

**2009 STATUS REPORT  
ON  
PUBLIC DEFENSE  
IN  
WASHINGTON STATE**

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**January 2010**

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**Washington State Office of Public Defense**

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# INTRODUCTION

On January 28, 2010, the Washington Supreme Court ruled that the guilty plea of a juvenile could not stand due to ineffective assistance of counsel rendered by his public defense attorney.<sup>1</sup> Stating that “the right of effective counsel and the right of review are fundamental to, and implicit in, any meaningful concept of ordered liberty,” the Court discussed the seminal right to counsel case, Gideon v. Wainwright, 372 U.S. 335:

The United State Supreme Court held that Gideon was entitled to a new trial and that under the Sixth and Fourteenth Amendments, states were required to appoint counsel for indigent accused . . . . Yet 45 years after Gideon, we continue our efforts to fulfill Gideon’s promise. While the vast majority of public defenders do sterling and impressive work, in some times and places, inadequate funding and troublesome limits on indigent counsel have made the promise of effective assistance of counsel more myth than fact, more illusion than substance.<sup>2</sup>

It is Washington State’s constitutional duty to guarantee the right to counsel for more than 250,000 indigent persons who are prosecuted each year by the counties, cities and state in matters ranging from felony and misdemeanor crimes, to mental health commitments, to child dependency cases and termination of parental rights. The Indigent Defense Services Act, Chapter 10.101 RCW, is the statutory framework for the state’s public defense improvement program. First funded in 2006, this new public defense improvement effort came in response to compelling indicators that public defense had long been deficient throughout much of Washington State.

This report examines continued progress in several public defense activities targeted for improvement, including counsel at first appearance and caseload limits. Along with the improved quality of legal representation that was expected to accompany progress in these two activities, local jurisdictions have also realized significant unanticipated systemic efficiencies and cost savings.

The report also documents work at the state Office of Public Defense (OPD) to assist local governments, train public defense attorneys, and serve as an expert resource for public defense information in the State of Washington. Among other activities, OPD compiles and analyzes local trial-level criminal 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.

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<sup>1</sup> State v. A.N.J., Washington Supreme Court, No. 81236-5 (2010), available at [courts.wa.gov/opinions](http://courts.wa.gov/opinions)

<sup>2</sup> Id.at 2.

In the past four years nearly all Washington counties and a number of cities have made vital public defense improvements with state funding. The progress continues, despite a lingering economic recession that has forced state and local budget cuts, including some cuts to public defense.

Though Washington's public defense system overall is still not at the appropriate level of quality, the outlook for continuing progress is good. The legislature, counties, cities, courts, bar association, and public defense attorneys share a strong commitment to continue moving forward until our constitutions' guarantee of the right to effective assistance of counsel is truly fulfilled.

## **CONTINUED PROGRESS IN CHALLENGING TIMES**

### **State and Local Budget Shortfalls Impact Defense Programs**

As the recession continued in 2009, government budgets at all levels – state, county, city – became increasingly strained. Yet to the extent possible state and local policymakers acted with deliberate attention to not diminish the quality of constitutionally required public defense services. The Legislature, for example, directed the Washington State Office of Public Defense (OPD) to concentrate the impact of a state biennial budget cut within internal agency administrative functions, including employee layoffs and furloughs, in order to maintain public defense improvement funding for counties and cities under Chapter 10.101 RCW.

While most counties reported few or no public defense budget cuts in late 2008, by mid-2009 several faced budget adjustments that were necessary to accommodate continued declining revenue. Some local governments also implemented creative procedural changes during 2009 to enhance case handling efficiencies while maintaining public safety priorities. These measures resulted in reduced criminal caseloads (and therefore, costs) for public defenders as well as courts and prosecutors. For instance, in Kitsap County, individuals who appear in District Court to address a misdemeanor charge of no valid operator's license or driving while license suspended in the third degree now have the charges automatically amended to an infraction. Because infractions do not carry the threat of jail or criminal record, they do not create a right to counsel, thus public defense caseloads are reduced and attorneys can focus limited resources on more complex matters.

By late 2009, as counties and cities adopted annual budgets for calendar year 2010, more reported potentially troubling cuts to public defense services. A few, however, reported slight increases to their public defense budgets in order to comply with contracts or continue to address compensation disparities. So far local budget cuts do not appear to jeopardize any county's eligibility for state funding under Chapter 10.101 RCW, which does not permit use of state funds to supplant county funds spent on public defense prior to 2006. Nevertheless, any reduction in public defense funding signifies a step in the wrong direction for constitutionally required services that have been systematically underfunded for decades.

## **Expansion of Public Defense Counsel at Initial Court Appearances**

Encouraged by the positive results of an OPD pilot project (documented in the 2008 Status Report)<sup>3</sup> and ongoing technical assistance from OPD, more counties and cities are now routinely providing public defense attorneys at initial court appearances.

**A constitutional right.** The U.S. Supreme Court has long established that indigent defendants have the right to a public defense attorney for critical first appearances,<sup>4</sup> and Washington court rules require that unless defendants appear with a lawyer, the court shall advise them if they are indigent that they have the right to be represented by a public defender for an arraignment or other critical first appearance.<sup>5</sup> Generally, first court appearances include preliminary appearances held within 48 hours for cases involving warrantless arrests and arraignments, which must be held within 14 days of the filing of the information in Superior Court and 15 days in District and Municipal Courts.<sup>6</sup>

In some Washington courts, defense attorneys are not routinely present at first appearance calendars. In these courts a defendant who wishes to access the right to counsel will have his or her case continued, and may spend additional days in jail before seeing an attorney and finally returning to court. The additional time in custody may exceed what the jail sentence would have been if an attorney had been present to help resolve the matter at the first appearance.

In addition, when defense attorneys are not present, indigent defendants who wish to resolve their cases at the initial court appearance are required to make virtually

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<sup>3</sup> WASHINGTON STATE OFFICE OF PUBLIC DEFENSE, PUBLIC DEFENSE PILOT PROJECTS (2009). Available at <http://www.opd.wa.gov/Reports/TrialLeveServices/090301Public-Defense-Pilot-Project-R.pdf>. An independent evaluation found that the Pilots had significant positive effects on several aspects of court activity, including public defender workload, the quality of the representation provided and the efficient processing of individual cases.

<sup>4</sup> *Rothgery v. Gillespie County*, 554 U.S. \_\_\_, 128 S. Ct. 2578, 171 L.Ed. 366 (2008).

<sup>5</sup> CrR 3.1(c); CrRLJ 3.1(c).

<sup>6</sup> CrR 4.1 and CrRLJ 4.1.

irrevocable decisions in a hurried and often chaotic atmosphere: They must understand and waive their right to counsel;<sup>7</sup> they must understand the factual and legal issues of why they are accused of a crime; they must understand their legal options and the consequences of each; they must engage in plea negotiations with a trained legal adversary (prosecutor); and they must communicate effectively with the judge. This is difficult, especially for anyone who has just spent the night in jail.

In the increasing number of courts where public defense attorneys are routinely present at first appearance calendars, they can advise defendants of the charges and choices facing them, and the defendants can use this information to make an informed decision about how to proceed. Counsel at arraignment will negotiate with the prosecutor where appropriate, present relevant documentation to the judge that supports a request for bail, and assist defendants in entering an informed plea of guilty or not guilty. Many courts conduct a brief indigency screening procedure before providing defendants access to public defense counsel; others appoint counsel on a provisional basis under RCW 10.101.020(3).

Twelve of the 13 cities that received state grants in 2009 report using the funds to provide counsel at all in-custody and/or out-of-custody first appearances<sup>8</sup>. Of the 38 counties receiving state funding under Chapter 10.101 RCW, those that *always* provide public defense representation at first appearance calendars<sup>9</sup> have substantially increased in recent years, and now number 23 counties for Superior Court, 25.5 for District Court<sup>10</sup> and 31 for Juvenile Court first appearances.<sup>11</sup>

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<sup>7</sup> CrR 4.1(d) and CrRLJ 4.1(c).

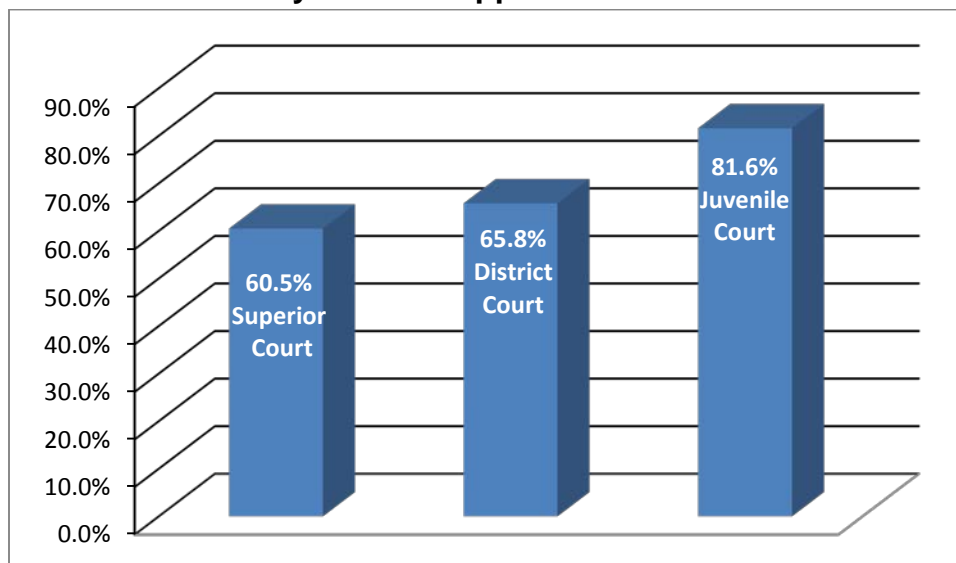
<sup>8</sup> Some but not all cities that provide first appearance counsel used their state grant funding for that purpose.

<sup>9</sup> While counties reported these percentages of public defenders for first appearance calendars, the percentage of counties that provide public defenders for arraignments that are held after the first appearance hearing is higher. For example, in a 2008 informal survey, 95 percent of Superior Courts reported that indigent defendants are represented by public defense attorneys at arraignment hearings.

<sup>10</sup> Among the two District Court locations in Kittitas County, one routinely provides first appearance counsel and one does not.

<sup>11</sup> This information is derived from county responses to questions on the 2009 Application for State Public Defense Funding, and includes only those courts that *always* provide counsel at first appearances.

### Attorneys at First Appearance Calendars



Percentage of counties in 2009 that always provide public defense counsel for first appearances in Superior, District and Juvenile Court.

The increase in first appearance attorneys for juvenile offender matters is particularly dramatic, rising from 56 percent of counties in 2007 to more than 81 percent in 2009, and can be attributed largely to the Washington Supreme Court's adoption of a statewide juvenile court rule change in 2008.<sup>12</sup> In 2008 and 2009 the Court published for comment several proposals to address first appearance counsel in courts of limited jurisdiction, but as of publication of this report the state Supreme Court has not adopted any new requirements.

**Efficiencies and savings.** In addition to ensuring that indigent defendants can access their constitutional right to counsel at a critical stage of a case, defense attorneys at first appearances also contribute significant efficiencies to the administration of public defense, trial courts and jails. As a direct result of providing defense attorneys, more cases are appropriately resolved early at arraignment. Because a continuation of the arraignment is not required for these cases, substantial court time is saved for all the parties and public defense caseloads are reduced, thus reducing fiscal and caseload pressures at the front end of the judicial process. Scarce local resources are preserved to deal with the remaining cases more effectively.

<sup>12</sup> JuCR 7.15 (a) establishes that "A juvenile who is entitled to representation of counsel in a juvenile court proceeding may waive his or her right to counsel in the proceeding only after: (1) the juvenile has been advised regarding the right to counsel by a lawyer who has been appointed by the court or retained; (2) a written waiver in the form prescribed in section (c), signed by both the juvenile and the juvenile's lawyer, is filed with the court; and (3) a hearing is held on the record where the advising lawyer appears and the court, after engaging the juvenile in a colloquy, finds the waiver was knowingly, intelligently, and voluntarily made and not unduly influenced by the interests of others, including the parent(s) or guardian(s) of the juvenile...."

Among the counties and cities that have implemented first appearance counsel in recent years, a number have experienced significant efficiencies and direct cost savings. In 2009 several jurisdictions reported reduced jail time and jail transportation costs, as well as improvements in defendants' appearances for subsequent hearings, as a result of early communication with their lawyers about upcoming court dates.

Following are just a few examples of the systemic benefits reported to OPD in 2009 by counties and cities receiving state funding.

- Benton and Franklin counties, through their bi-county Office of Public Defense, implemented first appearance counsel for in-custody calendars in April 2009. By September, the Office's public defense coordinator reported cumulative savings in jail bed-day usage of more than \$220,000 for four cities that contract with Benton County for court and jail services. The coordinator estimates an additional 20 percent to 30 percent jail-cost savings related to reduced county usage of the jail.

The presence of first appearance counsel in Benton County also has expedited the appropriate resolution of an additional three to six cases per day, in effect reducing public defense attorney caseloads.

- After achieving more than \$100,000 in jail-related savings in 2008, the City of Des Moines in 2009 continued furnishing public defenders at first appearance hearings. As a result, significantly more defendants have been able to resolve their cases at these hearings. More defendants were appropriately released after the first appearance calendar rather than waiting in jail until their public defense attorney was available at the next calendar several days later.
- When the City of Spokane added public defenders to out-of-custody arraignment calendars, attorneys' caseloads for later hearings were reduced as a result of a significant increase in earlier case resolution. Of the 2,442 defendants that were able to consult with an attorney at arraignment in the first six months of 2009, 1,315 – nearly 54 percent – had their cases resolved at the arraignment

Anticipating further positive effects, Spokane has since begun providing attorneys for in-custody first appearances.

## Public Defense Caseload Limitations and Standards Ordinances

**Caseload limits.** Caseload limitation is widely considered to be the most critical objective standard for predicting quality in a local public defense program. The caseload standard defines how many clients a public defense attorney may represent in a year. The Washington State Bar Association (WSBA) in 2007 updated its standards to limit caseloads to 150 felonies per attorney per year, or 250 juvenile cases, or 300 to 400 misdemeanor cases depending on case type and whether the local courts have diversion programs.<sup>13</sup>

Local jurisdictions in Washington have observed through recent practice that when high attorney caseloads are reduced to conform with recommended standards, outcomes improve dramatically.

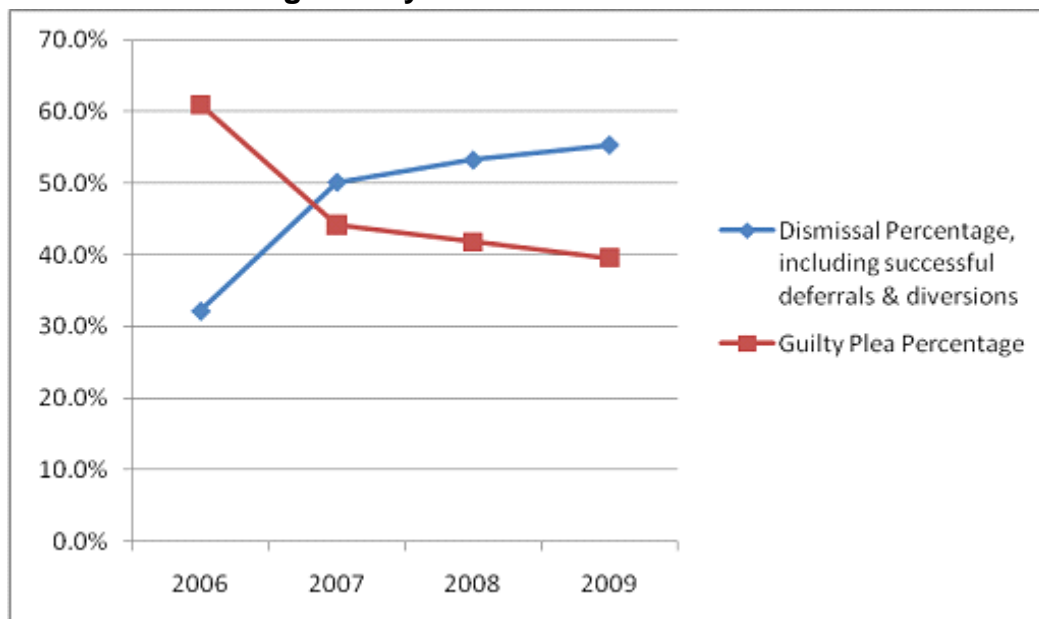
Of the counties that have targeted their state funding to reduce caseloads, some are showing significant systemic improvements. King County, for example, has since 2006 applied a portion of the county's Chapter 10.101 RCW funds to substantially reduce juvenile offender attorney caseloads and provide attorney training. The county reduced per-attorney annual caseloads from more than 300 in 2005 to 230 in 2008, slightly below the WSBA caseload standard of 250 juvenile cases per year. One dramatic result, consistent with findings from OPD's previous Juvenile Court pilot project,<sup>14</sup> was a decrease in early guilty pleas accompanied by an increase in cases dismissed. Dismissals included successful completion of deferred prosecutions, deferred dispositions or processing as juvenile diversions.

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<sup>13</sup> WASHINGTON STATE BAR ASSOCIATION, STANDARDS FOR INDIGENT DEFENSE SERVICES (2007), available at [www.wsba.org/lawyers/groups/committeonpublicdefense.htm](http://www.wsba.org/lawyers/groups/committeonpublicdefense.htm)

<sup>14</sup> WASHINGTON STATE OFFICE OF PUBLIC DEFENSE, PUBLIC DEFENSE PILOT PROJECTS (2009). Available at <http://www.opd.wa.gov/Reports/TrialLeveServices/090301Public-Defense-Pilot-Project-R.pdf>

### King County Juvenile Offender Resolutions <sup>15</sup>



**When attorney caseloads were reduced to meet standards, fewer juveniles pleaded guilty. At the same time, more juveniles successfully completed deferred prosecutions or deferred dispositions, or had diversions granted, and had their cases dismissed.**

As more local jurisdictions adopted standards ordinances in 2009, a trend was the incorporation of the WSBA caseload limitations. Nine counties and two cities have adopted either the WSBA-endorsed caseload standards or similar numeric standards. The majority of counties and cities, however, have not identified precise numeric caseload limits. More than half the counties have adopted ordinances that are unspecific as to caseload sizes, only requiring, for example, that they be “reasonable” or “manageable.”

Though yet there is no uniform statewide caseload reporting procedure applicable to all jurisdictions, some counties and cities calculated attorney caseloads in their 2009 Chapter 10.101 RCW applications. Counties reported felony caseloads of up to 175 cases per attorney, misdemeanor caseloads up to 800 cases per attorney, and juvenile caseloads up to 485 cases per attorney. Caseloads in the least-populous counties can be difficult to track accurately because total case filings are few,<sup>16</sup> and attorneys often provide representation in more than one level of court as well as in multiple counties and cities. Some cities reported caseloads as high as 1,000 or more misdemeanor cases per attorney per year. The higher end of these reported caseload numbers greatly exceed the WSBA-recommended caseload limitations.

<sup>15</sup> 2009 data reflects January-September 2009. Fourth quarter data not available at time of publication.

<sup>16</sup> For example, only 17 Superior Court cases, one Juvenile Court case, and 127 District/Municipal Court cases were filed in Garfield County during all of 2008. Similarly, Wahkiakum County had 34 Superior Court cases, nine Juvenile Court cases and 184 District/Municipal Court cases in 2008.



In recent years Washington counties and cities have begun to recognize the significance of caseloads and now identify caseload reduction as a high priority. Over 52 percent of counties used their Chapter 10.101 RCW funds to decrease attorney caseloads in 2009, up from 28 percent in 2007. Likewise, two-thirds of cities that received state grants devoted some or all of the funding to caseload reduction. For example, Yakima used its \$150,000 grant to double the number of public defenders in the municipal court, from two to four, and add a conflict attorney to help reduce caseloads.

Some counties and cities have for the first time achieved caseloads at or very near the WSBA caseload standards. Tragically, these achievements may be threatened as the jurisdictions face budget cuts, although most appear to be holding the line on caseload limits despite continuing budget difficulties.

**Local ordinances.** RCW 10.101.030 and 060 require counties and cities that provide public defense services to adopt an ordinance establishing public defense standards. Mandatory local standards include caseload limits, provisions for expert witness fees and investigation services, and minimum qualifications of attorneys, among other topics.<sup>17</sup> As established in RCW 10.101.030, the WSBA Standards for Indigent Defense Services<sup>18</sup> are to be considered guidelines for the development of standards by local governments.

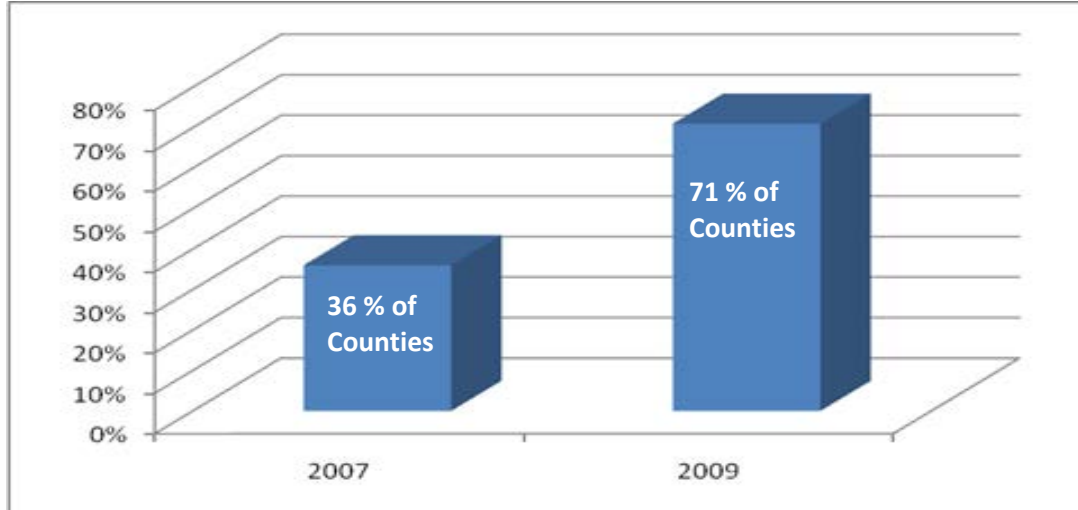
Washington jurisdictions continue to work toward full compliance with the statutory requirement to adopt standards. During 2009, a number of local jurisdictions sought technical assistance from OPD in developing ordinances, and by the end of the year 27 counties had adopted public defense standards ordinances. Ordinances are pending final approval in five more counties, and six counties have adopted standards by resolution.

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<sup>17</sup> RCW 10.101.030 states that, "Each county or city under this chapter shall adopt standards for the delivery of public defense services, whether those services are provided by contract, assigned counsel, or a public defender office. Standards shall include the following: Compensation of counsel, duties and responsibilities of counsel, case load limits and types of cases, responsibility for expert witness fees and other costs associated with representation, administrative costs associated with representation, administrative expenses, support services, reports of attorney activity and vouchers, training, supervision, monitoring and evaluation of attorneys, substitution of attorneys or assignment of contracts, limitations on private practice of contract attorneys, qualifications of attorneys, disposition of client complaints, cause for termination of contract or removal of attorney, and nondiscrimination. The standards endorsed by the Washington state bar association for the provision of public defense services should serve as guidelines to local legislative authorities in adopting standards."

<sup>18</sup> WASHINGTON STATE BAR ASSOCIATION, STANDARDS FOR INDIGENT DEFENSE SERVICES (2007), available at [www.wsba.org/lawyers/groups/committeeonpublicdefense.htm](http://www.wsba.org/lawyers/groups/committeeonpublicdefense.htm)

### Counties with Public Defense Ordinances



By the end of 2009, 71 percent of the 38 counties participating in the Chapter 10.101 RCW program had adopted public defense standards by ordinance, up from 36 percent in 2007.

### Local Program Oversight and Accountability

Included within its directive to counties and cities to adopt public defense standards, RCW 10.101.030 specifically requires procedures for the supervision, monitoring and evaluation of attorneys providing public defense services. The WSBA Standards for Indigent Defense Services address this requirement for oversight in Standard 10 (Supervision) and Standard 11 (Monitoring and Evaluation).<sup>19</sup>

Historically available only in the largest counties with government-based or non-profit public defender agencies, professional oversight is now expanding across the state to public defense programs that rely on contracts with private law firms and attorneys. In consultation with OPD, several medium-sized and small counties have developed and implemented oversight protocols that both meet the statutory requirements and also fit the county's needs and resources.

For example, several counties are in the process of hiring an agency director, attorneys and support staff, and plan to eventually transition to county-government based agencies. By reducing the number of individual contracts and consolidating most public defense attorneys into a single agency supervised by managing attorneys, these counties expect to gain systemic efficiencies and improve overall attorney effectiveness. Other jurisdictions are well-served by directly employing a single public defense

<sup>19</sup> WASHINGTON STATE BAR ASSOCIATION, STANDARDS FOR INDIGENT DEFENSE SERVICES (2007), available at [www.wsba.org/lawyers/groups/committeonpublicdefense.htm](http://www.wsba.org/lawyers/groups/committeonpublicdefense.htm)

coordinator – a supervising attorney who actively manages numerous public defense contracts with private firms or attorneys and monitors the work of the contract attorneys.

Since 2006 eight counties that previously relied on non-attorney administrative staff to manage public defense contracts now either employ an attorney coordinator or are in the process of transitioning to a public defense agency. These include: Chelan, Cowlitz, Clark, Benton, Franklin, Grant, Kitsap, and Lewis. A few others, such as Ferry, Stevens and Pend Oreille counties, have organized public defense committees made up of local government officials, judges and contracted defense attorneys to periodically review local policies and practices.

Active, professional oversight of a public defense program contributes significantly to both quality and efficiency of the services provided. Whether directly supervising defense attorneys as employees, or monitoring contracts with private attorneys, a well-qualified program administrator coordinates resources for the attorneys and the courts and can implement system improvements to ensure accountability for the taxpayers.

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***A judge's perspective.*** Reflecting on the newly established position of a bi-county indigent defense coordinator for Benton and Franklin counties, Superior Court Judge Carrie Runge shared this observation on behalf of the bench: "... I can tell you that having the indigent defense coordinator position has been extremely helpful to the judges. Having the position allows the judges to stay out of potential conflict issues and contractual issues. ... [It] affords a single person the ability to oversee the defense lawyers and make sure that the defense lawyers are abiding by the terms of their contracts. ... The position has been of great benefit in our counties."

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# WASHINGTON STATE OFFICE OF PUBLIC DEFENSE

The Washington State Office of Public Defense (OPD) supports a variety of public defense activities in addition to administering the Chapter 10.101 RCW state funding program. OPD's statutory mandate is "to implement the constitutional and statutory guarantees of counsel and to ensure effective and efficient delivery of indigent defense services funded by the State of Washington."<sup>20</sup>

## **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 four years, OPD staff have established mutually productive relationships with officials in all jurisdictions receiving state funding, and, upon request, have consulted extensively with officials and defense attorneys in a number of counties and cities.

In 2009, OPD's two Public Defense Services Managers assisted numerous local governments in planning and implementing significant 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.

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<sup>20</sup> RCW 2.70.005.

Over the course of 2009 OPD staff visited 22 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.<sup>21</sup>

During 2010, 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 program's 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, professionally relevant Continuing Legal Education (CLE) class each year within an hour or two of their local practice.

In 2009, OPD hosted five CLEs throughout Washington, as well as one workshop for new public defense program coordinators. OPD also administered funding to underwrite public defense CLEs organized by the Death Penalty Assistance Center (DPAC) and to provide partial scholarships for new public defenders attending the Washington Defender Association (WDA)<sup>22</sup> annual statewide conference.

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 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 counties.

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<sup>21</sup> <http://www.leg.wa.gov/JLARC/AuditAndStudyReports/2008/Documents/08-2.pdf>

<sup>22</sup> For information on CLE's organized by WDA, See [www.defensenet.org/education-and-training](http://www.defensenet.org/education-and-training)

OPD presented CLEs in Shelton, Moses Lake, Vancouver, Everett and Spokane in 2009 for more than 200 public defense attorneys, as well as a half-day workshop in Olympia for three newly appointed county public defense coordinators. 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 2009, 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 2009 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, deputy director and public defense services managers also were invited speakers at outside CLEs and other organizations' meetings, the state Board for Judicial Administration, WSBA Board of Governors, and state legislative workshops and formal hearings.

## OPD's 2009 CLE Program Featured a Variety of Topics:

### Tour of Washington Corrections Center,

State Department of Corrections  
Prison at Shelton

### Classification and Orientation of New Inmates,

Daniel White, Washington Corrections Center

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Richard Whitehead, Pierce County

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### Investigating in a Web-Based World,

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Susan Wilk, Washington Appellate Project

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Judge Tracy Staab, Spokane Municipal Court



## PUBLIC DEFENSE IMPROVEMENTS - FUNDING UNDER CHAPTER 10.101 RCW

In Washington, state funding is critical for local jurisdictions to fulfill the state and federal constitutional rights to assistance of counsel in criminal matters. Nationally, states respond to the funding need in several ways. Twenty-eight states provide 100 percent of indigent defense funding. Sixteen states (including Washington) rely on local governments to pay a significant portion of costs related to indigent defense. As of 2009, four years after implementation of state funding pursuant to Chapter 10.101 RCW, Washington State still is funding less than 5 percent of the total expended on trial-level public defense, with counties and cities funding the balance.<sup>23</sup>

Public defense programs continue to face challenges in ensuring the constitutional right to counsel for indigent criminal defendants; however, state funding provided to counties and cities pursuant to Chapter 10.101 RCW has contributed significantly to valuable improvements in services throughout the state.

The Washington Legislature authorized more than \$6 million for use in 2009 for counties and cities to improve indigent defense services. In accordance with state law, these funds were distributed 90 percent to eligible counties and 10 percent to selected cities. Individual county distributions were determined based on a statutory formula that considers population and adult felony filings. The city distributions were based on competitive grants.<sup>24</sup>

Tables A and A1 show 2009 county and city use of state funds, identified by four purpose areas. Note some jurisdictions applied state funding to more than one purpose.

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<sup>23</sup> Based on state legislative appropriations, as well as expenditure information reported by local governments in their applications for state funding under Chapter 10.101 RCW.

<sup>24</sup> RCW 10.101.070 *et. seq.*

Table A

County	Oversight and Administration	Attorney Compensation	Caseload Reduction	Attorneys at 1 <sup>st</sup> Appearance	Mandatory Ancillary Services
Adams		√			√
Asotin		√	√		√
Benton	√				
Chelan		√			
Clallam			√		
Clark	√		√	√	√
Columbia		√			
Cowlitz	√	√	√		√
Douglas					
Ferry				√	
Franklin	√				
Garfield		√	√	√	√
Grant	√		√		√
Grays Harbor		√	√		√
Island			√	√	
Jefferson		√	√		√
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		√	√	√	
<b>Total</b>	9	21	20	13	21



Table A1

Cities	Caseload Reduction	Attorneys at 1 <sup>st</sup> Appearance	Oversight and Administration	Attorney Compensation	Mandatory Ancillary Services
Bellingham	√	√			√
Bremerton		√		√	
Centralia		√			√
Cheney		√			
Des Moines		√			√
East Wenatchee				√	
Federal Way	√	√			
Lakewood		√			
Olympia	√	√			
Spokane	√	√			
Spokane Valley					√
Vancouver	√				
Yakima	√				
<b>Total</b>	<b>6</b>	<b>9</b>		<b>2</b>	<b>4</b>

**Caseload.** As illustrated in Tables A and A1, 20 of Washington's 39 counties and six cities used state funds in 2009 to improve caseloads. Those 20 counties include all of Washington's larger counties where the vast majority of cases are filed. Nine of the counties have adopted numeric caseload standards similar to or based on WSBA Standard 3.

**First Appearance Attorneys.** 2009 also saw a continued emphasis across the state to provide a defense attorney at a defendant's first appearance in court. Thirteen counties and nine cities used state funds for first-appearance counsel during the past year. Several report substantial efficiencies and cost-savings as a direct result.

**Oversight.** System oversight cannot be overstated in importance in ensuring that defendants are well-represented, and that taxpayers receive value for their tax dollars. Eight smaller counties, as well as Washington's largest counties, used state funds to improve oversight of defense services.

**Compensation.** According to the WSBA Standards and national authorities, defense attorney compensation should be comparable to local prosecutors, a goal that remains elusive in some areas of Washington. Small and rural counties have historically had difficulty recruiting and retaining qualified public defense attorneys, due in part to low pay and small contracts. In 2009, 17 small rural counties used state funds to increase defense attorney pay.

**Mandatory ancillary services** include law office support staff, case investigators, language interpreters, expert witnesses, basic office equipment, modern research tools, etc. See the individual county pages for details on how counties used state funding to address these crucial defense-related services.

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# CITY REPORT

## Introduction

Across the state, cities' public defense systems for their municipal courts vary widely. Of the cities that received state funding for 2009 through competitive grants provided under Chapter 10.101 RCW, the vast majority – 11 of 13 – 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 – Spokane Valley – contracts with the county government-based public defender agency.

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 small 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 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 OF BELLINGHAM

2007 population:	75,220
Percent below poverty level in 2000:	20.6%
2000 median household income (in 1999 dollars):	\$32,530
2008 Competitive Grant Award:	\$137,500

The City of Bellingham delivers indigent 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. The city also has separate contracts with attorneys to represent indigent clients when the primary law firm has a conflict.

### 2007 Statistics

Amount spent for public defense	\$435,954 <sup>1</sup>
Amount spent per capita	\$5.80

### Adult Misdemeanors

New city misdemeanor cases filed	4,138
Total new misdemeanor cases per 1,000 population	55.0
Number of new cases assigned to counsel by city	3,347

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

The city utilized its state grant funding to provide for a public defender at all criminal proceedings, including first appearances. The funding also provided for an investigator and a paralegal. Additionally, the city paid for a conflict attorney to cover criminal hearings and allow the entire BAC attorney staff to attend training and conferences together.

The city and BAC worked together to draft and implement new public defense application guidelines and eligibility information. The new guidelines and improved screening affidavit have allowed for clearer guidance for applicant clients and more timely review of their applications for public defense services.

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<sup>1</sup> This amount does not include the funds paid directly to the City for the first half of 2007 for a pilot project. The successful OPD pilot project ended June 30, 2007. See WASHINGTON STATE OFFICE OF PUBLIC DEFENSE, PUBLIC DEFENSE PILOT PROJECTS (2009) available at <http://www.opd.wa.gov/Reports/TrialLeveServices/090301Public-Defense-Pilot-Project-R.pdf>.

## CITY OF BREMERTON

2007 population:	35,810
Percent below poverty level in 2000:	19.4%
2000 median household income (in 1999 dollars):	\$30,950
2008 Competitive Grant Award:	\$15,000

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

### 2007 Statistics

Amount spent for public defense	\$120,670.88
Amount spent per capita	\$3.37

### Adult Misdemeanors

New city misdemeanor cases filed	2,909
Total new misdemeanor cases per 1,000 population	81.2
Number of new cases assigned to counsel by city	1,041 <sup>1</sup>

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.

The City of Bremerton, with the help of the grant funds, has overhauled its public defense system to assure that individuals charged with misdemeanor crimes are properly represented. The courthouse now has ample office space for the public defense contractor. The city increased the contract amount so the primary contractor now can devote two attorneys and a paralegal to be stationed at the courthouse with adequate computer equipment, office supplies and a library. The primary contractor provides public defense attorneys at all arraignments and they are present at all critical stages of a case, including post-conviction hearings and motions.

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<sup>1</sup> The city reported the number of defendants assigned to a public defender and not the number of cases. The court may have multiple cases for a single incident and defendant, thus making the percent assigned low.

## CITY OF CENTRALIA

2007 population:	15,520
Percent below poverty level in 2000:	18.0%
2000 median household income (in 1999 dollars):	30,078
2008 Competitive Grant Award:	\$10,000

The City of Centralia delivers indigent 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.

### **2007 Statistics**

Amount spent for public defense	\$72,338
Amount spent per capita	\$4.66

### **Adult Misdemeanors**

New city misdemeanor cases filed	1,006
Total new misdemeanor cases per 1,000 population	64.8
Number of new cases assigned to counsel by city	1,434 <sup>1</sup>

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 make indigent counsel services available at arraignments, giving defendants the opportunity to better understand their rights and the charges being brought against them. The city also found judicial time was better spent by having a public defense attorney at arraignment and defendants spent less time at the front counter with court staff answering questions.

The city also used the grant funds to expand the availability of interpreter services offered for attorney-client interviews. The court had experienced increased requests for sign language interpreter services, as well as some foreign languages not previously used.

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<sup>1</sup> This number also includes probation violation hearings.

## CITY OF CHENEY

2007 population:	10,210
Percent below poverty level in 2000:	30.9%
2000 median household income (in 1999 dollars):	\$22,593
2008 Competitive Grant Award:	\$15,000

The City of Cheney delivers indigent 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.

### 2007 Statistics

Amount spent for public defense	\$44,616.68
Amount spent per capita	\$4.37

### Adult Misdemeanors

New city misdemeanor cases filed	568
Total new misdemeanor cases per 1,000 population	55.6
Number of new cases assigned to counsel by city	376

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. Some of reported positive impacts of the grant funding are: 1) the number of continuances are reduced; 2) cases are resolved timely; 3) in-custody defendants are counseled and prepared prior to appearing before the court; 4) defendants are treated with the same dignity and respect as private clients; 5) defendants are given the highest quality defense services; 6) defendants are represented at every critical stage of the proceedings, and 7) the appearance of fairness and impartiality has increased.

## CITY OF DES MOINES

2007 population:	29,090
Percent below poverty level in 2000:	7.6%
2000 median household income (in 1999 dollars):	\$48,971
2008 Competitive Grant Award:	\$31,000

The City of Des Moines delivers indigent 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.

### **2007 Statistics**

Amount spent for public defense	\$120,800
Amount spent per capita	\$4.15

### **Adult Misdemeanors**

New city misdemeanor cases filed	1,029
Total new misdemeanor cases per 1,000 population	35.4
Number of new cases assigned to counsel by city	575

The City of Des Moines has adopted a public defense resolution. 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 to provide a public defender at first appearance hearings for defendants who are in custody and at arraignments for out-of-custody defendants. Grant funds also were used to provide interpreter services to assist the public defenders in contacting clients and witnesses.

The city reported a reduction of jail maintenance days of 1,317, which led to a savings of \$112,875 in the city's jail budget. They attributed this savings to having a public defender present for all first appearance hearings for defendants who were in custody.



## CITY OF EAST WENATCHEE

2007 population:	11,480
Percent below poverty level in 2000:	16.5%
2000 median household income (in 1999 dollars):	\$34,919
2008 Competitive Grant Award:	\$20,000

The City of East Wenatchee delivers indigent public defense representation through a contract system. The city has two defense contracts with law firms to handle the cases in East Wenatchee Municipal Court. The city has a separate contract with a law firm for conflict attorneys and the attorneys are paid an hourly rate to handle cases.

### **2007 Statistics**

Amount spent for public defense	\$56,245
Amount spent per capita	\$4.90

### **Adult Misdemeanors**

New city misdemeanor cases filed	584
Total new misdemeanor cases per 1,000 population	50.9
Number of new cases assigned to counsel by city	303

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

The city used its state grant funds to increase public defender compensation, which helped retain competent public defenders providing high quality of representation.

## CITY OF FEDERAL WAY

2007 population:	87,390
Percent below poverty level in 2000:	9.3%
2000 median household income (in 1999 dollars):	\$49,278
2008 Competitive Grant Award:	\$20,000

The City of Federal Way delivers indigent 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.

### **2007 Statistics**

Amount spent for public defense	\$446,195
Amount spent per capita	\$5.11

### **Adult Misdemeanors**

New city misdemeanor cases filed	4,021
Total new misdemeanor cases per 1,000 population	46.0
Number of new cases assigned to counsel by city	2,769

The City of Federal Way has adopted a public defense ordinance and the primary city public defense contract requires compliance with the ordinance. The 2009 primary public defense contractor now focuses its work solely on the Federal Way public defense contract.

The city used its state grant funding to fund two additional public defense attorneys. This provides for public defenders at all arraignments and helps reduce public defender caseloads.

## CITY OF LAKEWOOD

2007 population:	58,950
Percent below poverty level in 2000:	15.8%
2000 median household income (in 1999 dollars):	\$36,422
2008 Competitive Grant Award:	\$20,000

The City of Lakewood delivers indigent public defense representation through a contract system. The city has one primary defense contract with a law firm to handle cases in Lakewood Municipal Court.

### **2007 Statistics**

Amount spent for public defense	\$152,000
Amount spent per capita	\$2.58

### **Adult Misdemeanors**

New city misdemeanor cases filed	3,494
Total new misdemeanor cases per 1,000 population	59.3
Number of new cases assigned to counsel by city	1,475

The City of Lakewood used the grant funds to expand public defense services into additional defense coverage at Tuesday morning arraignments, and Tuesday and Thursday afternoon pre-trial calendars.

## CITY OF OLYMPIA

2007 population:	44,460
Percent below poverty level in 2000:	12.1%
2000 median household income (in 1999 dollars):	\$40,846
2008 Competitive Grant Award:	\$25,000

The City of Olympia delivers indigent 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.

### **2007 Statistics**

Amount spent for public defense	\$108,750
Amount spent per capita	\$2.45

### **Adult Misdemeanors**

New city misdemeanor cases filed	3,493
Total new misdemeanor cases per 1,000 population	78.6
Number of new cases assigned to counsel by city	1,891

The city of Olympia has adopted a public defense ordinance. The city's 2009 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 defender 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 defender caseloads were reduced, allowing them to focus on higher priority or more complex cases.

The city also used grant funds to purchase a laptop for use by the public defenders for legal research and Judicial Information System (JIS) access to court and case information.

## CITY OF SPOKANE VALLEY

2007 population:	88,280
Percent below poverty level in 2000:	Not Available
2000 median household income (in 1999 dollars):	Not Available
2008 Joint Competitive Grant Award with the City of Spokane for the relicensing program:	\$13,000

The City of Spokane Valley contracts for public defense services with Spokane County, which operates a public defense agency that delivers indigent public defense representation. Conflict cases are handled by the City of Spokane Public Defender's Office.

### **2007 Statistics**

Amount spent for public defense	\$310,931
Amount spent per capita	\$3.52

### **Adult Misdemeanors**

New city misdemeanor cases filed	2,384
Total new misdemeanor cases per 1,000 population	27.0
Number of new cases assigned to counsel by city	2,292

The City of Spokane Valley's public defense contractor, Spokane County, has adopted a public defense standards ordinance. The city's contractor furnishes training for the public defense attorneys.

The city, through its contract with Spokane County, used its state grant funds for a law school "Rule 9 intern" to assist the defense attorneys in meeting with clients charged with Driving While License Suspended 3<sup>rd</sup> degree (DWLS 3<sup>rd</sup>). The intern developed forms for defense attorneys to use in referring clients directly to the local relicensing program.

## CITY OF SPOKANE

2007 population:	202,900
Percent below poverty level in 2000:	15.9%
2000 Median household income (in 1999 Dollars):	\$32,273
2008 Competitive Grant Award:	\$90,589
2008 Joint Competitive Grant Award for the relicensing program with the City of Spokane Valley:	\$13,000

The City of Spokane delivers indigent public defense 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.

### **2007 Statistics**

Amount spent for public defense	\$2,235,284
Amount spent per capita	\$11.02

### **Adult Misdemeanors**

New city misdemeanor cases filed	10,381
Total new misdemeanor cases per 1,000 population	51.2
Number of new cases assigned to counsel by city	9,312

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 its primary state grant funds to hire a public defender to handle arraignment dockets in the City of Spokane Municipal Court. This resulted in appreciable improvement in the handling and processing of cases and reduced caseloads for all non-domestic violence unit attorneys. Of 2,442 defendants that defense attorneys spoke to at arraignment in the first six months of 2009, 1,315 had their cases resolved at arraignment and 1,127 had their cases set for a later pretrial hearing. Of the cases resolved, 641 entered 12-month SOCs (stipulated orders of continuance), often associated with successful entry into the city's relicensing program, 115 entered 24-month SOCs, 192 entered bond forfeitures, 21 had their criminal charges reduced to infractions, 89 had their cases dismissed with prejudice, and 257 were dismissed without prejudice.

The separate state grant shared with the City of Spokane Valley supported a multi-jurisdictional relicensing program. Grant funds were used to partially fund a public defense employee to assist with inquiries at the front desk relating to DWLS 3<sup>rd</sup> charges and the relicensing program.

## CITY OF VANCOUVER

2007 population:	160,800
Percent below poverty level in 2000:	12.2%
2000 median household income (in 1999 dollars):	\$41,618
2008 Competitive Grant Award:	\$81,327

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

### **2007 Statistics**

Amount spent for public defense	\$394,303
Amount spent per capita	\$2.45

### **Adult Misdemeanors**

New city misdemeanor cases filed	7,388
Total new misdemeanor cases per 1,000 population	45.9
Number of new cases assigned to counsel by city	3,540

The City of Vancouver 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 to contract for one additional full-time attorney to reduce caseloads, as well as to combine resources with Clark County to fund another full-time attorney who focuses only on therapeutic courts (alcohol, drug or mental health issues).

## CITY OF YAKIMA

2007 population:	82,940
Percent below poverty level in 2000:	22.4%
2000 median household income (in 1999 dollars):	\$29,475
2008 Competitive Grant Award:	\$150,000

The City of Yakima delivers indigent public defense representation through a contract system. The city has one primary defense contract with a law firm to handle the 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 in the case the conflict attorney is conflicted out, or appellate services are needed.

### **2007 Statistics**

Amount spent for public defense	\$363,296.58
Amount spent per capita	\$4.38

### **Adult Misdemeanors**

New city misdemeanor cases filed	5,830
Total new misdemeanor cases per 1,000 population	70.3
Number of new cases assigned to counsel by city	4,955

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 two additional attorneys and a conflict attorney to help reduce caseloads and to provide public defender services at arraignment.



# COUNTY REPORT

## Introduction

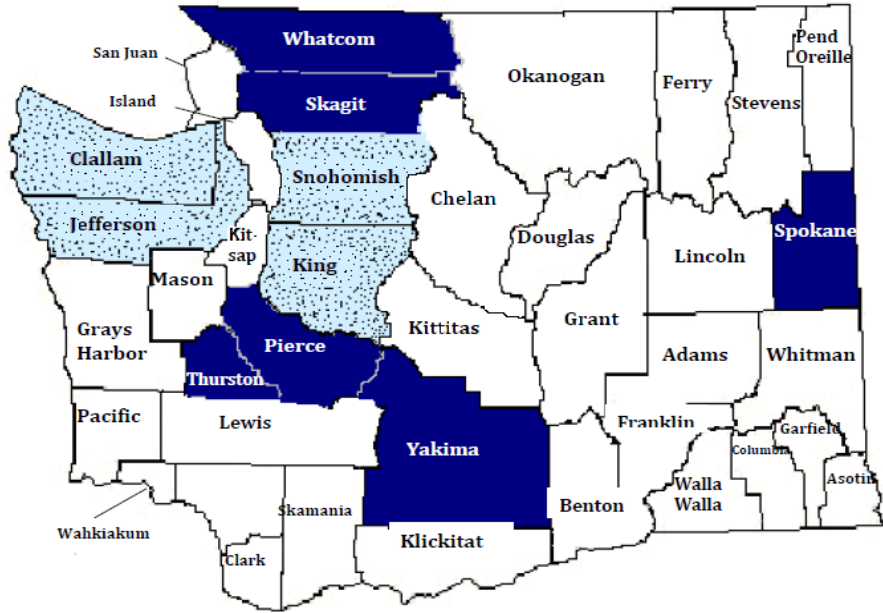
Across the state, county public defense systems vary widely. Except for the smallest, all counties have a primary public defense system and a method of appointing other attorneys for conflict cases. As of December 2009, nine counties operate public defender offices as agencies of county government, five 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.

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 county government-based agencies.
- **Non-profit 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 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.

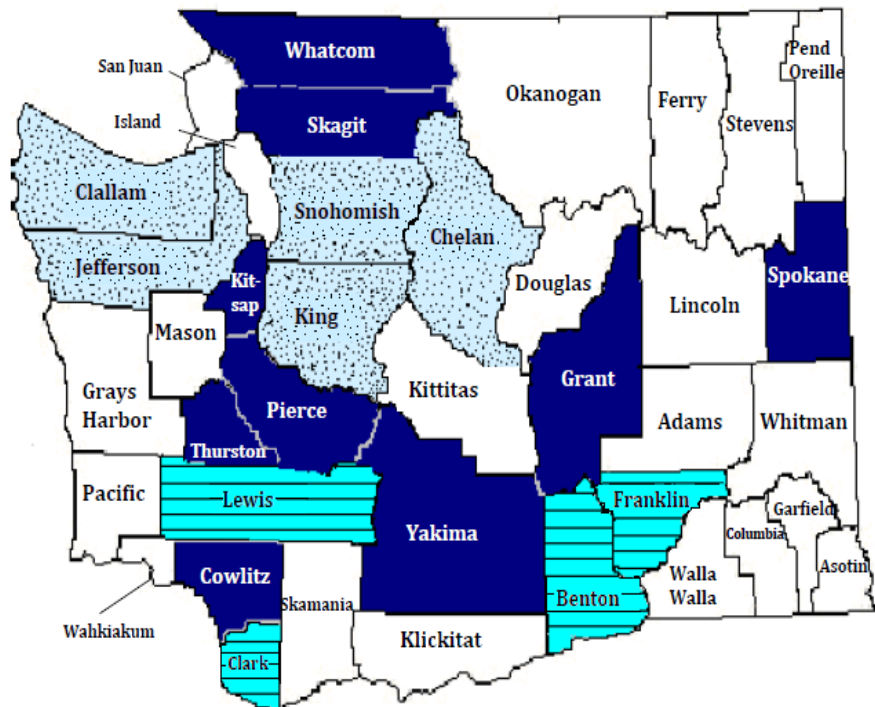
In 2005, public defense was provided by county public defender agencies in 6 counties, by contracts with non-profit offices in 4 counties, and through defense contracts or list appointment systems in 29 counties.

### Provision of Public Defense in 2005



By 2009, changes made with state funding include new county public defender agencies in Cowlitz, Grant and Kitsap counties, a new non-profit 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.

### Provision of Public Defense in 2009



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

## ADAMS COUNTY

2008 population:	17,800
Percent below poverty level in 2007:	18.3%
2008 median household income:	\$36,274
2008 Chapter 10.101 RCW Distribution:	\$29,645

Adams County delivers indigent public defense representation through a contract system. The county contracts with two law firms who handle most of the cases in Superior and District Court. Those law firms may subcontract with other providers for overflow representation and for assumption of a specific portion of the required coverage. In addition, for all types of conflict cases, the court appoints separate counsel from a list and has a separate contract for felony conflicts.

### 2008 Statistics

Total adult criminal cases per 1,000 population	103.4
Amount spent for public defense	\$337,137
Amount spent per capita	\$18.94

### Adult Felony

New adult superior court cases filed	227
New adult superior court cases per 1,000 population	12.8
Number of new cases assigned to counsel	224

### Adult Misdemeanor

New county misdemeanor cases filed	996
Total new district and municipal court misdemeanor cases filed in county (See Glossary.)	1,613
Total new misdemeanor cases per 1,000 population	90.6
Number of new cases assigned to counsel by county	621

### Juvenile Offender

New juvenile offender cases filed	56
New juvenile offender cases per 1,000 population	3.1
Number of new cases assigned to counsel	28

Adams County has adopted a public defense standards ordinance. The Adams County public defense contracts require annual attorney training.

In 2009 Adams County spent its state funding on increasing investigator, expert, and interpreter services for the public defense attorneys and increasing public defense attorney compensation. The county plans to use its funds in 2010 to increase compensation for attorneys and provide counsel at preliminary hearings, as well as investigator, expert, and interpreter services for attorney-client interviews and communications.

## ASOTIN COUNTY

2008 population:	21,400
Percent below poverty level in 2007	14.1%
2008 median household income:	\$42,750
2009 Chapter 10.101 RCW Distribution:	\$31,878

Asotin County delivers public defense representation through a contract system. During 2009, virtually all of the contracted public defense services in Asotin County were handled by three attorneys with the exception of conflict cases, for which the court appoints separate counsel from a list.

### **2008 Statistics**

Total adult criminal cases per 1,000 population	63.4
Amount spent for public defense	\$253,098
Amount spent per capita	\$11.83

### **Adult Felony**

New adult superior court cases filed	240
New adult superior court cases per 1,000 population	11.2
Number of new cases assigned to counsel	187

### **Adult Misdemeanor**

New county misdemeanor cases filed	520
Total new district and municipal court misdemeanor cases filed in county (See Glossary.)	1,116
Total new misdemeanor cases per 1,000 population	52.1
Number of new cases assigned to counsel by county	152

### **Juvenile Offender**

New juvenile offender cases filed	118
New juvenile offender cases per 1,000 population	5.5
Number of new cases assigned to counsel	99

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 2009 Asotin County spent its state funding to contract with an additional attorney to lower public defense caseloads, to add investigator and expert services, and to increase public defense attorney compensation. The county plans to use its state funds in 2010 to continue these improvements.

## BENTON COUNTY

2008 population:	165,500
Percent below poverty level in 2007:	10.9%
2008 median household income:	\$56,683
2009 Chapter 10.101 RCW Distribution:	\$152,522

The bi-county Office of Public Defense (Benton County and Franklin County) employs an attorney coordinator overseeing the 33-plus indigent defense contracts in both counties. The program also oversees a roster-based investigative services program.

### 2008 Statistics

Total adult criminal cases per 1,000 population	67.5
Amount spent for public defense	\$3,005,456.54
Amount spent per capita	\$18.16

### Adult Felony

New adult superior court cases filed	1,286
New adult superior court cases per 1,000 population	7.8
Number of new cases assigned to counsel	1,226

### Adult Misdemeanor

New county misdemeanor cases filed	3,202
Total new district and municipal court misdemeanor cases filed in county (See Glossary.)	9,884
Total new misdemeanor cases per 1,000 population	59.7
Number of new cases assigned to counsel by county	4,578

### Juvenile Offender

New juvenile offender cases filed	855
New juvenile offender cases per 1,000 population	5.2
Number of new cases assigned to counsel	669

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

In 2009 Benton County used its state funding to financially support the Office of Public Defense with an Indigent Defense Coordinator and an office manager. The county plans to use its 2010 funds to continue the coordinator position and to oversee new programs.

## CHELAN COUNTY

2008 population:	72,100
Percent below poverty level in 2007:	12.6%
2008 median household income:	\$49,212
2009 Chapter 10.101 RCW Distribution:	\$80,921

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

### 2008 Statistics

Total adult criminal cases per 1,000 population	63.7
Amount spent for public defense	\$1,699,944.26
Amount spent per capita	\$23.58

### Adult Felony

New adult superior court cases filed	719
New adult superior court cases per 1,000 population	10.0
Number of new cases assigned to counsel	598

### Adult Misdemeanor

New county misdemeanor cases filed	2,047
Total new district and municipal court misdemeanor cases filed in county (See Glossary.)	3,871
Total new misdemeanor cases per 1,000 population	53.7
Number of new cases assigned to counsel by county	788

### Juvenile Offender

New juvenile offender cases filed	468
New juvenile offender cases per 1,000 population	6.5
Number of new cases assigned to counsel	574

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 2009 Chelan County used its state funding to increase public defense attorney compensation. The county plans to use its state funds in 2010 to maintain prior improvements.

## CLALLAM COUNTY

2008 population:	69,200
Percent below poverty level in 2007:	11.9%
2008 median household income:	\$47,594
2009 Chapter 10.101 RCW Distribution:	\$69,938

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

### 2008 Statistics

Total adult criminal cases per 1,000 population	52.7
Amount spent for public defense	\$1,278,200
Amount spent per capita	\$18.47

### Adult Felony

New adult superior court cases filed	554
New adult superior court cases per 1,000 population	8.0
Number of new cases assigned to counsel	491

### Adult Misdemeanor

New county misdemeanor cases filed	1,306
Total new district and municipal court misdemeanor cases filed in county (See Glossary.)	3,093
Total new misdemeanor cases per 1,000 population	44.7
Number of new cases assigned to counsel by county	715

### Juvenile Offender

New juvenile offender cases filed	404
New juvenile offender cases per 1,000 population	5.8
Number of new cases assigned to counsel	307

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 2009 Clallam County spent its state funding for additional attorneys to lower public defense caseloads. The county anticipates using its state funds in 2010 for the same purpose.

## CLARK COUNTY

2008 population:	424,200
Percent below poverty level in 2007:	9.5%
2008 median household income:	\$57,917
2009 Chapter 10.101 RCW Distribution:	\$312,062

Clark County employs a professional indigent defense coordinator who oversees the public defense contracting system, monitors the contracts with private attorneys, and provides assistance to the contractors to improve the level of public defense services. OPD continues to work closely with the coordinator to implement best practices in the state's largest county that contracts with private counsel to provide public defense services.

### 2008 Statistics

Total adult criminal cases per 1,000 population	43.3
Amount spent for public defense	\$4,354,442
Amount spent per capita	\$10.27

### Adult Felony

New adult superior court cases filed	2,204
New adult superior court cases per 1,000 population	5.2
Number of felony cases assigned to counsel	2,085

### Adult Misdemeanor

New county misdemeanor cases filed	6,998
Total new district and municipal court misdemeanor cases filed in county (See Glossary.)	16,146
Total new misdemeanor cases per 1,000 population	38.1
Number of new cases assigned to counsel by county	4,037

### Juvenile Offender

New juvenile offender cases filed	1,446
New juvenile offender cases per 1,000 population	3.4
Number of cases assigned to counsel	1,354

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 2009 Clark County used its state funding to continue the indigent defense coordinator position, including one support staff, to fund an FTE attorney in District Court, and to maintain investigator funding. The county plans to use its state funds in 2010 to continue these improvements, provide public defense services at preliminary appearance calendars, and provide attorney training.



## COLUMBIA COUNTY

2008 population:	4,100
Percent below poverty level in 2007:	14.3%
2008 median household income:	\$40,071
2009 Chapter 10.101 RCW Distribution:	\$13,150

Columbia County delivers public defense services through a contract system. During 2008, 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. Attorneys are appointed from a list for conflict cases.

### 2008 Statistics

Total adult criminal cases per 1,000 population	59.8
Amount spent on public defense	\$125,912.36
Amount spent per capita	\$30.71

### Adult Felony

New adult superior court cases filed	43
New adult superior court cases per 1,000 population	10.5
Number of new cases assigned to counsel	43

### Adult Misdemeanor

New county misdemeanor cases filed	139
Total new district and municipal court misdemeanor cases filed in county (See Glossary.)	202
Total new misdemeanor cases per 1,000 population	49.3
Number of new cases assigned to counsel by county	130

### Juvenile Offender

New juvenile offender cases filed	24
New juvenile offender cases per 1,000 population	5.9
Number of new cases assigned to counsel	24

Columbia County is in the process of adopting 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 2009 Columbia County spent its state funding to add attorneys to reduce caseloads, provide public defense services at first appearance calendars, and provide interpreter services for attorney-client interviews and other necessary communications. The county intends to use its state funds in 2010 to maintain these improvements and to increase attorney compensation.

## COWLITZ COUNTY

2008 population:	99,000
Percent below poverty level in 2007:	15.4%
2008 median household income:	\$45,649
2009 Chapter 10.101 RCW Distribution:	\$136,829

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

### 2008 Statistics

Total adult criminal cases per 1,000 population	80.1
Amount spent for public defense	\$2,097,909.78
Amount spent per capita	\$21.19

### Adult Felony

New adult superior court cases filed	1,476
New adult superior court cases per 1,000 population	14.9
Number of new cases assigned to counsel	N/A <sup>1</sup>

### Adult Misdemeanor

New county misdemeanor cases filed	2,411
Total new district and municipal court misdemeanor cases filed in county (See Glossary.)	6,454
Total new misdemeanor cases per 1,000 population	65.2
Number of new cases assigned to counsel by county	

### Juvenile Offender

New juvenile offender cases filed	704
New juvenile offender cases per 1,000 population	7.1
Number of new cases assigned to counsel	528

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

In 2009 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, and provide interpreter services for attorney-client interviews and other necessary communications. The county plans to use its state funds in 2010 to maintain these improvements.

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<sup>1</sup> The number of felony cases assigned to a public defender could not be determined in 2008 because the contracts use a point system that does not necessarily equate to a case.

## DOUGLAS COUNTY

2008 population:	37,000
Percent below poverty level in 2007:	12.8%
2008 median household income:	\$45,713
2009 Chapter 10.101 RCW Distribution:	\$0

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

### 2008 Statistics

Total adult criminal cases per 1,000 population	59.7
Amount spent for public defense	
Amount spent per capita	

### Adult Felony

New adult superior court cases filed	251
New adult superior court cases per 1,000 population	6.8
Number of new cases assigned to counsel	

### Adult Misdemeanor

New county misdemeanor cases filed	860
Total new district and municipal court misdemeanor cases filed in county (See Glossary.)	1,958
Total new misdemeanor cases per 1,000 population	52.9
Number of new cases assigned to counsel by county	

### Juvenile Offender

New juvenile offender cases filed	230
New juvenile offender cases per 1,000 population	6.2
Number of new cases assigned to counsel	

## FERRY COUNTY

2008 population:	7,700
Percent below poverty level in 2007:	20.9%
2008 median household income:	\$33,115
2009 Chapter 10.101 RCW Distribution:	\$14,967

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

### 2008 Statistics

Total adult criminal cases per 1,000 population	33.1
Amount spent for public defense	\$162,657
Amount spent per capita	\$21.12

### Adult Felony

New adult superior court cases filed	49
New adult superior court cases per 1,000 population	6.4
Number of new cases assigned to counsel	44

### Adult Misdemeanor

New county misdemeanor cases filed	172
Total new district and municipal court misdemeanor cases filed in county (See Glossary.)	206
Total new misdemeanor cases per 1,000 population	26.8
Number of new cases assigned to counsel by county	136

### Juvenile Offender

New juvenile offender cases filed	19
New juvenile offender cases per 1,000 population	2.5
Number of new cases assigned to counsel	17

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

In 2009 Ferry County spent its state funding for contracts to provide defense counsel at preliminary hearings. The county intends to use its state funds in 2010 to maintain these improvements.

## FRANKLIN COUNTY

2008 population:	70,200
Percent below poverty level in 2007:	15.5%
2008 median household income:	\$44,800
2009 Chapter 10.101 RCW Distribution:	\$68,323

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 a roster-based investigative services program.

### 2008 Statistics

Total adult criminal cases per 1,000 population	63.5
Amount spent for public defense	\$899,946.04
Amount spent per capita	\$12.82

### Adult Felony

New adult superior court cases filed	520
New adult superior court cases per 1,000 population	7.4
Number of new cases assigned to counsel	339

### Adult Misdemeanor

New county misdemeanor cases filed	1,486
Total new district and municipal court misdemeanor cases filed in county (See Glossary.)	3,936
Total new misdemeanor cases per 1,000 population	56.1
Number of new cases assigned to counsel by county	662

### Juvenile Offender

New juvenile offender cases filed	510
New juvenile offender cases per 1,000 population	7.3
Number of new cases assigned to counsel	433

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

In 2009 Franklin County used its state funding to financially support the Office of Public Defense with an Indigent Defense Coordinator and an office manager. The county plans to use its 2010 funds to continue the coordinator position and to oversee new programs.

## GARFIELD COUNTY

2008 population:	2,300
Percent below poverty level in 2007:	14.0%
2008 median household income:	\$40,303
2009 Chapter 10.101 RCW Distribution:	\$10,874

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.

### 2008 Statistics

Total adult criminal cases per 1,000 population	62.6
Amount spent for public defense	\$21,665.78
Amount spent per capita	\$9.42

### Adult Felony

New adult superior court cases filed	17
New adult superior court cases per 1,000 population	7.4
Number of new cases assigned to counsel	8

### Adult Misdemeanor

New county misdemeanor cases filed	127
Total new district and municipal court misdemeanor cases filed in county (See Glossary.)	127
Total new misdemeanor cases per 1,000 population	55.2
Number of new cases assigned to counsel by county	17

### Juvenile Offender

New juvenile offender cases filed	1
New juvenile offender cases per 1,000 population	0.4
Number of new cases assigned to counsel	1

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

In 2009 Garfield County spent its state funding on increasing defense attorneys' compensation, adding more conflict attorneys, providing public defense services at preliminary appearance calendars, adding expert services, adding investigator services, and providing interpreter services for attorney-client interviews and other necessary communications. The county plans to use its state funds in 2010 to maintain these improvements.

## GRANT COUNTY

2008 population:	84,600
Percent below poverty level in 2007:	17.1%
2008 median household income:	\$43,902
2009 Chapter 10.101 RCW Distribution:	\$92,829

Grant County, in March 2009, opened the Grant County Department of Public Defense, a county government-based agency with oversight responsibilities for indigent defense services. The program provides a combination of in-house county public defense services and contract public defense services.

### 2008 Statistics

Total adult criminal cases per 1,000 population	87.0
Amount spent for public defense	\$2,487,762.85
Amount spent per capita	\$29.41

### Adult Felony

New adult superior court cases filed	834
New adult superior court cases per 1,000 population	9.9
Number of new cases assigned to counsel	795

### Adult Misdemeanor

New county misdemeanor cases filed	6,527
Total new district and municipal court misdemeanor cases filed in county (See Glossary.)	6,527
Total new misdemeanor cases per 1,000 population	77.2
Number of new cases assigned to counsel by county	4,370

### Juvenile Offender

New juvenile offender cases filed	292
New juvenile offender cases per 1,000 population	3.5
Number of new cases assigned to counsel	292

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 2009 Grant County spent its state funding to assist in opening the Grant County Department of Public Defense, a county agency with oversight responsibilities for indigent defense services. The county plans to use its state funds in 2010 to add counsel to reduce caseloads in the District Court and provide attorney training.

## GRAYS HARBOR COUNTY

2008 population:	70,900
Percent below poverty level in 2007:	14.9%
2008 median household income:	\$43,199
2009 Chapter 10.101 RCW Distribution:	\$75,798

Grays Harbor County delivers public defense representation through a contract system with 20 attorneys who handle adult felony cases, two attorneys who handle juvenile offender cases, and seven who handle District Court cases.

### 2008 Statistics

Total adult criminal cases per 1,000 population	102.0
Amount spent for public defense	\$965,649
Amount spent per capita	\$13.62

### Adult Felony

New adult superior court cases filed	641
New adult superior court cases per 1,000 population	9.0
Number of new cases assigned to counsel	641

### Adult Misdemeanor

New county misdemeanor cases filed	2,828
Total new district and municipal court misdemeanor cases filed in county (See Glossary.)	6,593
Total new misdemeanor cases per 1,000 population	93.0
Number of new cases assigned to counsel by county	3,478

### Juvenile Offender

New juvenile offender cases filed	264
New juvenile offender cases per 1,000 population	3.7
Number of new cases assigned to counsel	264

Grays Harbor County has a public defense standards resolution. The county's 2010 contracts with attorneys will require approved annual attorney training and reporting of non-public defense attorney hours.

In 2009 Grays Harbor County spent its state funding on adding attorneys to lower public defense caseloads, increasing compensation for public defense attorneys, and providing interpreter services for attorney-client interviews and other necessary communications. The county plans to use its state funds in 2010 to maintain these improvements.



## ISLAND COUNTY

2008 population:	79,300
Percent below poverty level in 2007:	8.4%
2008 median household income:	\$57,207
2009 Chapter 10.101 RCW Distribution:	\$62,863

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. Conflict and other appointments are compensated according to a published county public defense fee schedule.

### 2008 Statistics

Total adult criminal cases per 1,000 population	36.1
Amount spent for public defense	\$645,475
Amount spent per capita	\$8.14

### Adult Felony

New adult superior court cases filed	366
New adult superior court cases per 1,000 population	4.6
Number of new cases assigned to counsel	294

### Adult Misdemeanor

New county misdemeanor cases filed	1,635
Total new district and municipal court misdemeanor cases filed in county (See Glossary.)	2,495
Total new misdemeanor cases per 1,000 population	31.5
Number of new cases assigned to counsel by county	674

### Juvenile Offender

Juvenile offender cases filed	178
Juvenile offender cases per 1,000 population	2.2
Number of new cases assigned to counsel	186

Island County has adopted a public defense standards ordinance, and the primary public defense contract requires approved annual attorney training and reporting of non-public defense attorney hours.

In 2009 Island County spent its state funding on providing defense counsel at preliminary appearance calendars and adding attorneys to lower public defense caseloads. The county plans to use its state funds in 2010 to continue representation at first appearance hearings and to add investigator services.

## JEFFERSON COUNTY

2008 population:	28,800
Percent below poverty level in 2007:	10.9%
2008 median household income:	\$48,069
2009 Chapter 10.101 RCW Distribution:	\$36,545

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

### 2008 Statistics

Total adult criminal cases per 1,000 population	58.7
Amount spent for public defense	\$516,117.11
Amount spent per capita	\$17.92

### Adult Felony

New adult superior court cases filed	268
New adult superior court cases per 1,000 population	9.3
Number of new cases assigned to counsel	237

### Adult Misdemeanor

New county misdemeanor cases filed	1,141
Total new district and municipal court misdemeanor cases filed in county (See Glossary.)	1,422
Total new misdemeanor cases per 1,000 population	49.4
Number of new cases assigned to counsel by county	698 <sup>1</sup>

### Juvenile Offender

New juvenile offender cases filed	106
New juvenile offender cases per 1,000 population	3.7
Number of new cases assigned to counsel	149

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

In 2009 Jefferson County spent its state funding to add attorneys to lower public defense caseloads, increase public defense attorney compensation, and hire a public defense investigator. The county plans to use its state funds in 2010 to maintain these improvements.

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<sup>1</sup> This number includes municipal court cases.

## KING COUNTY

2008 population:	1,884,200
Percent below poverty level in 2007:	9.9%
2008 median household income:	\$68,832
2009 Chapter 10.101 RCW Distribution:	\$1,300,649

King County administers public defense representation through the King County Office of the Public Defender, a county agency that contracts for direct client services with four non-profit 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 on an hourly basis.

The King County Office of the Public Defender provides funding for the non-profit 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 non-profits 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 the Public Defender.

### 2008 Statistics

Total adult criminal cases per 1,000 population	40.3
Amount spent for public defense	\$39,770,580
Amount spent per capita	\$21.11

### Adult Felony

New adult superior court cases filed	8,869
New adult superior court cases per 1,000 population	4.7
Number of new cases assigned to counsel	8,145 (plus 1,723 PVs)

### Adult Misdemeanor

New county misdemeanor cases filed	21,322
Total new district and municipal court misdemeanor cases filed in county (See Glossary.)	67,004
Total new misdemeanor cases per 1,000 population	35.6
Number of new cases assigned to counsel by county	5,746 (plus 1,491 PVs)

### Juvenile Offender

New juvenile offender cases filed	3,801
New juvenile offender cases per 1,000 population	2.0
Number of new cases assigned to counsel	3,534 (plus 1,219 PVs)

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 the Public Defender must be non-profit corporations established solely for the purpose of providing public defense services.

In 2009 King County spent its state funding for a program manager to improve training programs, add attorneys to lower public defense juvenile offender caseloads, and increase conflict counsel compensation. The county plans to use its state funds in 2010 to continue these efforts.

## KITSAP COUNTY

2008 population:	246,800
Percent below poverty level in 2007:	8.9%
2008 median household income:	\$57,186
2009 Chapter 10.101 RCW Distribution:	\$199,420

Kitsap County has a county government-based public defense agency with a supervisor that oversees public defense contracts with private attorneys and represents clients in the county's drug court program. The agency plans to hire in-house public defense attorneys, as well as continue oversight of public defense contracts.

### 2008 Statistics

Total adult criminal cases per 1,000 population	48.3
Amount spent for public defense	\$3,206,269.07
Amount spent per capita	\$12.99

### Adult Felony

New adult superior court cases filed	1,520
New adult superior court cases per 1,000 population	6.2
Number of new cases assigned to counsel	1,380

### Adult Misdemeanor

New county misdemeanor cases filed	5,992
Total new district and municipal court misdemeanor cases filed in county (See Glossary.)	10,391
Total new misdemeanor cases per 1,000 population	42.1
Number of new cases assigned to counsel by county	2,324

### Juvenile Offender

Juvenile offender cases filed	978
Juvenile offender cases per 1,000 population	4.0
Number of new cases assigned to counsel	806

Kitsap County has adopted a public defense standards resolution and a pay-parity resolution for attorneys and staff employed by the new county public defense agency. In addition, as each contract is renewed, Kitsap County public defense contracts with private attorneys will require approved annual attorney training and reporting of non-public defense attorney hours.

In 2009 Kitsap County spent its state funding to help create a new Public Defense Division within the court clerk's office, to hire a Public Defense Division Supervisor to supervise public defense employees and oversee contracts with private attorneys providing public defense, to increase attorney compensation, to provide work space for the public defenders at the Youth Services Center, to provide LexisNexis legal research services, and to provide a cell phone for after-hours calls to attorneys. The county plans to use its state funds in 2010 to continue these enhancements.

## KITTITAS COUNTY

2008 population:	39,400
Percent below poverty level in 2007:	18.6%
2008 median household income:	\$40,235
2009 Chapter 10.101 RCW Distribution:	\$45,067

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.

### 2008 Statistics

Total adult criminal cases per 1,000 population	94.8
Amount spent for public defense	\$531,172
Amount spent per capita	\$13.48

### Adult Felony

New adult superior court cases filed	339
New adult superior court cases per 1,000 population	8.6
Number of new cases assigned to counsel	251

### Adult Misdemeanor

New county misdemeanor cases filed	3,188
Total new district and municipal court misdemeanor cases filed in county (See Glossary.)	3,398
Total new misdemeanor cases per 1,000 population	86.2
Number of new cases assigned to counsel by county	1,539 <sup>1</sup>

### Juvenile Offender

New juvenile offender cases filed	139
New juvenile offender cases per 1,000 population	3.5
Number of new cases assigned to counsel	138

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. The other public defense appointments are made on a case-by-case basis from a list of private attorneys and subject to a published schedule of compensation.

In 2009 Kittitas County spent its state funding to increase attorney compensation, provide public defense representation at the Upper Kittitas County District Court arraignment calendar, provide investigator services, provide expert services and provide interpreter services for attorney-client interviews and other necessary communications. The county plans to use its state funds in 2010 to maintain these improvements.

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<sup>1</sup> This number includes municipal court assignments.

## KLICKITAT COUNTY

2008 population:	20,100
Percent below poverty level in 2007:	15.7%
2008 median household income:	\$42,217
2009 Chapter 10.101 RCW Distribution:	\$25,823

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

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

### 2008 Statistics

Total adult criminal cases per 1,000 population	66.3
Amount spent for public defense	\$240,331
Amount spent per capita	\$11.96

### Adult Felony

New adult superior court cases filed	147
New adult superior court cases per 1,000 population	7.3
Number of new cases assigned to counsel	141

### Adult Misdemeanor

New county misdemeanor cases filed	767
Total new district and municipal court misdemeanor cases filed in county (See Glossary.)	1,186
Total new misdemeanor cases per 1,000 population	59.0
Number of new cases assigned to counsel by county	483

### Juvenile Offender

New juvenile offender cases filed	90
New juvenile offender cases per 1,000 population	4.5
Number of new cases assigned to counsel	90

Klickitat County is in the process of adopting 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 plans to use its state funds for an extraordinary cases reserve account, investigator services, expert services, increases in compensation for attorneys, training, and interpreter services for attorney-client interviews and other necessary communication.

## LEWIS COUNTY

2008 population:	74,700
Percent below poverty level in 2007:	14.2%
2008 median household income:	\$42,072
2009 Chapter 10.101 RCW Distribution:	\$91,902

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.

### 2008 Statistics

Total adult criminal cases per 1,000 population	70.1
Amount spent for public defense	\$1,435,620.68
Amount spent per capita	\$19.22

### Adult Felony

New adult superior court cases filed:	886
New adult superior court cases per 1,000 population	11.9
Number of new cases assigned to counsel	N/A <sup>1</sup>

### Adult Misdemeanor

New county misdemeanor cases filed	2,145
Total new district and municipal court misdemeanor cases filed in county (See Glossary.)	4,347
Total new misdemeanor cases per 1,000 population	58.2
Number of new cases assigned to counsel by county	1,365

### Juvenile Offender

New juvenile offender cases filed	309
New juvenile offender cases per 1,000 population	4.1
Number of new cases assigned to counsel	349

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 2009 Lewis County spent its state funding to contract with an attorney coordinator to provide counsel at daily initial appearances as well as exercise quality oversight of other public defense contracts with private attorneys. The county plans to use its state funds in 2010 to continue these improvements.

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



## LINCOLN COUNTY

2008 population:	10,400
Percent below poverty level in 2007:	11.7%
2008 median household income:	\$43,758
2009 Chapter 10.101 RCW Distribution:	\$16,895

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

### 2008 Statistics

Total adult criminal cases per 1,000 population	60.1
Amount spent for public defense	\$140,789
Amount spent per capita	\$13.54

### Adult Felony

New adult superior court cases filed	63
New adult superior court cases per 1,000 population	6.1
Number of new cases assigned to counsel	65

### Adult Misdemeanor

New county misdemeanor cases filed	562
Total new district and municipal court misdemeanor cases filed in county (See Glossary.)	562
Total new misdemeanor cases per 1,000 population	54.0
Number of new cases assigned to counsel by county	302

### Juvenile Offender

New juvenile offender cases filed	25
New juvenile offender cases per 1,000 population	2.4
Number of new cases assigned to counsel	30

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

In 2009 Lincoln County spent its state funding to add attorneys to lower public defense caseloads and add investigative services. The county plans to use its state funds in 2010 for these purposes as well as increasing public defense attorney compensation.

## MASON COUNTY

2008 population:	56,300 <sup>1</sup>
Percent below poverty level in 2007:	12.2%
2008 median household income:	\$48,511
2009 Chapter 10.010 RCW Distribution:	\$67,615

Mason County delivers public defense representation through a contract system. Each contract attorney is responsible for a specific court or case type under a stated caseload limit. Three private attorneys have contracts for Superior Court indigent defense. Two may accept no more than 150 cases per year and one no more than 75 cases per year. Two juvenile offender contracts provide that each attorney may accept no more than 250 cases per year for a contract capacity of 500 cases. Two private attorneys have a contract to provide representation in District Court cases. Conflict counsel is appointed from a list of qualified attorneys.

### 2008 Statistics

Total adult criminal cases per 1,000 population	64.2
Amount spent for public defense	\$551,187.04
Amount spent per capita	\$9.79

### Adult Felony

New adult superior court cases filed	603
New adult superior court cases per 1,000 population	10.7
Number of new cases assigned to counsel	351

### Adult Misdemeanor

New county misdemeanor cases file	2,255
Total new district and municipal court misdemeanor cases filed in county (See Glossary.)	3,010
Total new misdemeanor cases per 1,000 population	53.5
Number of new cases assigned to counsel by county	1,175

### Juvenile Offender

New juvenile offender cases filed	227
New juvenile offender cases per 1,000 population	4.0
Number of new cases assigned to counsel	158

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

In 2009 Mason County spent its state funding on training, expert services, investigator services, interpreter services for attorney-client interviews and other necessary communications, and increases in compensation for public defense attorneys. The county plans to use its state funds in 2010 to continue these improvements.

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<sup>1</sup> Mason County's population increases substantially during the weekends in the summer months due to vacation residences on the water and use of the State and National Parks.

## OKANOGAN COUNTY

2008 population:	40,100
Percent below poverty level in 2007:	23.0%
2008 median household income:	\$40,474
2009 Chapter 10.101 RCW Distribution:	\$46,599

Okanogan County delivers public defense representation through a contract system with one primary law firm for coverage of indigent defense cases in the county. For part of 2009, another contract was in place for an aggravated murder case and some felony cases assigned by the primary law firm.

### 2008 Statistics

Total adult criminal cases per 1,000 population	64.4
Amount spent for public defense	\$901,673
Amount spent per capita	\$22.49

### Adult Felony

New adult superior court cases filed	360
New adult superior court cases per 1,000 population	9.0
Number of new cases assigned to counsel	359

### Adult Misdemeanor

New county misdemeanor cases filed	2,223
Total new district or municipal court misdemeanor cases filed in county (See Glossary.)	2,223
Total new misdemeanor cases per 1,000 population	55.4
Number of new cases assigned to counsel by county	2,076

### Juvenile Offender

New juvenile offender cases filed	245
New juvenile offender cases per 1,000 population	6.1
Number of new cases assigned to counsel	244

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

In 2009 Okanogan County spent its state funding to hire an additional attorney to help reduce caseloads. The county plans to use its state funds in 2010 to continue this improvement.

## PACIFIC COUNTY

2008 population:	21,800
Percent below poverty level in 2000: (more recent information is not available)	16.0%
2008 median household income:	\$39,406
2009 Chapter 10.101 RCW Distribution:	\$30,079

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 indigent defense representation by list appointment.

### 2008 Statistics

Total adult criminal cases per 1,000 population	87.0
Amount spent for public defense	\$371,551.80
Amount spent per capita	\$17.04

### Adult Felony

New adult superior court cases filed	207
New adult superior court cases per 1,000 population	9.5
Number of new cases assigned to counsel	196

### Adult Misdemeanor

New county misdemeanor cases filed	1,016
Total new district and municipal court misdemeanor cases filed in county (See Glossary.)	1,690
Total new misdemeanor cases per 1,000 population	77.5
Number of new cases assigned to counsel by county	469

### Juvenile Offender

New juvenile offender cases filed	84
New juvenile offender cases per 1,000 population	3.9
Number of new cases assigned to counsel	84

Pacific County has adopted a public defense standards ordinance. Pacific County public defense contracts will require approved annual attorney training and reporting of non-public defense attorney hours as the contracts are renewed.

In 2009 Pacific County spent its state funding on compensation increases for contract public defense attorneys, adding attorneys to lower public defense caseloads, and adding investigator and expert services. The county plans to use its state funds in 2010 to continue these improvements.

## PEND OREILLE COUNTY

2008 population:	12,800
Percent below poverty level in 2007:	15.9%
2008 median household income:	\$37,381
2009 Chapter 10.101 RCW Distribution:	\$17,571

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

### 2008 Statistics

Total adult criminal cases per 1,000 population	54.1
Amount spent for public defense	\$194,570
Amount spent per capita	\$15.20

### Adult Felonies

New adult superior court cases filed	58
New adult superior court cases per 1,000 population	4.5
Number of new cases assigned to counsel	54

### Adult Misdemeanors

New county misdemeanor cases filed	405
Total new district and municipal court misdemeanor cases filed in county (See Glossary.)	634
Total new misdemeanor cases per 1,000 population	49.5
Number of new cases assigned to counsel by county	400 <sup>1</sup>

### Juvenile Offender

New juvenile offender cases filed	45
New juvenile offender cases per 1,000 population	3.5
Number of new cases assigned to counsel	48

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

In 2009 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 2010 to continue these improvements.

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<sup>1</sup> This number includes municipal court cases.

## PIERCE COUNTY

2008 population:	805,400
Percent below poverty level in 2007:	11.1%
2008 median household income:	\$58,903
2009 Chapter 10.101 RCW Distribution:	\$700,684

Pierce County provides public defense representation through a county government 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 and others related to civil practice areas, each supervised by a senior attorney. These supervisors, along with DAC's director and chief deputy, provide supervision and oversight of staff attorneys and are responsible for resolving client complaints. The agency contracts with outside attorneys for conflict counsel and provides investigative services through a panel of pre-approved investigators.

### 2008 Statistics

Total adult criminal cases per 1,000 population	57.2
Amount spent for public defense	\$14,957,762
Amount spent per capita	\$18.57

### Adult Felony

New adult superior court cases filed	6,140
New adult superior court cases per 1,000 population	7.6
Number of new cases assigned to counsel	5,375

### Adult Misdemeanor

New county misdemeanor cases filed	14,251
Total new district and municipal court misdemeanor cases filed in county (See Glossary.)	39,889
Total new misdemeanor cases per 1,000 population	49.5
Number of new cases assigned to counsel by county	5,293

### Juvenile Offender

New juvenile offender cases filed	2,470
New juvenile offender cases per 1,000 population	3.1
Number of new cases assigned to counsel	2,082

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

In 2009 Pierce County spent its state funding to provide public defense services at first appearance calendars, add investigator and expert services, and maintain positions created in 2007 and 2008. The county plans to use its state funds in 2010 to maintain these positions and services.

## SAN JUAN COUNTY

2008 population:	16,100
Percent below poverty level in 2007:	9.9%
2008 median household income:	\$55,938
2009 Chapter 10.101 RCW Distribution:	\$19,029

San Juan County delivers public defense representation through a contract with one private attorney for adult representation in Superior and District Court 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.

### 2008 Statistics

Total adult criminal cases per 1,000 population	23.6
Amount spent for public defense	\$236,743.22
Amount spent per capita	\$14.70

### Adult Felony

New adult superior court cases filed	60
New adult superior court cases per 1,000 population	3.7
Number of new cases assigned to counsel	65

### Adult Misdemeanor

New county misdemeanor cases filed	380
Total new district and municipal court misdemeanor cases filed in county (See Glossary.)	380
Total new misdemeanor cases per 1,000 population	23.6
Number of new cases assigned to counsel by county	258

### Juvenile Offender

New juvenile offender cases filed	37
New juvenile offender cases per 1,000 population	2.3
Number of new cases assigned to counsel	34

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

In 2009 San Juan County spent its state funding primarily for investigator services, expert witness services, and some interpreter services. The county plans to use its state funds in 2010 to hire an attorney coordinator, increase compensation for non-contract or conflict attorneys, and maintain the other improvements that have been implemented.

## SKAGIT COUNTY

2008 population:	117,500
Percent below poverty level in 2007:	11.9%
2008 median household income:	\$54,160
2009 Chapter 10.101 RCW Distribution:	\$117,056

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

### 2008 Statistics

Total adult criminal cases per 1,000 population	81.3
Amount spent on public defense	\$2,050,584.83
Amount spent per capita	\$17.45

### Adult Felony

New adult superior court cases filed	1,017
New adult superior court cases per 1,000 population	8.7
Number of new cases assigned to counsel	930

### Adult Misdemeanor

New county misdemeanor cases filed	4,712
Total new district and municipal court misdemeanor cases filed in county (See Glossary.)	8,539
Total new misdemeanor cases per 1,000 population	72.7
Number of new cases assigned to counsel by county	1,315

### Juvenile Offender

New juvenile offender cases filed	709
New juvenile offender cases per 1,000 population	6.0
Number of new cases assigned to counsel	578

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

In 2009 Skagit County spent its state funding to hire additional attorneys to lower 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 2010 to continue these improvements.



## SKAMANIA COUNTY

2008 population:	10,700
Percent below poverty level in 2007:	11.9%
2008 median household income:	\$47,526
2009 Chapter 10.101 RCW Distribution	\$21,236

Skamania County delivers Superior Court public defense representation through one contract with two 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.

### 2008 Statistics

Total adult criminal cases per 1,000 population	88.1
Amount spent for public defense	\$86,940
Amount spent per capita	\$8.13

### Adult Felony

New adult superior court cases filed	134
New adult superior court cases per 1,000 population	12.5
Number of new cases assigned to counsel	131

### Adult Misdemeanor

New county misdemeanor cases filed	750
Total new district and municipal court misdemeanor cases filed in county (See Glossary.)	809
Total new misdemeanor cases per 1,000 population	75.6
Number of new cases assigned to counsel by county	242

### Juvenile Offender

New juvenile offender cases filed	46
New juvenile offender cases per 1,000 population	4.3
Number of new cases assigned to counsel	42

Skamania County has adopted a public defense standards ordinance. The Skamania County public defense contracts require approved annual attorney training and the 2010 contract will require reporting of non-public defense legal services hours.

In 2009 Skamania County spent its state funding to increase public defense attorney compensation and increase resources for defense investigation, interpreter and expert services. The county plans to use its state funds in 2010 to continue these improvements.

## SNOHOMISH COUNTY

2008 population:	696,600
Percent below poverty level in 2007:	8.0%
2008 median household income:	\$67,324
2009 Chapter 10.101 RCW Distribution:	\$471,396

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

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

### 2008 Statistics

Total adult criminal cases per 1,000 population	49.9
Amount spent for public defense	\$7,170,846.52
Amount spent per capita	\$10.29

### Adult Felony

New adult superior court cases filed	3,025
New adult superior court cases per 1,000 population	4.3
Number of new cases assigned to counsel	2,712

### Adult Misdemeanor

New county misdemeanor cases filed	10,035
Total new district and municipal court misdemeanor cases filed in county (See Glossary.)	31,769
Total new misdemeanor cases per 1,000 population	45.6
Number of new cases assigned to counsel by county	5,616 <sup>1</sup>

### Juvenile Offender

New juvenile offender cases filed	1,948
New juvenile offender cases per 1,000 population	2.8
Number of new cases assigned to counsel	1,407

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

In 2009 Snohomish County used its state funding to provide quality monitoring by an attorney coordinator, add attorneys to lower public defense caseloads, increase attorney compensation, and provide public defense services at first appearance calendars. The county plans to use its state funds in 2010 to continue these improvements.

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<sup>1</sup> This number includes municipal court case appointments.

## SPOKANE COUNTY

2008 population:	459,000
Percent below poverty level in 2007:	13.1%
2008 median household income:	\$45,552
2009 Chapter 10.101 RCW Distribution:	\$439,346

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

### 2008 Statistics

Total adult criminal cases per 1,000 population	57.2
Amount spent for public defense	\$7,631,861
Amount spent per capita	\$16.63

### Adult Felony

New adult superior court cases filed	4,108
New adult superior court cases per 1,000 population	8.9
Number of new cases assigned to counsel	3,541

### Adult Misdemeanor

New county misdemeanor cases filed	7,566
Total new district and municipal court misdemeanor cases filed in county (See Glossary.)	22,147
Total new misdemeanor cases per 1,000 population	48.3
Number of new cases assigned counsel by county	7,457

### Juvenile Offender

New juvenile offender cases filed	1,267
New juvenile offender cases per 1,000 population	2.8
Number of new cases assigned to counsel	991

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

In 2009 Spokane County spent its state funding to add attorneys to lower public defense caseloads and to provide public defense services at first appearance calendars. The county plans to use its state funds in 2010 to maintain these improvements.

## STEVENS COUNTY

2008 population:	43,700
Percent below poverty level in 2003: (2006 information is not available)	16.5%
2008 median household income:	\$43,558
2009 Chapter 10.101 RCW Distribution:	\$45,326

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

### 2008 Statistics

Total adult criminal cases per 1,000 population	39.5
Amount spent for public defense	\$527,189
Amount spent per capita	\$12.06

### Adult Felony

New adult superior court cases filed	314
New adult superior court cases per 1,000 population	7.2
Number of new cases assigned to counsel	246

### Adult Misdemeanor

New county misdemeanor cases filed	958
Total new district and municipal court misdemeanor cases filed in county (See Glossary.)	1,413
Total new misdemeanor cases per 1,000 population	32.3
Number of new cases assigned to counsel by county	514

### Juvenile Offender

New juvenile offender cases filed	152
New juvenile offender cases per 1,000 population	3.5
Number of new cases assigned to counsel	152

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

In 2009 Stevens County spent its state funding to provide counsel at preliminary hearings. The county intends to use its state funds in 2010 to continue these improvements.

## THURSTON COUNTY

2008 population:	245,300
Percent below poverty level in 2006:	9.5%
2008 median household income:	\$59,885
2009 Chapter 10.101 RCW Distribution:	\$248,202

Thurston County provides public defense representation through the Thurston County Office of Assigned Counsel (OAC), a county agency. OAC employees are compensated in parity with Thurston County Prosecuting Attorney Office employees. The county contracts with three 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.

### 2008 Statistics

Total adult criminal cases per 1,000 population	57.0
Amount spent for public defense	\$2,945,562 <sup>1</sup>
Amount spent per capita	\$12.01

### Adult Felony

New adult superior court cases filed	2,351
New adult superior court cases per 1,000 population	9.6
Number of new cases assigned to counsel	1,770

### Adult Misdemeanor

New county misdemeanor cases filed	4,654
Total new district and municipal court misdemeanor cases filed in county (See Glossary.)	11,620
Total new misdemeanor cases per 1,000 population	47.4
Number of new cases assigned counsel by county	2,600

### Juvenile Offender

New juvenile offender cases filed	1,182
New juvenile offender cases per 1,000 population	4.8
Number of new cases assigned to counsel	1,053

Thurston County has adopted a public defense standards ordinance. The Thurston County public defense agency 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 2009 Thurston County spent its state funding to maintain caseload standards that were adopted in 2008. The county plans to use its state funds in 2010 to continue to maintain caseload standards.

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<sup>1</sup> The amount spent in 2007 should have read \$2,554,535 with an amount spent per capita of \$11.15.

## WAHIAKUM COUNTY

2008 population:	4,100
Percent below poverty level in 2007:	9.8%
2008 median household income:	\$44,923
2009 Chapter 10.101 RCW Distribution:	\$12,615

Wahkiakum County delivers public defense representation, including 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.

### 2008 Statistics

Total adult criminal cases per 1,000 population	53.2
Amount spent for public defense	\$85,448
Amount spent per capita	\$20.84

### Adult Felony

New adult superior court cases filed	34
New adult superior court cases per 1,000 population	8.3
Number of new cases assigned to counsel	34

### Adult Misdemeanor

New county misdemeanor cases filed	184
Total new district and municipal court misdemeanor cases filed in county (See Glossary.)	184
Total new misdemeanor cases per 1,000 population	44.9
Number of new cases assigned to counsel by county	66

### Juvenile Offender

New juvenile offender cases filed	9
New juvenile offender cases per 1,000 population	2.2
Number of new cases assigned to counsel	9

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

In 2009 Wahkiakum County spent its state funding to increase public defense attorney compensation. The county plans to use its state funds in 2010 for this purpose as well.

## WALLA WALLA COUNTY

2008 population:	58,600
Percent below poverty level in 2007:	17.4%
2008 median household income:	\$44,912
2009 Chapter 10.101 RCW Distribution:	\$61,833

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.

### 2008 Statistics

Total adult criminal cases per 1,000 population	43.6
Amount spent for public defense	\$597,332.69
Amount spent per capita	\$10.19

### Adult Felony

New adult superior court cases filed	490
New adult superior court cases per 1,000 population	8.4
Number of new cases assigned to counsel	379

### Adult Misdemeanor

New county misdemeanor cases filed	1,740
Total new district and municipal court misdemeanor cases filed in county (See Glossary.)	2,066
Total new misdemeanor cases per 1,000 population	35.3
Number of new cases assigned to counsel by county	299

### Juvenile Offender

New juvenile offender cases filed	265
New juvenile offender cases per 1,000 population	4.5
Number of new cases assigned to counsel	308

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 2009 Walla Walla County spent its state funding to increase public defense attorneys' compensation, 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 2010 to continue the improvements implemented in 2009.

## WHATCOM COUNTY

2008 population:	191,000
Percent below poverty level in 2007:	15.1%
2008 median household income:	\$50,777
2009 Chapter 10.101 RCW Distribution:	\$187,238

Whatcom County provides public defense representation through the Whatcom County Public Defender, a county agency. Public Defender employees are compensated in parity with the Whatcom County 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.

### 2008 Statistics

Total adult criminal cases per 1,000 population	65.5
Amount spent for public defense	\$4,077,565
Amount spent per capita	\$21.35

### Adult Felony

New adult superior court cases filed	1,696
New adult superior court cases per 1,000 population	8.9
Number of new cases assigned to counsel	1,614

### Adult Misdemeanor

New county misdemeanor cases filed	5,150
Total new district and municipal court misdemeanor cases filed in county (See Glossary.)	10,815
Total new misdemeanor cases per 1,000 population	56.6
Number of new cases assigned to counsel by county	3,517

### Juvenile Offender

New juvenile offender cases filed	664
New juvenile offender cases per 1,000 population	3.5
Number of new cases assigned to counsel	703

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

In 2009 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 2010 to maintain these improvements.



## WHITMAN COUNTY

2008 population:	43,000
Percent below poverty level in 2007:	26.7%
2008 median household income:	\$38,948
2009 Chapter 10.101 RCW Distribution:	\$41,119

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

### 2008 Statistics

Total adult criminal cases per 1,000 population	55.8
Amount spent for public defense	\$336,020
Amount spent per capita	\$7.81

### Adult Felony

New adult superior court cases filed	248
New adult superior court cases per 1,000 population	5.8
Number of new cases assigned to counsel	236

### Adult Misdemeanor

New county misdemeanor cases filed	2,087
Total new district and municipal court misdemeanor cases filed in county (See Glossary.)	2,151
Total new misdemeanor cases per 1,000 population	50.0
Number of new cases assigned to counsel by county	649

### Juvenile Offender

New juvenile offender cases filed	51
New juvenile offender cases per 1,000 population	1.2
Number of new cases assigned to counsel	51

Whitman County is in the process of enacting a public defense standards ordinance. The Whitman County public defense contract requires approved annual attorney training and reporting of non-public defense attorney hours.

In 2009 Whitman County spent its state funding to increase public defense attorney compensation and provide interpreter services for attorney-client interviews and other necessary communications. The county plans to use its state funds in 2010 to continue these improvements and to provide public defense services at first appearance calendars.

## YAKIMA COUNTY

2008 population:	235,900
Percent below poverty level in 2007:	19.7%
2008 median household income:	\$40,794
2009 Chapter 10.101 RCW Distribution:	\$259,900

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

### 2008 Statistics

Total adult criminal cases per 1,000 population	85.2
Amount spent for public defense	\$4,510,569
Amount spent per capita	\$19.12

### Adult Felony

New adult superior court cases filed	2,612
New adult superior court cases per 1,000 population	11.1
Number of new cases assigned to counsel	2,144

### Adult Misdemeanor

New county misdemeanor cases filed	5,819
Total new district and municipal court misdemeanor cases filed in county (See Glossary.)	17,486
Total new misdemeanor cases per 1,000 population	74.1
Number of new cases assigned to counsel by county	3,642

### Juvenile Offender

New juvenile offender cases filed	1,754
New juvenile offender cases per 1,000 population	7.4
Number of new cases assigned to counsel	1,511

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

In 2009 Yakima County spent its state funding to add attorneys to reduce public defense caseloads, increase attorney compensation, and provide defense attorneys at arraignments in Juvenile Court and Superior Court. The county plans to use its state funds in 2010 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 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 2009. Thirty-eight counties submitted funding applications under RCW 10.101.050. Each applying county provided 2008 data regarding public defense assignments and costs of public defense.

City Report: The City Report presents data on funding and caseload levels in the 13 cities that received competitive grants for use during calendar year 2009. Because the application cycle for cities occurred in mid-2008, the most current annual information available was from 2007.

OPD reviewed the data provided by the counties and cities in, 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.<sup>1</sup> Generally, PVs are less time-consuming than new cases. Some counties count PVs as a case; some do not count or report them at all; and others count them as a fraction of a case (often one-third).

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<sup>1</sup> Probation Violations (PVs) are proceedings in which convicted persons on probation are accused of non-compliance with their conditions of probation. Because these individuals are subject to further sanctions, including incarceration, they are eligible for court-appointed counsel.

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 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

2008 population: Total county population as reported in the Washington State Office of Financial Management April 1, 2008-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 2007 information was included, however, for some counties the 2007 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 2008; Median Household Income Estimates by County: 1989 to 2008 and Projection for 2008.

2008 Chapter 10.101 RCW distribution: The county's allocation of the Chapter 10.101 RCW funds appropriation, as determined by the statutory distribution formula. The distributions occurred in December 2008, and were used during calendar year 2009.

### I. 2008 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 2008.
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 2008 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 2008.

## **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 2008 as reported by AOC.
3. Total new misdemeanor cases per 1,000 population: The total number of new misdemeanor cases filed during 2008 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 2008.<sup>1</sup>

## **IV. Juvenile Offender**

1. New juvenile offender cases filed: The number of new (non-probation violation) juvenile offender cases filed during 2008 as reported by AOC.
2. New juvenile offender cases per 1,000 population: The total number of new juvenile offender cases filed during 2008 divided by the county population as expressed in thousands.
3. Number of new cases assigned to counsel: The county-reported number of new filed juvenile offender cases assigned to public defense counsel during 2008. Not all juvenile arrests result in juvenile offender cases being filed. Some are

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<sup>1</sup> Some counties included contract municipal cases in the reported number.

diverted and for some, no action is taken.

## City Profile

2007 population: Total city population as reported in the Washington State Office of Financial Management April 1, 2007-Population of Cities, Towns, and Counties publication.

Percent below poverty level: Percent of city population below the federal poverty level in 2000 as reported by the U.S. Bureau of the Census. Updates are not available for most smaller cities.

Median household income: Median household income in 2000 as reported by the U.S. Bureau of the Census, in 1999 dollars.

2008 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 2008, and were used during calendar year 2009.

### I. 2007 Statistics

1. Amount spent for public defense: The city-reported total dollar amount spent for public defense representation during 2007, 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 2007 as reported by AOC.
2. Total new misdemeanor cases per 1,000 population: The total number of new misdemeanor cases filed during 2007 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 2007.



