



**WASHINGTON STATE
OFFICE OF PUBLIC DEFENSE**

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February 8, 2005

The Honorable Margarita Prentice, Chair
Ways and Means Committee
Washington State Senate
316 John A. Cherberg Building
PO Box 40411
Olympia, WA 98504-0411

The Honorable Helen Sommers, Chair
Appropriations Committee
Washington State House of Representatives
PO Box 40600
Olympia, WA 98504-0600

Dear Senator Prentice and Representative Sommers:

The 2004 prioritized list of county requests for reimbursement of their aggravated murder costs has been completed, pursuant to the Extraordinary Criminal Justice Costs Act.

Four counties submitted petitions for costs reimbursement. Pursuant to the statute's requirement that all claims be supported by appropriate documentation, the Office of Public Defense (OPD) audited and verified the petitions and their supporting documentation. OPD worked with the counties to ensure them the opportunity to submit updated information. Deductions were made for claimed costs that OPD could not verify.

The directors of the Washington Association of Prosecuting Attorneys (WAPA), Washington Association of Sheriffs and Police Chiefs (WASPC) and OPD met to evaluate the claims, discuss the process, and prepare the prioritized list. The counties' adjusted claims were divided by their criminal justice budget to create a ratio quantifying the impact of the claimed murder case costs.

Grant County submitted a petition for costs reimbursement for a high-impact murder case with two twelve-year-old defendants being tried as adults. This is not an aggravated murder case. At the county's request, OPD verified the claimed expenses and has included the case on the prioritized list, with its status noted, for the Legislature's consideration.

Letter to The Honorable Margarita Prentice and The Honorable Helen Sommers

February 8, 2005

Page 2

Each of the four claiming counties described efforts to efficiently use resources by controlling costs within the context of the individual cases and constitutional standards. For example, King County reported a new database system for aggravated murder cases shared by the courts, the prosecuting attorney's office, and defense counsel, which significantly improves the efficiency of document handling for all parties. Grant County similarly used imaging techniques to effectively manage the costs related to document production.

Of note is the counties' 100% compliance with SPRC 2, a Supreme Court rule requiring that at least one attorney appointed in aggravated murder cases that may involve the death penalty be certified as qualified by the Supreme Court Capital Counsel Panel. Another notable fact reported by the King County petition is that for two death penalty King County cases, State v. Ridgway and State v. Champion, a number of defense attorneys were appointed by the court (SPRC 2 establishes that "at least two" must be appointed). The Ridgway case involved multiple victims and charges and the teams of defense attorneys and prosecuting attorneys had to cope with the task of reviewing more than a million pages of documents, most of which were created by the Green River Task Force. On the other hand, the Champion case involved only one victim, and it is not clear why, according to King County, the court appointed multiple defense attorneys for the case. In almost all the other aggravated murder cases in which there was a possibility of a death sentence, two defense attorneys were appointed. (In one King County case, State v. Matthews, 2.5 defense attorneys were appointed.)

Yakima County described the appointment of a fiscal judge (other than the trial judge) to review costs requests. Requests were considered by this judge after their presentation by counsel. By setting up this procedure, Yakima appropriately removed fiscal decisions, which greatly impact how counsel can proceed with the case, from the judge who would decide the case on the merits.

This year, Yakima County filed a claim for 2003 and 2004 expenses for \$283,310. In 2003, the superior court asked to file all expenses for this case in 2004 because all fiscal information regarding the year was sealed by court order until the case was completed. OPD advised Yakima County that under the circumstances, the 2003 expense claims could be delayed until this year.

The prioritized list is enclosed. Please let me know if OPD can provide any more information.

Sincerely,

Joanne I. Moore
Director

Enclosure

Extraordinary Criminal Justice Costs Act 2004 Prioritized List

<u>Year</u>	<u>County</u>	<u>Adjusted Claim</u>	<u>Criminal Justice Budget</u>	<u>Budget Impact</u>
2004	Grant*	281,534	14,787,455	1.90%
2004	King	4,839,053	404,577,665	1.20%
2004	Snohomish	568,960	116,913,418	0.49%
2004 2003	Yakima Yakima**	194,232 89,078	45,608,011 44,278,221	0.43% 0.20%
Total of Claims:		5,972,857		

Notes:

1. The list has been prioritized in order of the impact of counties' 2004 aggravated murder costs on their 2004 criminal justice budgets.

2. Budget impacts are rounded to the nearest hundredth.

* Per the Grant County Clerk, this case is not an aggravated murder case.

** Yakima County is claiming expenses for both 2003 and 2004 because the case was sealed and county officials were unable to obtain data until it was completed.