**TO**: City/County Officials

**FROM**: Grace O’Connor, Supervising Attorney, SPAR Program

**DATE**: October 25, 2023

**RE**: Applications for SPAR funding for Calendar Year 2023 and 2024

**Funding Program Overview:**

Second Engrossed Second Substitute Senate Bill (2E2SSB) 5536 (Chapter 1, Laws of 2023, 1st Special Session) appropriated funds to the Washington State Office of Public Defense (State OPD) to provide reimbursement of eligible expenses for consultation and representation services for:

* indigent adults facing pending charges or charged with violations of RCW 69.50.4011(1)(b) or (c), 69.50.4013, 69.50.4014, or 69.41.030(1), or charged with offenses under local ordinances involving allegations of possession or public use of a controlled substance, counterfeit substance, or legend drug (hereinafter, qualifying offenses)
* in courts of limited jurisdiction in counties with a population of 500,000 or less and cities with a population of 200,000 or less

In Fiscal Year (FY) 2024 (July 1, 2023-June 30, 2024), State OPD received an appropriation funding to create, administer, and fund this reimbursement program. Additional funding will be appropriated in FY25. OPD expects that the legislature will appropriate funding again in the next biennium (FY26-27).

In order to administer these funds, State OPD created the Simple Possession Advocacy and Representation (SPAR) Program.

If SPAR funds are awarded to a jurisdiction, funding must be used for providing consultation and representation for individuals facing pending charges of or charged with qualifying offenses in courts of limited jurisdiction under the offenses listed above. These funds will be non-supplanting.

For Calendar Year 2023 and 2024, permissible use of funding will be limited to reimbursement for compensation for attorney and support staff time devoted to such consultation and representation, and reimbursement for investigation costs, and reimbursement for expert services related to qualifying offenses. Jurisdictions will be responsible for any other expense. Please note that funding may be used for representation on cases that *include* charges on qualifying offenses, but represented individuals need not be *exclusively* charged with qualifying offenses. State OPD understands that individuals are often charged with multiple offenses under the same case number. In such cases, expert services costs will only be reimbursed when the subject of expertise is related to qualifying offenses. Additionally, the legislature limited this funding to representation in courts of limited jurisdiction. Therefore, SPAR funds may not be used for representation of individuals charged with qualifying offenses in a superior court.

Funds awarded may not supplant existing funding for public defense.

**Application Timeline:**

Completed applications are **due to OPD by November 27, 2023.** State OPD will send preliminary notification of grant awards and denials by December 15, 2023. Signed, completed applications and corresponding documentation should be submitted as an email attachment to Nicole Dodge at [nicole.dodge@opd.wa.gov](mailto:nicole.dodge@opd.wa.gov). *Please do not leave any answers blank.*

**Application Definitions**

**Alternatives to Prosecution** – An opportunity to depart from the traditional criminal case process of charge to plea of guilty, or conviction or acquittal at trial.Examples might be, but not limited to, stipulated continuances, deferrals, therapeutic courts, or a diversion program. See also, Diversion; Specialty Court; Therapeutic Court.

**Case** - The filing of a document with the court naming a person as defendant or respondent, to which an attorney is appointed to provide representation.

**Case weighting** – A system for accounting for complexity, seriousness, or other extraordinary time commitments of certain types of cases and, therefore, adjusting the number of maximum case assignments. A weighting system may compensate for a case type by increasing or decreasing the weight given to a case type. Case weighting systems may only be used if the local government entity adopts and publishes written policies and procedures for implementing such a system.

**Consultation –** See Representation.

**Defendant** – The person answering or responding to a criminal charge. The state or city has accused these people of committing a crime, and they are defending themselves against the accusations. In certain cases, the defendant is referred to as the respondent.

**Diversion** – An agreement or non-specialty court program in which a defendant agrees to participate for some benefit. Typically, a defendant agrees to certain conditions (e.g., not commit any other crimes, abstain from alcohol, stay away from a particular person or place, engage in some sort of treatment evaluation and follow-through) with the understanding that the charge the defendant is facing will either be dismissed or reduced. See also, Pre-File Diversion; Pre-Trial Diversion; Statutory Pre-File Diversion; Statutory Pre-Trial Diversion Under RCW 69.50.4017.

**Pre-File Diversion –** A diversion from the criminal legal system by either law enforcement or the prosecutor that takes place before charges are filed against a defendant.

**Pre-Trial Diversion –** A diversion from the criminal legal system that takes place after charges are filed against a defendant but before a plea is entered, or before proceeding to trial.

**Statutory Pre-File Diversion** - A diversion from the criminal legal system by either law enforcement or the prosecutor to a program or service that takes place before charges are filed against a defendant as set forth in [RCW 69.50.4011(3)(c)](https://app.leg.wa.gov/RCW/default.aspx?cite=69.50.4011); [69.50.4013(2)(c)](https://app.leg.wa.gov/RCW/default.aspx?cite=69.50.4013); [69.50.4014(2)](https://app.leg.wa.gov/RCW/default.aspx?cite=69.50.4014); [69.41.030(2)(e)](https://app.leg.wa.gov/RCW/default.aspx?cite=69.41.030)

**Statutory Pre-Trial Diversion under RCW 69.50.4017** - A diversion from the criminal legal system under [RCW 69.50.4017](https://app.leg.wa.gov/RCW/default.aspx?cite=69.50.4017) that takes place after charges are filed against a defendant but before a plea is entered, or proceeding to trial.

**Indigent** – The definition of indigent is set forth in RCW 10.101.010(3). A legal determination of whether someone is indigent is made by a judicial officer in accordance with RCW 10.101.010. Generally, someone is indigent if they receive certain public assistance, is involuntarily committed to a public mental health facility, is receiving income 125% below the federal poverty level, or unable to pay the anticipated costs of defending themselves against the accusations.

**Judicial Officer** – Includes judges, court commissioners, and those acting in a temporary and limited judicial capacity (i.e., judges pro tem).

**Public Defense / Public Defense Services –** The entire system of providing legal representation and other services to indigent defendants/respondents. Public defense services encompass administration, investigation, social work, community support, as well as traditional trial defense representation. In Washington, public defense services also include non-criminal matters such as in dependency.

**Public Defender or Defense Attorney –** An attorney licensed in Washington who represents indigent persons in court proceedings at public expense. A public defender works in a government public defense agency, a non-profit public defense agency, a private firm or solo practice on a contractual basis, or by court appointment.

**Qualifying Offenses –** Pending charges of or charges of violations of RCW 69.50.4011(1)(b) or (c), 69.50.4013, 69.50.4014, or 69.41.030(2), (b), or (c), or pending charges of or charges of offenses involving allegations of possession or public use of a controlled substance, counterfeit substance, or legend drug.

**Representation –** Representation includes appointment to represent indigent defendants in courts of limited jurisdiction on cases involving qualifying offenses, including in therapeutic or specialty courts; consulting or advising indigent defendants or potential defendants on pre-file or pre-trial diversion options; consulting or advising indigent defendants during the pendency of pre-trial diversion; representation on motions to terminate defendants from pre-trial diversion programs, or specialty or therapeutic courts, or other programs that offer alternatives to prosecution.

**SPAR Program –** State OPD’sSimple Possession Advocacy and Representation Program

**Specialty Court –** See “Therapeutic Court.”

**Supplanting Funds** – Use of state funds to replace existing city funds for public defense. For a simple example, if the jurisdiction budgets $100,000 for public defense, and subsequently receives SPAR funds in the amount of $20,000, jurisdictions are prohibited from reducing their county-funded public defense budgets by $20,000 during the period for which it receives funds.

**Therapeutic Court –** A court utilizing a program or programs structured to achieve both a reduction in recidivism and an increase in the likelihood of rehabilitation, or to reduce child abuse and neglect, out-of-home placements of children, termination of parental rights, and substance abuse and mental health symptoms among parents or guardians and their children through continuous and intense judicially supervised treatment and the appropriate use of services, sanctions, and incentives

**WSBA –** Washington State Bar Association.

**Evaluation of Applications:**

The attached Appendix A provides details on the evaluation factors considered by State OPD in selecting award recipients and determining award amounts.

**Technical Assistance for SPAR Program:**

State OPD staff is available to work with jurisdictions regarding compliance with these funds. State OPD will have a SPAR Attorney Trainer on staff to serve as a resource for SPAR public defenders.

Through its Public Defense Improvement Program (administering funds under RCW 10.101), State OPD also has available a variety of [resources for assistance in implementation of the Standards](https://opd.wa.gov/cities-counties-courts/resources-public-defense-administrators) and caseload limits, such as an FAQ on the Standards, web tutorials, sample caseload calculators, and a customizable model misdemeanor case weighting policy.

For information regarding the SPAR Program or this application process, contact:

Grace O’Connor, SPAR Supervising Attorney, [Grace.oconnor@opd.wa.gov](mailto:Grace.oconnor@opd.wa.gov), 360-586-3164, x.151

Nicole Dodge, SPAR Program Analyst, [Nicole.dodge@opd.wa.gov](mailto:Nicole.dodge@opd.wa.gov), 360-586-3164, x.114.

We look forward to working with you to implement this new funding in Washington State.

2024 Funding Application

Simple Possession Advocacy & Representation (SPAR) Program

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| **City/County Name:** |  | | | | |
| **Contact Name\*:** |  | | | | |
| **Title:** |  | | | | |
| **Mailing Address:** |  | | | | |
| **City:** |  | | **State:** WA | **Zip Code:** |  | |
| **Phone:** |  | | | | |
| **Email Address:** |  | | | | |
| \*Please list the person who will be responsible for submitting invoices and handling any communication in regard to these funds. | | | | | |
|  |  | | | | |
| **Signing Authority\*\*:** |  | | | | |
| **Title:** |  | | | | |
| **Mailing Address:** |  | | | | |
| **City:** |  | | **State:** WA | **Zip Code:** |  | |
| **Phone:** |  | | | | |
| **Email Address:** |  | | | | |
| \*\*Please list the person who will be signing any agreement regarding these funds. If the same as the contact person listed above, you may skip this section. | | | | | |
| **State Vendor Number:** | |  | | | |
| For more information see:  https://ofm.wa.gov/it-systems/accounting-systems/statewide-vendorpayee-services | | | | | |

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| *NOTE: Complete applications must be received at OPD by 5 p.m.* ***November 27, 2023****.* |

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| **Section I: Demographics and Case Tracking** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1. **Is this application completed on behalf of a Washington city or county?** | | | | | | | | | | | | | | | | | | | | | | | **City**  **County** | | | | | | | |
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| 1. **What is the current population size of your jurisdiction?** | | | | | | | | | | | | | | | | | | | |  | | | | | | | | | | |
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| 1. **What is the current public defense model in your city/county? Please select one option that best describes how public defense services are delivered in your region.** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| a) The city/county contracts with attorneys for public defense services.  b) Public defense services are provided primarily by staff attorney(s) of a public defense agency or non-profit. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| 1. **Does the city/county have the ability to collect and report data on the following data points:** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| **Yes** | | | **No** | | **Data to be requested** | | | | | | | | | | | | | | | | | | |
|  | | |  | | Age of Defendant | | | | | | | | | | | | | | | | | | |
|  | | |  | | Race of Defendant | | | | | | | | | | | | | | | | | | |
|  | | |  | | Gender of Defendant | | | | | | | | | | | | | | | | | | |
|  | | |  | | Case Outcome/Disposition | | | | | | | | | | | | | | | | | | |
|  | | |  | | Diversion Status (including: was case diverted, was diversion completed) | | | | | | | | | | | | | | | | | | |
|  | | |  | | Number of Cases | | | | | | | | | | | | | | | | | | |
|  | | |  | | Attorney Hours | | | | | | | | | | | | | | | | | | |
|  | | |  | | Trials | | | | | | | | | | | | | | | | | | |
| ***Ability to collect and report data on age, race, and gender of the defendant, or case outcome/disposition and diversion status is not a requirement for grant funding. However, ability to track number of cases, attorney hours, and trials will be part of the documentation required for reimbursement. If the city/county is currently collecting data on any of these data points, please attach a template or sample report, if available.*** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| 1. **If you are applying on behalf of a city, what is the city ordinance/city code new filings for possession of a controlled substance are charged under? Please attach a copy.** | | | | | | | | | | | | | | | | | | | | | | | | | | |  | | | |
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| 1. **With the passage of 2E2SSB 5536, OPD anticipates an increase in filings of criminal cases centered around possession of controlled substance charges. How many cases do you estimate will be filed as a result?** | | | | | | | | | | | | | | | | | | | | | | | | | | |  | | | |
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| 1. **Who in the city/county is responsible for overseeing contract attorneys, sub-contract attorneys and assigned counsel attorneys? What is their title/position?** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| 1. **Are city attorneys, prosecutors, judges, judicial staff, or law enforcement officers involved in the selection of public defense attorneys?** [WSBA Indigent Defense Services Standard 19](https://wsba.org/docs/default-source/legal-community/committees/council-on-public-defense/standards-for-indigent-defense-services-approved-by-bog-revised-september-2021.pdf?sfvrsn=b40d17f1_4)**;** [RCW 10.101.040](http://app.leg.wa.gov/RCW/default.aspx?cite=10.101.040); [GR 42](https://www.courts.wa.gov/court_rules/pdf/GR/GA_GR_42_00_00.pdf) | | | | | | | | | | | | | | | | | | | | | **Yes  No** | | | | | | | | | |
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| **Section II: Diversions and Post-Disposition Representation** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1. **Pre-File Diversion:** In lieu of jail booking and referral to the prosecutor for possession and public use cases, 2E2SSB 5536 encourages law enforcement to offer a referral to assessment and services available under RCW 10.31.110 or other program or entity responsible for receiving referrals in lieu of legal system involvement, which may include, but are not limited to, arrest and jail alternative programs (AJA), law enforcement assistant diversion programs (LEAD), or a recovery navigator program (RNP). *See* [RCW 69.50.4011(3)(c)](https://app.leg.wa.gov/RCW/default.aspx?cite=69.50.4011); [69.50.4013(2)(c)](https://app.leg.wa.gov/RCW/default.aspx?cite=69.50.4013); [69.50.4014(2)](https://app.leg.wa.gov/RCW/default.aspx?cite=69.50.4014); [69.41.030(2)(e)](https://app.leg.wa.gov/RCW/default.aspx?cite=69.41.030). Additionally, prosecutors are encouraged to divert possession and public use cases for assessment, treatment or other services rather than charge them. *See* [RCW 69.50.4011(3)(a)](https://app.leg.wa.gov/RCW/default.aspx?cite=69.50.4011); [RCW 69.50.4013(2)(a)](https://app.leg.wa.gov/RCW/default.aspx?cite=69.50.4013); [RCW 69.50.4014(1)](https://app.leg.wa.gov/RCW/default.aspx?cite=69.50.4014); [RCW 69.41.030(2)(b),(c)](https://app.leg.wa.gov/RCW/default.aspx?cite=69.41.030). | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| * 1. **Please describe any current pre-file diversion programs that exist in your jurisdiction.** In your description, please include 1) the type of diversion, including whether it occurs pre-referral to the prosecutor’s office or post-referral to the prosecutor’s office, 2) how an individual learns of the diversion 3) who makes the decision to allow the individual to participate in the diversion, 4) what is expected of the individual in the diversion, and 5) the role of defense counsel, in any, in these diversions. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| * 1. **Does your jurisdiction have any future plans to adjust its pre-file diversion options in light of 2E2SSB 5536?** | | | | | | | | | | | | | | | | | | | | | **Yes  No** | | | | | | | | | |
| If yes, please describe: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| * 1. **Does your jurisdiction have plans to create a statutory pre-filing diversion option under 2E2SSB 5536?** | | | | | | | | | | | | | | | | | | | | | **Yes  No** | | | | | | | | | |
| If yes, please describe: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| 1. **Post-Charge, Pre-Trial Diversion:** 2E2SSB 5536 created a post-charging, pre-trial statutory diversion framework for possession and public use offenses. *See* [RCW 69.50.4017](https://app.leg.wa.gov/RCW/default.aspx?cite=69.50.4017). Under that framework, a defendant whose motion to divert is granted will be diverted to a recovery navigator program, an arrest and jail alternative program, or a law enforcement assisted diversion program in the area. RCW 69.50.4017(2). Under the statutory framework, the diversion program must provide a regular written status update on the defendant’s progress at least monthly to the court, prosecuting attorney, defendant, and defense counsel. RCW 69.50.4017(4). Additionally, under the statute, if a prosecutor moves to terminate a defendant from the diversion, the defendant must be notified, a hearing must be set, and before the hearing the defendant and defendant’s counsel must be advised of the nature of the alleged noncompliance, and provided discovery of evidence supporting the allegation, including names and contact information of the witness. RCW 69.50.4017(10). | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| **Please describe how your jurisdiction intends to ensure availability of defense counsel under this statutory framework for continued representation of clients who are in a statutory diversion under RCW 69.50.4017.** Please include information on how defense attorneys will receive notice of hearings and be assigned to represent clients at those hearings, as well as how attorneys will be available for consultations to clients during the diversion. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| * 1. **Please describe any post-charging, pre-trial alternatives to prosecution that your jurisdiction *currently uses* for misdemeanor or gross misdemeanor charges.** Examples might be, but not limited to, stipulated continuances, deferrals, therapeutic courts, or a diversion program. In your description, please include 1) the type of alternative to prosecution, 2) how a defendant requests the alternative 3) who makes the decision to allow the defendant to participate in the alternative to prosecution, 4) how the defendant successfully completes the alternative, and 5) the role of defense counsel in these alternatives. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| * 1. **Does your jurisdiction have any future plans to adjust post-charge, pre-trial options for alternatives to prosecution for misdemeanor or gross misdemeanor charges in your jurisdiction in light of 2E2SSB 5536?** | | | | | | | | | | | | | | | | | | | | | **Yes  No** | | | | | | | | | |
| If yes, please describe: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| 1. **Please describe how representation on post-disposition matters, such as probation reviews and revocation hearings, currently takes place.** Please address assignment of attorneys for hearings as well as representation during the probationary period. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| 1. **Does your jurisdiction have any future plans to adjust the way it does post-disposition representation in light of 2E2SSB 5536?** | | | | | | | | | | | | | | | | | | | | | | **Yes  No** | | | | | | | | |
| If yes, please describe: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| **Section III: Funding Request & Public Defense Expenditures/Budget** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1. **How much funding is the city/county requesting for use in 2024?** | | | | | | | | | | | | | | | | | | | | | | | | | **$** | | | | | |
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| 1. **In 2022, the city/county paid indigent defense expenses as follows:** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | | | | | | | | | City/County Funds | | | | State OPD Chapter 10.101 RCW Grant Funds (if applicable) | | | | | Other Funds (if applicable) | | | | | | | | | | | | | |
| Attorney salaries and benefits, contract and conflict attorney compensation | | | | | | | | | $ | | | | $ | | | | | $ | | | | | | | | | | | | | |
| Investigators, experts, interpreters, social workers, and other professional services | | | | | | | | | $ | | | | $ | | | | | $ | | | | | | | | | | | | | |
| Other public defense expenses | | | | | | | | | $ | | | | $ | | | | | $ | | | | | | | | | | | | | |
| **Total** | | | | | | | | | **$** | | | | **$** | | | | | **$** | | | | | | | | | | | | | |
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| 1. **For 2023, the city/county *budgeted* indigent defense expenses as follows:** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | | | | | | | | | City/County Funds | | | | State OPD Chapter 10.101 RCW Grant Funds (if applicable) | | | | | Other Funds (if applicable) | | | | | | | | | | | | | |
| Attorney salaries and benefits, contract and conflict attorney compensation | | | | | | | | | $ | | | | $ | | | | | $ | | | | | | | | | | | | | |
| Investigators, experts, interpreters, social workers, and other professional services | | | | | | | | | $ | | | | $ | | | | | $ | | | | | | | | | | | | | |
| Other public defense expenses | | | | | | | | | $ | | | | $ | | | | | $ | | | | | | | | | | | | | |
| **Total** | | | | | | | | | **$** | | | | **$** | | | | | **$** | | | | | | | | | | | | | |
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| 1. **Through calendar year 2024, permissible uses of these funds will be limited to compensation for attorney and support staff time spent on qualifying offenses, and expert services related to such representation. Based on your response to Question 3.1, how much funding will the city/county require in each of these categories?** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Attorney Compensation | | | | | | | | | | | | | $ | | | | | | | | | | | | | | |
| Support Staff Compensation | | | | | | | | | | | | | $ | | | | | | | | | | | | | | |
| Investigation/Expert Services | | | | | | | | | | | | | $ | | | | | | | | | | | | | | |
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| 1. **What is the average compensation rate for contract or assigned counsel?** For counties, please provide the compensation rate for counsel in district court misdemeanors and gross misdemeanors. (Please use additional pages if needed.) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| **Contract Type** | | | | | | | | | **Amount** | | | | **Base Rate** | | | | **Additional Compensation (e.g. trial days)** | | | | | | | | | | | |
| Primary Defense | | | | | | | | | $ | | | | Per Hour  Per Case  Per Month, Average Monthly Caseload:  Other: | | | |  | | | | | | | | | | | |
| Conflict Defense | | | | | | | | | $ | | | | Per Hour  Per Case  Per Month, Average Monthly Caseload:  Other: | | | |  | | | | | | | | | | | |
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| 1. **Pursuant to 2E2SSB 5536, these funds will be disbursed only on a reimbursement basis. This requires the city/county to first expend funds, then submit an invoice for reimbursement. More information regarding invoice forms, required documentation, and invoice deadlines will be available prior to execution of a funding agreement. Is the city/county able to track expenditures, and regularly invoice State OPD for reimbursement?** | | | | | | | | | | | | | | | | | | | | | **Yes**  **No** | | | | | | | | | |
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| 1. **If attorney costs are ordered or assessed against indigent defendants, is there a standard recoupment amount or does it vary?\*** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | | | | | Standard Amount: | | | | | | | **$** | | | | | | | | | | | | | | | | | | |
|  | | | | Amount Varies (typical range): | | | | | | | **$** | | | | | | | | | | | | | | | | | | |
|  | | | | | Recoupment of attorney costs is never ordered against indigent defendants. | | | | | | | | | | | | | | | | | | | | | | | | | |
| *\*If attorney costs are assessed, the amount will be deducted from any reimbursement paid to the city/county under SPAR.* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| 1. **Did the city/county complete an application in 2023 for Chapter 10.101 RCW State Grant funds?** | | | | | | | | | | | | | | | | | | | | | **Yes\*  No** | | | | | | | | | |
| ***\*If yes, you may skip to Section VIII****.* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| **Section IV: Case Assignments** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1. **Does the city/county use a case-weighting policy as allowed for in Standard 3 of the Standards adopted by the WSBA and the Washington State Supreme Court (**[**CrRLJ 3.1**](http://www.courts.wa.gov/court_rules/?fa=court_rules.list&group=clj&set=CrRLJ)**)?** If yes, please attach the case-weighting policy. | | | | | | | | | | | | | | | | | | | | | **Yes  No** | | | | | | | | | |
| 1. **If yes, what is the city/county’s method of counting probation violations and other post-sentencing hearings?** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| **Section V: Court/City/County Information** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1. **Please describe the indigency screening procedure (**[**RCW 10.101.010 – 020**](http://app.leg.wa.gov/RCW/default.aspx?cite=10.101.010)**) for municipal/district court defendants and attach any related written policies and screening documents used:** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| 1. **Does the city contract with the county or another city to provide municipal court services?** | | | | | | | | | | | | | | | | | **Yes**  **No**  **N/A** | | | | | | | | | | | | | |
| If yes, please describe the situation: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| 1. **Does the city contract with another city or county public defender agency to provide the city’s public defense?** | | | | | | | | | | | | | | | | | **Yes  No  N/A** | | | | | | | | | | | | | |
| If yes, please describe: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| **Section VI: Washington State Bar Association Standards for Indigent Defense Services** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| [*RCW 10.101.060*](http://app.leg.wa.gov/RCW/default.aspx?cite=10.101.060) *requires each city or county that receives state funds to document to the Washington State Office of Public Defense that it is meeting the* [*WSBA Standards for Indigent Defense Services*](https://www.wsba.org/docs/default-source/legal-community/committees/council-on-public-defense/standards-for-indigent-defense-services-approved-by-bog-revised-september-2021.pdf?sfvrsn=b40d17f1_8)*, or that the funds are being used to make “appreciable, demonstrable improvements in the delivery of public defense services.” The following questions address many of the provisions set forth in statute and the WSBA Standards for Indigent Defense Services.* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| **Standard One: Compensation** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1. **Do the city/county’s public defense contracts (including sub-contracts and assigned counsel policies) require the attorneys to compensate conflict counsel, investigators or experts?** | | | | | | | | | | | | | | | | | | | | | | | | | | **Yes  No** | | | | |
| If yes, please explain the situation: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| 1. **If public defense is provided by attorneys employed by a public defense agency, are job classifications, compensation and benefit levels comparable to local prosecuting attorneys?** | | | | | | | | | | | | | | | | | **Yes  No  N/A** | | | | | | | | | | | | | |
| If no, please explain: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| 1. **Are compensation amounts for contracted, sub-contracted, and assigned counsel attorneys sufficient to cover administrative costs such as travel, telephone, technology, office space, supplies, and training?** | | | | | | | | | | | | | | | | | | | | | | | | | | **Yes  No** | | | | |
| If no, please explain: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| **Standard Two: Duties and Responsibilities** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1. **Are defense attorneys present and representing defendants at:** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| * 1. In-custody first appearance hearings where bail is addressed (as defined by [CrRLJ 3.2.1](http://www.courts.wa.gov/court_rules/?fa=court_rules.display&group=clj&set=CrRLJ&ruleid=cljcrrlj3.2.1))? | | | | | | | | | | | | | | | | | | | | | | | | | | **Yes  No** | | | | |
| If no, please describe when and how defendants have access to counsel: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| * 1. Out-of-custody first appearance hearings? | | | | | | | | | | | | | | | | | | | | | | | | | | **Yes  No** | | | | |
| If no, please describe when and how defendants have access to counsel: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| * 1. Are public defense attorneys made available to consult with clients prior to first appearance or arraignment hearings? | | | | | | | | | | | | | | | | | | | | | | | | | | **Yes  No** | | | | |
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| **Standard Three: Caseload Limits** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1. **Do the city/county’s public defense contracts (and subcontracts, if applicable) specify the maximum number of cases each attorney shall be expected to handle?** | | | | | | | | | | | | | | | | | | | | | | | | | | **Yes  No** | | | | |
| If no, please explain: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| 1. **Are the caseloads of the public defense attorneys (including private cases and public defense cases from other jurisdictions) within the limits set by the Washington Supreme Court (**[**CrRLJ 3.1**](http://www.courts.wa.gov/court_rules/?fa=court_rules.list&group=clj&set=CrRLJ)**)?** | | | | | | | | | | | | | | | | | **Yes  No  Not Sure** | | | | | | | | | | | | | |
| If yes was not selected, please explain: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| **Standard Four: Responsibility for Expert Witnesses** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1. **Does the city/county pay for defense experts?** | | | | | | | | | | | | | | | | | | | | | | | | | | **Yes  No** | | | | |
| If no, please explain the situation: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| **Standards Six and Seven: Investigators and Support Services** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1. **Does the city/county pay for defense investigators?** | | | | | | | | | | | | | | | | | | | | | | | | | | **Yes  No** | | | | |
| If no, please explain the situation: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| **Standards Ten and Eleven: Supervision, Monitoring and Evaluation of Attorneys** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1. **Which individual/entity maintains the attorney certifications filed in your court?** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| **How are the certification forms made available for public review?** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| 1. **Has someone from the city/county verified that all attorneys that provide public defense representation in your jurisdiction filed Certifications for the first and second quarters of 2023?** | | | | | | | | | | | | | | | | | | | | | | | | | | **Yes  No** | | | | |
| \*Please provide copies of all Certifications filed for the 2nd Quarter of 2023 in your jurisdiction. Counties do not need to provide Certifications for attorneys practicing only in Superior Court. (It is not necessary to provide Certifications of staff attorneys employed at government or non-profit public defense agencies.) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| **Standard Thirteen: Limitations on Private Practice** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1. **Does the city/county require contract and subcontract public defense attorneys to report on public defense caseloads from other jurisdictions, and “hours billed for nonpublic defense legal services including number and types of private cases?”** [**RCW 10.101.050**](http://app.leg.wa.gov/RCW/default.aspx?cite=10.101.050) | | | | | | | | | | | | | | | | | | | | | | | | | | **Yes  No** | | | | |
| If no, please explain the situation: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| **Standard Fifteen: Disposition of Client Complaints** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1. **Who does the city/county designate to receive and investigate complaints about public defense services?** Please provide the name and contact information for the person/office: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| 1. **How are indigent clients notified of the complaint policy and procedure?** Please provide a copy of the city/county’s complaint procedure, complaint form, or any other relevant documentation. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| **Section VII: Attachments and Tables** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1. **If the city/county has public defense contracts, fill out the Table of Public Defense Contracts *(Table I),* and provide a copy of each *current contract* in alphabetical order by attorney name.** If possible, please provide scanned copies of contracts. Failure to provide current contracts could result in an incomplete application. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| 1. **If the court appoints public defense attorneys from a list, provide the name of each attorney and the compensation paid per case or per hour in the Table of List-Appointed Public Defense Attorneys *(Table II)***. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| 1. **Please include the following items with your application. Each required attachment must be labeled with the question number(s) to which it corresponds. If attachments are submitted as separate documents, please ensure the question number is referenced in the file name as well as inside on the document itself. Failure to include any of the required items could result in an incomplete application.** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | | | | Sample template or report for monthly or quarterly attorney activity, if applicable *(see question 1.4)* | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | | | | Case-weighting policy, if applicable *(see question 4.1)* | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | | | | Indigency screening form and related documents *(see question 5.1)* | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | | | | 2nd Quarter 2023 Certifications filed *(see question 6.10)* | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | | | | Complaint procedure, forms or other relevant documentation *(see question 6.13)* | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | | | | Currently effective public defense contracts *(see question 7.1)* | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | | | | Other relevant information *(applicant’s discretion)* | | | | | | | | | | | | | | | | | | | | | | | | | | |

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| **Section VIII: Declaration** | | | |
| **Declaration** | | | |
| *I declare under penalty of perjury under the laws of the State of Washington that the foregoing information is true and correct.* | | | |
|  | |  |  |
| Signature | |  | Date |
|  |  |  |  |
| Printed Name | Title |  | Place |

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| Washington State Office of Public Defense | | | | | |
| **Table I: Public Defense Contracts and Subcontracts Currently in Effect (2023)** | | | | | |
| Name of attorney/firm  (If firm, please identify (1) the total number of attorney FTEs handling public defense cases, and (2) the name of each attorney handling public defense cases) | WSBA # | Number of misdemeanor/  gross misdemeanor cases anticipated for the attorney/firm in 2023 | Method and rate of payment (per case/per hour, etc.) | Conflict cases only?  Yes/No | |
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| Washington State Office of Public Defense | | | |
| **Table II: List-Appointed Public Defense Attorneys 2023** | | | |
| Name of attorney/firm  (If firm, please identify (1) the total number of attorney FTEs handling public defense cases, and (2) the name of each attorney handling public defense cases) | WSBA # | Method and rate of payment (per case/per hour, etc.) | Number of cases assigned |
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**SPAR Program FY24 Application Evaluation Guidelines**

No award will be made to a city or county that exceeds the population threshold identified by the legislature in 2E2SSB 5536. State OPD’s goal in awarding funding is to promote consistent, quality defense representation in courts of limited jurisdiction, and to maximize the number of jurisdictions that receive an award. In the event that funding requests exceed State OPD’s available funding, State OPD may consider the applicant’s poverty level compared to that of other applications; the applicant’s current model of public defense; and whether an applicant has previously received grant funds from State OPD, and if so, whether the applicant substantially complied with the terms of previous grant agreements.