendars and provide investigator services. The county plans to use its state funds in 2012 to continue these improvements.

JEFFERSON COUNTY

2010 population:	29,872
Percent below poverty level in 2009:	13.7%
2009 median household income:	\$48,176
2011 Chapter 10.101 RCW Anticipated Total Distribution:	\$35,456
Amount paid in December 2011	\$17,728

Jefferson County contracts with Jefferson Associated Counsel, a private nonprofit corporation, for all public defense representation. The office director provides direct supervision of 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.

2010 Statistics

Total adult criminal cases per 1,000 population	55.2
Amount spent for public defense	\$505,182
Amount spent per capita	\$16.91

Adult Felony

New adult superior court cases filed	220
New adult superior court cases per 1,000 population	7.4
Number of new cases assigned to counsel	179

Adult Misdemeanor

New county misdemeanor cases filed	1,156
Total new district and municipal court misdemeanor cases filed in county (see Glossary)	1,428
Total new misdemeanor cases per 1,000 population	47.8
Number of new cases assigned to counsel by county	554

Juvenile Offender

New juvenile offender cases filed	70
New juvenile offender cases per 1,000 population	2.3
Number of new cases assigned to counsel	52

Jefferson County has adopted a public defense standards ordinance. The Jefferson County public defense contract requires approved annual attorney training.

In 2011 Jefferson County spent its state funding to provide a public defense investigator. The county plans to use its state funds in 2012 to maintain these improvements.

KING COUNTY

2010 population:	1,931,249
Percent below poverty level in 2009:	9.8%
2009 median household income:	\$67,706
2011 Chapter 10.101 RCW Anticipated Total Distribution:	\$1,230,966
Amount paid in December 2011	\$615,485.50

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

The King County Office of Public Defense funds the nonprofit agencies, including salaries and benefits for attorneys, supervisors, professional and clerical support staff, investigators, social workers and paralegals, administrative overhead including equipment and operational costs; rent allocations; and calendar costs per specific court calendar assignments. The contracted nonprofits are budgeted for attorney salaries, exclusive of benefits, at parity with the King County Prosecuting Attorney Office employees. Experts and other extraordinary case-related expenses not included in the contracts are paid by the county upon written request to the Office of Public Defense.

2010 Statistics

Total adult criminal cases per 1,000 population	38.5
Amount spent for public defense	\$38,458,181
Amount spent per capita	\$19.91

Adult Felony

New adult superior court cases filed	6,853
New adult superior court cases per 1,000 population	3.5
Number of new cases assigned to counsel	6,002

Adult Misdemeanor

New county misdemeanor cases filed	14,186
Total new district and municipal court misdemeanor cases filed in county (see Glossary)	67,406
Total new misdemeanor cases per 1,000 population	34.9
Number of new cases assigned to counsel by county	7,108

Juvenile Offender

New juvenile offender cases filed	3,356
New juvenile offender cases per 1,000 population	1.7
Number of new cases assigned to counsel	3,197

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 attorney training. Entities that contract with the King County Office of Public Defense must be nonprofit corporations established solely for the purpose of providing public defense services.

In 2011 King County spent its state funding for a program manager to oversee contracts with attorneys providing public defense, improve quality control and to initiate and provide public defense training programs. Funding was also used to add attorneys to reduce public defense juvenile offender caseloads, and increase conflict counsel compensation. The county plans to use its state funds in 2012 to continue these efforts.

KITSAP COUNTY

2010 population:	251,133
Percent below poverty level in 2009:	8.4%
2009 median household income:	\$60,673
2011 Chapter 10.101 RCW Anticipated Total Distribution:	\$174,585
Amount paid in December 2011	\$87,292

Kitsap County has a county government-based public defense agency with in-house public defense attorneys and a supervisor that oversees contracts with private attorneys for conflict, misdemeanor, and juvenile offender cases.

2010 Statistics

Total adult criminal cases per 1,000 population	41.8
Amount spent for public defense	\$2,221,034
Amount spent per capita	\$8.84

Adult Felony

New adult superior court cases filed	992
New adult superior court cases per 1,000 population	4.0
Number of new cases assigned to counsel	Unable to determine

Adult Misdemeanor

New county misdemeanor cases filed	4,569
Total new district and municipal court misdemeanor cases filed in county (see Glossary)	9,499
Total new misdemeanor cases per 1,000 population	37.8
Number of new cases assigned to counsel by county	1,872

Juvenile Offender

Juvenile offender cases filed	877
Juvenile offender cases per 1,000 population	3.5
Number of new cases assigned to counsel	716

Kitsap County has adopted a public defense standards resolution and a pay-parity resolution for attorneys and staff employed by the county public defense agency. Kitsap County is in the process of adopting a public defense standards ordinance. Kitsap County requires contract public defense attorneys to attend approved annual attorney training and report non-public defense attorney hours.

In 2011 Kitsap County spent its state funding to partially pay for the Kitsap County public defense supervisor, administrator, and two staff members hired after the creation of the public defense office and to supplement payment for attorney services for misdemeanors filed in Juvenile Court and District Court, and for homicides. The county plans to use its state funds in 2012 to continue these enhancements.

KITTITAS COUNTY

2010 population:	40,915
Percent below poverty level in 2009:	20.6%
2009 median household income:	\$41,563
2011 Chapter 10.101 RCW Anticipated Total Distribution:	\$44,749
Amount paid in December 2011	\$22,375

Kittitas County delivers public defense representation solely through list appointment for Kittitas County Superior Court and Upper Kittitas District Court. Contracts are utilized 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 indigent defense cases.

2010 Statistics

Total adult criminal cases per 1,000 population	80.9
Amount spent for public defense	\$563,108
Amount spent per capita	\$13.76

Adult Felony

New adult superior court cases filed	293
New adult superior court cases per 1,000 population	7.2
Number of new cases assigned to counsel	197

Adult Misdemeanor

New county misdemeanor cases filed	2,808
Total new district and municipal court misdemeanor cases filed in county (see Glossary)	3,017
Total new misdemeanor cases per 1,000 population	73.7
Number of new cases assigned to counsel by county	1,374

Juvenile Offender

New juvenile offender cases filed	120
New juvenile offender cases per 1,000 population	2.9
Number of new cases assigned to counsel	Unable to determine

Kittitas County has adopted a public defense standards ordinance. The Lower Kittitas County District Court public defense contract requires approved training for attorneys and reporting of non-public defense hours. Other public defense appointments are made on a case-by-case basis from a list of private attorneys.

In 2011 Kittitas County spent its state funding to provide public defense representation at the Lower Kittitas County District Court preliminary appearance and arraignment calendars for both in-custody and out-of-custody defendants. The county plans to use its state funds in 2012 to maintain these improvements.

KLICKITAT COUNTY

2010 population:	20,318
Percent below poverty level in 2009:	18.0%
2009 median household income:	\$41,191
2011 Chapter 10.101 RCW Anticipated Total Distribution:	\$30,903
Amount paid in December 2011	\$15,451

Klickitat County administers public defense representation under a contract signed by three private attorneys for all Superior Court matters. The contract requires the three attorneys to provide 100 percent of indigent defense services in adult felony, juvenile offender, and other juvenile cases. Conflict attorneys are appointed from a list.

The county administers two District Court sites; defense services in each court are handled through list appointment by the court.

2010 Statistics

Total adult criminal cases per 1,000 population	61.9
Amount spent for public defense	\$169,769
Amount spent per capita	\$8.36

Adult Felony

New adult superior court cases filed	208
New adult superior court cases per 1,000 population	10.2
Number of new cases assigned to counsel	199

Adult Misdemeanor

New county misdemeanor cases filed	634
Total new district and municipal court misdemeanor cases filed in county (see Glossary)	1,050
Total new misdemeanor cases per 1,000 population	51.7
Number of new cases assigned to counsel by county	411

Juvenile Offender

New juvenile offender cases filed	63
New juvenile offender cases per 1,000 population	3.1
Number of new cases assigned to counsel	Unable to determine

Klickitat County has adopted a public defense standards ordinance. The Klickitat County public defense contract requires approved annual attorney training and reporting of non-public defense attorney hours.

Klickitat County used its state funds in 2011 to add expert, interpreter, and investigator services. The county plans to use its state funds in 2012 to maintain these improvements.

LEWIS COUNTY

2010 population:	75,455
Percent below poverty level in 2009:	15.1%
2009 median household income:	\$42,365
2011 Chapter 10.101 RCW Anticipated Total Distribution:	\$91,306
Amount paid in December 2011	\$45,653

Lewis County administers public defense representation through a public defense contract system. The county contracts with numerous private attorneys for specific case types with some attorneys accepting more than one case type. The county also contracts with one attorney to represent clients at daily initial appearances as well as provide quality oversight for the other contracts.

2010 Statistics

Total adult criminal cases per 1,000 population	68.6
Amount spent for public defense	\$1,530,694
Amount spent per capita	\$20.29

Adult Felony

New adult superior court cases filed:	778
New adult superior court cases per 1,000 population	10.3
Number of new cases assigned to counsel	Unable to determine

Adult Misdemeanor

New county misdemeanor cases filed	1,911
Total new district and municipal court misdemeanor cases filed in county (see Glossary)	4,399
Total new misdemeanor cases per 1,000 population	58.3
Number of new cases assigned to counsel by county	1,472

Juvenile Offender

New juvenile offender cases filed	265
New juvenile offender cases per 1,000 population	3.5
Number of new cases assigned to counsel	213

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

In 2011 Lewis County spent its state funding to contract with an attorney coordinator to provide counsel at daily initial appearances as well as exercise quality monitoring of other public defense contracts with private attorneys. The county plans to use its state funds in 2012 to continue these improvements.

LINCOLN COUNTY

2010 population:	10,570
Percent below poverty level in 2009:	14.2%
2009 median household income:	\$44,899
2011 Chapter 10.101 RCW Anticipated Total Distribution:	\$16,392
Amount paid in December 2011	\$8,196

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 District Court conflict cases, adult felony, juvenile offender, and all other Superior Court case types.

2010 Statistics

Total adult criminal cases per 1,000 population	56.5
Amount spent for public defense	\$93,040
Amount spent per capita	\$8.80

Adult Felony

New adult superior court cases filed	51
New adult superior court cases per 1,000 population	4.8
Number of new cases assigned to counsel	40

Adult Misdemeanor

New county misdemeanor cases filed	546
Total new district and municipal court misdemeanor cases filed in county (see Glossary)	546
Total new misdemeanor cases per 1,000 population	51.7
Number of new cases assigned to counsel by county	314

Juvenile Offender

New juvenile offender cases filed	26
New juvenile offender cases per 1,000 population	2.5
Number of new cases assigned to counsel	24

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

In 2011 Lincoln County spent its state funding to add attorneys to reduce public defense caseloads, provide interpreter services for attorney-client interviews and other communications, and add investigative and expert services. The county plans to use its state funds in 2012 to continue these improvements.

MASON COUNTY

2010 population:	60,699
Percent below poverty level in 2009:	15.9%
2009 median household income:	\$49,440
2011 Chapter 10.101 RCW Anticipated Total Distribution:	\$60,458
Amount paid in December 2011	\$30,229

Mason County delivers public defense representation through a contract system. Two private attorneys contract for Superior Court indigent defense for up to 150 felony cases each per year. Two private attorneys contract for juvenile offender cases and juvenile Becca cases. Two private attorneys contract to provide representation in District Court cases. Conflict counsel is appointed from a list of qualified attorneys.

2010 Statistics

Total adult criminal cases per 1,000 population	55.4
Amount spent for public defense	\$488,140
Amount spent per capita	\$8.04

Adult Felony

New adult superior court cases filed	410
New adult superior court cases per 1,000 population	6.8
Number of new cases assigned to counsel	295

Adult Misdemeanor

New county misdemeanor cases file	2,164
Total new district and municipal court misdemeanor cases filed in county (see Glossary)	2,955
Total new misdemeanor cases per 1,000 population	48.7
Number of new cases assigned to counsel by county	862

Juvenile Offender

New juvenile offender cases filed	147
New juvenile offender cases per 1,000 population	2.4
Number of new cases assigned to counsel	114

Mason County has adopted a public defense standards ordinance. The Mason County public defense contracts require approved annual training and require attorneys to report non-public defense attorney hours.

In 2011 Mason County spent its state funding adding expert and investigator services, adding interpreter services for attorney-client interviews and other necessary communications, and increasing compensation for public defense attorneys. The county may use its state funds in 2012 to create a county or regional public defense agency or provide an attorney coordinator to oversee contracts with attorneys providing public defense or it may continue the improvements made in 2011.

OKANOGAN COUNTY

2010 population:	41,120
Percent below poverty level in 2009:	18.6%
2009 median household income:	\$38,363
2011 Chapter 10.101 RCW Anticipated Total Distribution:	\$47,078
Amount paid in December 2011	\$23,539

Okanogan County delivers public defense representation through a contract system with one primary law firm for coverage of indigent defense cases in the county. The contract includes four subcontractors that accept conflict cases.

2010 Statistics

Total adult criminal cases per 1,000 population	60.6
Amount spent for public defense	\$1,063,884
Amount spent per capita	\$25.87

Adult Felony

New adult superior court cases filed	326
New adult superior court cases per 1,000 population	7.9
Number of new cases assigned to counsel	Unable to determine

Adult Misdemeanor

New county misdemeanor cases filed	2,160
Total new district or municipal court misdemeanor cases filed in county (see Glossary)	2164
Total new misdemeanor cases per 1,000 population	52.6
Number of new cases assigned to counsel by county	1,530

Juvenile Offender

New juvenile offender cases filed	244
New juvenile offender cases per 1,000 population	5.9
Number of new cases assigned to counsel	Unable to determine

Okanogan County has adopted a public defense standards ordinance. The Okanogan County public defense contractors are required to attend approved annual attorney training and report non-public defense attorney hours.

In 2011 Okanogan County spent its state funding to add attorneys for conflict cases and add investigator services. The county plans to use its state funds in 2012 to continue this improvement and add more expert services.

PACIFIC COUNTY

2010 population:	20,920
Percent below poverty level in 2009:	17.9%
2009 median household income:	\$38,177
2011 Chapter 10.101 RCW Anticipated Total Distribution:	\$31,751
Amount paid in December 2011	\$15,876

Pacific County provides indigent defense representation through a contract system. Private attorneys contract for a percentage of cases or types of cases at each court level. The county also provides representation by list appointment.

2010 Statistics

Total adult criminal cases per 1,000 population	84.1
Amount spent for public defense	\$279,384
Amount spent per capita	\$13.35

Adult Felony

New adult superior court cases filed	217
New adult superior court cases per 1,000 population	10.4
Number of new cases assigned to counsel	170

Adult Misdemeanor

New county misdemeanor cases filed	1,089
Total new district and municipal court misdemeanor cases filed in county (see Glossary)	1,543
Total new misdemeanor cases per 1,000 population	73.8
Number of new cases assigned to counsel by county	400

Juvenile Offender

New juvenile offender cases filed	74
New juvenile offender cases per 1,000 population	3.5
Number of new cases assigned to counsel	74

Pacific County has adopted a public defense standards ordinance. Pacific County public defense attorneys are required to attend approved annual attorney training and report non-public defense attorney hours.

In 2011 Pacific County spent its state funding to increase compensation for contract public defense attorneys, add attorneys to reduce public defense caseloads, and for additional expert services. The county plans to use its state funds in 2012 to continue these improvements.

PEND OREILLE COUNTY

2010 population:	13,001
Percent below poverty level in 2009:	18.7%
2009 median household income:	\$39,288
2011 Chapter 10.101 RCW Anticipated Total Distribution:	\$19,387
Amount paid in December 2011	\$9,693

Pend Oreille County provides public defense representation through a contract with three associated private attorneys handling 100 percent of the caseload in all courts except conflicts. Conflict attorneys are appointed from a list.

2010 Statistics

Total adult criminal cases per 1,000 population	55.3
Amount spent for public defense	\$183,512
Amount spent per capita	\$14.12

Adult Felonies

New adult superior court cases filed	81
New adult superior court cases per 1,000 population	6.2
Number of new cases assigned to counsel	56

Adult Misdemeanors

New county misdemeanor cases filed	463
Total new district and municipal court misdemeanor cases filed in county (see Glossary)	653
Total new misdemeanor cases per 1,000 population	49.1
Number of new cases assigned to counsel by county	Unable to determine

Juvenile Offender

New juvenile offender cases filed	34
New juvenile offender cases per 1,000 population	2.6
Number of new cases assigned to counsel	28

Pend Oreille County has adopted a public defense standards ordinance. The county public defense attorneys are required to attend approved annual attorney training and report non-public defense attorney hours.

In 2011 Pend Oreille County spent its state funding to provide counsel at preliminary hearings and increase public defense attorney compensation. The county plans to use its state funds in 2012 to continue these improvements.

PIERCE COUNTY

2010 population:	795,225
Percent below poverty level in 2009:	12.3%
2009 median household income:	\$55,941
2011 Chapter 10.101 RCW Anticipated Total Distribution:	\$692,840
Amount paid in December 2011	\$346,420

Pierce County provides public defense representation through a county government-based agency, the Department of Assigned Counsel (DAC). DAC employees receive salary and benefits in parity with the Pierce County Prosecuting Attorney Office employees. DAC maintains felony, misdemeanor and juvenile divisions, each supervised by a senior attorney. These supervisors, along with DAC's director and chief deputy, oversee staff attorneys and are responsible for resolving client complaints. The agency contracts with outside attorneys for conflict counsel and provides investigative services through a panel of pre-approved investigators.

2010 Statistics

Total adult criminal cases per 1,000 population	53.2
Amount spent for public defense	\$15,700,050
Amount spent per capita	\$19.74

Adult Felony

New adult superior court cases filed	5,475
New adult superior court cases per 1,000 population	6.9
Number of new cases assigned to counsel	4,711

Adult Misdemeanor

New county misdemeanor cases filed	13,134
Total new district and municipal court misdemeanor cases filed in county (see Glossary)	36,868
Total new misdemeanor cases per 1,000 population	46.4
Number of new cases assigned to counsel by county	5,202

Juvenile Offender

New juvenile offender cases filed	1,924
New juvenile offender cases per 1,000 population	2.4
Number of new cases assigned to counsel	1,707

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

In 2011 Pierce County spent its state funding to increase public defense attorney compensation and maintain positions created in 2007 and 2008. The county plans to use its state funds in 2012 to maintain these positions and compensation increases.

SAN JUAN COUNTY

2010 population:	15,769
Percent below poverty level in 2009:	9.9%
2009 median household income:	\$52,158
2011 Chapter 10.101 RCW Anticipated Total Distribution:	\$17,403
Amount paid in December 2011	\$8,701

San Juan County delivers public defense through a contract with two law firms for adult representation in Superior and District courts and a contract with one private attorney for juvenile representation. The contracts use a case weighting system. Conflict attorneys are appointed from a list and paid according to a published fee schedule.

2010 Statistics

Total adult criminal cases per 1,000 population	16.9
Amount spent for public defense	\$218,155
Amount spent per capita	\$13.83

Adult Felony

New adult superior court cases filed	36
New adult superior court cases per 1,000 population	2.3
Number of new cases assigned to counsel	31

Adult Misdemeanor

New county misdemeanor cases filed	231
Total new district and municipal court misdemeanor cases filed in county (see Glossary)	231
Total new misdemeanor cases per 1,000 population	14.6
Number of new cases assigned to counsel by county	210

Juvenile Offender

New juvenile offender cases filed	32
New juvenile offender cases per 1,000 population	2.0
Number of new cases assigned to counsel	21

San Juan County has adopted a public defense standards ordinance. The San Juan County public defense attorneys are required to attend approved annual attorney training and report non-public defense attorney hours.

In 2011 San Juan County spent its state funding to increase public defense attorney compensation, add attorneys to reduce public defense caseloads, provide public defense services at preliminary appearance calendars, and for investigator services. The county plans to use its state funds in 2012 to continue improvements implemented in 2011.

SKAGIT COUNTY

2010 population:	116,901
Percent below poverty level in 2009:	11.1%
2009 median household income:	\$54,335
2011 Chapter 10.101 RCW Anticipated Total Distribution:	\$125,844
Amount paid in December 2011	\$62,922

Skagit County delivers public defense representation through the Skagit County Public Defender, a county government-based 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 private law firms for mental health, involuntary commitment, and District Court additional public defense representation.

2010 Statistics

Total adult criminal cases per 1,000 population	79.8
Amount spent on public defense	\$2,007,531
Amount spent per capita	\$17.17

Adult Felony

New adult superior court cases filed	1047
New adult superior court cases per 1,000 population	9.0
Number of new cases assigned to counsel	Unable to determine

Adult Misdemeanor

New county misdemeanor cases filed	4,028
Total new district and municipal court misdemeanor cases filed in county (see Glossary)	8,283
Total new misdemeanor cases per 1,000 population	70.9
Number of new cases assigned to counsel by county	Unable to determine

Juvenile Offender

New juvenile offender cases filed	467
New juvenile offender cases per 1,000 population	4.0
Number of new cases assigned to counsel	Unable to determine

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

In 2011 Skagit County spent its state funding to hire additional attorneys to reduce public defense caseloads, provide expert services, interpreter services for attorney-client interviews and communications, and a .5 FTE support staff position. The county plans to use its state funds in 2012 to continue these improvements.

SKAMANIA COUNTY

2010 population:	11,066
Percent below poverty level in 2009:	12.4%
2009 median household income:	\$51,407
2011 Chapter 10.101 RCW Anticipated Total Distribution:	\$19,039
Amount paid in December 2011	\$9,520

Skamania County delivers Superior Court public defense representation through one contract with three private attorneys. A separate single contract with two different private attorneys also provides representation in District Court. When a conflict is identified, counsel is appointed from a list.

2010 Statistics

Total adult criminal cases per 1,000 population	75.5
Amount spent for public defense	\$112,692
Amount spent per capita	\$10.18

Adult Felony

New adult superior court cases filed	87
New adult superior court cases per 1,000 population	7.9
Number of new cases assigned to counsel	76

Adult Misdemeanor

New county misdemeanor cases filed	637
Total new district and municipal court misdemeanor cases filed in county (see Glossary)	748
Total new misdemeanor cases per 1,000 population	67.6
Number of new cases assigned to counsel by county	325

Juvenile Offender

New juvenile offender cases filed	42
New juvenile offender cases per 1,000 population	3.8
Number of new cases assigned to counsel	Unable to determine

Skamania County has adopted a public defense standards ordinance. The Skamania County public defense contractors are required to attend approved annual attorney training and report non-public defense legal services hours.

In 2011 Skamania County spent its state funding to add attorneys to reduce public defense caseloads, increase resources for defense investigation, interpreter and expert services. The county plans to use its state funds in 2012 to continue these improvements.

SNOHOMISH COUNTY

2010 population:	713,335
Percent below poverty level in 2009:	9.7%
2009 median household income:	\$64,677
2011 Chapter 10.101 RCW Anticipated Total Distribution:	\$448,067
Amount paid in December 2011	\$224,033

Snohomish County provides public defense representation in adult criminal cases in both Superior and District courts through a contract with the Snohomish County Public Defender Association (PDA), a private nonprofit 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 PDA and one private law firm to handle juvenile offender cases. Conflict attorneys are appointed from a list.

2010 Statistics

Total adult criminal cases per 1,000 population	46.0
Amount spent for public defense	\$6,180,132
Amount spent per capita	\$8.66

Adult Felony

New adult superior court cases filed	2,353
New adult superior court cases per 1,000 population	3.3
Number of new cases assigned to counsel	1,837

Adult Misdemeanor

New county misdemeanor cases filed	10,619
Total new district and municipal court misdemeanor cases filed in county (see Glossary)	30,463
Total new misdemeanor cases per 1,000 population	42.7
Number of new cases assigned to counsel by county	5,613

Juvenile Offender

New juvenile offender cases filed	1,627
New juvenile offender cases per 1,000 population	2.3
Number of new cases assigned to counsel	1,292

Snohomish County has adopted a public defense standards ordinance. The Snohomish County public defense contract requires approved annual attorney training.

In 2011 Snohomish County used its state funding to add attorneys to reduce public defense caseloads, increase attorney compensation, and provide public defense services at first appearance calendars. The county plans to use its state funds in 2012 to continue these improvements.

SPOKANE COUNTY

2010 population:	471,221
Percent below poverty level in 2009:	14.8%
2009 median household income:	\$44,799
2011 Chapter 10.101 RCW Anticipated Total Distribution:	\$462,358
Amount paid in December 2011	\$231,179

Spokane County provides public defense representation through two separate county government-based agencies, the Spokane County Public Defender and Counsel for Defense. The Spokane County Public Defender handles most Superior and District court cases; Counsel for Defense handles Superior Court conflict cases. Employees are compensated in parity with Spokane County Prosecuting Attorney Office employees. Each agency director is responsible for attorney supervision and resolution of client complaints. Both agencies provide investigative services in-house. The Spokane County Public Defender contracts with private attorneys to handle Superior Court cases that present a conflict of interest for both agencies. District Court conflicts are handled through an inter-local agreement with the City of Spokane Public Defender.

2010 Statistics

Total adult criminal cases per 1,000 population	54.1
Amount spent for public defense	\$8,211,879
Amount spent per capita	\$17.43

Adult Felony

New adult superior court cases filed	3,952
New adult superior court cases per 1,000 population	8.4
Number of new cases assigned to counsel	2,695

Adult Misdemeanor

New county misdemeanor cases filed	6,958
Total new district and municipal court misdemeanor cases filed in county (see Glossary)	21,553
Total new misdemeanor cases per 1,000 population	45.7
Number of new cases assigned counsel by county	6,726

Juvenile Offender

New juvenile offender cases filed	1,195
New juvenile offender cases per 1,000 population	2.5
Number of new cases assigned to counsel	784

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

In 2011 Spokane County spent its state funding to add attorneys to provide public defense services at first appearance calendars. The county plans to use its state funds in 2012 to maintain these improvements.

STEVENS COUNTY

2010 population:	43,531
Percent below poverty level in 2009:	16.0%
2009 median household income:	\$40,770
2011 Chapter 10.101 RCW Anticipated Total Distribution:	\$45,636
Amount paid in December 2011	\$22,818

Stevens County provides public defense representation through numerous contracts with private attorneys to represent indigent clients in District, Superior and Juvenile courts. Conflict cases at all court levels are handled through list appointments.

2010 Statistics

Total adult criminal cases per 1,000 population	44.2
Amount spent for public defense	\$549,993
Amount spent per capita	\$12.63

Adult Felony

New adult superior court cases filed	291
New adult superior court cases per 1,000 population	6.7
Number of new cases assigned to counsel	291

Adult Misdemeanor

New county misdemeanor cases filed	1031
Total new district and municipal court misdemeanor cases filed in county (see Glossary)	1,631
Total new misdemeanor cases per 1,000 population	37.5
Number of new cases assigned to counsel by county	330

Juvenile Offender

New juvenile offender cases filed	131
New juvenile offender cases per 1,000 population	3.0
Number of new cases assigned to counsel	131

Stevens County has adopted a public defense standards ordinance. The Stevens County public defense contractors are required to attend approved annual attorney training and report non-public defense attorney hours.

In 2011 Stevens County spent its state funding to provide counsel at preliminary hearings. The county intends to use its state funds in 2012 to continue these improvements.

THURSTON COUNTY

2010 population:	252,264
Percent below poverty level in 2009:	11.1%
2009 median household income:	\$58,533
2011 Chapter 10.101 RCW Anticipated Total Distribution:	\$244,808
Amount paid in December 2011	\$122,404

Thurston County provides public defense representation through the Thurston County Office of Assigned Counsel (OAC), a county government-based agency. OAC employees are compensated in parity with Thurston County Prosecuting Attorney Office employees. The county contracts with several private attorneys to assist one in-house attorney with juvenile offender cases. Overflow and conflict cases are appointed from a list and paid an hourly rate. OAC employs a director and two senior defense attorneys to assist in the supervision of staff and resolution of client complaints.

2010 Statistics

Total adult criminal cases per 1,000 population	49.8
Amount spent for public defense	\$2,822,139
Amount spent per capita	\$11.19

Adult Felony

New adult superior court cases filed	2,016
New adult superior court cases per 1,000 population	8.0
Number of new cases assigned to counsel	1,445

Adult Misdemeanor

New county misdemeanor cases filed	3,475
Total new district and municipal court misdemeanor cases filed in county (see Glossary)	10,542
Total new misdemeanor cases per 1,000 population	41.8
Number of new cases assigned counsel by county	2,247

Juvenile Offender

New juvenile offender cases filed	988
New juvenile offender cases per 1,000 population	3.9
Number of new cases assigned to counsel	888

Thurston County has adopted a public defense standards ordinance. The Thurston County OAC requires approved annual training, and requires private attorneys who contract to provide public defense services to report all of their public defense contracts as well as hours billed for non-public defense legal services.

In 2011 Thurston County spent its state funding to maintain numeric caseload standards that were adopted in 2008. The county plans to use its state funds in 2012 to continue to maintain caseload standards.

WAHIAKUM COUNTY

2010 population:	3,978
Percent below poverty level in 2009:	13.0%
2009 median household income:	\$44,503
2011 Chapter 10.101 RCW Anticipated Total Distribution:	\$12,588
Amount paid in December 2011	\$6,294

Wahkiakum County delivers public defense representation for all felony, misdemeanor, juvenile offender and probation violations solely through list appointment. Private attorneys on the court's list are not under contract although they have agreed to accept appointments and are compensated at an hourly rate.

2010 Statistics

Total adult criminal cases per 1,000 population	64.9
Amount spent for public defense	\$79,515
Amount spent per capita	\$19.99

Adult Felony

New adult superior court cases filed	33
New adult superior court cases per 1,000 population	8.3
Number of new cases assigned to counsel	29

Adult Misdemeanor

New county misdemeanor cases filed	225
Total new district and municipal court misdemeanor cases filed in county (see Glossary)	225
Total new misdemeanor cases per 1,000 population	56.6
Number of new cases assigned to counsel by county	62

Juvenile Offender

New juvenile offender cases filed	8
New juvenile offender cases per 1,000 population	2.0
Number of new cases assigned to counsel	Unable to determine

Wahkiakum County has adopted a public defense ordinance. Public defense attorneys are required to attend approved annual training.

In 2011 Wahkiakum County spent its state funding to increase public defense attorney compensation and to provide public defense services at preliminary appearance calendars. The county plans to use its state funds in 2012 for the same purposes.

WALLA WALLA COUNTY

2010 population:	58,781
Percent below poverty level in 2009:	17.8%
2009 median household income:	\$43,144
2011 Chapter 10.101 RCW Anticipated Total Distribution:	\$57,868
Amount paid in December 2011	\$28,934

Walla Walla County delivers public defense representation through a contract system. Eight private attorneys contract to provide indigent public defense services at all court levels.

2010 Statistics

Total adult criminal cases per 1,000 population	49.1
Amount spent for public defense	\$689,172
Amount spent per capita	\$11.72

Adult Felony

New adult superior court cases filed	383
New adult superior court cases per 1,000 population	6.5
Number of new cases assigned to counsel	302

Adult Misdemeanor

New county misdemeanor cases filed	2,197
Total new district and municipal court misdemeanor cases filed in county (see Glossary)	2,501
Total new misdemeanor cases per 1,000 population	42.5
Number of new cases assigned to counsel by county	363

Juvenile Offender

New juvenile offender cases filed	259
New juvenile offender cases per 1,000 population	4.4
Number of new cases assigned to counsel	Unable to determine

Walla Walla County has adopted a public defense standards resolution. The Walla Walla County public defense contracts require attorneys to agree to comply with the conditions of Chapter 10.101 RCW.

In 2011 Walla Walla County spent its state funding to provide investigator and expert services, and provide interpreter services for attorney-client interviews and other necessary communications. The county plans to use its state funds in 2012 to continue these improvements.

WHATCOM COUNTY

2010 population:	201,140
Percent below poverty level in 2009:	15.5%
2009 median household income:	\$47,490
2011 Chapter 10.101 RCW Anticipated Total Distribution:	\$198,240
Amount paid in December 2011	\$99,120

Whatcom County provides public defense representation through the Whatcom County Public Defender, a county government-based agency. Public Defender employees are compensated in parity with the Whatcom County Prosecuting Attorney Office employees. The agency director is responsible for attorney supervision and the resolution of client complaints. The agency employs in-house investigative staff. Whatcom County also contracts with 16 private attorneys for conflict cases and dependency and termination cases.

2010 Statistics

Total adult criminal cases per 1,000 population	57.9
Amount spent for public defense	\$3,990,963
Amount spent per capita	\$19.84

Adult Felony

New adult superior court cases filed	1,626
New adult superior court cases per 1,000 population	8.1
Number of new cases assigned to counsel	1,486

Adult Misdemeanor

New county misdemeanor cases filed	4,241
Total new district and municipal court misdemeanor cases filed in county (see Glossary)	10,027
Total new misdemeanor cases per 1,000 population	49.9
Number of new cases assigned to counsel by county	2,124

Juvenile Offender

New juvenile offender cases filed	474
New juvenile offender cases per 1,000 population	2.4
Number of new cases assigned to counsel	465

Whatcom County has adopted a public defense standards ordinance. The county public defense agency requires approved annual attorney training. Conflict attorneys are required to be certified to perform the contracted services under the Washington Defender Association Standards for Public Defense.

In 2011 Whatcom County spent its state funding on additional defense attorneys to reduce caseloads, equipment, and training for attorney positions. The county plans to use its state funds in 2012 to maintain these improvements.

WHITMAN COUNTY

2010 population:	44,776
Percent below poverty level in 2009:	25.6%
2009 median household income:	\$36,767
2011 Chapter 10.101 RCW Anticipated Total Distribution:	\$44,078
Amount paid in December 2011	\$22,039

Whitman County delivers public defense representation through one primary contract with a private law firm and two private attorneys for all Superior, District and Juvenile court cases, including adult felony, adult misdemeanor, juvenile offender, and other specific case types.

2010 Statistics

Total adult criminal cases per 1,000 population	55.2
Amount spent for public defense	\$303,000
Amount spent per capita	\$6.77

Adult Felony

New adult superior court cases filed	261
New adult superior court cases per 1,000 population	5.8
Number of new cases assigned to counsel	160

Adult Misdemeanor

New county misdemeanor cases filed	2,136
Total new district and municipal court misdemeanor cases filed in county (see Glossary)	2,212
Total new misdemeanor cases per 1,000 population	49.4
Number of new cases assigned to counsel by county	643

Juvenile Offender

New juvenile offender cases filed	50
New juvenile offender cases per 1,000 population	1.1
Number of new cases assigned to counsel	18

Whitman County is in the process of finalizing a public defense standards ordinance. The public defense contractors are required to attend approved annual attorney training and report non-public defense attorney hours.

In 2011 Whitman County spent its state funding to increase public defense attorney compensation. The county plans to use its state funds in 2012 to maintain the improvements.

YAKIMA COUNTY

2010 population:	243,231
Percent below poverty level in 2009:	22.0%
2009 median household income:	\$41,055
2011 Chapter 10.101 RCW Anticipated Total Distribution:	\$245,229
Amount paid in December 2011	\$122,614

Yakima County delivers public defense representation through the Yakima County Department of Assigned Counsel (DAC), a county government-based agency. The agency's director and senior staff attorneys are responsible for attorney supervision and resolution of client complaints. DAC provides counsel in all case types requiring representation, and administers attorney contracts and panels of private 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.

2010 Statistics

Total adult criminal cases per 1,000 population	75.5
Amount spent for public defense	\$4,448,257
Amount spent per capita	\$18.29

Adult Felony

New adult superior court cases filed	2,074
New adult superior court cases per 1,000 population	8.5
Number of new cases assigned to counsel	1,642

Adult Misdemeanor

New county misdemeanor cases filed	5,117
Total new district and municipal court misdemeanor cases filed in county (see Glossary)	16,291
Total new misdemeanor cases per 1,000 population	67.0
Number of new cases assigned to counsel by county	2,096

Juvenile Offender

New juvenile offender cases filed	1,388
New juvenile offender cases per 1,000 population	5.7
Number of new cases assigned to counsel	1,234

Yakima County has adopted a public defense standards ordinance. The Yakima County DAC requires approved annual attorney training, and requires contract attorneys to report hours billed for non-public defense legal services.

In 2011 Yakima County spent its state funding to increase attorney compensation and provide defense attorneys at arraignments in Juvenile Court and Superior Court. The county plans to use its state funds in 2012 to continue these improvements.

Appendix A

Methodology and Data Reporting for County / City reports

Because of the individualized nature of Washington's local public defense systems, making comparisons is challenging. However, county and city defense contracts along with other data included in the funding applications submitted pursuant to Chapter 10.101 RCW yield important information about actual public defense practice in Washington.

County Report: The County Report presents data on funding and caseload levels in each county that applied for and received state funding for use during calendar year 2011. Thirty-eight counties submitted funding applications under RCW 10.101.050. Each applying county provided 2010 data regarding public defense assignments and costs of public defense.

City Report: The City Report presents data on funding and caseload levels in the 14 cities that received competitive grants for use during calendar year 2011. Because the application cycle for cities occurred in mid-2010, the most current annual information available was from 2009.

OPD reviewed the data provided by the counties and cities, consulted with particular jurisdictions where questions arose, and used the information to prepare the reports.

Initial data from counties and cities alike varied widely due to differing case-counting and reporting practices. There is no standard method; systems differ, sometimes even within individual jurisdictions. 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.¹² 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 and cities rely on

¹² 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.

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 in different jurisdictions. These variations make a comparative analysis challenging and some conclusions tentative. Nevertheless, the data gathered during the Chapter 10.101 RCW application process presents a valuable picture of public defense statewide.

In preparing the county and city data reports, OPD used information submitted as part of each jurisdiction's application for funding as well as data from the Administrative Office of the Courts (AOC) caseload reports. OPD's public defense service managers contacted the counties and cities to clarify and augment data where necessary. Completed data reports were returned for review. Each county and city had an opportunity to make additional comments and input to the final product. County and city staff were gracious and generous with their time during this process, and the reports would not have been possible without their help.

Appendix B

Glossary for County and City Reports

COUNTY PROFILE

2010 population: Total county population as reported in the Washington State Office of Financial Management April 1, 2011--Population of Cities, Towns, 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 2009 information was included, however, for some counties the 2009 information was not available so earlier information was used.

Median household income: Median household income as reported by the Washington State Office of Financial Management October 2009; Median Household Income Estimates by County: 1989 to 2009.

2011 Chapter 10.101 RCW anticipated distribution: The county's allocation of the Chapter 10.101 RCW funds appropriation as determined by the statutory distribution formula. (Due to a special legislative session in December and funding uncertainties, OPD distributed only a portion of the statutory formula funds to the eligible counties in December. Depending on the outcome of potential budget cuts, the remainder of the funds will be distributed in the spring of 2012.)

I. 2010 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 some municipal courts) as reported by 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 2010.
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, and the number of

attorneys practicing in the county, local attorney availability, the county's poverty rate, and case filing rates.

II. Adult Felony

1. New adult felony cases filed: The number of new (non-probation violation) adult Superior Court cases filed during 2010 as reported by AOC.
2. New adult felony 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 2010.

III. Adult Misdemeanor

1. New county misdemeanor cases filed: The number of new (non-probation violation) District Court cases filed during 2008 as reported by AOC.
2. Total new misdemeanor cases filed in county: The total number of new misdemeanor cases filed in all courts in the county, including municipal courts, during 2010 as reported by AOC.
3. Total new misdemeanor cases per 1,000 population: The total number of new misdemeanor cases filed during 2010 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 2010.¹³

IV. Juvenile Offender

1. New juvenile offender cases filed: The number of new (non-probation violation) juvenile offender cases filed during 2010 as reported by AOC.
2. New juvenile offender cases per 1,000 population: The total number of new juvenile offender cases filed during 2010 divided by the county population as expressed in thousands.

¹³ Some counties included contract municipal cases in the reported number.

3. Number of new cases assigned to counsel: The county-reported number of new juvenile offender cases assigned to public defense counsel during 2010.

CITY PROFILE

2009 population: Total city population as reported in the Washington State Office of Financial Management April 1, 2009-Population of Cities, Towns, and Counties publication.

Percent below poverty level: Percent of city population below the federal poverty level in 2009 as reported by the U.S. Bureau of the Census. Updates are not available for some smaller cities.

Median household income: Median household income as reported by the U.S. Bureau of the Census, in 2009 dollars.

2010 Competitive Grant Award: The city's grant funding from the state as determined through a competitive application process pursuant to RCW 10.101.080. The distributions occurred in December 2010, and were used during calendar year 2011.

I. 2009 Statistics

1. Amount spent for public defense: The city-reported total dollar amount spent for public defense representation during 2009, including any Chapter 10.101 RCW grant funds.
2. Amount spent per capita: The city-reported total dollar amount spent for public defense representation divided by the total city population. **Caution:** The amount spent per capita is not directly comparable city to city. This per capita amount is influenced by a number of variables, including geography, the number of cases filed, the number of major cases filed, local attorney availability, the number of attorneys practicing in the city, the city's poverty rate and case filing rates.

II. Adult Misdemeanor

1. New city misdemeanor cases filed: The number of new (non-probation violation) Municipal Court cases filed during 2009 as reported by AOC.
2. Total new misdemeanor cases per 1,000 population: The total number of new misdemeanor cases filed during 2009 divided by the city population as expressed in thousands.
3. Number of new cases assigned to counsel by city: The city-reported number of new Municipal Court cases assigned to public defense counsel during 2009.