



# 2012 Status Report on Public Defense in Washington State

January 2013

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# INTRODUCTION

The State of Washington guarantees the constitutional right to counsel for all indigent defendants in the criminal justice system. The state Office of Public Defense (OPD) was established to implement the constitutional and statutory rights to counsel and ensure effective and efficient delivery of indigent defense services funded by the state.<sup>1</sup>

2012, which marks the eve of the 50<sup>th</sup> anniversary of the landmark decision of Gideon v. Wainwright,<sup>2</sup> resulted in another year of active leadership by OPD to improve public defense services statewide. OPD worked closely with criminal justice stakeholders in support of the Washington Supreme Court's newly adopted Standards for Indigent Defense, and continues this work by collaborating with local jurisdictions to ensure smooth implementation. The Criminal Trial Defense Program continues to provide funding and technical assistance to cities and counties as they work to improve indigent defense services. The launch of OPD's RCW 71.09 Civil Commitment Program improved legal representation to indigent respondents facing sexual violent predator civil commitment proceedings.

This seventh annual Status Report celebrates recent achievements in solidifying standards in public defense, ensuring persons from all corners of the state have access to quality representation. It also, however, identifies the current questions and challenges, as attorneys, courts, and local jurisdictions are determining whether and how to alter their current business processes to fulfil the new requirements.

*That government hires lawyers to prosecute and defendants who have the money hire lawyers to defend are the strongest indications of the widespread belief that lawyers in criminal courts are necessities, not luxuries. The right of one charged with a crime to counsel may not be deemed fundamental and essential to fair trials in some countries, but it is in ours.*

Gideon v. Wainwright, 372 U.S. 335, 344 (1963)

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<sup>1</sup> Chapter 2.70 RCW.

<sup>2</sup> 372 U.S. 335 (1963).



# STRATEGIC STEPS TOWARD STATEWIDE STANDARDS

## The Supreme Court Adopts Standards for Public Defense Attorneys

2012 marked the culmination of a decades-spanning effort to guarantee effective representation for indigent defendants in Washington, with the state Supreme Court’s adoption of Standards for Indigent Defense.

The road toward statewide standards began in 1984 when the Washington Defender Association (WDA) developed Standards for Indigent Defense Services, which were subsequently adopted by the Washington State Bar Association (WSBA). The Standards for Indigent Defense Services identify the key components of an effective city or county public defense delivery system including, but not limited to, responsibilities of counsel, caseload limits, provision of expert witnesses and other professional services, training, and contracting with attorneys.

In 1989 the Washington Legislature enacted RCW 10.101.030 requiring counties and cities to adopt standards for the delivery of public defense services and stating, “[t]he standards endorsed by the Washington state bar association for the provision of public defense may serve as guidelines.” This statute was further modified in 2005 to establish that the WSBA Standards for Indigent Defense Services “should” serve as guidelines.

In January 2010 the Supreme Court shined light on the reality that not all jurisdictions were ensuring access to quality representation for indigent defendants. The groundbreaking case *State v. A.N.J.* revealed that despite the requirements of RCW 10.101.030, some jurisdictions still failed to take necessary steps to develop and sustain adequate indigent defense programs. Moreover, “statistically impossible” caseloads impede attorneys’ ability to devote the necessary time to sufficiently investigate, research, and meet with their clients: “The year he represented A.N.J., Anderson represented 263 clients under this contract. Additionally, he carried an average of 30–40

*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. Public funds for appointed counsel are sometimes woefully inadequate, and public contracts have imposed statistically impossible case loads on public defenders...*

*State v. A.N.J.*, 168 Wash 2d. 91, 98 ( 2010).

active dependency cases at any one time, and about another 200 cases.”<sup>3</sup>

The Supreme Court recognized that further policy changes were essential to safeguard basic public defense practices throughout the state. The Court drew upon its inherent authority to regulate minimal required qualifications for attorneys appointed to represent indigent defendants.

*Before appointing a lawyer for the indigent person... the court shall require the lawyer to certify to the court that he or she complies with the applicable Standards for Indigent Defense Services to be approved by the Supreme Court.*

*CrR 3.1; CrRLJ 3.1;  
JuCR 9.2*

Later that year the Supreme Court adopted amendments to criminal court rules CrR 3.1, CrRLJ 3.1, and JuCR 9.2 requiring that appointed counsel for indigent persons certify compliance on a quarterly basis with “applicable Standards for Indigent Defense Services to be approved by the Supreme Court.” These attorney-specific standards, however, were still yet to be identified. The Court charged the WSBA with drafting proposed standards, and the WSBA assigned the Council on Public Defense to lead the process. Following months of meetings, drafts, and

vigorous discussions with criminal justice stakeholders, the WSBA made its recommendation to the Court. After consideration and vetting through the Court’s formal rulemaking procedure, including a lengthy comment period, the Supreme Court adopted the Standards for Indigent Defense on June 15, 2012.

## Standards for Indigent Defense

The Washington Supreme Court Standards for Indigent Defense (Standards) set forth the basic requirements attorneys must meet to ensure quality representation in public defense cases. The Standards apply equally to staff attorneys of county or city public defense offices, as well as contracted attorneys who accept public defense appointments. Key components of the Standards are as follows:

### 1. Types of Cases and Attorney Qualification

Attorneys are expected to represent clients in matters which match their experience level, as well as matters in which they can reasonably give the necessary time and effort to ensure effective representation. The Standards establish strict guidelines for the amount and nature of experience that must be achieved prior to representing clients of various case types.

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<sup>3</sup> State v. A.N.J., 168 Wash. 2d 91, 100 (Wash 2010).

## **2. Caseload Limits**

Attorneys' caseloads directly correlate with the amount of time and resources devoted to aspects of case representation such as: communicating with clients, case preparation and court appearances. In recognition of the amount of time required on average for each case type, the caseload of full-time public defense attorneys should not exceed the following per year:

- 150 Felonies; or
- 400 Misdemeanors or 300 case-weighted Misdemeanors; or
- 250 Juvenile Offender cases.

Additionally, attorneys who represent both privately retained clients and public defense clients must limit their private practice so their overall workload conforms with the caseload limits. In addition to the criminal caseload limits, the Standards establish full-time caseload limits for civil commitment, juvenile dependency, and appeals cases, giving attorneys guidance by which they can comparatively measure other defense work.

## **3. Case Weighting**

A case-weighting system may be developed by counties or cities to give greater or lesser weight to case types that reflect greater or lesser workloads. If case weighting is used for calculating caseloads, it should be done so pursuant to written policies adopted and published by the local government, utilizing a carefully-constructed time study to objectively measure the average time required to properly represent defendants in various case types.

## **4. Attorney Accessibility**

To guarantee effective and accessible communication with clients, attorneys must have access to an office, a postal address, and adequate telephone services to ensure prompt response to client contact.

## **5. Investigators**

In recognition of the invaluable role played by investigators to question witnesses, obtain evidence, and verify statements, the Standards require that public defense attorneys use investigation services in appropriate cases.

The Supreme Court set an effective date of October 1, 2012, for attorneys to certify compliance in the categories of case types, attorney qualifications, attorney accessibility, and use of investigators. Public defense attorneys are required to continue certifying compliance on a quarterly basis in each court in which they are appointed. In order to provide time for

counties and cities to make any necessary adjustments, however, caseload limits are scheduled to become part of the certification process as of October 1, 2013.

To mitigate the potential financial effects of transition to the required caseloads, OPD is working with local jurisdictions to identify methods and opportunities to reduce attorney caseloads without a significant investment of funds, while still maintaining public safety and accountability. For example, in 2012 OPD worked with cities of various sizes on the development of pre-file diversion programs.

## **Preparation for the Implementation of Certification**

In anticipation of the October 1, 2012 inaugural launch of attorney certification, OPD led several training initiatives to ensure that the legal community was adequately informed and prepared for the new requirements. OPD conducted Continuing Legal Education (CLE) entitled “The Who, What, When, and Where of Attorney Certification in Appointed Cases,” which was delivered without charge to approximately 400 attorneys in Everett, Tacoma, Seattle, Spokane, Yakima and Vancouver.

Additionally, OPD collaborated with the Administrative Office of the Courts to present a webinar to judicial officers statewide to clarify the reasons behind quarterly certification and the steps to take. Faculty for the webinar were Judge Beth Andrus of King County Superior Court, Judge Richard Fitterer of Grant County District Court, Judge Stephen Warning of Cowlitz County Superior Court, and OPD Director Joanne Moore. The webinar was well attended, and its recording has been watched by more than 700 viewers. The webinar continues to be accessible online at [www.opd.wa.gov](http://www.opd.wa.gov).

## **Implementation**

After the initial certification date passed, OPD surveyed court administrators and county court clerks around the state to gauge how the process went. The survey asked five specific questions:

1. Who is responsible for keeping track of certifications in your court?
2. Where are they filed for public review?
3. Did your court face any issues with certification? If so, please describe.
4. Have attorneys refused to certify? If so, please describe.
5. Have any proceedings been delayed because of attorneys' refusal or reluctance to certify?

OPD received responses from 93 courts: 32 Superior Courts, 6 Juvenile Courts (reporting separately from Superior Courts), 27 District Courts, and 28 Municipal Courts. Most courts reported that the court administrator or county court clerk is responsible for tracking the certifications, and most certifications are filed in their offices. Two courts reported that the certifications will be posted on their website in the near future.

Eighty-two of the responding courts stated that they faced no issues with implementation of certification. Of those who identified issues, reasons included more work for court staff, attorneys' delay in submitting forms, and the need to develop court-specific certification forms. Two rural courts said that they lost at least one attorney because of the attorney's disagreement with the new Standards. Only one court reported that an attorney refused to submit the certification, "because she will no longer be working at our court as a court-appointed attorney." Similarly, only one court reported that proceedings were delayed due to an attorney who submitted the certification late.

99% of polled courts reported no delays to proceedings upon implementation of the new certification requirements.

While this first phase of certifying compliance with the Standards went smoothly, many jurisdictions are concerned about the forthcoming caseload requirements that are scheduled to take effect October 1, 2013. A handful of counties and cities have submitted case-weighting policies to OPD, and they demonstrate a wide range of approaches in interpreting the Supreme Court's intentions. As provided in the Standards, OPD will continue to collect case-weighting policies from local jurisdictions, and work with cities and counties in developing systems that meet their available resources and community needs.

### **Next Steps for the Standards and Attorney Certification**

Because implementation of the Standards has triggered further discussion, debate, and questions, especially in regard to caseload limits and case-weighting, the Supreme Court ordered the Office of Public Defense to "prepare a report on implementation of Standards and Attorney Certification" by March 15, 2013. The purpose of this report was to inform the Court about implementation of the Standards, and to assist cities and counties in their planning for implementation of caseload standards. The report includes the following:

1. Information on case-weighting approaches
2. An inventory of common diversion programs
3. Information on the potential impact of recent criminal law changes
4. An analysis of the effects of attorney experience on caseload capability.

The report is available online at [www.opd.wa.gov](http://www.opd.wa.gov).



## WASHINGTON STATE OFFICE OF PUBLIC DEFENSE

The Washington State Office of Public Defense (OPD) supports a variety of statewide public defense activities in addition to administering the Chapter 10.101 RCW funding program and other state-funded defense representation. 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>4</sup>

In addition, at the direction of the Washington Supreme Court, OPD during 2012 began providing training and technical assistance for attorneys and local governments implementing the Supreme Court's newly adopted Standards for Indigent Defense.

### **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 OPD technical assistance with any of the various approaches they choose in providing trial-level criminal defense services. Much of the focus during 2012 was on assisting local courts in implementing amendments to the Supreme Court's criminal rules that require trial courts to appoint only public defense attorneys who certify they meet the Standards.<sup>5</sup>

In 2012, OPD worked with numerous local governments and courts in addressing administrative questions and implementing the Court Rules and Standards. OPD support included:

- Developing and distributing through the OPD website a sample indigent defense contract, as well as reviewing local public defense contracts on request.
- 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.
- Advising public defense attorneys and local agencies regarding implementation of the new Supreme Court Standards for Indigent Defense and Attorney Certification.
- Providing individualized technical assistance in the development of local case-weighting policies, as authorized by the Standards.

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<sup>4</sup> RCW 2.70.005.

<sup>5</sup> CrR3.1, CrRLJ 3.1 and JuCR 9.2.

- Responding to formal and informal public requests for information about public defense in Washington.

Over the course of 2012 OPD staff visited 12 counties and 10 cities that received state funds, observing courtroom proceedings as well as meeting directly with judges, court administrators, public defense agency directors and coordinators, public defense attorneys, county commissioners and their staff. These personal visits and ongoing practical assistance from the state agency directly and positively impact local efforts to improve public defense, as the Washington State Joint Legislative Audit and Review Committee (JLARC) found in its 2008 audit of OPD.<sup>6</sup>

During 2013, 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. OPD also will continue to support local efforts to implement Standards for Indigent Defense.

### **Continuing Legal Education Program**

OPD provides 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) program each year, usually within an hour or two of their local practice.

A county or city receiving state funds under Chapter 10.101 RCW must require local defense attorneys to participate annually in 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 relevant, up-to-date live presentations. In planning each class, OPD works with local attorneys to target issues of significance to the area's criminal defense Bar. The CLEs also provide attorneys an opportunity to network with colleagues in neighboring counties.

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

As discussed earlier, in the summer of 2012, OPD offered no-cost CLE programs in Everett, Seattle, Tacoma, Spokane, Yakima, and Vancouver. While in the past OPD has targeted its CLEs to traditionally underserved regions, OPD chose locations in 2012 that would offer the greatest likelihood of statewide coverage for Attorney Certification training.

### **Resource Attorneys**

OPD continued to contract with the Washington Defender Association (WDA) for criminal law resource attorney services during 2012, pursuant to legislative budget directive and Chapter 10.101 RCW. Two full-time attorneys at WDA 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 periodic case law updates and practice advisories to public defense attorneys throughout the state. The resource attorneys also presented information about emerging issues at WDA and OPD training programs.

### **Other Agency Activities**

In addition to administering the state agency's programs and assisting with statewide implementation of Standards and Attorney Certification, OPD staff continued in 2012 to exercise leadership roles with the WSBA's Council for Public Defense (CPD). The OPD director, deputy director and public defense services managers also were invited speakers at other organizations' meetings, the state Board for Judicial Administration, WSBA Board of Governors, and state legislative workshops and formal hearings.

### **OPD's 2012 CLE Programs Focused on Attorney Certification and Supreme Court Standards:**

**“The Who, What, When, and Where of Attorney Certification in Appointed Cases” - and -**

**“Emergent Issues in Criminal Law and Procedure”**

- Attorney Webinar – July 27
- Court Webinar – Aug. 22
- Everett CLE – Aug. 6
- Tacoma CLE – Aug. 7
- Seattle CLE – Aug. 20
- Spokane CLE– Aug. 23
- Yakima CLE – Aug. 24
- Vancouver CLE – Aug.27

#### **Faculty included:**

Cindy Arends Elsberry, WDA  
Jodi Backlund, Backlund and Mistry  
Marc Boman, Perkins Coie  
Prof. Robert Boruchowitz, Seattle University  
Sophia Byrd McSherry, Washington State OPD  
Dave Chapman, King County OPD  
Ann Christian, Clark County Indigent Defense  
Dan Fessler, Yakima County DAC  
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John Hays, Appellate Attorney  
Prof. Brooks Holland, Gonzaga University  
Eric Hsu, Benton-Franklin OPD  
Bill Jaquette, Snohomish County PDA  
Michael Kawamura, Pierce County DAC  
Kathy Knox, City of Spokane Public Defender  
Prof. Jackie McMurtrie, Univ. of Washington  
Barb Miner, King County Clerk  
Joanne Moore, Washington State OPD  
Jeff Sowder, Clark County Attorney  
Travis Stearns, WDA  
Jeffrey Swan, Yakima County DAC  
George Yeannakis, TeamChild



# 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 2012, nine counties operate public defender offices as agencies of county government, five counties contract with non-profit providers, five counties employ a professional public defense coordinator, three counties appoint attorneys from a list, and 20 counties contract with independent private attorneys or firms to provide public defense, or have a system combining both contracts and list appointments.<sup>7</sup>

- **Public defender agencies** are county government-based agencies.
- **Nonprofit systems** involve the county contracting with a non-profit group or groups that are organized exclusively to provide public defense services.
- **Contract public defense systems** are systems in which the county enters into contracts with one or more private attorneys or firms to provide representation.
- **Public defense coordinators** are county employees or contractors hired to improve the overall quality of representation services and provide oversight and accountability for public defense contracts with individual private attorneys or firms.
- **List appointment systems** involve lists of private attorneys who have agreed to accept public defense cases and who are appointed by the court on a case-by-case basis.
- **Conflict appointments** of alternate attorneys are made by judges when the initially appointed public defense attorney is prohibited by ethics rules from representing an individual defendant, usually due to prior representation of another party in the case or when there are multiple defendants in the case.

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<sup>7</sup> 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.



## ADAMS COUNTY

2011 population	18,950
Percent below poverty level in 2009	18.2%
2011 projected median household income	\$41,608
2012 Chapter 10.101 RCW distribution	\$27,251

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

### 2011 Statistics

Total adult criminal cases per 1,000 population	91.3
Amount spent for public defense	\$385,000
Amount spent per capita	\$20.32

### Adult Felony

New adult superior court cases filed	177
New adult superior court cases per 1,000 population	9.3
Number of new cases assigned to counsel	129

### Adult Misdemeanor

New county misdemeanor cases filed	1,035
Total new district and municipal court misdemeanor cases filed in county	1,554
Total new misdemeanor cases per 1,000 population	82.0
Number of new cases assigned to counsel by county	651

### Juvenile Offender

New juvenile offender cases filed	81
New juvenile offender cases per 1,000 population	4.3
Number of new cases assigned to counsel	67

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

In 2012 Adams County spent its state funding to increase investigator, expert, and interpreter services for the public defense attorneys, and provide public defense services at preliminary appearance calendars. The county plans to use its funds in 2013 to continue these improvements.

## ASOTIN COUNTY

2011 population	21,650
Percent below poverty level in 2009	15.0%
2011 projected median household income	\$40,171
2012 Chapter 10.101 RCW distribution	\$29,970

Asotin County delivers public defense representation through a contract system. During 2012, virtually all of the contracted public defense services in Asotin County were handled by three attorneys for Superior Court and Juvenile Court cases and one attorney for District Court cases with the exception of conflict cases, for which the court appoints separate counsel from a list.

### 2011 Statistics

Total adult criminal cases per 1,000 population	64.4
Amount spent for public defense	\$286,941
Amount spent per capita	\$13.25

### Adult Felony

New adult superior court cases filed	203
New adult superior court cases per 1,000 population	9.4
Number of new cases assigned to counsel	164

### Adult Misdemeanor

New county misdemeanor cases filed	488
Total new district and municipal court misdemeanor cases filed in county	1,192
Total new misdemeanor cases per 1,000 population	55.1
Number of new cases assigned to counsel by county	301

### Juvenile Offender

New juvenile offender cases filed	77
New juvenile offender cases per 1,000 population	3.6
Number of new cases assigned to counsel	Unable to determine

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 2012 Asotin County spent its state funding to add investigator, expert, and interpreter services, and to increase public defense attorney compensation. The county plans to use its state funds in 2013 to continue these improvements.

## BENTON COUNTY

2011 population	177,900
Percent below poverty level in 2009	11.3%
2011 projected median household income	\$60,608
2012 Chapter 10.101 RCW distribution	\$171,316

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

### 2011 Statistics

Total adult criminal cases per 1,000 population	58.9
Amount spent for public defense	\$3,404,962
Amount spent per capita	\$19.14

### Adult Felony

New adult superior court cases filed	1,463
New adult superior court cases per 1,000 population	8.2
Number of new cases assigned to counsel	1,229

### Adult Misdemeanor

New county misdemeanor cases filed	3,158
Total new district and municipal court misdemeanor cases filed in county	9,009
Total new misdemeanor cases per 1,000 population	50.6
Number of new cases assigned to counsel by county	4,446

### Juvenile Offender

New juvenile offender cases filed	776
New juvenile offender cases per 1,000 population	4.4
Number of new cases assigned to counsel	704

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

In 2012 Benton County used its state funding to support the bi-county Office of Public Defense with an indigent defense coordinator and provide public defense services at preliminary appearance calendars. The county plans to use its 2013 funds to continue these activities.

## CHELAN COUNTY

2011 population	72,700
Percent below poverty level in 2009	13.0%
2011 projected median household income	\$46,275
2012 Chapter 10.101 RCW distribution	\$70,416

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

### 2011 Statistics

Total adult criminal cases per 1,000 population	50.6
Amount spent for public defense	\$1,557,435
Amount spent per capita	\$21.42

### Adult Felony

New adult superior court cases filed	527
New adult superior court cases per 1,000 population	7.2
Number of new cases assigned to counsel	418

### Adult Misdemeanor

New county misdemeanor cases filed	1,779
Total new district and municipal court misdemeanor cases filed in county	3,151
Total new misdemeanor cases per 1,000 population	43.3
Number of new cases assigned to counsel by county	814

### Juvenile Offender

New juvenile offender cases filed	275
New juvenile offender cases per 1,000 population	3.8
Number of new cases assigned to counsel	237

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 2012 Chelan County used its state funding to add investigator and expert services. The county plans to use its state funds in 2013 to maintain prior improvements.

## CLALLAM COUNTY

2011 population	71,600
Percent below poverty level in 2009	14.3%
2011 projected median household income	\$38,886
2012 Chapter 10.101 RCW distribution	\$62,676

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

### 2011 Statistics

Total adult criminal cases per 1,000 population	42.2
Amount spent for public defense	\$1,409,151
Amount spent per capita	\$19.68

### Adult Felony

New adult superior court cases filed	415
New adult superior court cases per 1,000 population	5.8
Number of new cases assigned to counsel	411

### Adult Misdemeanor

New county misdemeanor cases filed	1,050
Total new district and municipal court misdemeanor cases filed in county	2,609
Total new misdemeanor cases per 1,000 population	36.4
Number of new cases assigned to counsel by county	661

### Juvenile Offender

New juvenile offender cases filed	267
New juvenile offender cases per 1,000 population	3.7
Number of new cases assigned to counsel	236

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 2012 Clallam County spent its state funding to maintain staffing compensation increases, attorney caseloads, and provide public defense services at preliminary appearance calendars. The county anticipates using its state funds in 2013 for the same purposes.

## CLARK COUNTY

2011 population	428,000
Percent below poverty level in 2009	11.8%
2011 projected median household income	\$54,951
2012 Chapter 10.101 RCW distribution	\$312,738

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

### 2011 Statistics

Total adult criminal cases per 1,000 population	37.3
Amount spent for public defense	\$5,084,848
Amount spent per capita	\$11.88

### Adult Felony

New adult superior court cases filed	2,183
New adult superior court cases per 1,000 population	5.1
Number of felony cases assigned to counsel	2,076

### Adult Misdemeanor

New county misdemeanor cases filed	6,627
Total new district and municipal court misdemeanor cases filed in county	13,783
Total new misdemeanor cases per 1,000 population	32.2
Number of new cases assigned to counsel by county	4,056

### Juvenile Offender

New juvenile offender cases filed	1,106
New juvenile offender cases per 1,000 population	2.6
Number of cases assigned to counsel	992

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 2012 Clark County used its state funding to continue the indigent defense coordinator position and one support staff position, to continue funding one FTE attorney in District Court, and to maintain District Court investigator funding. The county plans to use its state funds in 2013 to continue these improvements.

## COLUMBIA COUNTY

2011 population	4,100
Percent below poverty level in 2009	14.1%
2011 projected median household income	\$38,916
2012 Chapter 10.101 RCW distribution	\$11,970

Columbia County delivers public defense services through a contract system. During 2012, the county contracted with two private attorneys for public defense representation. Each contract specified that the attorney is responsible for 50 percent of all case types assigned, paid on a monthly basis. The courts appoint attorneys from a list for conflict cases.

### 2011 Statistics

Total adult criminal cases per 1,000 population	56.3
Amount spent on public defense	\$127,617
Amount spent per capita	\$31.13

### Adult Felony

New adult superior court cases filed	29
New adult superior court cases per 1,000 population	7.1
Number of new cases assigned to counsel	29

### Adult Misdemeanor

New county misdemeanor cases filed	147
Total new district and municipal court misdemeanor cases filed in county	202
Total new misdemeanor cases per 1,000 population	49.3
Number of new cases assigned to counsel by county	120

### Juvenile Offender

New juvenile offender cases filed	13
New juvenile offender cases per 1,000 population	3.2
Number of new cases assigned to counsel	13

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

In 2012 Columbia County spent its state funding to add an attorney and provide attorneys access to office space in a county facility to handle indigent defense business. The county intends to use its state funds in 2013 to maintain these improvements.

## COWLITZ COUNTY

2011 population	102,700
Percent below poverty level in 2009	16.0%
2011 projected median household income	\$41,406
2012 Chapter 10.101 RCW distribution	\$137,525

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

### 2011 Statistics

Total adult criminal cases per 1,000 population	67.8
Amount spent for public defense	\$2,042,018
Amount spent per capita	\$19.88

### Adult Felony

New adult superior court cases filed	1,380
New adult superior court cases per 1,000 population	13.4
Number of new cases assigned to counsel	1,207

### Adult Misdemeanor

New county misdemeanor cases filed	2,032
Total new district and municipal court misdemeanor cases filed in county	5,578
Total new misdemeanor cases per 1,000 population	54.3
Number of new cases assigned to counsel by county	983

### Juvenile Offender

New juvenile offender cases filed	471
New juvenile offender cases per 1,000 population	4.6
Number of new cases assigned to counsel	226

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

In 2012 Cowlitz County used its state funding to maintain and expand the county Office of Public Defense, add attorneys to reduce public defense caseloads, increase public defense attorney compensation, provide public defense services at preliminary appearance calendars, provide expert and investigator services, provide interpreter services for attorney-client interviews and other necessary communications. The county plans to use its state funds in 2013 to maintain these improvements.

## DOUGLAS COUNTY

2011 population	38,650
Percent below poverty level in 2009	14.6%
2011 projected median household income	\$46,723
2012 Chapter 10.101 RCW distribution	\$0

Douglas County has not participated in the Chapter 10.101 RCW funding since the application process began in 2006. Accordingly, financial data and information relating to the amount spent for public defense services or the number and percentage of new cases assigned to counsel was not available. The number of new cases filed is derived from the Washington State Administrative Office of the Courts (AOC) caseload report.

### **2011 Statistics**

Total adult criminal cases per 1,000 population	50.9
Amount spent for public defense	
Amount spent per capita	

### **Adult Felony**

New adult superior court cases filed	215
New adult superior court cases per 1,000 population	5.6
Number of new cases assigned to counsel	

### **Adult Misdemeanor**

New county misdemeanor cases filed	848
Total new district and municipal court misdemeanor cases filed in county	1,752
Total new misdemeanor cases per 1,000 population	45.3
Number of new cases assigned to counsel by county	

### **Juvenile Offender**

New juvenile offender cases filed	137
New juvenile offender cases per 1,000 population	3.5
Number of new cases assigned to counsel	

## FERRY COUNTY

2011 population	7,600
Percent below poverty level in 2009	19.9%
2011 projected median household income	\$36,921
2012 Chapter 10.101 RCW distribution	\$14,859

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

### 2011 Statistics

Total adult criminal cases per 1,000 population	35.8
Amount spent for public defense	\$152,753
Amount spent per capita	\$20.10

### Adult Felony

New adult superior court cases filed	53
New adult superior court cases per 1,000 population	7.0
Number of new cases assigned to counsel	42

### Adult Misdemeanor

New county misdemeanor cases filed	159
Total new district and municipal court misdemeanor cases filed in county	219
Total new misdemeanor cases per 1,000 population	28.8
Number of new cases assigned to counsel by county	154

### Juvenile Offender

New juvenile offender cases filed	13
New juvenile offender cases per 1,000 population	1.7
Number of new cases assigned to counsel	10

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

In 2012 Ferry County spent its state funding for contracts to provide defense counsel at preliminary hearings. The county intends to use its state funds in 2013 to maintain these improvements.

## FRANKLIN COUNTY

2011 population	80,500
Percent below poverty level in 2009	17.3%
2011 projected median household income	\$53,644
2012 Chapter 10.101 RCW distribution	\$79,180

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

### 2011 Statistics

Total adult criminal cases per 1,000 population	51.2
Amount spent for public defense	\$933,005
Amount spent per capita	\$11.59

### Adult Felony

New adult superior court cases filed	616
New adult superior court cases per 1,000 population	7.7
Number of new cases assigned to counsel	500

### Adult Misdemeanor

New county misdemeanor cases filed	1,204
Total new district and municipal court misdemeanor cases filed in county	3,505
Total new misdemeanor cases per 1,000 population	43.5
Number of new cases assigned to counsel by county	458

### Juvenile Offender

New juvenile offender cases filed	415
New juvenile offender cases per 1,000 population	5.2
Number of new cases assigned to counsel	365

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

In 2012 Franklin County used its state funding to support an indigent defense coordinator and to provide public defense services at preliminary appearance calendars. The county plans to use its 2013 funds to continue these improvements.

## GARFIELD COUNTY

2011 population	2,250
Percent below poverty level in 2009	14.3%
2011 projected median household income	\$44,608
2012 Chapter 10.101 RCW distribution	\$10,879

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.

### **2011 Statistics**

Total adult criminal cases per 1,000 population	92.0
Amount spent for public defense	\$39,137
Amount spent per capita	\$17.39

### **Adult Felony**

New adult superior court cases filed	23
New adult superior court cases per 1,000 population	10.2
Number of new cases assigned to counsel	19

### **Adult Misdemeanor**

New county misdemeanor cases filed	184
Total new district and municipal court misdemeanor cases filed in county	184
Total new misdemeanor cases per 1,000 population	81.8
Number of new cases assigned to counsel by county	22

### **Juvenile Offender**

New juvenile offender cases filed	3
New juvenile offender cases per 1,000 population	1.3
Number of new cases assigned to counsel	2

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

In 2012 Garfield County spent its state funding to increase attorney compensation, provide public defense services at preliminary appearance calendars, add expert services, add investigator services, and provide interpreter services for attorney-client interviews and other necessary communications. The county plans to use its state funds in 2013 to maintain these improvements.

## GRANT COUNTY

2011 population	90,100
Percent below poverty level in 2009	18.6%
2011 projected median household income	\$42,994
2012 Chapter 10.101 RCW distribution	\$89,210

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

### 2011 Statistics

Total adult criminal cases per 1,000 population	80.1
Amount spent for public defense	\$2,943,141
Amount spent per capita	\$32.67

### Adult Felony

New adult superior court cases filed	714
New adult superior court cases per 1,000 population	7.9
Number of new cases assigned to counsel	610

### Adult Misdemeanor

New county misdemeanor cases filed	6,503
Total new district and municipal court misdemeanor cases filed in county	6,506
Total new misdemeanor cases per 1,000 population	72.2
Number of new cases assigned to counsel by county	4,786

### Juvenile Offender

New juvenile offender cases filed	483
New juvenile offender cases per 1,000 population	5.4
Number of new cases assigned to counsel	453

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 2012 Grant County spent its state funding to continue services provided by the Grant County Department of Public Defense, a county agency, to increase investigative services, and to increase expert services. The county plans to use its state funds in 2013 to expand the Grant County Department of Public Defense, to add attorneys to reduce caseloads, and maintain the improvements already implemented.

## GRAYS HARBOR COUNTY

2011 population	72,900
Percent below poverty level in 2009	19.3%
2011 projected median household income	\$39,836
2012 Chapter 10.101 RCW distribution	\$68,857

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

### 2011 Statistics

Total adult criminal cases per 1,000 population	85.7
Amount spent for public defense	\$861,761
Amount spent per capita	\$11.82

### Adult Felony

New adult superior court cases filed	502
New adult superior court cases per 1,000 population	6.9
Number of new cases assigned to counsel	502

### Adult Misdemeanor

New county misdemeanor cases filed	2,040
Total new district and municipal court misdemeanor cases filed in county	5,748
Total new misdemeanor cases per 1,000 population	78.8
Number of new cases assigned to counsel by county	Unable to determine

### Juvenile Offender

New juvenile offender cases filed	243
New juvenile offender cases per 1,000 population	3.3
Number of new cases assigned to counsel	243

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

In 2012 Grays Harbor County spent its state funding on increasing compensation for contract public defense attorneys, providing public defense services at preliminary appearance calendars, providing investigator and expert services, and providing interpreter services for attorney-client interviews and other necessary communications. The county plans to use its state funds in 2013 to add attorneys to reduce public defense caseloads and to increase compensation for public defense attorneys.

## ISLAND COUNTY

2011 population	78,800
Percent below poverty level in 2009	7.8%
2011 projected median household income	\$54,206
2012 Chapter 10.101 RCW distribution	\$53,160

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

### 2011 Statistics

Total adult criminal cases per 1,000 population	22.8
Amount spent for public defense	\$875,277
Amount spent per capita	\$11.11

### Adult Felony

New adult superior court cases filed	228
New adult superior court cases per 1,000 population	2.9
Number of new cases assigned to counsel	199

### Adult Misdemeanor

New county misdemeanor cases filed	930
Total new district and municipal court misdemeanor cases filed in county	1,566
Total new misdemeanor cases per 1,000 population	19.9
Number of new cases assigned to counsel by county	483

### Juvenile Offender

Juvenile offender cases filed	116
Juvenile offender cases per 1,000 population	1.5
Number of new cases assigned to counsel	99

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

In 2012 Island County spent its state funding to provide defense counsel at preliminary appearance calendars and to provide investigator services. The county plans to use its state funds in 2013 to continue these improvements.

## JEFFERSON COUNTY

2011 population	30,050
Percent below poverty level in 2009	13.7%
2011 projected median household income	\$44,348
2012 Chapter 10.101 RCW distribution	\$36,539

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

### 2011 Statistics

Total adult criminal cases per 1,000 population	50.0
Amount spent for public defense	\$553,567
Amount spent per capita	\$18.42

### Adult Felony

New adult superior court cases filed	255
New adult superior court cases per 1,000 population	8.5
Number of new cases assigned to counsel	Unable to determine

### Adult Misdemeanor

New county misdemeanor cases filed	1,058
Total new district and municipal court misdemeanor cases filed in county	1,248
Total new misdemeanor cases per 1,000 population	41.5
Number of new cases assigned to counsel by county	696

### Juvenile Offender

New juvenile offender cases filed	82
New juvenile offender cases per 1,000 population	2.7
Number of new cases assigned to counsel	52

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

In 2012 Jefferson County spent its state funding to add an attorney to reduce caseloads. The county plans to use its state funds in 2013 to add additional investigator services and maintain the additional attorney position.

## KING COUNTY

2011 population	1,942,600
Percent below poverty level in 2009	9.8%
2011 projected median household income	\$66,294
2012 Chapter 10.101 RCW distribution	\$1,143,985

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

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

### 2011 Statistics

Total adult criminal cases per 1,000 population	33.1
Amount spent for public defense	\$38,258,917
Amount spent per capita	\$19.69

### Adult Felony

New adult superior court cases filed	6,158
New adult superior court cases per 1,000 population	3.2
Number of new cases assigned to counsel	5,797

### Adult Misdemeanor

New county misdemeanor cases filed	11,920
Total new district and municipal court misdemeanor cases filed in county	58,091
Total new misdemeanor cases per 1,000 population	29.9
Number of new cases assigned to counsel by county	5,920

### Juvenile Offender

New juvenile offender cases filed	2,510
New juvenile offender cases per 1,000 population	1.3
Number of new cases assigned to counsel	2,353

The King County Council has adopted an ordinance, which sets compensation and caseload standards for contract public defenders. In addition, the King County public defense contracts require approved attorney training. Entities that contract with the King County Office of Public Defense must be nonprofit corporations established solely for the purpose of providing public defense services.

In 2012 King County spent its state funding for a program manager to oversee contracts with attorneys providing public defense, to improve quality control and to initiate and provide public defense training programs. Funding was also used to increase conflict counsel compensation. The county plans to use its state funds in 2013 to continue these efforts.

## KITSAP COUNTY

2011 population	253,900
Percent below poverty level in 2009	8.4%
2011 projected median household income	\$55,400
2012 Chapter 10.101 RCW distribution	\$182,909

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

### 2011 Statistics

Total adult criminal cases per 1,000 population	38.9
Amount spent for public defense	\$3,184,680
Amount spent per capita	\$12.54

### Adult Felony

New adult superior court cases filed	1,202
New adult superior court cases per 1,000 population	4.7
Number of new cases assigned to counsel	Unable to determine

### Adult Misdemeanor

New county misdemeanor cases filed	4,306
Total new district and municipal court misdemeanor cases filed in county	8,666
Total new misdemeanor cases per 1,000 population	34.1
Number of new cases assigned to counsel by county	1,958

### Juvenile Offender

Juvenile offender cases filed	669
Juvenile offender cases per 1,000 population	2.6
Number of new cases assigned to counsel	564

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

In 2012 Kitsap County spent its state funding to partially pay for the Kitsap County public defense supervisor, administrator, and two staff attorneys hired after the creation of the public defense office. The county plans to use its state funds in 2013 to continue these enhancements.

## KITTITAS COUNTY

2011 population	41,300
Percent below poverty level in 2009	20.6%
2011 projected median household income	\$41,601
2012 Chapter 10.101 RCW distribution	\$44,380

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, and conflicts or cases exceeding the attorney's caseload limit are assigned to other attorneys.

### 2011 Statistics

Total adult criminal cases per 1,000 population	83.2
Amount spent for public defense	\$621,680
Amount spent per capita	\$15.05

### Adult Felony

New adult superior court cases filed	310
New adult superior court cases per 1,000 population	7.5
Number of new cases assigned to counsel	192

### Adult Misdemeanor

New county misdemeanor cases filed	2,995
Total new district and municipal court misdemeanor cases filed in county	3,125
Total new misdemeanor cases per 1,000 population	75.7
Number of new cases assigned to counsel by county	1,611

### Juvenile Offender

New juvenile offender cases filed	114
New juvenile offender cases per 1,000 population	2.8
Number of new cases assigned to counsel	Unable to determine

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

In 2012 Kittitas County spent its state funding to provide public defense representation at the Lower Kittitas County District Court preliminary appearance and arraignment calendars for both in-custody and out-of-custody defendants. Also state funding was used to provide expert services and investigator services. The county plans to use its state funds in 2013 to maintain these improvements.

## KLICKITAT COUNTY

2011 population	20,500
Percent below poverty level in 2009	18.0%
2011 projected median household income	\$43,104
2012 Chapter 10.101 RCW distribution	\$26,200

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

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

### 2011 Statistics

Total adult criminal cases per 1,000 population	49.3
Amount spent for public defense	\$172,696
Amount spent per capita	\$8.42

### Adult Felony

New adult superior court cases filed	152
New adult superior court cases per 1,000 population	7.4
Number of new cases assigned to counsel	Unable to determine

### Adult Misdemeanor

New county misdemeanor cases filed	552
Total new district and municipal court misdemeanor cases filed in county	859
Total new misdemeanor cases per 1,000 population	41.9
Number of new cases assigned to counsel by county	366

### Juvenile Offender

New juvenile offender cases filed	53
New juvenile offender cases per 1,000 population	2.6
Number of new cases assigned to counsel	49

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

Klickitat County used its state funds in 2012 to add expert, interpreter, investigator services, and to provide a new computer for defense attorneys and access to the internet and Westlaw. The county plans to use its state funds in 2013 to maintain these improvements.

## LEWIS COUNTY

2011 population	76,000
Percent below poverty level in 2009	15.1%
2011 projected median household income	\$38,325
2012 Chapter 10.101 RCW distribution	\$100,833

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.

### 2011 Statistics

Total adult criminal cases per 1,000 population	68.0
Amount spent for public defense	\$1,535,391
Amount spent per capita	\$20.20

### Adult Felony

New adult superior court cases filed:	973
New adult superior court cases per 1,000 population	12.8
Number of new cases assigned to counsel	908

### Adult Misdemeanor

New county misdemeanor cases filed	2,005
Total new district and municipal court misdemeanor cases filed in county	4,198
Total new misdemeanor cases per 1,000 population	55.2
Number of new cases assigned to counsel by county	1,622

### Juvenile Offender

New juvenile offender cases filed	246
New juvenile offender cases per 1,000 population	3.2
Number of new cases assigned to counsel	197

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 2012 Lewis County spent its state funding to contract with an attorney coordinator to provide counsel at daily initial appearances as well as exercise quality monitoring of other public defense contracts with private attorneys. The county plans to use its state funds in 2013 to continue these improvements.

## LINCOLN COUNTY

2011 population	10,600
Percent below poverty level in 2009	14.2%
2011 projected median household income	\$43,936
2012 Chapter 10.101 RCW distribution	\$15,598

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

### 2011 Statistics

Total adult criminal cases per 1,000 population	62.5
Amount spent for public defense	\$96,246
Amount spent per capita	\$9.08

### Adult Felony

New adult superior court cases filed	47
New adult superior court cases per 1,000 population	4.4
Number of new cases assigned to counsel	43

### Adult Misdemeanor

New county misdemeanor cases filed	614
Total new district and municipal court misdemeanor cases filed in county	616
Total new misdemeanor cases per 1,000 population	58.1
Number of new cases assigned to counsel by county	359

### Juvenile Offender

New juvenile offender cases filed	11
New juvenile offender cases per 1,000 population	1.0
Number of new cases assigned to counsel	11

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

In 2012 Lincoln County spent its state funding to add attorneys to reduce public defense caseloads, provide public defense services at preliminary appearance calendars, and add investigative services and expert services. The county plans to use its state funds in 2013 to continue these improvements.

## MASON COUNTY

2011 population	61,100
Percent below poverty level in 2009	15.9%
2011 projected median household income	\$47,724
2012 Chapter 10.101 RCW Total distribution	\$61,986

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

### 2011 Statistics

Total adult criminal cases per 1,000 population	53.1
Amount spent for public defense	\$541,363
Amount spent per capita	\$8.86

### Adult Felony

New adult superior court cases filed	465
New adult superior court cases per 1,000 population	7.6
Number of new cases assigned to counsel	300

### Adult Misdemeanor

New county misdemeanor cases file	2,003
Total new district and municipal court misdemeanor cases filed in county	2,781
Total new misdemeanor cases per 1,000 population	45.5
Number of new cases assigned to counsel by county	863

### Juvenile Offender

New juvenile offender cases filed	186
New juvenile offender cases per 1,000 population	3.0
Number of new cases assigned to counsel	139

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

In 2012 Mason County spent its state funding to provide an attorney coordinator who oversees contracts with attorneys providing public defense, and to increase public defense attorney compensation. The county may use its state funds in 2013 to create a county public defense agency or it may continue the improvements made in 2012.

## OKANOGAN COUNTY

2011 population	41,200
Percent below poverty level in 2009	18.6%
2011 projected median household income	\$35,161
2012 Chapter 10.101 RCW distribution	\$44,604

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

### 2011 Statistics

Total adult criminal cases per 1,000 population	57.1
Amount spent for public defense	\$919,684
Amount spent per capita	\$22.32

### Adult Felony

New adult superior court cases filed	314
New adult superior court cases per 1,000 population	7.6
Number of new cases assigned to counsel	243

### Adult Misdemeanor

New county misdemeanor cases filed	2,036
Total new district or municipal court misdemeanor cases filed in county	2,039
Total new misdemeanor cases per 1,000 population	49.5
Number of new cases assigned to counsel by county	1,461

### Juvenile Offender

New juvenile offender cases filed	230
New juvenile offender cases per 1,000 population	5.6
Number of new cases assigned to counsel	Unable to determine

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

In 2012 Okanogan County spent its state funding to add attorneys for conflict cases, add investigator services, and add expert services. The county plans to use its state funds in 2013 to continue this improvement and add more expert services.

## PACIFIC COUNTY

2011 population	20,900
Percent below poverty level in 2009	17.9%
2011 projected median household income	\$37,420
2012 Chapter 10.101 RCW distribution	\$27,659

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

### 2011 Statistics

Total adult criminal cases per 1,000 population	77.8
Amount spent for public defense	\$434,954
Amount spent per capita	\$20.81

### Adult Felony

New adult superior court cases filed	172
New adult superior court cases per 1,000 population	8.2
Number of new cases assigned to counsel	Unable to determine

### Adult Misdemeanor

New county misdemeanor cases filed	1,036
Total new district and municipal court misdemeanor cases filed in county	1,454
Total new misdemeanor cases per 1,000 population	69.6
Number of new cases assigned to counsel by county	400

### Juvenile Offender

New juvenile offender cases filed	57
New juvenile offender cases per 1,000 population	2.7
Number of new cases assigned to counsel	57

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

In 2012 Pacific County spent its state funding to increase compensation for contract public defense attorneys, add attorneys to reduce public defense caseloads, and for expert and investigative services. The county plans to use its state funds in 2013 to continue these improvements.

## PEND OREILLE COUNTY

2011 population	13,000
Percent below poverty level in 2009	18.7%
2011 projected median household income	\$37,234
2012 Chapter 10.101 RCW Total distribution	\$18,139

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

### 2011 Statistics

Total adult criminal cases per 1,000 population	52.5
Amount spent for public defense	\$198,042
Amount spent per capita	\$15.23

### Adult Felonies

New adult superior court cases filed	72
New adult superior court cases per 1,000 population	5.5
Number of new cases assigned to counsel	63

### Adult Misdemeanors

New county misdemeanor cases filed	405
Total new district and municipal court misdemeanor cases filed in county	610
Total new misdemeanor cases per 1,000 population	46.9
Number of new cases assigned to counsel by county	Unable to determine

### Juvenile Offender

New juvenile offender cases filed	37
New juvenile offender cases per 1,000 population	2.8
Number of new cases assigned to counsel	Unable to determine

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

In 2012 Pend Oreille County spent its state funding to provide counsel at preliminary hearings. The county plans to use its state funds in 2013 to continue these improvements.

## PIERCE COUNTY

2011 population	802,150
Percent below poverty level in 2009	12.3%
2011 projected median household income	\$56,114
2012 Chapter 10.101 RCW distribution	\$651,911

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

### 2011 Statistics

Total adult criminal cases per 1,000 population	52.5
Amount spent for public defense	\$15,702,397
Amount spent per capita	\$19.58

### Adult Felony

New adult superior court cases filed	5,211
New adult superior court cases per 1,000 population	6.5
Number of new cases assigned to counsel	4,456

### Adult Misdemeanor

New county misdemeanor cases filed	13,043
Total new district and municipal court misdemeanor cases filed in county	36,899
Total new misdemeanor cases per 1,000 population	46.0
Number of new cases assigned to counsel by county	4,604

### Juvenile Offender

New juvenile offender cases filed	1,531
New juvenile offender cases per 1,000 population	1.9
Number of new cases assigned to counsel	1,382

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

In 2012 Pierce County spent its state funding to increase public defense attorney compensation and maintain positions created in 2007 and 2008. The county plans to use its state funds in 2013 to maintain these positions and compensation increases.

## SAN JUAN COUNTY

2011 population	15,900
Percent below poverty level in 2009	9.9%
2011 projected median household income	\$53,916
2012 Chapter 10.101 RCW distribution	\$16,878

San Juan County delivers public defense through a contract with two law firms for adult representation in Superior and District courts and one of the law firms also has a contract 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.

### 2011 Statistics

Total adult criminal cases per 1,000 population	22.3
Amount spent for public defense	\$253,579
Amount spent per capita	\$15.95

### Adult Felony

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

### Adult Misdemeanor

New county misdemeanor cases filed	319
Total new district and municipal court misdemeanor cases filed in county	319
Total new misdemeanor cases per 1,000 population	20.1
Number of new cases assigned to counsel by county	319

### Juvenile Offender

New juvenile offender cases filed	20
New juvenile offender cases per 1,000 population	1.3
Number of new cases assigned to counsel	20

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

In 2012 San Juan County spent its state funding to increase public defense attorney compensation, provide public defense services at preliminary appearance calendars, for expert services, and for investigator services. The county plans to use its state funds in 2013 to continue improvements implemented in 2012.

## SKAGIT COUNTY

2011 population	117,400
Percent below poverty level in 2009	11.1%
2011 projected median household income	\$55,085
2012 Chapter 10.101 RCW distribution	\$134,435

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

### 2011 Statistics

Total adult criminal cases per 1,000 population	74.8
Amount spent on public defense	\$2,011,033
Amount spent per capita	\$17.13

### Adult Felony

New adult superior court cases filed	1,248
New adult superior court cases per 1,000 population	10.6
Number of new cases assigned to counsel	1,100

### Adult Misdemeanor

New county misdemeanor cases filed	3,845
Total new district and municipal court misdemeanor cases filed in county	7,538
Total new misdemeanor cases per 1,000 population	64.2
Number of new cases assigned to counsel by county	1,597

### Juvenile Offender

New juvenile offender cases filed	447
New juvenile offender cases per 1,000 population	3.8
Number of new cases assigned to counsel	Unable to determine

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

In 2012 Skagit County spent its state funding to hire additional attorneys to reduce public defense caseloads. The county plans to use its state funds in 2013 to continue these improvements.

## SKAMANIA COUNTY

2011 population	11,150
Percent below poverty level in 2009	12.4%
2011 projected median household income	\$51,223
2012 Chapter 10.101 RCW distribution	\$18,422

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

### 2011 Statistics

Total adult criminal cases per 1,000 population	71.5
Amount spent for public defense	\$136,451
Amount spent per capita	\$12.24

### Adult Felony

New adult superior court cases filed	87
New adult superior court cases per 1,000 population	7.8
Number of new cases assigned to counsel	Unable to determine

### Adult Misdemeanor

New county misdemeanor cases filed	605
Total new district and municipal court misdemeanor cases filed in county	710
Total new misdemeanor cases per 1,000 population	63.7
Number of new cases assigned to counsel by county	326

### Juvenile Offender

New juvenile offender cases filed	40
New juvenile offender cases per 1,000 population	3.6
Number of new cases assigned to counsel	38

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

In 2012 Skamania County spent its state funding to add attorneys to reduce public defense caseloads, and to increase resources for defense investigation, interpreter and expert services. The county plans to use its state funds in 2013 to continue these improvements.

## SNOHOMISH COUNTY

2011 population	717,000
Percent below poverty level in 2009	9.7%
2011 projected median household income	\$62,687
2012 Chapter 10.101 RCW distribution	\$462,291

Snohomish County provides public defense representation in adult criminal cases in both Superior and District courts through a contract with the Snohomish County Public Defender Association (PDA), a private nonprofit corporation. PDA is managed by a director, an assistant director and a misdemeanor supervisor who are responsible for attorney supervision and resolution of client complaints. PDA provides investigative services in-house. The county contracts with PDA and one private law firm to handle juvenile offender cases. Conflict attorneys are appointed from a list.

### 2011 Statistics

Total adult criminal cases per 1,000 population	45.9
Amount spent for public defense	\$6,496,439
Amount spent per capita	\$9.06

### Adult Felony

New adult superior court cases filed	2,803
New adult superior court cases per 1,000 population	3.9
Number of new cases assigned to counsel	2,272

### Adult Misdemeanor

New county misdemeanor cases filed	10,546
Total new district and municipal court misdemeanor cases filed in county	30,104
Total new misdemeanor cases per 1,000 population	42.0
Number of new cases assigned to counsel by county	4,753

### Juvenile Offender

New juvenile offender cases filed	1,582
New juvenile offender cases per 1,000 population	2.2
Number of new cases assigned to counsel	934

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

In 2012 Snohomish County used its state funding to provide an attorney coordinator who oversees contracts with attorneys providing public defense, add attorneys to reduce public defense caseloads, increase attorney compensation, and provide public defense services at first appearance calendars. The county plans to use its state funds in 2013 to continue these improvements.

## SPOKANE COUNTY

2011 population	472,650
Percent below poverty level in 2009	14.8%
2011 projected median household income	\$46,846
2012 Chapter 10.101 RCW distribution	\$472,693

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

### 2011 Statistics

Total adult criminal cases per 1,000 population	53.8
Amount spent for public defense	\$8,329,356
Amount spent per capita	\$17.62

### Adult Felony

New adult superior court cases filed	4,371
New adult superior court cases per 1,000 population	9.2
Number of new cases assigned to counsel	3,575

### Adult Misdemeanor

New county misdemeanor cases filed	7,032
Total new district and municipal court misdemeanor cases filed in county	21,063
Total new misdemeanor cases per 1,000 population	44.6
Number of new cases assigned counsel by county	6,511

### Juvenile Offender

New juvenile offender cases filed	1,008
New juvenile offender cases per 1,000 population	2.1
Number of new cases assigned to counsel	955

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

In 2012 Spokane County spent its state funding to provide public defense services at first appearance calendars and expert services. The county plans to use its state funds in 2013 to maintain these improvements and increase compensation.

## STEVENS COUNTY

2011 population	43,600
Percent below poverty level in 2009	16.0%
2011 projected median household income	\$40,282
2012 Chapter 10.101 RCW distribution	\$40,996

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

### 2011 Statistics

Total adult criminal cases per 1,000 population	39.3
Amount spent for public defense	\$613,080
Amount spent per capita	\$14.06

### Adult Felony

New adult superior court cases filed	245
New adult superior court cases per 1,000 population	5.6
Number of new cases assigned to counsel	238

### Adult Misdemeanor

New county misdemeanor cases filed	916
Total new district and municipal court misdemeanor cases filed in county	1,470
Total new misdemeanor cases per 1,000 population	33.7
Number of new cases assigned to counsel by county	432

### Juvenile Offender

New juvenile offender cases filed	96
New juvenile offender cases per 1,000 population	2.2
Number of new cases assigned to counsel	Unable to determine

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

In 2012 Stevens County spent its state funding to provide counsel at preliminary hearings. The county intends to use its state funds in 2013 to continue this improvement.

## THURSTON COUNTY

2011 population	254,100
Percent below poverty level in 2009	11.1%
2011 projected median household income	\$60,621
2012 Chapter 10.101 RCW distribution	\$239,040

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

### 2011 Statistics

Total adult criminal cases per 1,000 population	50.2
Amount spent for public defense	\$3,139,276
Amount spent per capita	\$12.35

### Adult Felony

New adult superior court cases filed	2,059
New adult superior court cases per 1,000 population	8.1
Number of new cases assigned to counsel	1,617

### Adult Misdemeanor

New county misdemeanor cases filed	3,635
Total new district and municipal court misdemeanor cases filed in county	10,703
Total new misdemeanor cases per 1,000 population	42.1
Number of new cases assigned counsel by county	2,114

### Juvenile Offender

New juvenile offender cases filed	948
New juvenile offender cases per 1,000 population	3.7
Number of new cases assigned to counsel	870

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

In 2012 Thurston County spent its state funding to maintain numeric caseload standards that were adopted in 2008. The county plans to use its state funds in 2013 to continue to maintain caseload standards.

## WAHKIAKUM COUNTY

2011 population	4,000
Percent below poverty level in 2009	13.0%
2011 projected median household income	\$45,083
2012 Chapter 10.101 RCW distribution	\$12,063

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

### 2011 Statistics

Total adult criminal cases per 1,000 population	42.8
Amount spent for public defense	\$65,733
Amount spent per capita	\$16.43

### Adult Felony

New adult superior court cases filed	31
New adult superior court cases per 1,000 population	7.8
Number of new cases assigned to counsel	31

### Adult Misdemeanor

New county misdemeanor cases filed	140
Total new district and municipal court misdemeanor cases filed in county	140
Total new misdemeanor cases per 1,000 population	35.0
Number of new cases assigned to counsel by county	76

### Juvenile Offender

New juvenile offender cases filed	10
New juvenile offender cases per 1,000 population	2.5
Number of new cases assigned to counsel	10

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

In 2012 Wahkiakum County spent its state funding to increase public defense attorney compensation, to provide public defense services at preliminary appearance calendars and interpreter services for attorney-client interviews and communications. The county plans to use its state funds in 2013 for the same purposes.

## WALLA WALLA COUNTY

2011 population	58,800
Percent below poverty level in 2009	17.8%
2011 projected median household income	\$44,606
2012 Chapter 10.101 RCW distribution	\$57,783

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

### 2011 Statistics

Total adult criminal cases per 1,000 population	47.2
Amount spent for public defense	\$653,193
Amount spent per capita	\$11.11

### Adult Felony

New adult superior court cases filed	414
New adult superior court cases per 1,000 population	7.0
Number of new cases assigned to counsel	338

### Adult Misdemeanor

New county misdemeanor cases filed	2,069
Total new district and municipal court misdemeanor cases filed in county	2,360
Total new misdemeanor cases per 1,000 population	40.1
Number of new cases assigned to counsel by county	366

### Juvenile Offender

New juvenile offender cases filed	228
New juvenile offender cases per 1,000 population	3.9
Number of new cases assigned to counsel	Unable to determine

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

In 2012 Walla Walla County spent its state funding to increase public defense attorney compensation, provide public defense services at preliminary appearance calendars, utilize investigator and expert services, and procure interpreter services for attorney-client interviews and other necessary communications. The county plans to use its state funds in 2013 to continue these improvements.

## WHATCOM COUNTY

2011 population	202,100
Percent below poverty level in 2009	15.5%
2011 projected median household income	\$49,775
2012 Chapter 10.101 RCW distribution	\$185,088

Whatcom County provides public defense representation through the Whatcom County Public Defender, a county government-based agency. Public Defender employees are compensated at 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 seven private attorneys for dependency and termination cases and BECCA cases. Conflict attorneys are appointed from a list.

### 2011 Statistics

Total adult criminal cases per 1,000 population	54.2
Amount spent for public defense	\$3,811,823
Amount spent per capita	\$18.86

### Adult Felony

New adult superior court cases filed	1,534
New adult superior court cases per 1,000 population	7.6
Number of new cases assigned to counsel	1,438

### Adult Misdemeanor

New county misdemeanor cases filed	3,793
Total new district and municipal court misdemeanor cases filed in county	9,429
Total new misdemeanor cases per 1,000 population	46.7
Number of new cases assigned to counsel by county	1,901

### Juvenile Offender

New juvenile offender cases filed	500
New juvenile offender cases per 1,000 population	2.5
Number of new cases assigned to counsel	Unable to determine

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

In 2012 Whatcom County spent its state funding on additional defense attorneys to reduce caseloads, provide equipment and train attorneys. The county plans to use its state funds in 2013 to maintain these improvements.

## WHITMAN COUNTY

2011 population	44,800
Percent below poverty level in 2009	25.6%
2011 projected median household income	\$31,396
2012 Chapter 10.101 RCW distribution	\$39,682

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

### 2011 Statistics

Total adult criminal cases per 1,000 population	49.7
Amount spent for public defense	\$303,000
Amount spent per capita	\$6.76

### Adult Felony

New adult superior court cases filed	218
New adult superior court cases per 1,000 population	4.9
Number of new cases assigned to counsel	138

### Adult Misdemeanor

New county misdemeanor cases filed	1,938
Total new district and municipal court misdemeanor cases filed in county	2,009
Total new misdemeanor cases per 1,000 population	44.8
Number of new cases assigned to counsel by county	719

### Juvenile Offender

New juvenile offender cases filed	61
New juvenile offender cases per 1,000 population	1.4
Number of new cases assigned to counsel	25

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

In 2012 Whitman County spent its state funding to increase public defense attorney compensation. The county plans to use its state funds in 2013 to maintain this improvement.

## YAKIMA COUNTY

2011 population	244,700
Percent below poverty level in 2009	22.0%
2011 projected median household income	\$41,164
2012 Chapter 10.101 RCW distribution	\$225,879

Yakima County delivers public defense representation through the Yakima County Department of Assigned Counsel (DAC), a county government-based agency. The agency's director and senior staff attorneys are responsible for attorney supervision and resolution of client complaints. DAC also administers attorney contracts and panels of private attorneys who provide both overflow and conflict coverage. DAC handles investigative services through two in-house investigators, who are also available to contract counsel, and through a panel of contract investigators. Interpreter services are available through an approved list of providers managed by DAC.

### 2011 Statistics

Total adult criminal cases per 1,000 population	73.2
Amount spent for public defense	\$4,415,421
Amount spent per capita	\$18.04

### Adult Felony

New adult superior court cases filed	1,912
New adult superior court cases per 1,000 population	7.8
Number of new cases assigned to counsel	1,461

### Adult Misdemeanor

New county misdemeanor cases filed	4,618
Total new district and municipal court misdemeanor cases filed in county	15,995
Total new misdemeanor cases per 1,000 population	65.4
Number of new cases assigned to counsel by county	2,155

### Juvenile Offender

New juvenile offender cases filed	1,139
New juvenile offender cases per 1,000 population	4.7
Number of new cases assigned to counsel	1,023

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

In 2012 Yakima County spent its state funding to increase compensation for contract attorneys, provide defense attorneys at arraignments in Juvenile Court and Superior Court and to meet professional standards. The county plans to use its state funds in 2013 to continue these improvements.



# CITY REPORT

## Introduction

Across the state, cities' public defense systems for their municipal courts vary widely. Of the cities that received state funding through a competitive grant process under Chapter 10.101 RCW, the vast majority—10 of 12—contract with independent private attorneys or firms to provide public defense services. For conflict cases the cities administer additional contracts or combine both contracts and list appointments. Only one city receiving state grant funding—Spokane—provides public defense services through a city government agency. One other city—Tacoma—contracts with the county government-based public defender agency. One small city appoints attorneys from a list of attorneys that have agreed to provide public defense services for an hourly rate.

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

- **Public defender agencies** are city government-based agencies.
- **Non-profit systems** involve the city contracting with a non-profit group or groups that are organized to provide public defense services.
- **Contracting with another government-based public defender agency** allows a city to take advantage of the high-quality legal services and administrative oversight provided by a professional full-time public defender agency.
- **Contract public defense systems** are systems in which the city enters into contracts with one or more private attorneys or firms to provide representation.
- **List appointment systems** involve lists of attorneys who have agreed to accept public defense cases and are appointed by the municipal court on a case-by-case basis.
- **Conflict appointments** of alternate attorneys are made by judges when the initially appointed public defense attorney is prohibited by ethics rules from representing an individual defendant, usually due to prior representation of another party in the case or when there are multiple defendants in the case.

## CITY OF BELLINGHAM

2010 population	80,885
Persons below poverty level, percent, 2007-2011	22.6%
Median household income, 2007-2011	\$39,299
2011 competitive grant award	\$105,000

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

### **2010 Statistics**

Amount spent for public defense	\$714,497
Amount spent per capita	\$8.83

### **Adult Misdemeanors**

New city misdemeanor cases filed	3,844
Total new misdemeanor cases per 1,000 population	47.5
Number of new cases assigned to counsel by city	2,192

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

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

## CITY OF BREMERTON

2010 population	37,729
Persons below poverty level, percent, 2007-2011	20.7%
Median household income, 2007-2011	\$39,380
2011 competitive grant award	\$15,000

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

### 2010 Statistics

Amount spent for public defense	\$204,409
Amount spent per capita	\$5.42

### Adult Misdemeanors

New city misdemeanor cases filed	2,944
Total new misdemeanor cases per 1,000 population	78.0
Number of new cases assigned to counsel by city	839

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

Bremerton continues to provide attorneys at all arraignments, investigator services, and interpreter services for attorney-client interviews and communications. The City of Bremerton also provides office space for two attorneys and a paralegal within the court facility. Using office space in the court facility has improved communication with the law firm as well as with defendants.

## CITY OF CHENEY

2010 population	10,590
Persons below poverty level, percent, 2007-2011	37.6%
Median household income, 2007-2011	\$28,691
2011 competitive grant award	\$15,000

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

### **2010 Statistics**

Amount spent for public defense	\$49,400
Amount spent per capita	\$4.66

### **Adult Misdemeanors**

New city misdemeanor cases filed	453
Total new misdemeanor cases per 1,000 population	42.8
Number of new cases assigned to counsel by city	377

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

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

## CITY OF OLYMPIA

2010 population	46,478
Persons below poverty level, percent, 2007-2011	15.8%
Median household income, 2007-2011	\$52,371
2011 competitive grant award	\$25,000

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

### 2010 Statistics

Amount spent for public defense	\$144,000
Amount spent per capita	\$3.10

### Adult Misdemeanors

New city misdemeanor cases filed	2,991
Total new misdemeanor cases per 1,000 population	64.4
Number of new cases assigned to counsel by city	1,128

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

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

## CITY OF PORT ANGELES

2010 population	19,038
Persons below poverty level, percent, 2007-2011	17.8%
Median Household Income, 2007-2011	\$40,822
2011 competitive grant award	\$12,000

The City of Port Angeles delivers public defense representation through a contract with the Clallam Public Defender, a private non-profit organization. Additional representation is provided through a contract with a private law firm when the Clallam Public Defender has met the monthly case cap. When the Clallam Public Defender has a conflict, the court appoints a conflict attorney from a list.

### 2010 Statistics

Amount spent for public defense	\$102,672
Amount spent per capita	\$5.39

### Adult Misdemeanors

New city misdemeanor cases filed	942
Total new misdemeanor cases per 1,000 population	49.5
Number of new cases assigned to counsel by city	605

The City of Port Angeles was waiting for the Supreme Court to adopt public defense standards before adopting its local ordinance. The city will now work towards adopting standards for the city. The primary contractor is required to participate in regular training programs on public defense.

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

## CITY OF SHELTON

2010 population	9,834
Persons below poverty level, percent, 2007-2011	26.4%
Median household income, 2007-2011	\$35,336
2011 competitive grant award	\$30,000

The City of Shelton delivers public defense representation through a contract with one private law firm. When a case presents a conflict for the law firm, the court appoints conflict counsel from a list with compensation based on an hourly rate.

### 2010 Statistics

Amount spent for public defense	\$59,646
Amount spent per capita	\$6.07

### Adult Misdemeanors

New city misdemeanor cases filed	791
Total new misdemeanor cases per 1,000 population	80.4
Number of new cases assigned to counsel by city	999

The City of Shelton has drafted a Public Defense Standards Ordinance. The city is in the process of determining whether to adopt a weighted caseload policy.

The city used state grant funds to add an additional attorney to reduce caseloads, increase attorney compensation, and provide a public defense attorney at arraignment.

## CITY OF SPOKANE

2010 population	208,916
Persons below poverty level, percent, 2007-2011	18.6%
Median household income, 2007-2011	\$41,466
2011 competitive grant award	\$84,000

The City of Spokane delivers public defense representation through a city public defender agency. The City of Spokane Public Defender Office has a director, 17 attorneys, and an investigator. 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.

### **2010 Statistics**

Amount spent for public defense	\$2,548,008
Amount spent per capita	\$12.20

### **Adult Misdemeanors**

New city misdemeanor cases filed	10,349
Total new misdemeanor cases per 1,000 population	49.5
Number of new cases assigned to counsel by city	8,273

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

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

## CITY OF STEVENSON

2010 population	1,465
Persons below poverty level, percent, 2007-2011	Not available
Median household income, 2007-2011	Not available
2011 competitive grant award	\$2,500

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

### **2010 Statistics**

Amount spent for public defense	\$17,000
Amount spent per capita	\$11.60

### **Adult Misdemeanors**

New city misdemeanor cases filed	78
Total new misdemeanor cases per 1,000 population	53.2
Number of new cases assigned to counsel by city	61

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

## CITY OF SUNNYSIDE

2010 population	15,858
Persons below poverty level, percent, 2007-2011	28.2%
Median household income, 2007-2011	\$34,933
2011 competitive grant award	\$49,497

The City of Sunnyside provides public defense services by contracting with three attorneys. Two are primary public defender service providers and one is a conflict case attorney.

### **2010 Statistics**

Amount spent for public defense	\$135,436
Amount spent per capita	\$8.54

### **Adult Misdemeanors**

New city misdemeanor cases filed	1,843
Total new misdemeanor cases per 1,000 population	116.2
Number of new cases assigned to counsel by city	1,039

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

The city used state grant funds to increase attorney compensation.

## CITY OF TACOMA

2010 population	198,397
Persons below poverty level, percent, 2007-2011	17.1%
Median household income, 2007-2011	\$49,232
2011 competitive grant award	\$55,000

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

### **2010 Statistics**

Amount spent for public defense	\$1,331,470
Amount spent per capita	\$6.71

### **Adult Misdemeanors**

New city misdemeanor cases filed	9,233
Total new misdemeanor cases per 1,000 population	46.5
Number of new cases assigned to counsel by city	4,297

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

The city used its state grant funds to reduce attorney caseloads by hiring an additional attorney.

## CITY OF VANCOUVER

2010 population	161,791
Persons below poverty level, percent, 2007-2011	15.5%
Median household income, 2007-2011	\$50,387
2011 competitive grant award	\$80,000

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

### 2010 Statistics

Amount spent for public defense	\$603,431
Amount spent per capita	\$3.73

### Adult Misdemeanors

New city misdemeanor cases filed	5,364
Total new misdemeanor cases per 1,000 population	33.2
Number of new cases assigned to counsel by city	3,887

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

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

## CITY OF YAKIMA

2010 population	91,196
Persons below poverty level, percent, 2007-2011	21.1%
Median household income, 2007-2011	\$41,071
2011 competitive grant award	\$150,000

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

### **2010 Statistics**

Amount spent for public defense	\$467,697
Amount spent per capita	\$5.13

### **Adult Misdemeanors**

New city misdemeanor cases filed	5,389
Total new misdemeanor cases per 1,000 population	59.1
Number of new cases assigned to counsel by city	6,000

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

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

## Appendix A

### Methodology and Data Reporting for County / City reports

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

County Report: The County Report presents data on funding and caseload levels in each county that applied for and received state funding for use during calendar year 2012. Thirty-eight counties submitted funding applications under RCW 10.101.050. Each applying county provided 2011 data regarding public defense assignments and costs of public defense.

City Report: The City Report presents data on funding and caseload levels in the 12 cities that received competitive grants. Because the application cycle for cities occurred in mid-2011, the most current annual information available was from 2010.

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

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

The manner in which jurisdictions deal with post-conviction hearings such as probation violations (PVs) also impacts caseload calculations.<sup>8</sup> Generally, PVs are less time-consuming than new cases. Some counties count PVs as a case; some do not count or report them at all; and others count them as a fraction of a case (often one-third).

Methods of accounting for and tracking cases assigned to these public defense providers are as varied as the systems. For example, many counties and cities rely on the attorneys to cover all cases assigned and do not have any system for tracking the

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<sup>8</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.

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

2011 population: Total county population as reported in the Washington State Office of Financial Management April 1, 2012--Population of Cities, Towns, and Counties publication.

Percent below poverty level: Percent of county population below the federal poverty level as reported by the U.S. Bureau of the Census. For most counties the 2009 information was included, however, for some counties the 2009 information was not available so earlier information was used.

Median household income: Median household income as reported by the Washington State Office of Financial Management October 2010; Median Household Income Estimates by County: 1989 to 2010.

2012 Chapter 10.101 RCW distribution: The county's allocation of the Chapter 10.101 RCW funds appropriation as determined by the statutory distribution formula.

#### I. 2011 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 2011.
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 2011 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 2011.

## III. Adult Misdemeanor

1. New county misdemeanor cases filed: The number of new (non-probation violation) District Court cases filed during 2011 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 2011 as reported by AOC.
3. Total new misdemeanor cases per 1,000 population: The total number of new misdemeanor cases filed during 2011 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 2011.<sup>9</sup>

## IV. Juvenile Offender

1. New juvenile offender cases filed: The number of new (non-probation violation) juvenile offender cases filed during 2011 as reported by AOC.
2. New juvenile offender cases per 1,000 population: The total number of new juvenile offender cases filed during 2011 divided by the county population as expressed in thousands.
3. Number of new cases assigned to counsel: The county-reported number of new juvenile offender cases assigned to public defense counsel during 2011.

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<sup>9</sup> Some counties included contract municipal cases in the reported number.

## CITY PROFILE

2010 population: Total city population as reported in the Washington State Office of Financial Management April 1, 2011-Population of Cities, Towns, and Counties publication.

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

Median household income: Median household income as reported by the U.S. Bureau of the Census.

2011 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 2011, and were used during calendar year 2012.

### I. 2010 Statistics

1. Amount spent for public defense: The city-reported total dollar amount spent for public defense representation during 2010, 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 2010 as reported by AOC.
2. Total new misdemeanor cases per 1,000 population: The total number of new misdemeanor cases filed during 2010 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 2010.