



2017 Status Report on Public Defense in Washington State

April 2018

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Washington State Office of Public Defense
2017 Status Report
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Introduction

The U.S. Supreme Court has determined that the presence of lawyers in criminal cases is essential because they are the means through which an accused person asserts any other legal right.¹ In Washington, local governments have the responsibility for funding and administering public defense services in adult criminal and juvenile offender cases. The Public Defense Improvement Program of the Washington State Office of Public Defenses (OPD) provides funding, resources, and training to help local governments fulfill their constitutional duty. Most of the program's work can be grouped into the following categories:

State Funding: In 2017 OPD distributed state grants to local governments to fund or sustain improvements to public defense services. Thirty-eight counties qualified to receive portions of \$6.2 million. Cities applied for funds through a competitive application process, resulting in 23 cities receiving \$686,495. OPD conducted site visits at many of these locations to learn more about their public defense service models and provide technical support and resources.

Technical Assistance: OPD ensures that public defense attorneys and administrators statewide have accessible, free technical assistance to help them deliver constitutionally effective services. OPD provides consultation on public defense administration practices and representation of juveniles in adult and juvenile court. OPD funds the Washington Defender Association to staff on-call attorneys who give case-specific consultation on adult criminal cases, as well the immigration consequences of criminal court involvement.

State-Funded Attorney Training: Consistent with previous years, OPD again delivered training to public defense attorneys in different geographic regions. In addition to classroom education, this year's trainings included guided tours of prisons operated by the Washington State Department of Corrections. In 2017 OPD expanded its training services by launching the Juvenile Defense Training Academy, a four-day intensive educational program designed to improve representation of youth.

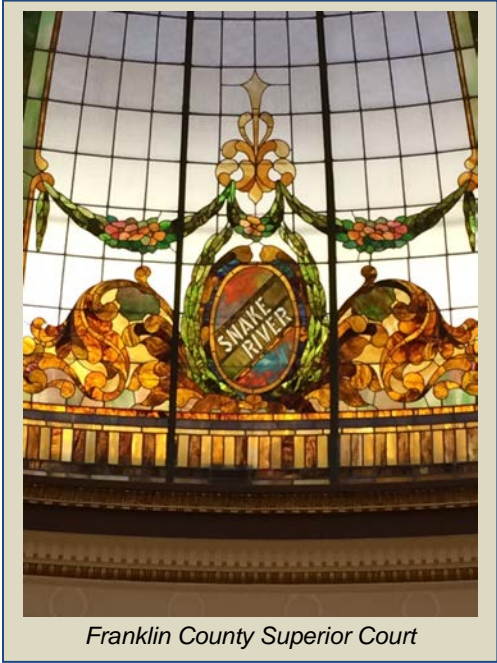
Special Projects: In 2017 OPD developed a framework and accompanying tools for evaluating the performance of contract and assigned counsel attorneys. The Quality Indigent Defense program, while still in development, will lead to the identification of expert public defense attorneys who can contract with local governments on a short-term basis to assess the performance of contract and assigned counsel attorneys.

These and other projects from 2017 are detailed in this 12th annual Status Report. In addition, city- and county-specific data pertaining to public defense funding, caseloads, and local practices provide information on how public defense services are delivered in the local trial courts.

¹ United States v. Cronin, 466 U.S. 648, 653-4 (1984).

Assistance for Local Public Defense Administration

City and county governments administer all services associated with trial-level public defense in adult criminal and juvenile cases. Cities and counties vary in their public defense service models. In more densely populated locations, local governments commonly operate public defense agencies which employ attorneys, support staff, and other professionals to represent indigent defendants. In most other locations, cities and counties enter into contracts with private law firms or solo practicing attorneys to represent indigent defendants. Many locations utilize a combination of both systems. For example, they may have smaller public defense agencies, but rely on contracts or assigned counsel to cover cases that exceed staff attorneys' caseload limits, or cases that would present a legal conflict of interest to staff attorneys. Local governments with any of the various structural approaches are eligible for OPD technical assistance.



Franklin County Superior Court

In 2017 OPD continued to work with local governments, courts, and attorneys to address administrative questions and challenges in public defense service delivery. OPD support included:

- Compiling and analyzing local trial-level public defense data, including compensation and appointment rates.
- Reviewing and commenting on draft public defense contracts, local standards, case weighting policies, indigency screening forms, and other administrative components to ensure consistency with current statutes, industry standards, and guidelines.
- Advising attorneys, public defense agencies, and local governments on implementation of the [Supreme Court Standards for Indigent Defense](#), and the [WSBA Standards for Public Defense Services](#).
- Maintaining an online [FAQ](#) with detailed information on implementing standards, [web tutorials](#) on counting cases, and [online calculators](#) for measuring caseloads composed of mixed case types.
- Providing a [model case weighting policy](#) for misdemeanors.
- Responding to formal and informal requests for information about public defense in Washington.

Consistent with [RCW 10.101.050-080](#), in 2017 OPD continued to administer approximately \$6.9 million in state grant funds for making and sustaining improvements to public defense services in felony, misdemeanor, and juvenile offender cases. Per statutory requirements, 90 percent of most state funds are allocated to eligible counties, and 10 percent to eligible cities. A 2017

legislative budget proviso directed that a portion of the funding appropriated in the state budget be shared 50-50 between counties and cities. County and city recipients use state funds for local improvements such as increased attorney compensation, decreased caseloads, attorney training, representation on preliminary appearance calendars, public defense coordinator positions, and increased use of investigators, experts, interpreters, and social workers.

County Funds: Through the grant program in Chapter 10.101 RCW, all counties must submit applications to be eligible for a percentage of appropriated funds based on a formula in [RCW 10.101.070](#). Applications must include the number of cases assigned to counsel, public defense expense totals, copies of current contracts, and other information pertaining to local public defense services. For each fiscal year a county receives state funds, it must document that it is meeting the Washington State Bar Association's Standards for Indigent Defense Services, or that funds are being used to make appreciable demonstrable improvements to public defense services. Because the state funds are directed to improvements, they may not be used to supplant public defense spending prior to the initial grant award.

City Funds: Chapter 10.101 RCW authorizes OPD to administer a competitive grant program to cities. OPD, in consultation with the Association of Washington Cities (AWC), selects the cities for grant awards and identifies the grant amounts. The selection process is based on factors

such as applying cities' poverty level, compliance with statutory and court rule public defense requirements, and previous performance with grant funds. In 2017 OPD awarded grant funding to 21 individual cities and two cities on a joint application. In consultation with AWC, beginning in 2018 OPD will transition the city grants to a two-year cycle to accommodate the often lengthy start-up timelines.

To monitor the use of state grant funds and provide individualized technical assistance on public defense management, each year OPD conducts site visits to a number of city and county grant recipients. In 2017 OPD conducted 12 city site visits and five county site visits, observing courtroom proceedings and meeting directly with judges, court administrators, public defense agency directors and coordinators, public defense attorneys, city/county officials and their staff. OPD's personal visits and ongoing practical assistance 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 review of OPD.²

"Because of grant funding the city has been able to retain a long-term agreement with a qualified attorney without interruption in service levels... Defendants in-custody are given a provisionally appointed public defender and visited at the jail or at Eastern State Hospital expediting early case resolution and release from custody."

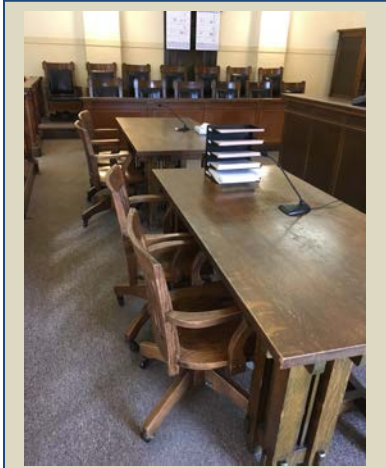
City of Cheney
2017 Mid-Year Grant Report

"State funds have allowed defenders to go to jail on a daily basis and therefore, have improved timeliness of representation. It also allowed for more assistance, i.e. hiring a part-time Rule 9 to help with the caseload. Additional resources have allowed for a higher and more consistent level of quality representation. More resources are available for cases taken to trial."

City of Kelso
2017 Mid-Year Grant Report

² http://www.opd.wa.gov/documents/0015-2008_JLARC_Report.pdf

Best Practice Highlight: Oversight of Contract and Assigned Counsel Attorneys



Counsel table at Pacific County Superior Court

In recent years many cities and counties have taken significant steps to improve defense services such as increased compensation, reduced caseloads, adoption of local caseload standards, and implementation of client complaint procedures. Many of the recent advancements were influenced by the adoption of the Supreme Court's Standards for Indigent Defense Services³ and civil decisions holding local governments accountable for deficiencies in the quality of public defense services.⁴ However, one critical component that many jurisdictions still grapple with is quality-control oversight for unsupervised contract and assigned counsel attorneys, and providing the attorneys with the necessary resources and support to effectively represent indigent defendants. This challenge is not unique to public defense services in Washington.⁵

Public defense agencies provide administrative structures that include supervision, evaluation, and oversight of staff attorneys and support services. Client representation practices are subject to regular review, and supervisors provide mentoring, training, and other resources to enhance services. In contrast, many counties' and most cities' administrative structures include no oversight on the quality of representation provided by contract or assigned counsel attorneys.

In most jurisdictions, particularly smaller ones, local government representatives lack the particularized expertise to properly evaluate the nature or extent of services provided under the public defense contracts. Many of these jurisdictions rely primarily on judges' critiques to determine whether counsel is performing well.⁶ Even in jurisdictions with public defense agencies, the work of contract or assigned counsel attorneys still may go unchecked. It is

³ Superior Court Criminal Rule 3.1, Criminal Rules for Courts of Limited Jurisdiction Rule 3.1, and Juvenile Court Rule 9.2.

⁴ *Wilbur, et al., v. City of Mount Vernon, et al.*, No. C11-1100RSL, United States District Court, Western District of Washington, 2013; *Best, et al., v. Grant County*, No. 04 2 00189 0, Kittitas County Superior Court, 2005.

⁵ Anderson, James M. and Heaton, Paul, *Measuring the Effect of Defense Counsel on Murder Case Outcomes*, (2012), available at: www.ncjrs.gov/pdffiles1/nij/grants/241158.pdf; Cohen, Thomas H., *Who's Better at Defending Criminals? Does Type of Defense Attorney Matter in Terms of Producing Favorable Case Outcomes* (2011), available at <https://ssrn.com/abstract=1876474>

⁶ Institutionalized judicial oversight of public defense attorney performance is problematic. As stated in Principle One of the American Bar Association's Ten Principles of a Public Defense Delivery System, "The public defense function should be independent from political influence and subject to judicial supervision only in the same manner and to the same extent as retained counsel."
www.americanbar.org/content/dam/aba/administrative/legal_aid_indigent_defendants/ls_sclaid_def_tenprinciplesbooklet.authcheckdam.pdf

sometimes considered inappropriate for agency directors or staff to implement quality-control measures over contract or assigned counsel attorneys, since they frequently represent clients who are conflicted-out from agency representation.

Several jurisdictions have taken steps to actively monitor the work of contract and assigned counsel public defense attorneys. Additionally, OPD has begun work on a model that may be helpful for smaller jurisdictions that lack resources for ongoing oversight.

Employee Monitor Model: Jurisdictions such as Clark County Indigent Defense Office, King County Department of public Defense, Benton County Office of Public Defense, Franklin County Office of Public Defense and the City of Olympia employ experienced public defense attorneys to oversee and monitor all contract public defense or assigned counsel services. The level of oversight varies by jurisdiction, but often includes recruiting and selecting qualified attorneys, handling complaints, monitoring caseload compliance, providing training and resources, and coordinating with other governmental departments for other public defense services.

Some jurisdictions have implemented policies and procedures for systematically monitoring contract or assigned counsel performance. Benton County, which operates a small county public defense agency, has adopted a Supervision and Quality Control Plan designed to oversee, monitor, and improve the performance of contract attorneys. Components of the Plan include on-boarding for new contractors, data collection, court observation, and ongoing local training.

Long-Term Contract Monitor Model: Thurston County, which operates a public defense agency, has taken a unique approach with contract attorney oversight. The agency Director is responsible for selecting and contracting with attorneys who handle conflict and overflow cases. A core group of seven part-time contractors represent indigent defendants in District Court, Juvenile Offender, and Felony (non-Class A) cases. In addition, the Director has entered into a contract with an experienced public defense attorney for a few hours per month to monitor the quality of the contract defense attorneys' performance, and to provide them specialized support for skills improvement. (While experienced in providing high-quality contract public defense services, the Contract Monitor does not currently represent clients in the trial courts.) The Contract Monitor reviews monthly data submitted by the attorneys, observes occasional court calendars and contested hearings, has access to client complaints, checks some court files, and conducts in-person review meetings with each attorney once or twice per year. In addition, the Contract Monitor is available to the contract attorneys for brainstorming legal issues and sharing sample written resources. The agency Director and the Contract Monitor check in regularly to address successes, concerns, and strategies for improvement.

Short-Term Contract Monitor Model: At the request of the Board for Judicial Administration, OPD began collaborating with a stakeholder group in 2016 to identify strategies for smaller local governments to monitor public defense attorney performance. These discussions led to the development of the *Quality Indigent Defense* (QID) program.

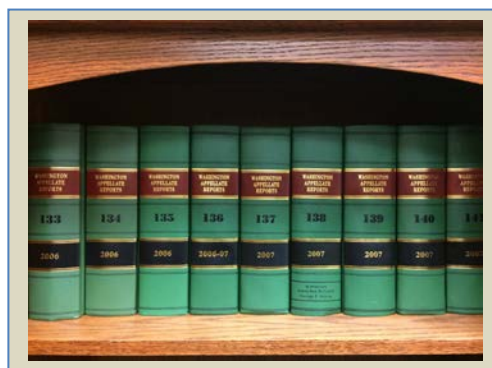
The goal of the QID program is provide cities and counties with a list of trained, experienced public defense evaluators with whom they can contract on a short-term basis to assess local

attorney performance. Instead of providing on-going oversight as described in the previous sections, these evaluators will spend a shorter period of time in a jurisdiction to conduct an audit-like assessment, concluding with a list of recommendations for the public defense attorneys and the local government. The evaluators will use a standardized set of checklists designed to evaluate and measure attorney and local government compliance with established public defense performance indicators.⁷ The evaluation process will include courtroom observation, court data analysis, attorney and stakeholder interviews, and client feedback.

The QID program is still in its pilot phase, and OPD hopes to have developed a group of trained evaluators within one year. The City of Sunnyside is collaborating with OPD for the pilot, and evaluation efforts have recently begun there. OPD plans to continue to pilot QID with other jurisdictions during 2018. These pilots will lead to refinement of the assessment tools, and will help form the curriculum to train the first group of QID evaluators.

Resource Attorneys for Specialized Professional Assistance

Effective representation of indigent clients in adult and juvenile criminal cases requires an advanced understanding of statutes, court rules, evolving case law, sentencing provisions, professional guidelines, potential consequences of convictions or adjudications, and mental health and addiction issues. To ensure that public defense attorneys in all locations have access to specialized assistance for case consultations, the state funds technical assistance attorney positions. In 2017 OPD continued to contract with the Washington Defender Association (WDA) to assist attorneys in four subject areas: felony cases, misdemeanor cases, immigration consequences, and death penalty defense.



The felony and misdemeanor WDA resource attorneys provide individualized case consultation to public defense attorneys statewide. Their services include issue-spotting, shaping arguments for evidentiary motions, researching procedural issues, and brainstorming trial and sentencing strategies. In addition, they develop and distribute practice advisories and sample memos, monitor and contribute to public defense attorney email listserves, and conduct various trainings live and via webinar. In 2017 WDA's felony and misdemeanor resource attorneys responded to 1,531 technical assistance requests from attorneys practicing in 35 different counties.

The WDA Immigration Project provides training, practice advisories, and case-specific assistance to criminal defense attorneys statewide regarding potential immigration

⁷ The performance indicators included in the checklists are generated from publications such as the [Washington State Bar Association's Performance Guidelines for Criminal Defense Attorneys](#), the [Washington Supreme Court's Standards for Indigent Defense Services](#), the [Rules of Professional Conduct](#), and applicable [case law](#) addressing effective representation guaranteed by the Sixth Amendment.

consequences for noncitizens accused of crimes. The purpose of the assistance is to ensure that criminal defense attorneys meet their obligations to provide effective assistance of counsel under *Padilla v. Kentucky* and *State v. Sandoval*. In 2017 the Immigration Project provided 3,235 technical assistance contacts with defense attorneys practicing in 34 counties.

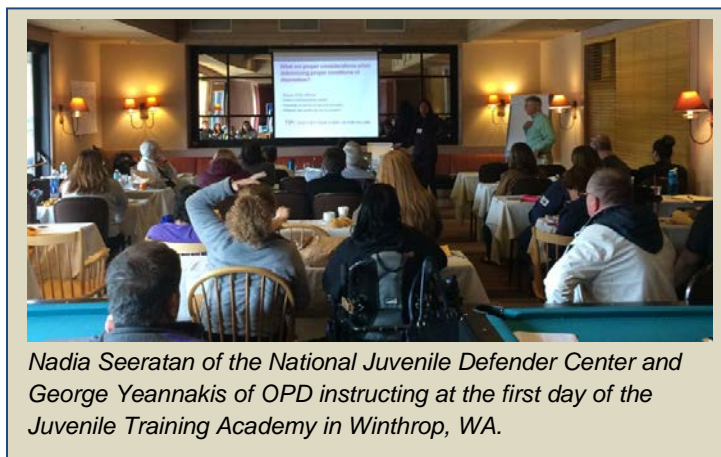
The WDA Death Penalty Assistance Project (DPAP) is a resource for attorneys, investigators, mitigation specialists, and support staff who represent defendants in cases where the Prosecuting Attorney is actively seeking or may seek capital punishment. Centralizing expertise and making it available for defense attorneys statewide helps ensure that defendants facing the possibility of a death sentence are represented by a well-resourced legal team. In 2017 DPAP responded to 56 technical assistance requests and presented a two-day conference tailored to meet the training needs of capital defenders and to help expand the list of qualified attorneys to handle these complex specialized cases.

OPD's Public Defense Improvement Program directly provides technical assistance to attorneys representing youth in juvenile offender and status offender cases. The unique aspects of juvenile defense and the frequently changing procedures result in many and varied requests for assistance. In 2017, an OPD Managing Attorney responded to more than 120 requests for assistance from defenders in 21 counties and distributed updates and checklists on juvenile issues through the WDA juvenile email listserv. The program also consults with county juvenile court staff and judicial officers to resolve issues that arise in the representation of indigent youth.

Juvenile Defense Training Academy

In 2017 OPD launched its first ever Juvenile Defense Training Academy – a four-day intensive educational program designed to improve all aspects of representation in juvenile offender cases.

In recent years the appellate courts have published quickly evolving case law recognizing that “an offender’s age is relevant to the Eighth Amendment, and criminal procedure laws that fail to take defendants’ youthfulness into



OPD 2017 Juvenile Training Academy
Presenters:

- **Kimberly Ambrose**, UW School of Law
- **Patti Berntsen**, DSHS Rehabilitation Administration
- **Arthur Bowie**, Pacific Juvenile Defender Center
- **Katherine Hurley**, King County Department of Public Defense
- **Kevin King**, UW School of Medicine
- **Jennifer McGowan**, Youth, Rights & Justice, Attorneys at Law
- **Nicole McGrath**, Attorney
- **Dr. Jodi McVittie**, Sound Discipline
- **Nadia Seeratan**, National Juvenile Defender Center
- **Travis Stearns**, Washington Appellate Project
- **Katy Wallace**, King County Department of Public Defense
- **George Yeannakis**, OPD

account at all would be flawed.”⁸ Juvenile public defense is increasingly acknowledged as a specialized profession, the effective practice of which differs significantly from representation of adult clients. Juvenile public defense attorneys must have an in-depth understanding of numerous statutes, court rules, and case law unique to juvenile cases. An attorney must also counsel clients on the varied and often longstanding collateral consequences of juvenile adjudications that can impact access to education, job opportunities, military service, housing, and immigration options. In addition, forming a meaningful representational relationship with a young person can be challenging due to their cognitive developmental stages and a lack of understanding of the criminal justice system. Consequentially, attorneys who represent youth in the criminal justice system require specialized training and skills.

The 2017 Juvenile Defense Training Academy provided a 24-hour intensive program designed to improve the quality of representation at every stage of a juvenile offender case. Interested attorneys were invited to apply for the limited number of slots, and selected participants agreed to attend four days of instruction. The curriculum was based on the Juvenile Training Immersion Program (JTIP), a highly specialized, comprehensive, trial advocacy program developed by the National Juvenile Defender Center and Georgetown University School of Law. Juvenile Defense Training Academy topics included:

- The Role of the Public Defender
- Juvenile Law
- Motions Practice
- Dispositions
- Race Equity
- Adolescent Development
- Competence to Stand Trial
- Educational Issues
- Juveniles Tried as Adults
- The Effect of Trauma on Youth
- Miranda Warnings: Developmentally Appropriate Language
- Challenging Probable Cause and Detention at Initial Appearance
- Guided Tour of Echo Glen Children’s Center

⁸ State v. Houston Sconiers, 188 Wn.2d 1, 8 (2017) citing Graham v. Florida, 560 U.S. 48, 76 (2010).

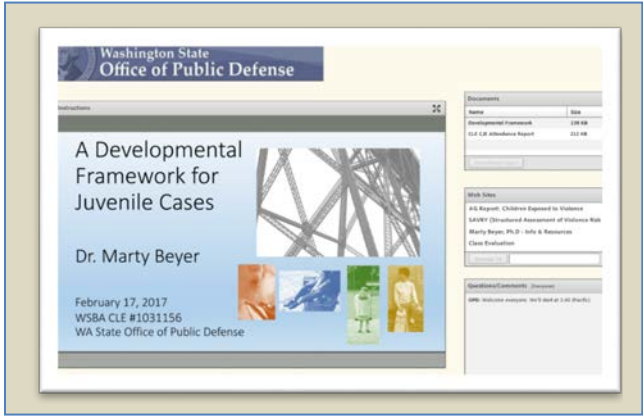
Training occurred at three locations – a one-day program in Winthrop in conjunction with the Washington Defender Association’s Annual Defender Conference, a two-day program at the University of Washington School of Law in Seattle, and a one-day program at the Echo Glen Children’s Center, a juvenile facility operated by the Washington State Department of Social and Health Services. The Washington State Partnership Council on Juvenile Justice provided grant funds to offset travel costs for Academy participants and faculty. Fifteen attorneys completed all four days of the 2017 Academy. They are listed on the OPD web site and currently practice in Clark, Mason, San Juan, Spokane, King, Cowlitz, Skagit, Pierce, and Whatcom counties. OPD will offer the Juvenile Defense Training Academy again in 2018.

- OPD 2017 Juvenile Defense Training Academy Partnering Organizations:
- Washington Defender Association
 - Washington State Partnership Council on Juvenile Justice
 - National Juvenile Defender Center
 - University of Washington School of Law
 - Pierce County Department of Assigned Counsel
 - Washington State Department of Social and Health Services, Rehabilitation Administration

Regional Trainings, Prison Tours, and Other CLEs

Attorneys appointed to represent indigent clients are required to earn a minimum of seven credits of continuing legal education (CLE) annually on topics relating to public defense,⁹ and each year OPD delivers training in to help public defense attorneys comply with this requirement.

In 2017 OPD delivered a live webinar, *A Developmental Framework for Juvenile Cases* presented by Dr. Marty Beyer. This one-hour presentation addressed the impact of immaturity, disabilities, and trauma on a young person before, during and after an offense. The session also focused on designing developmentally appropriate rehabilitation services. This content is particularly useful to public defense attorneys, as Courts continue to recognize the importance of considering developmental and cognitive maturity in cases involving youth and young adults. A recording of the webinar is available for viewing on [OPD’s website](#).



⁹ [RCW 10.101.050](#) requires that “attorneys providing public defense services attend training approved by the Office of Public Defense at least once per calendar year.” Standard Nine of the WSBA Standards for Indigent Defense Services requires that attorneys providing public defense services should “participate in regular training programs on criminal defense law, including a minimum of seven hours of continuing legal education annually in areas relating to their public defense practice.”



Jodi Backlund presenting to public defense attorneys on preserving issues for appeal in Shelton, September 28, 2017.

Every year OPD presents a series of CLE training events in different geographic areas of the state. In 2017 OPD combined these regional trainings with guided tours of Washington Department of Corrections facilities. The prison tours provided attorneys a better understanding of the programs, resources, and living arrangements

available to defendants sentenced to prison confinement. In addition, tour participants received the opportunity to ask questions and interact with facility staff, directors, and residents. Tours took place at:

- Washington Corrections Center, Shelton, September 28, 2017. All male prisoners entering the Washington State Prison System must pass through this facility in order to be permanently assigned to another prison.
- Washington State Penitentiary, Walla Walla, October 13, 2017. Opened in 1886, this facility includes minimum, medium, and maximum custody levels, as well as Washington's Death Row.
- Monroe Correction Complex, October 17, 2017. Three groups toured separate facilities within the complex – The Special Offender Unit, housing and treating Serious Mentally Ill residents; Twin Rivers Unit, home to the Washington State Sex Offender Treatment and Assessment Program; and the Washington State Reformatory, built in 1910 with capacity for 720 residents.

Each tour lasted up to 3 hours and provided an inside look at living quarters, isolation units, and educational and vocational programs. As stated by one tour participant in a session evaluation, "I found this part of the day to be an informative, valuable experience. There are things you just cannot understand or explain without having first seen them."

In addition to the tours, attorneys attended half-day classroom trainings at nearby locations. To stay consistent with themes associated with representing defendants facing potential prison sentences, the topics included felony sentencing and preserving issues for appeal. Presenters were:



Public defense attorneys discussing a hypothetical fact scenario at in Walla Walla. October 13, 2017.

- Cindy Arends Elsberry, Washington Defender Association;
- Jodi Backlund and Manek Mistry of Backlund & Mistry
- Andrea Burkhart, Two Arrows, PLLC
- Travis Stearns, Washington Appellate Project
- George Yeannakis, OPD
- John Ziegler, former appellate attorney

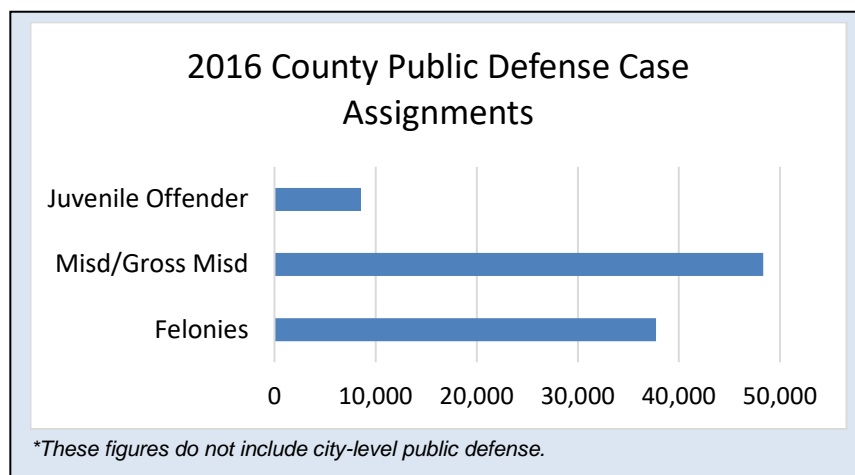


Cindy Arends Elsberry presenting to an audience of public defense attorneys on felony sentencing in Everett, October 17, 2017.

County Public Defense Services

Each county is responsible for funding and administering most public defense services in its Superior and District Courts.¹⁰ In addition, many counties also provide representation for indigent defendants in municipal court cases. Thirty-eight counties reported data to OPD showing that in 2016 they spent approximately \$153 million on public defense services. They provided representation for approximately 38,000 felonies, 48,000 misdemeanors, and 8,500 juvenile offender cases.

The administrative structure of local public defense services tends to fall into four categories, and each county has a unique system which uses some combination of categories:



- 1. County Agencies:** Twelve counties have government department public defense agencies. These agencies employ attorneys, support staff, and supervisors, and in some counties, additional staff for investigation and/or social work. In most of these counties, the majority of public defense cases are assigned to agency attorneys, while conflict and overflow cases are assigned to contract and/or assigned counsel attorneys.
- 2. Non-Profit Agencies:** Four counties contract with non-profit agencies that are dedicated exclusively to public defense services. Like county agencies, non-profit organizations provide structured oversight for the multiple attorneys, supervisors, and other support staff employed there. These counties also contract with additional private attorneys to handle conflict and overflow cases.
- 3. Specialized Oversight:** Three counties employ or contract with an experienced public defense attorney to provide specialized oversight for contract and assigned counsel public defense services. The roles vary by location. In one county the role is limited to indigency screening and handling client complaints. In the others, the role is broader to include attorney selection, contract monitoring, and approval of expert and investigator funding requests.

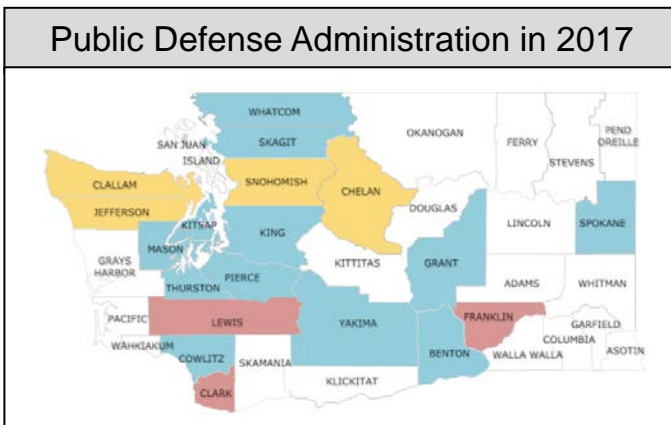
¹⁰ In addition to providing improvement funds to counties and cities to improve their locally administered public defense programs, Washington State OPD fully funds and exclusively administers public defense services in three case types: (1) parent representation in dependency and termination cases, (2) representation of respondents in civil commitment actions under Chapter 71.09 RCW, and (3) representation of indigent appellants in cases where federal and state constitutions and state statutes guarantee the right to counsel on appeal.

4. **Contract and Assigned Counsel Attorneys:** The remaining counties provide public defense representation exclusively through contracted attorneys and/or assigned counsel models. Unlike the previous group, public defense oversight is managed by county government representatives such as the Board of Commissioners, county administrators, court administrators, or judges. Most of these counties have written contracts with local attorneys or firms. In list-appointment systems, local attorneys are not under contract but agree to accept cases on a rotational or as-needed basis, with compensation set on a published fee schedule.

In 2005 the far majority of Washington’s counties administered public defense services through a contract or assigned counsel system. However, since then, more counties have moved towards the use of county agencies, non-profits, or specialized county oversight.



- Public defender agencies** within county government structure.
- Nonprofit agencies** organized exclusively for public defense services, contract with counties to represent indigent defendants.
- Public defense contract managers** are county employees or contractors hired to provide varying degrees of oversight and accountability for private attorneys and firms that contract with the county for public defense services.
- Contract and/or assigned counsel systems** have agreements with one or more private attorneys or firms to provide all indigent defense services. These counties also include list-appointment systems, where the attorneys have no written contracts but are paid a set rate per county policy.



[RCW 10.101.030](#) requires all local governments to adopt standards for public defense services, and identifies the specific areas to be addressed:

- Compensation of counsel
- Duties and responsibilities of counsel
- Case load limits and types of cases
- Responsibility for expert witness fees and other costs associated with representation
- Administrative expenses
- Support services

- Reports of attorney activity and vouchers
- Training
- Supervision
- Monitoring and evaluation of attorneys
- Substitution of attorneys or assignment of contracts
- Limitations on private practice of contract attorneys
- Attorney qualifications
- Disposition of client complaints
- Cause for termination of contract or removal of attorney
- Nondiscrimination

The Washington State Bar Association has published guidance for local governments in designing and administering their public defense systems,¹¹ and [RCW 10.101.030](#) states that local governments should use this document as a guideline in adopting local standards.

Many counties require that their contracted public defense attorneys submit monthly or quarterly reports detailing current caseloads. These reports assist in tracking whether attorneys are approaching or exceeding the caseload limits established by the Washington Supreme Court. Attorneys with full-time caseloads should have no more than 150 new felonies per year, 400 misdemeanors (or 300 in counties that have adopted a case weighting system), or 250 juvenile offender cases. In 2013 OPD developed a [model misdemeanor case weighting policy](#) to serve as a template for jurisdictions that choose to case weight misdemeanors. In addition to reporting public defense assignments, all counties receiving state funds under [RCW 10.101.050](#) must require their public defense attorneys to report nonpublic defense legal services, including the number and types of private cases. The purpose is to ensure that contract attorneys are providing adequate time to the representation of indigent clients.

The following pages provide summaries of county public defense expenditures and appointments, general descriptions of their public defense services, and steps taken in compliance with the requirements set forth in [Chapter 10.101 RCW](#).¹² [Appendix A](#) and [Appendix B](#) provide details on the data sources, terminology, and methodology used for the County Reports.

¹¹ [Washington State Bar Association Standards for Indigent Defense Services, September 22, 2011](#).

¹² 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

2016 Population	19,510
Percent below poverty level 2012-2016	23.0%
2012-2016 estimated median household income	\$47,554
RCW 10.101 distribution for use in 2017	\$28,675

Administration of Public Defense Services: Adams County delivers public defense representation through a contract system. The County contracts with four firms to handle indigent defense cases in Superior Court and District Court. Each firm provides counsel to handle up to one full time equivalent caseload.

Adams County has adopted local public defense standards (Ordinance No. 0-02-09). The public defense contractors are required by local ordinance to attend at least seven hours of criminal defense training per year, and to report on their non-public defense attorney workload on a quarterly basis.

2016 Statistics

Amount spent on public defense	\$447,500
Amount spent per capita	\$22.94

Adult Felony

Adult Superior Court criminal cases filed	120
Adult Superior Court criminal cases per 1,000 population	6.2
Number of cases assigned to counsel	158

Adult Misdemeanor – County District Court

County misdemeanor cases filed	792
Number of cases assigned to counsel	782

Juvenile Offender

Juvenile offender cases filed	59
Juvenile offender cases per 1,000 population	3.0
Number of cases assigned to counsel	62

Use of State Funds: In 2017 Adams County spent its state funding to continue supporting public defense services with investigator, expert, and interpreter services, and provide public defense services at preliminary appearance calendars in Superior Court. The county plans to use its funds in 2018 to continue these improvements.

Asotin County

2016 Population	22,150
Percent below poverty level 2012-2016	14.5%
2012-2016 estimated median household income	\$45,550
RCW 10.101 distribution for use in 2017	\$33,429

Administration of Public Defense Services: Asotin County delivers public defense representation through a contract system. The County contracts with four attorneys for the majority of all indigent cases in Superior and District Court. The court appoints counsel in conflict and overflow cases from a list of private attorneys.

Asotin County has adopted local public defense standards (Ordinance No. 09-04). The ordinance requires each contract attorney to attend criminal defense training once per year, and the contracts require attorneys to report hours billed for non-public defense attorney hours.

2016 Statistics

Amount spent on public defense	\$366,386
Amount spent per capita	\$16.54

Adult Felony

Adult Superior Court criminal cases filed	223
Adult Superior Court criminal cases per 1,000 population	10.1
Number of cases assigned to counsel	215

Adult Misdemeanor – County District Court

County misdemeanor cases filed	325
Number of cases assigned to counsel	230

Juvenile Offender

Juvenile offender cases filed	118
Juvenile offender cases per 1,000 population	5.3
Number of cases assigned to counsel	88

Use of State Funds: In 2017 Asotin County spent its state funding to maintain increased investigator, expert, and interpreter services for the public defense attorneys. In addition, state funds were used to maintain previous increases to public defense attorney compensation, and reductions to public defense caseloads. The county plans to use its state funds in 2018 to continue these improvements.

Benton County

2016 Population	190,500
Percent below poverty level 2012-2016	13.9%
2012-2016 estimated median household income	\$61,147
RCW 10.101 distribution for use in 2017	\$190,592

Administration of Public Defense Services: Benton County provides public defense services through a hybrid model consisting of both county-employed staff attorneys and contract attorneys. The Public Defense Manager oversees all public defense operations including contract compliance, management for contracted defenders, and supervision of staff defenders. Benton County delivers a data-driven indigent defense program which includes, among other components, a 2017 Strategic Plan, a Supervision and Quality Control Plan, and robust attorney training opportunities.

Web Link to Program Information: www.BentonCountyDefense.org

Benton County has adopted local public defense standards under Resolution No. 09-435 and Ordinance No. 470. In addition, Benton County has adopted a case weighting policy for Superior Court and District Court cases. Staff and contract attorneys are required by ordinance to attend a minimum of seven hours of training annually on topics relating to public defense practice.

2016 Statistics

Amount spent on public defense	\$2,523,546
Amount spent per capita	\$13.25

Adult Felony

Adult Superior Court criminal cases filed	1,195
Adult Superior Court criminal cases per 1,000 population	6.3
Number of cases assigned to counsel	1,115

Adult Misdemeanor – County District Court, including the Cities of Kennewick, Richland, West Richland, and Prosser

County misdemeanor cases filed	6,601
Number of cases assigned to counsel	4,005

Juvenile Offender

Juvenile offender cases filed	367
Juvenile offender cases per 1,000 population	1.9
Number of cases assigned to counsel	241

Use of State Funds: In 2017 Benton County used state funds to maintain the Public Defense Manager position, and to continue providing representation at all preliminary appearance calendars. The county plans to use its 2018 funds to continue these activities.

Chelan County

2016 Population	75,910
Percent below poverty level 2012-2016	12.6%
2012-2016 estimated median household income	\$51,845
RCW 10.101 distribution for use in 2017	\$100,906

Administration of Public Defense Services: Chelan County contracts with Counsel for Defense, a private nonprofit agency, for public defense services in Superior and District Court cases. Counsel for Defense provides direct supervision of attorneys, in-house investigation services, and resolution of client complaints. The court appoints conflict counsel from a list of private attorneys.

Chelan County has adopted local public defense standards (Resolution No. 2012-126) which incorporate by reference the Standards for Indigent Defense adopted by the Washington Supreme Court.

2016 Statistics

Amount spent on public defense	\$2,193,844
Amount spent per capita	\$28.90

Adult Felony

Adult Superior Court criminal cases filed	763
Adult Superior Court criminal cases per 1,000 population	10.1
Number of cases assigned to counsel	454

Adult Misdemeanor – County District Court, including the Cities of Leavenworth, Cashmere, and Entiat

County misdemeanor cases filed	1,271
Number of cases assigned to counsel	580

Juvenile Offender

Juvenile offender cases filed	180
Juvenile offender cases per 1,000 population	2.4
Number of cases assigned to counsel	121

Use of State Funds: In 2017 Chelan County used its state funding to maintain increased investigator and expert services. The county plans to use its state funds in 2018 to continue these prior improvements.

Clallam County

2016 Population	73,410
Percent below poverty level 2012-2016	15.7%
2012-2016 estimated median household income	\$47,180
RCW 10.101 distribution for use in 2017	\$73,469

Administration of Public Defense Services: In 2017 Clallam County contracted with the Clallam Public Defender, a private nonprofit corporation. 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. The Courts appoint conflict counsel from a list of private attorneys.

Clallam County has adopted a public defense standards ordinance, Clallam County Code [Chapter 3.38](#), which incorporates the Supreme Court Standards for Indigent Defense by reference. The ordinance includes a system for weighting adult and juvenile cases in Superior Court.

2016 Statistics

Amount spent on public defense	\$1,475,002
Amount spent per capita	\$20.09

Adult Felony

Adult Superior Court criminal cases filed	497
Adult Superior Court criminal cases per 1,000 population	6.8
Number of cases assigned to counsel	585

Adult Misdemeanor – County District Court and the Cities of Port Angeles and Sequim

County misdemeanor cases filed	2,026
Number of cases assigned to counsel	1,498

Juvenile Offender

Juvenile offender cases filed	120
Juvenile offender cases per 1,000 population	1.6
Number of cases assigned to counsel	134

Use of State Funds: In 2017 Clallam County spent its state funding to maintain staffing compensation increases, attorney caseloads, and provide representation at preliminary appearance calendars. The county anticipates using its state funds in 2018 for the same purposes.

Clark County

2016 Population	461,010
Percent below poverty level 2012-2016	10.2%
2012-2016 estimated median household income	\$62,879
RCW 10.101 distribution for use in 2017	\$379,664

Administration of Public Defense Services: Clark County's Indigent Defense Office contracts with private counsel to provide indigent defense services. The county's Indigent Defense Coordinator oversees the contracting system, reviews motions for non-attorney services in all criminal cases, and provides training and assistance to the contractors to improve the level of public defense representation. The county 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.

Web link to program information: www.clark.wa.gov/general-services/indigent-defense

Clark County has adopted local public defense standards (Ordinance 2007-07-11) and a case counting and case weighting policy. In addition, the Clark County public defense contracts require approved annual attorney training and reporting of non-public defense attorney hours.

2016 Statistics

Amount spent on public defense	\$5,671,282
Amount spent per capita	\$12.30

Adult Felony

Adult Superior Court criminal cases filed	2,611
Adult Superior Court criminal cases per 1,000 population	5.7
Number of cases assigned to counsel	2414

Adult Misdemeanor – County District Court

County misdemeanor cases filed	4,396
Number of cases assigned to counsel	2,079

Juvenile Offender

Juvenile offender cases filed	567
Juvenile offender cases per 1,000 population	1.2
Number of cases assigned to counsel	508

Use of State Funds: In 2017 Clark County used its state funding to continue the indigent defense Coordinator position and one office staff position, fund one-half of the indigent defense Manager position, maintain a seventh full-time attorney position for District Court, and sustain previous increases to investigator services. The county plans to use its state funds in 2018 to continue these improvements.

Columbia County

2016 Population	4,050
Percent below poverty level 2012-2016	14.8%
2012-2016 estimated median household income	\$42,083
RCW 10.101 distribution for use in 2017	\$14,418

Administration of Public Defense Services: Columbia County contracts with two private attorneys for public defense services. Each contract specifies that the law firm or private attorney is responsible for approximately one-half of all case types assigned, paid on a monthly basis. The court appoints conflict counsel from a list of private attorneys.

Columbia County has local public defense standards (Ordinance 09-03). The attorney contracts require and reimburse the cost of tuition and materials for annual participation in seven hours of continued legal education relating to public defense.

2016 Statistics

Amount spent on public defense	\$164,843
Amount spent per capita	\$40.70

Adult Felony

Adult Superior Court criminal cases filed	33
Adult Superior Court criminal cases per 1,000 population	8.1
Number of cases assigned to counsel	31

Adult Misdemeanor – County District Court and the City of Dayton

County misdemeanor cases filed	110
Number of cases assigned to counsel	96

Juvenile Offender

Juvenile offender cases filed	4
Juvenile offender cases per 1,000 population	1.0
Number of cases assigned to counsel	4

Use of State Funds: In 2017 Columbia County spent its state funding to maintain increases to attorney compensation. The county intends to use its state funds in 2018 to continue this improvement.

Cowlitz County

2016 Population	104,850
Percent below poverty level 2012-2016	16.9%
2012-2016 estimated median household income	\$49,127
RCW 10.101 distribution for use in 2017	\$158,553

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

Cowlitz County has local public defense standards ([Cowlitz County Code Chapter 2.44](#)) which incorporate by reference the Standards for Indigent Defense adopted by the Washington Supreme Court. The Cowlitz County Office of Public Defense has a Case Weighting Policy and Procedure for adult and juvenile offender cases filed in Superior Court.

2016 Statistics

Amount spent on public defense	\$2,260,265
Amount spent per capita	\$21.56

Adult Felony

Adult Superior Court criminal cases filed	1,457
Adult Superior Court criminal cases per 1,000 population	13.9
Number of cases assigned to counsel	1439

Adult Misdemeanor – County District Court

County misdemeanor cases filed	1,507
Number of cases assigned to counsel	772

Juvenile Offender

Juvenile offender cases filed	200
Juvenile offender cases per 1,000 population	1.9
Number of cases assigned to counsel	217

Use of State Funds: In 2017 Cowlitz County used its state funding to maintain and expand its Office of Public Defense, increase public defense attorney compensation, provide counsel at preliminary appearance calendars, fund expert, investigator, and interpreter services for attorney-client communications. The county plans to use its state funds in 2018 to maintain these improvements.

Douglas County

2016 Population	40,720
Percent below poverty level 2012-2016	13.4%
2012-2016 estimated median household income	\$53,758
RCW 10.101 distribution for use in 2017	\$0

Douglas County has not participated in the Chapter 10.101 RCW funding program since the application process began in 2006. Accordingly, public defense caseload data and information relating to the amount spent for public defense services are not available. The number of new cases filed is derived from the Washington State Administrative Office of the Courts Caseload Reports.

2016 Statistics

Amount spent on public defense	unknown
Amount spent per capita	unknown

Adult Felony

Adult Superior Court criminal cases filed	223
Adult Superior Court criminal cases per 1,000 population	5.5
Number of cases assigned to counsel	unknown

Adult Misdemeanor – County District Court

County misdemeanor cases filed	776
Number of cases assigned to counsel	unknown

Juvenile Offender

Juvenile offender cases filed	106
Juvenile offender cases per 1,000 population	2.6
Number of cases assigned to counsel	unknown

Ferry County

2016 Population	7,700
Percent below poverty level 2012-2016	23.5%
2012-2016 estimated median household income	\$39,555
RCW 10.101 distribution for use in 2017	\$17,895

Administration of Public Defense Services: Ferry County contracts with three attorneys to provide primary public defense representation. The court appoints conflict counsel from a list of private attorneys.

Ferry County has adopted local public defense standards (Resolution 2016-22) which incorporate a case weighting policy. The resolution requires all contract public defense attorneys to participate in annual training relating to indigent defense.

2016 Statistics

Amount spent on public defense	\$186,898
Amount spent per capita	\$24.27

Adult Felony

Adult Superior Court criminal cases filed	47
Adult Superior Court criminal cases per 1,000 population	6.1
Number of cases assigned to counsel	39

Adult Misdemeanor – County District Court

County misdemeanor cases filed	168
Number of cases assigned to counsel	173

Juvenile Offender

Juvenile offender cases filed	10
Juvenile offender cases per 1,000 population	1.3
Number of cases assigned to counsel	11

Use of State Funds: In 2017 Ferry County spent its state funding on representation at preliminary appearance calendars. The county intends to use its state funds in 2018 to continue this improvement.

Franklin County

2016 Population	88,670
Percent below poverty level 2012-2016	16.4%
2012-2016 estimated median household income	\$58,284
RCW 10.101 distribution for use in 2017	\$87,882

Administration of Public Defense Services: In 2016 Franklin County established the Office of Public Defense (OPD), a county office to oversee public defense services. OPD’s Administrator oversees the attorney contracts, reviews motions for non-attorney services in all criminal cases, and provides training and assistance to the contractors to improve the level of public defense representation.

Web link to program information: www.franklinopd.org/

Franklin County has adopted a public defense standards ordinance ([Chapter 13.04](#)) and uses a case weighting policy for cases in Superior Court. The County requires contract public defense attorneys to annually participate in criminal defense training, and report on their non-public defense workload.

2016 Statistics

Amount spent on public defense	\$963,198
Amount spent per capita	\$10.86

Adult Felony

Adult Superior Court criminal cases filed	561
Adult Superior Court criminal cases per 1,000 population	6.3
Number of cases assigned to counsel	662

Adult Misdemeanor – County District Court

County misdemeanor cases filed	740
Number of cases assigned to counsel	295

Juvenile Offender

Juvenile offender cases filed	152
Juvenile offender cases per 1,000 population	1.7
Number of cases assigned to counsel	176

Use of State Funds: In 2017 Franklin County used its state funding to add attorneys to reduce public defense caseloads. In 2018 the county plans to use to continue this improvement, as well as add expert services, increase attorney compensation, provide interpreter services for attorney-client communications, and attorney training.

Garfield County

2016 Population	2,200
Percent below poverty level 2012-2016	11.3%
2012-2016 estimated median household income	\$51,395
RCW 10.101 distribution for use in 2017	\$11,893

Administration of Public Defense Services: Garfield County contracts with one private attorney to provide primary public defense representation. The court appoints conflict counsel from a list of private attorneys.

Garfield County has adopted local public defense standards (Ordinance Number 13850). The Garfield County public defense contractor is required to attend approved annual attorney training and report non-public defense attorney hours.

2016 Statistics

Amount spent on public defense	\$43,762
Amount spent per capita	\$19.89

Adult Felony

Adult Superior Court criminal cases filed	19
Adult Superior Court criminal cases per 1,000 population	8.6
Number of cases assigned to counsel	10

Adult Misdemeanor – County District Court

County misdemeanor cases filed	164
Number of cases assigned to counsel	21

Juvenile Offender

Juvenile offender cases filed	6
Juvenile offender cases per 1,000 population	2.7
Number of cases assigned to counsel	5

Use of State Funds: In 2017 Garfield County spent its state funding to sustain increases in attorney compensation and expert services. In 2018 the county plans to maintain this improvement, and use state funds for investigator and interpreter services for indigent defense representation.

Grant County

2016 Population	94,610
Percent below poverty level 2012-2016	16.9%
2012-2016 estimated median household income	\$50,145
RCW 10.101 distribution for use in 2017	\$109,218

Administration of Public Defense Services: Grant County operates a public defender agency that uses a mixed system of county-employed public defense attorneys and contract counsel. Grant County Public Defense provides direct supervision of attorneys, in-house investigation services, and resolution of client complaints.

Grant County has adopted a public defense standards ordinance ([Chapter 2.30](#)) which incorporates the Supreme Court Standards by reference. All attorneys are required to attend annual training,

2016 Statistics

Amount spent on public defense	\$3,205,859
Amount spent per capita	\$33.88

Adult Felony

Adult Superior Court criminal cases filed	750
Adult Superior Court criminal cases per 1,000 population	7.9
Number of cases assigned to counsel	1024

Adult Misdemeanor – County District Court

County misdemeanor cases filed	4,180
Number of cases assigned to counsel	4,001

Juvenile Offender

Juvenile offender cases filed	275
Juvenile offender cases per 1,000 population	2.9
Number of cases assigned to counsel	267

Use of State Funds: In 2017 Grant County spent its state funding on maintaining additional attorneys to lower caseloads; sustaining increases to attorney compensation; representation at preliminary appearance calendars; and investigative and interpreter services. The county plans to use its state funds in 2018 to continue the improvements already implemented.

Grays Harbor County

2016 Population	72,820
Percent below poverty level 2012-2016	16.6%
2012-2016 estimated median household income	\$44,521
RCW 10.101 distribution for use in 2017	\$76,418

Administration of Public Defense Services: Grays Harbor County delivers public defense services through a contract system. The county contracts with a variety of private attorneys who represent indigent clients in Superior Court and District Court.

Grays Harbor County adopted local public defense standards per Resolution #2008-160, which was amended by #2014-112 to also include a case weighting system for District Court. In addition, the Superior Court adopted a case weighting system for Juvenile Offender cases. The Grays Harbor contract public defense attorneys are required to attend approved training on an annual basis.

2016 Statistics

Amount spent on public defense	\$1,047,226
Amount spent per capita	\$14.38

Adult Felony

Adult Superior Court criminal cases filed	565
Adult Superior Court criminal cases per 1,000 population	7.8
Number of cases assigned to counsel	602

Adult Misdemeanor – County District Court

County misdemeanor cases filed	1,946
Number of cases assigned to counsel	1,617

Juvenile Offender

Juvenile offender cases filed	133
Juvenile offender cases per 1,000 population	1.8
Number of cases assigned to counsel	145

Use of State Funds: In 2017 Grays Harbor County used its state funding to sustain increased attorney contracts which reduced public defense caseloads, representation at preliminary appearance calendars, investigator and expert services, and interpreter services for attorney-client communications. The county plans to use its state funds in 2018 to maintain these improvements.

Island County

2016 Population	82,910
Percent below poverty level 2012-2016	9.5%
2012-2016 estimated median household income	\$60,261
RCW 10.101 distribution for use in 2017	\$61,691

Administration of Public Defense Services: Island County delivers public defense representation through a contract system. One private law firm provides 4.5 attorney FTEs and in-house investigative services for most criminal defense services. The court appoints conflict counsel from a list of private attorneys.

Island County has adopted a public defense standards ordinance (Ordinance No. 100-09). The Island County Standards for Public Defense Services require attorneys to attend training on an annual basis, and to report non-public defense attorney hours.

2016 Statistics

Amount spent on public defense	\$930,665
Amount spent per capita	\$11.23

Adult Felony

Adult Superior Court criminal cases filed	265
Adult Superior Court criminal cases per 1,000 population	3.2
Number of cases assigned to counsel	217

Adult Misdemeanor – County District Court

County misdemeanor cases filed	838
Number of cases assigned to counsel	273

Juvenile Offender

Juvenile offender cases filed	54
Juvenile offender cases per 1,000 population	0.7
Number of cases assigned to counsel	88

Use of State Funds: In 2017 Island County spent its state funding to continue providing defense counsel at preliminary appearance calendars, and investigator services. The county plans to use its state funds in 2018 to sustain these improvements.

Jefferson County

2016 Population	31,090
Percent below poverty level 2012-2016	12.0%
2012-2016 estimated median household income	\$50,928
RCW 10.101 distribution for use in 2017	\$36,673

Administration of Public Defense Services: Jefferson County contracts with Jefferson Associated Counsel, a private nonprofit corporation, for primary 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, and 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.

Web link to program information: www.jacdefender.org/6414.html

Jefferson County has adopted a public defense standards ordinance ([Chapter 2.20](#)). Attorneys are required to participate in annual training relating to public defense.

2016 Statistics

Amount spent on public defense	\$662,038
Amount spent per capita	\$21.29

Adult Felony

Adult Superior Court criminal cases filed	179
Adult Superior Court criminal cases per 1,000 population	5.8
Number of cases assigned to counsel	149

Adult Misdemeanor – County District Court and the City of Port Townsend

County misdemeanor cases filed	866
Number of cases assigned to counsel	588

Juvenile Offender

Juvenile offender cases filed	45
Juvenile offender cases per 1,000 population	1.4
Number of cases assigned to counsel	44

Use of State Funds: In 2017 Jefferson County spent its state funding to maintain attorney levels that had been established to reduce caseloads, and to sustain increases to investigator services. The county plans to use its state funds in 2018 to continue these improvements.

King County

2016 Population	2,105,100
Percent below poverty level 2012-2016	10.7%
2012-2016 estimated median household income	\$78,800
RCW 10.101 distribution for use in 2017	\$1,311,833

Administration of Public Defense Services: King County has a county government-based public defense agency with four separate units. Approximately ten percent of public defense services are provided through an assigned counsel panel composed of private attorneys accepting assignments and compensated on an hourly basis.

Web link to program information: www.kingcounty.gov/courts/public-defense.aspx

The King County Council has adopted a public defense standards ordinance ([Chapter 2.60](#)). Both contract and staff attorneys are required to attend annual training related to public defense services, and contract attorneys are required to submit annual reports on the size and nature of their private workloads.

2016 Statistics

Amount spent on public defense	\$71,504,481
Amount spent per capita	\$33.97

Adult Felony

Adult Superior Court criminal cases filed	6,548
Adult Superior Court criminal cases per 1,000 population	3.1
Number of cases assigned to counsel	5,833

Adult Misdemeanor – County District Court

County misdemeanor cases filed	4,546
Number of cases assigned to counsel	3,947

Juvenile Offender

Juvenile offender cases filed	1,221
Juvenile offender cases per 1,000 population	0.6
Number of cases assigned to counsel	1,292

Use of State Funds: In 2017 King County used state funds to increase the hourly compensation rate for conflict panel attorneys. To the extent that funds were available, they were also used to provide training to conflict counsel panelists. In 2018 the County plans to continue to use state funds to increase the hourly compensation rate for conflict counsel attorneys. Funds will also be used to employ a research assistant to research legislation, changes in public defense, treatment courts, diversion programs, and other innovations to improve public defense policy and services in King County.

Kitsap County

2016 Population	262,590
Percent below poverty level 2012-2016	10.4%
2012-2016 estimated median household income	\$65,017
RCW 10.101 distribution for use in 2017	\$225,110

Administration of Public Defense Services: Kitsap County operates a public defender agency that uses a mixed system of county-employed public defense attorneys and contract counsel. Staff attorneys handle the majority of county felony cases, and contracted counsel are assigned to represent clients on felony, misdemeanor, juvenile, and civil commitment cases.

Web link to program information: www.kitsapgov.com/pubdef/

Kitsap County has adopted a public defense standards ordinance ([Chapter 2.23](#)). The compensation section establishes salary parity benefits between public defense attorneys and county prosecuting attorneys. Kitsap County requires attorneys to attend approved annual training and report non-public defense attorney hours.

2016 Statistics

Amount spent on public defense	\$3,471,840
Amount spent per capita	\$13.22

Adult Felony

Adult Superior Court criminal cases filed	1,634
Adult Superior Court criminal cases per 1,000 population	6.2
Number of cases assigned to counsel	1,532

Adult Misdemeanor – County District Court

County misdemeanor cases filed	2,939
Number of cases assigned to counsel	1,797

Juvenile Offender

Juvenile offender cases filed	268
Juvenile offender cases per 1,000 population	1.0
Number of cases assigned to counsel	245

Use of State Funds: In 2017 Kitsap County continued using state funds to partially pay for the Kitsap County public defense supervisor, administrator, and one staff member hired after the creation of the public defense office, and to provide legal research tools. The county plans to use its state funds in 2018 to continue these enhancements.

Kittitas County

2016 Population	43,710
Percent below poverty level 2012-2016	20.9%
2012-2016 estimated median household income	\$47,898
RCW 10.101 distribution for use in 2017	\$52,795

Administration of Public Defense Services: In 2017 Kittitas County Superior Court and Upper Kittitas District Court delivered public defense representation through a list appointment process. Contracts were utilized in extraordinary circumstances such as specific serious felonies. Appointed attorneys were paid at a published rate per case unless otherwise authorized. For Lower Kittitas District Court, one firm contracted for all indigent defense cases, and conflicts or cases exceeding the firm's caseload limit were assigned to associated counsel.

Kittitas County has adopted a public defense standards ordinance ([Chapter 2.09](#)) which requires public defense training for attorneys.

2016 Statistics

Amount spent on public defense	\$382,855
Amount spent per capita	\$8.76

Adult Felony

Adult Superior Court criminal cases filed	287
Adult Superior Court criminal cases per 1,000 population	6.6
Number of cases assigned to counsel	253

Adult Misdemeanor – County District Court

County misdemeanor cases filed	2,238
Number of cases assigned to counsel	1,328

Juvenile Offender

Juvenile offender cases filed	39
Juvenile offender cases per 1,000 population	0.9
Number of cases assigned to counsel	42

Use of State Funds: In 2017 Kittitas County spent its state funding for representation at preliminary appearance and arraignment calendars, and sustaining increases to attorney compensation. The county plans to use its state funds in 2018 to maintain these improvements.

Klickitat County

2016 Population	21,270
Percent below poverty level 2012-2016	15.7%
2012-2016 estimated median household income	\$49,633
RCW 10.101 distribution for use in 2017	\$28,908

Administration of Public Defense Services: 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 indigent defense services in all adult felony, juvenile offender, and other juvenile cases. Conflict attorneys are appointed from a list. The county administers two District Court sites, and defense services in each court are handled through list appointment by the court.

Klickitat County has adopted a public defense standards ordinance ([Chapter 1.45](#)). The County requires all attorneys to attend annual training on criminal defense.

2016 Statistics

Amount spent on public defense	\$285,789
Amount spent per capita	\$13.44

Adult Felony

Adult Superior Court criminal cases filed	131
Adult Superior Court criminal cases per 1,000 population	6.2
Number of cases assigned to counsel	121

Adult Misdemeanor – County District Court

County misdemeanor cases filed	558
Number of cases assigned to counsel	358

Juvenile Offender

Juvenile offender cases filed	27
Juvenile offender cases per 1,000 population	1.3
Number of cases assigned to counsel	35

Use of State Funds: Klickitat County used its state funds in 2017 to sustain attorney compensation increases, and to continue providing investigators, experts, and interpreter services for public defense cases. The county plans to use its state funds in 2018 to maintain these improvements.

Lewis County

2016 Population	76,890
Percent below poverty level 2012-2016	16.3%
2012-2016 estimated median household income	\$44,526
RCW 10.101 distribution for use in 2017	\$92,597

Administration of Public Defense Services: Lewis County administers public defense services through a 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 in-custody first appearances, screen defendants for indigence, and investigate complaints about public defense services.

Lewis County has adopted a public defense standards ordinance ([Chapter 2.40](#)). Lewis County public defense contracts require approved annual attorney training and reporting of non-public defense attorney hours.

2016 Statistics

Amount spent on public defense	\$1,452,030
Amount spent per capita	\$18.88

Adult Felony

Adult Superior Court criminal cases filed	756
Adult Superior Court criminal cases per 1,000 population	9.8
Number of cases assigned to counsel	847

Adult Misdemeanor – County District Court

County misdemeanor cases filed	1,451
Number of cases assigned to counsel	1,055

Juvenile Offender

Juvenile offender cases filed	163
Juvenile offender cases per 1,000 population	2.1
Number of cases assigned to counsel	308

Use of State Funds: In 2017 Lewis County spent its state funding on a contract attorney to provide representation at preliminary appearances and respond to complaints about public defense counsel. The County plans to use its state funds in 2018 to continue these improvements.

Lincoln County

2016 Population	10,640
Percent below poverty level 2012-2016	14.8%
2012-2016 estimated median household income	\$47,676
RCW 10.101 distribution for use in 2017	\$20,201

Administration of Public Defense Services: Lincoln County administers public defense representation using a system of contracts and list appointments. The County contracts with one attorney for representation on misdemeanor cases in District Court. For all Superior Court cases and District Court conflict cases, the court appoints counsel from a list of attorneys who are paid on an hourly basis.

Lincoln County has adopted a public defense standards ordinance (07-02). All attorneys providing public defense services are required to participate in regular trainings on criminal defense law, including a minimum of seven hours annually.

2016 Statistics

Amount spent on public defense	\$146,542
Amount spent per capita	\$13.77

Adult Felony

Adult Superior Court criminal cases filed	99
Adult Superior Court criminal cases per 1,000 population	9.3
Number of cases assigned to counsel	65

Adult Misdemeanor – County District Court and the Cities of Davenport, Odessa, Reardan, Sprague, and Wilbur

County misdemeanor cases filed	588
Number of cases assigned to counsel	338

Juvenile Offender

Juvenile offender cases filed	4
Juvenile offender cases per 1,000 population	0.4
Number of cases assigned to counsel	3

Use of State Funds: In 2017 Lincoln County used state funds to reduce attorney workloads by increasing attorneys and compensation. In addition, grant funds supported public defense investigative and expert services, and representation at preliminary appearance calendars. The county plans to use its state funds in 2018 to continue these improvements.

Mason County

2016 Population	62,320
Percent below poverty level 2012-2016	17.0%
2012-2016 estimated median household income	\$51,764
RCW 10.101 distribution for use in 2017	\$77,493

Administration of Public Defense Services: Mason County operates a public defender agency that uses a mixed system of county-employed public defense attorneys and contract counsel. The Director provides supervision of staff attorneys, administers and monitors contracts, and addresses client complaints.

Web link to program information: www.co.mason.wa.us/public-defender/index.php

Mason County has adopted local public defense standards (Ordinance No. 139-08). Attorneys providing indigent defense services are required to participate in annual training on criminal defense law.

2016 Statistics

Amount spent on public defense	\$876,161
Amount spent per capita	\$14.06

Adult Felony

Adult Superior Court criminal cases filed	449
Adult Superior Court criminal cases per 1,000 population	7.2
Number of cases assigned to counsel	466

Adult Misdemeanor – County District Court

County misdemeanor cases filed	1,630
Number of cases assigned to counsel	1,317

Juvenile Offender

Juvenile offender cases filed	49
Juvenile offender cases per 1,000 population	0.8
Number of cases assigned to counsel	57

Use of State Funds: In 2017 Mason County spent its state funding to sustain increases to public defense attorney compensation, and additional investigative services. The county plans to use its state funds in 2018 to continue these improvements, and fund expert services for public defense cases.

Okanogan County

2016 Population	41,730
Percent below poverty level 2012-2016	21.2%
2012-2016 estimated median household income	\$41,158
RCW 10.101 distribution for use in 2017	\$61,159

Administration of Public Defense Services: Okanogan County contracts with one law firm for all public defense services. The contracted firm provides representation on a portion of the cases, and subcontracts with and assigns remaining cases to local private attorneys.

Okanogan County has adopted a public defense standards ordinance ([Chapter 2.78](#)). The attorney contract and subcontracts require counsel to attend annual training on criminal defense.

2016 Statistics

Amount spent on public defense	\$1,052,000
Amount spent per capita	\$25.21

Adult Felony

Adult Superior Court criminal cases filed	524
Adult Superior Court criminal cases per 1,000 population	12.6
Number of cases assigned to counsel	490

Adult Misdemeanor – County District Court, including the Cities of Brewster, Coulee Dam, Elmer City, Okanogan, Omak, Oroville, Pateros, Tonasket, Twisp, and Winthrop.

County misdemeanor cases filed	1,664
Number of cases assigned to counsel	1,811

Juvenile Offender

Juvenile offender cases filed	173
Juvenile offender cases per 1,000 population	4.1
Number of cases assigned to counsel	183

Use of State Funds: In 2017 Okanogan County spent its state funding to sustain previous increases to investigative and expert services. State funds were also used for additional attorneys, increased compensation, and representation at preliminary appearance calendars. The county plans to use its state funds in 2018 to sustain these improvements.

Pacific County

2016 Population	21,180
Percent below poverty level 2012-2016	18.7%
2012-2016 estimated median household income	\$38,387
RCW 10.101 distribution for use in 2017	\$35,149

Administration of Public Defense Services: Pacific County provides indigent defense representation through a contract system. Private attorneys contract for a maximum number of cases at each court level.

Pacific County has adopted a public defense standards ordinance ([Ordinance No. 159](#)). Contracted attorneys are required to attend a minimum of seven hours per year on training related to public defense practice.

2016 Statistics

Amount spent on public defense	\$427,396
Amount spent per capita	\$20.18

Adult Felony

Adult Superior Court criminal cases filed	242
Adult Superior Court criminal cases per 1,000 population	11.4
Number of cases assigned to counsel	222

Adult Misdemeanor – County District Court

County misdemeanor cases filed	666
Number of cases assigned to counsel	324

Juvenile Offender

Juvenile offender cases filed	53
Juvenile offender cases per 1,000 population	2.5
Number of cases assigned to counsel	103

Use of State Funds: In 2017 Pacific County spent its state funding to sustain additions made to attorney levels to reduce public defense caseloads, and additional investigator and expert services. The county plans to use its state funds in 2018 to continue these improvements.

Pend Oreille County

2016 Population	13,290
Percent below poverty level 2012-2016	19.8%
2012-2016 estimated median household income	\$46,036
RCW 10.101 distribution for use in 2017	\$23,507

Administration of Public Defense Services: Pend Oreille County provides public defense representation through contracts with four private attorneys. Conflict cases are assigned to list-appointed attorneys who are paid at an hourly rate.

Pend Oreille County has adopted a public defense standards ordinance (Ordinance No. 2008-4). The county public defense attorneys are required to attend approved annual attorney training.

2016 Statistics

Amount spent on public defense	\$324,461
Amount spent per capita	\$24.41

Adult Felony

Adult Superior Court criminal cases filed	110
Adult Superior Court criminal cases per 1,000 population	8.3
Number of cases assigned to counsel	98

Adult Misdemeanor – County District Court, including the Cities of Newport, Lone, Metaline, Metaline Falls, and Cusick

County misdemeanor cases filed	479
Number of cases assigned to counsel	337

Juvenile Offender

Juvenile offender cases filed	17
Juvenile offender cases per 1,000 population	1.3
Number of cases assigned to counsel	9

Use of State Funds: In 2016 Pend Oreille County spent its state funding to provide public defense representation at arraignment calendars. The county plans to use its state funds in 2017 to continue these improvements.

Pierce County

2016 Population	844,490
Percent below poverty level 2012-2016	12.7%
2012-2016 estimated median household income	\$61,468
RCW 10.101 distribution for use in 2017	\$724,048

Administration of Public Defense Services: Pierce County provides public defense representation through a county government-based agency, the Department of Assigned Counsel (DAC). DAC employees receive salary and benefits at 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.

Web link to program information: <http://www.co.pierce.wa.us/index.aspx?NID=92>

Pierce County has adopted a public defense standards by ordinance (Ordinance No. 95-148). 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.

2016 Statistics

Amount spent on public defense	\$15,591,650
Amount spent per capita	\$18.46

Adult Felony

Adult Superior Court criminal cases filed	5,112
Adult Superior Court criminal cases per 1,000 population	6.1
Number of cases assigned to counsel	4,644

Adult Misdemeanor – County District Court

County misdemeanor cases filed	8,123
Number of cases assigned to counsel	3,455

Juvenile Offender

Juvenile offender cases filed	940
Juvenile offender cases per 1,000 population	1.1
Number of cases assigned to counsel	832

Use of State Funds: In 2017 Pierce County spent its state funding to sustain increases to attorney compensation and maintain positions created in 2007 and 2008. The county plans to use its state funds in 2018 to continue these public defense improvements.

San Juan County

2016 Population	16,320
Percent below poverty level 2012-2016	11.1%
2012-2016 estimated median household income	\$58,029
RCW 10.101 distribution for use in 2017	\$18,993

Administration of Public Defense Services: San Juan County delivers public defense through a contract system with two primary attorneys. The contracts use a case-point system. Conflict attorneys are appointed from a list and paid according to a published fee schedule.

San Juan County has adopted a public defense standards ordinance ([Chapter 2.128](#)). The San Juan County public defense attorneys are required to attend annual training on criminal defense and report non-public defense attorney hours.

2016 Statistics

Amount spent on public defense	\$233,344
Amount spent per capita	\$14.30

Adult Felony

Adult Superior Court criminal cases filed	29
Adult Superior Court criminal cases per 1,000 population	1.8
Number of cases assigned to counsel	37

Adult Misdemeanor – County District Court

County misdemeanor cases filed	217
Number of cases assigned to counsel	190

Juvenile Offender

Juvenile offender cases filed	6
Juvenile offender cases per 1,000 population	0.4
Number of cases assigned to counsel	6

Use of State Funds: In 2017 San Juan County spent its state funding to continue previous increases to compensation, expert and investigative services, attorney training, and representation at preliminary appearance calendars. The county plans to use its state funds in 2018 to continue these improvements.

Skagit County

2016 Population	122,270
Percent below poverty level 2012-2016	15.0%
2012-2016 estimated median household income	\$56,433
RCW 10.101 distribution for use in 2017	\$139,211

Administration of Public Defense Services: 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 conflict cases.

Web link to program information:

www.skagitcounty.net/Departments/PublicDefender/main.htm

Skagit County has adopted a public defense standards ordinance ([Chapter 2.36](#)). In addition, the Skagit County Public Defender agency requires approved annual attorney training.

2016 Statistics

Amount spent on public defense	\$3,322,636
Amount spent per capita	\$27.17

Adult Felony

Adult Superior Court criminal cases filed	1,221
Adult Superior Court criminal cases per 1,000 population	10.0
Number of cases assigned to counsel	1,195

Adult Misdemeanor – County District Court

County misdemeanor cases filed	3,004
Number of cases assigned to counsel	1,417

Juvenile Offender

Juvenile offender cases filed	227
Juvenile offender cases per 1,000 population	1.9
Number of cases assigned to counsel	297

Use of State Funds: In 2017 Skagit County spent its state funding to continue the employment of an additional attorney and support staff. The county plans to use its state funds in 2018 to continue these positions.

Skamania County

2016 Population	11,500
Percent below poverty level 2012-2016	14.3%
2012-2016 estimated median household income	\$53,082
RCW 10.101 distribution for use in 2017	\$19,858

Administration of Public Defense Services: Skamania County delivers Superior Court public defense representation through contracts with three attorneys at two local law firms. When a conflict is identified, counsel is appointed from a list.

Skamania County has adopted a public defense standards ordinance ([Chapter 2.90](#)). The ordinance requires public defense attorneys to attend approved annual attorney training.

2016 Statistics

Amount spent on public defense	\$108,084
Amount spent per capita	\$9.40

Adult Felony

Adult Superior Court criminal cases filed	70
Adult Superior Court criminal cases per 1,000 population	6.1
Number of cases assigned to counsel	55

Adult Misdemeanor – County District Court, including the Cities of Stevenson and Bonneville

County misdemeanor cases filed	408
Number of cases assigned to counsel	246

Juvenile Offender

Juvenile offender cases filed	25
Juvenile offender cases per 1,000 population	2.2
Number of cases assigned to counsel	15

Use of State Funds: In 2017 Skamania County spent its state funding on investigator services, expert services, and interpreter services for attorney-client communications. The county plans to use its state funds in 2018 to sustain these improvements.

Snohomish County

2016 Population	772,860
Percent below poverty level 2012-2016	9.3%
2012-2016 estimated median household income	\$73,528
RCW 10.101 distribution for use in 2017	\$522,041

Administration of Public Defense Services: Snohomish County provides representation in most adult criminal and juvenile offender cases 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 assigns conflict cases to a variety of contract attorneys.

Web link to county information: snohomishcountywa.gov/199/Office-of-Public-Defense

Snohomish County has adopted a public defense standards ordinance ([Title 2 Chapter 2.09](#)) which incorporates, by reference, the Standards for Public Defense Services adopted in 1989 by the Washington Defender Association.

2016 Statistics

Amount spent on public defense	\$8,028,720
Amount spent per capita	\$10.39

Adult Felony

Adult Superior Court criminal cases filed	2,625
Adult Superior Court criminal cases per 1,000 population	3.4
Number of cases assigned to counsel	2,333

Adult Misdemeanor – County District Court

County misdemeanor cases filed	5,501
Number of cases assigned to counsel	4,549

Juvenile Offender

Juvenile offender cases filed	674
Juvenile offender cases per 1,000 population	0.9
Number of cases assigned to counsel	571

Use of State Funds: In 2017 Snohomish County used its state funding to support a variety of improvements. An attorney administrator was provided to monitor caseload standards and manage public defense contracts. The county sustained an increased volume of attorneys to reduce public defense cases, provided counsel at preliminary appearance calendars, and hired interpreters for attorney-client communications. The county will use 2018 state funds to continue supporting these improvements as well as funding an additional supervisor.

Spokane County

2016 Population	492,530
Percent below poverty level 2012-2016	15.6%
2012-2016 estimated median household income	\$50,550
RCW 10.101 distribution for use in 2017	\$565,355

Administration of Public Defense Services: Spokane County provides public defense representation through two county agencies - the Spokane County Public Defender and Counsel for Defense. The Spokane County Public Defender handles most Superior and District court cases, and Counsel for Defense handles the majority of felony conflict cases and juvenile offender cases. Employees are compensated at parity with Spokane County Prosecuting Attorney Office employees. Each agency director is responsible for attorney supervision and resolution of client complaints. The Spokane County Public Defender contracts with private attorneys to handle felony cases conflicted from both agencies. Most misdemeanor conflicts are handled through an inter-local agreement with the City of Spokane Public Defender.

Web link to program information: wa-spokanecounty.civicplus.com/459/Public-Defender

Spokane County has adopted a public defense standards ordinance ([Chapter 1.17A](#)). The Spokane County public defense agencies require approved annual attorney training.

2016 Statistics

Amount spent on public defense	\$9,224,571
Amount spent per capita	\$18.73

Adult Felony

Adult Superior Court criminal cases filed	4,609
Adult Superior Court criminal cases per 1,000 population	9.4
Number of cases assigned to counsel	4,206

Adult Misdemeanor – County District Court

County misdemeanor cases filed	6,365
Number of cases assigned to counsel	5,925

Juvenile Offender

Juvenile offender cases filed	810
Juvenile offender cases per 1,000 population	1.6
Number of cases assigned to counsel	1,390

Use of State Funds: In 2017 Spokane County used state funds to provide public defense services at first appearance calendars, which has helped to identify and divert a significant number of cases, thereby reducing attorney caseloads. In 2018 the county plans to sustain these improvements, and use state funds to ensure continued compliance with caseload standards.

Stevens County

2016 Population	44,100
Percent below poverty level 2012-2016	16.5%
2012-2016 estimated median household income	\$44,115
RCW 10.101 distribution for use in 2017	\$47,699

Administration of Public Defense Services: 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.

Stevens County has adopted a public defense standards ordinance (Ordinance No. 2008-02). The Stevens County public defense contractors are required to attend approved annual attorney training.

2016 Statistics

Amount spent on public defense	\$556,087
Amount spent per capita	\$12.61

Adult Felony

Adult Superior Court criminal cases filed	283
Adult Superior Court criminal cases per 1,000 population	6.4
Number of cases assigned to counsel	282

Adult Misdemeanor – County District Court

County misdemeanor cases filed	949
Number of cases assigned to counsel	432

Juvenile Offender

Juvenile offender cases filed	53
Juvenile offender cases per 1,000 population	1.2
Number of cases assigned to counsel	50

Use of State Funds: In 2017 Stevens County spent its state funding on public defense services at preliminary appearance calendars. The county intends to use its state funds in 2018 to continue this improvement.

Thurston County

2016 Population	272,690
Percent below poverty level 2012-2016	12.0%
2012-2016 estimated median household income	\$62,854
RCW 10.101 distribution for use in 2017	\$253,887

Administration of Public Defense Services: Thurston County provides public defense representation through a county government-based agency – Thurston County Public Defense (TCPD). TCPD staff are compensated at parity with the county prosecutor’s office. Overflow and conflict cases are assigned to contract attorneys. TCPD employs a director and three senior defense attorneys to assist in the supervision of staff and resolution of client complaints.

Web link to program information: www.thurstoncountywa.gov/pd

Thurston County has adopted a public defense standards ordinance ([Chapter 10.100](#)), and requires all public defense attorneys to comply with required annual training.

2016 Statistics

Amount spent on public defense	\$4,676,948
Amount spent per capita	\$17.15

Adult Felony

Adult Superior Court criminal cases filed	1,988
Adult Superior Court criminal cases per 1,000 population	7.3
Number of cases assigned to counsel	2045

Adult Misdemeanor – County District Court

County misdemeanor cases filed	2,286
Number of cases assigned to counsel	2,153

Juvenile Offender

Juvenile offender cases filed	496
Juvenile offender cases per 1,000 population	1.8
Number of cases assigned to counsel	356

Use of State Funds: In 2017 Thurston County spent its state funding to maintain caseload reductions and to increase the availability of investigative and other expert services to public defenders. The county intends to continuing using state funds in 2018 to ensure compliance with the Supreme Court Standards for Indigent Defense Services, to support attorneys’ requests for experts and investigators, represent indigent clients at all critical stages of a criminal case, and fund interpreter services for attorney-client communications.

Wahkiakum County

2016 Population	4,000
Percent below poverty level 2012-2016	14.1%
2012-2016 estimated median household income	\$48,116
RCW 10.101 distribution for use in 2017	\$14,160

Administration of Public Defense Services: Wahkiakum County delivers public defense representation for all felony, misdemeanor, and juvenile offender cases 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 established hourly rate.

Wahkiakum County has adopted a public defense ordinance (Chapter 2.144). All public defense attorneys are required to attend annual training relating to criminal defense.

2016 Statistics

Amount spent on public defense	\$69,226
Amount spent per capita	\$17.31

Adult Felony

Adult Superior Court criminal cases filed	24
Adult Superior Court criminal cases per 1,000 population	6.0
Number of cases assigned to counsel	36

Adult Misdemeanor – County District Court

County misdemeanor cases filed	127
Number of cases assigned to counsel	85

Juvenile Offender

Juvenile offender cases filed	6
Juvenile offender cases per 1,000 population	1.5
Number of cases assigned to counsel	10

Use of State Funds: In 2017 Wahkiakum County used state funds to maintain reductions to attorney caseloads, provide representation at some preliminary appearance calendars and pay for interpreter services for attorney-client communications. The county plans to use its state funds in 2018 for the same purposes.

Walla Walla County

2016 Population	60,730
Percent below poverty level 2012-2016	16.5%
2012-2016 estimated median household income	\$48,705
RCW 10.101 distribution for use in 2017	\$63,626

Administration of Public Defense Services: Walla Walla County delivers public defense representation through a contract system. Eight private law offices contract to provide public defense services at all court levels.

Walla Walla County has adopted local public defense standards (Resolution No. 04335). All public defense attorneys are required to attend annual training relating to criminal defense.

2016 Statistics

Amount spent on public defense	\$851,974
Amount spent per capita	\$14.03

Adult Felony

Adult Superior Court criminal cases filed	334
Adult Superior Court criminal cases per 1,000 population	5.5
Number of cases assigned to counsel	359

Adult Misdemeanor – County District Court

County misdemeanor cases filed	1,416
Number of cases assigned to counsel	281

Juvenile Offender

Juvenile offender cases filed	118
Juvenile offender cases per 1,000 population	1.9
Number of cases assigned to counsel	132

Use of State Funds: In 2017 Walla Walla County spent its state funding to sustain increases to public defense attorney compensation, provide public defense services at most 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 2018 to continue these improvements.

Whatcom County

2016 Population	212,540
Percent below poverty level 2012-2016	16.0%
2012-2016 estimated median household income	\$54,207
RCW 10.101 distribution for use in 2017	\$207,565

Administration of Public Defense Services: Whatcom County provides public defense representation through the Whatcom County Public Defender, a county agency. Public Defender employees are compensated at parity with the Whatcom County Prosecuting Attorney Office employees. The agency director is responsible for supervision and the resolution of client complaints. The agency employs in-house investigative staff. The County also contracts with private attorneys for dependency and termination cases and BECCA cases. Conflict attorneys are appointed from a list.

Web link to program information: www.co.whatcom.wa.us/311/Public-Defender

Whatcom County has adopted local public defense standards ([Chapter 2.09](#)). The county public defense agency requires attorneys to annually attend training relating to public defense. All attorneys are required to adhere to standards of conduct established by the Washington State Bar Association and American Bar Association.

2016 Statistics

Amount spent on public defense	\$4,187,812
Amount spent per capita	\$19.70

Adult Felony

Adult Superior Court criminal cases filed	1,593
Adult Superior Court criminal cases per 1,000 population	7.5
Number of cases assigned to counsel	1,495

Adult Misdemeanor – County District Court

County misdemeanor cases filed	3,132
Number of cases assigned to counsel	1,556

Juvenile Offender

Juvenile offender cases filed	209
Juvenile offender cases per 1,000 population	1.0
Number of cases assigned to counsel	233

Use of State Funds: Since inception of the state funding program, Whatcom County has spent its allocation on two deputy public defense attorney positions, and plans to continue doing so in 2018.

Whitman County

2016 Population	47,940
Percent below poverty level 2012-2016	30.0%
2012-2016 estimated median household income	\$38,636
RCW 10.101 distribution for use in 2017	\$45,635

Administration of Public Defense Services: Whitman County delivers public defense representation through a contract system with four private law firms.

Whitman County has adopted a public defense standards ordinance ([Chapter 2.07](#)).

2016 Statistics

Amount spent on public defense	\$315,000
Amount spent per capita	\$6.57

Adult Felony

Adult Superior Court criminal cases filed	156
Adult Superior Court criminal cases per 1,000 population	3.3
Number of cases assigned to counsel	171

Adult Misdemeanor – County District Court

County misdemeanor cases filed	1,120
Number of cases assigned to counsel	359

Juvenile Offender

Juvenile offender cases filed	31
Juvenile offender cases per 1,000 population	0.6
Number of cases assigned to counsel	33

Use of State Funds: In 2017 Whitman County spent its state funding to sustain increases to public defense attorney compensation. The county plans to use its state funds in 2018 to maintain this improvement.

Yakima County

2016 Population	250,900
Percent below poverty level 2012-2016	20.5%
2012-2016 estimated median household income	\$45,700
RCW 10.101 distribution for use in 2017	\$246,250

Administration of Public Defense Services: 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 and contract investigators, who are also available to contract counsel. Interpreter services are available through an approved list of providers managed by DAC.

Web link to program information: www.yakimacounty.us/1662/Assigned-Counsel

Yakima County has adopted a public defense standards ordinance ([Ordinance 10-2007](#)). The Yakima County DAC requires attorneys to annually attend public defense training.

2016 Statistics

Amount spent on public defense	\$4,928,420
Amount spent per capita	\$19.64

Adult Felony

Adult Superior Court criminal cases filed	1,991
Adult Superior Court criminal cases per 1,000 population	7.9
Number of cases assigned to counsel	1,850

Adult Misdemeanor – County District Court

County misdemeanor cases filed	3,479
Number of cases assigned to counsel	1,745

Juvenile Offender

Juvenile offender cases filed	517
Juvenile offender cases per 1,000 population	2.1
Number of cases assigned to counsel	504

Use of State Funds: In 2017 like previous years, Yakima County used state funds to maintain reductions to caseloads. This has included adding an attorney, increasing contract compensation, and appearing at preliminary appearances in Juvenile Court. The county plans to use its state funds in 2018 to continue these improvements.

Municipal Public Defense Services

Municipalities are responsible for administering and funding trial level criminal public defense for cases prosecuted by their city attorneys. Across the state, cities vary in their public defense service models. In most cities attorneys and law firms bid for public defense contracts, and the resulting contracts are overseen by city administrators or their designees.

In recent years cities in Washington have taken steps to improve oversight of public defense services to ensure that indigent defendants receive quality representation. In response to the 2013 decision issued in [Wilbur, et. al., v. City of Mounty Vernon, et. al, No. C11-1100RSL \(W.D. Wash.\)](#), an increasing number of cities are requiring contract public defense attorneys to submit monthly or quarterly reports reflecting various case-related activities and case outcomes. Case-related activities include but are not limited to motion practice, trials, use of experts and investigators, case outcomes, and amount of time spent on various tasks. These reports help to identify whether attorneys are taking active steps to investigate and challenge cases, and develop representational relationships with their clients.

Attorneys also frequently submit reports to their contracting jurisdictions detailing current caseloads. These reports assist in tracking whether attorneys are approaching or exceeding the caseload limits established by the Washington Supreme Court. Fully-supported attorneys with full-time misdemeanor caseloads should have no more than 400 new case assignments per year. Alternatively, in jurisdictions that have adopted a case weighting system, the annual limit is 300 case weights. In 2013 OPD developed a [model misdemeanor case weighting policy](#) to serve as a template for jurisdictions that choose to case weight.

OPD manages a competitive grant program pursuant to [RCW 10.101.080](#) whereby cities may receive state funding for implementing improvements. State funds can be used for public defense expenses associated with, but not limited to:

- Additional expert services such as investigators, social workers, interpreters, or expert witnesses;
- Creating a public defense office;
- Quality-control monitoring;
- Increased attorney compensation;
- Provision of public defense representation at first appearance calendars;
- Additional attorneys;
- Evaluation of defendants for sentencing options; and/or
- Training.

State funds may not be used for supplanting pre-existing public defense expenses, indigency screening, or local government expenses incurred by persons other than public defense service providers.

In 2017 OPD provided public defense improvement grants amounting to \$686,495 to 21 individual cities and one two-city collaboration. The following pages provide summaries of public

defense data in those cities such as expenditures and appointments, general descriptions of their public defense services, and steps taken in compliance with the funding requirements set forth in [Chapter 10.101 RCW](#).¹³ [Appendix A](#) and [Appendix B](#) provide details on the data sources, terminology, and methodology used for the City Reports.

¹³ 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.

City of Aberdeen

2015 Population	16,780
Percent below poverty level 2012-2016	21.6%
2012-2016 estimated median household income	\$40,478
Competitive Grant awarded for use in 2017	\$25,000

2015 Statistics

Amount spent on public defense	\$245,072
Amount spent per capita	\$14.61
City misdemeanor cases filed	1,474
Total misdemeanors per 1,000 population	87.8
Number of cases assigned to counsel	883

Administration of Public Defense Services: The City of Aberdeen delivers public defense services through a contract system. The City contracts with one primary firm which provides representation on all non-conflict public defense cases. The remaining cases are assigned to local private attorneys who are paid on a per-case basis. The City has adopted local public defense standards (Resolution No. 2015-02), and has adopted a case weighting policy for purposes of calculating attorney caseloads.

Use of State Funds: The City of Aberdeen received its first public defense improvement grant in 2017, and funds were used to provide defense counsel for indigent defendants at noncustodial preliminary appearance calendars.

City of Battle Ground

2015 Population	19,250
Percent below poverty level 2012-2016	11.7%
2012-2016 estimated median household income	\$60,644
Competitive Grant awarded for use in 2017	\$10,000

2015 Statistics

Amount spent on public defense	\$76,225
Amount spent per capita	\$3.96
City misdemeanor cases filed	687
Total misdemeanors per 1,000 population	35.7
Number of cases assigned to counsel	476

Administration of Public Defense Services: Public defense representation in the City of Battle Ground is provided through contracts with six attorneys. The City has adopted public defense standards by resolution (Resolution No. 12-06) which incorporates by reference the Washington State Bar Association's Standards for Indigent Defense Services.

Use of State Funds: In 2017 the City of Battle Ground used state funds to sustain increases to contract attorney compensation. This increase has helped the City compete for quality attorneys in light of caseload limits and higher compensation rates payed by nearby jurisdictions. In addition, the City used grant funds to support defense investigatory services, and to reimburse the cost of training for public defense attorneys.

City of Bellingham

2015 Population	83,580
Percent below poverty level 2012-2016	22.2%
2012-2016 estimated median household income	\$44,441
Competitive Grant awarded for use in 2017	\$40,000

2015 Statistics

Amount spent on public defense	\$779,125
Amount spent per capita	\$9.32
City misdemeanor cases filed	2,838
Total misdemeanors per 1,000 population	34.0
Number of cases assigned to counsel	1,716

Administration of Public Defense Services: 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.

The City of Bellingham has adopted a public defense standards ordinance ([Chapter 2.16.090](#)) which incorporates by reference the Washington State Bar Association's Standards for Public Defense Services.

Use of State Funds: The city used its 2017 grant funding to sustain previous grant-funded improvements of providing attorneys at the in-custody preliminary appearance calendar and the out-of-custody arraignment calendar, and interpreter services to attorney-client interviews and communications.

City of Bremerton

2015 Population	39,410
Percent below poverty level 2012-2016	19.6%
2012-2016 estimated median household income	\$47,358
Competitive Grant awarded for use in 2017	\$12,250

2015 Statistics

Amount spent on public defense	\$307,084
Amount spent per capita	\$7.79
City misdemeanor cases filed	1,379
Total misdemeanors per 1,000 population	35.0
Number of cases assigned to counsel	990

Administration of Public Defense Services: 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. The Court provides office space within its facility for attorneys to meet confidentially with clients.

The City has adopted public defense standards by resolution (Resolution No. 3221). Attorneys are required to participate in annual training relating to public defense and report non-public defense attorney hours.

Use of State Funds: In 2017 Bremerton continued to use state funds to sustain a variety of improvements to public defense services. Attorneys are present at all arraignment hearings, increased compensation has helped to reduce attorney turnover, and the city used state funds to fund investigation and interpretation for attorney-client communications. In addition, the city reimbursed a public defense attorney's expenses for training.

City of Cheney

2015 Population	11,440
Percent below poverty level 2012-2016	39.6%
2012-2016 estimated median household income	\$31,004
Competitive Grant awarded for use in 2017	\$13,500

2015 Statistics

Amount spent on public defense	\$49,600
Amount spent per capita	\$4.34
City misdemeanor cases filed	363
Total misdemeanors per 1,000 population	31.7
Number of cases assigned to counsel	296

Administration of Public Defense Services: 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.

The City has adopted an ordinance with local public defense standards ([Chapter 2.33](#)). The city has also adopted OPD's Model Public Defense Case Weighting Policy for purposes of weighting public defense caseloads.

Use of State Funds: In 2017 the city used State funds to continue 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 East Wenatchee

2015 Population	13,390
Percent below poverty level 2012-2016	16.5%
2012-2016 estimated median household income	\$50,947
Competitive Grant awarded for use in 2017	\$10,400

2015 Statistics

Amount spent on public defense	\$114,779
Amount spent per capita	\$8.57
City misdemeanor cases filed	613
Total misdemeanors per 1,000 population	45.8
Number of cases assigned to counsel	422

Administration of Public Defense Services: The City of East Wenatchee delivers public defense representation through a contract system. The city contracts with two primary law firms, and assigns conflict cases to two additional firms that are paid on an hourly basis.

The city has adopted local Standards for Indigent Defense ([Resolution No. 2012-22](#)) which incorporate by reference the Washington State Bar Association's Standards for Indigent Defense Services.

Use of State Funds: In 2017 the city used state funds to sustain various improvements to public defense such as additional investigator and expert services, representation at preliminary appearance calendars, interpreter services for attorney-client communications, and reimbursement of some training expenses for contract public defense attorneys.

City of Granger

2015 Population	3,640
Percent below poverty level 2012-2016	32.7%
2012-2016 estimated median household income	\$39,661
Competitive Grant awarded for use in 2017	\$20,300

2015 Statistics

Amount spent on public defense	\$9,950
Amount spent per capita	\$2.73
City misdemeanor cases filed	81
Total misdemeanors per 1,000 population	22.3
Number of cases assigned to counsel	95

Administration of Public Defense Services: The City of Granger delivers public defense representation through a contract system. The city contracts with two primary attorneys, and assigns conflict cases to an additional firm on a flat fee basis.

The city has adopted an ordinance establishing standards for public defense services (Ordinance No. 1228). The contract attorneys are required to attend annual training on public defense, and to report hours billed for non-public defense attorney hours.

Use of State Funds: In 2017 the city used state funds to maintain previous increases to attorney compensation, provide investigative and expert services, provide interpreter services for attorney-client communications, and reimburse training expenses for public defense counsel. These improvements have helped the city to contract with and retain qualified counsel.

City of Hoquiam

2015 Population	8,575
Percent below poverty level 2012-2016	21.1%
2012-2016 estimated median household income	\$37,628
Competitive Grant awarded for use in 2017	\$25,750

2015 Statistics

Amount spent on public defense	\$63,156
Amount spent per capita	\$7.37
City misdemeanor cases filed	675
Total misdemeanors per 1,000 population	78.7
Number of cases assigned to counsel	362

Administration of Public Defense Services: The City of Hoquiam delivers public defense services through a contract system. The City contracts with two primary attorneys for public defense cases, and one attorney for representation at preliminary appearances. The City has adopted local public defense standards (Resolution No. 2013 - 24)

Use of State Funds: The City of Hoquiam received its first public defense improvement grant in 2017, and funds were used to provide defense counsel for indigent defendants at preliminary appearance calendars, provide interpreter services for attorney-client communications, and reimburse some training costs for defense counsel.

City of Kelso

2015 Population	11,950
Percent below poverty level 2012-2016	29.7%
2012-2016 estimated median household income	\$34,556
Competitive Grant awarded for use in 2017	\$56,600

2015 Statistics

Amount spent on public defense	\$140,477
Amount spent per capita	\$11.76
City misdemeanor cases filed	569
Total misdemeanors per 1,000 population	47.6
Number of cases assigned to counsel	460

Administration of Public Defense Services: The City of Kelso delivers public defense representation through a contract system. The city contracts with one primary law firm to represent indigent defendants. Conflict cases are assigned to attorneys who are paid on an hourly basis.

The city has adopted local standards for public defense services (Resolution No. 14-1123) which incorporates by reference the Washington State Bar Association's Standards for Indigent Defense Services. The contract with the primary public defense firm requires attorneys to attend at least seven hours of public defense training annually, and attorneys must report hours billed annually for nonpublic defense legal services. The attorneys are also required to maintain records detailing their caseloads, dispositions, motion practices, and use of investigation services.

Use of State Funds: State funds were used in 2017 to sustain previous increases to the number of attorneys representing indigent defendants, thereby keeping attorneys' caseloads within the limits established by the Washington Supreme Court. In addition, the City of Kelso used grant funds to begin providing public defense representation at all in- and out-of-custody preliminary appearance calendars. Public Defense attorneys were also reimbursed for some expenses relating to criminal defense training.

City of Lake Stevens and City of Arlington Partnership

2015 Combined Population	48,390
Average percent below poverty level 2012-2016	9.4%
Average 2012-2016 estimated median household income	\$73,295
Competitive Grant awarded for use in 2017	\$22,274

2015 Statistics

Combined amount spent on public defense	\$260,731
Combined amount spent per capita	\$5.39
Combined city misdemeanor cases filed	1,077
Total misdemeanors per 1,000 of combined population	22.3
Combined number of cases assigned to counsel	735

Administration of Public Defense Services, and Use of State Funds: The Cities of Lake Stevens and Arlington have adopted local standards for public defense services (Arlington Resolution No. 2014-017, and Lake Stevens Resolution No. 2014-14). They contract with the same law firm to handle all non-conflict public defense cases, and both cities' cases are heard in Marysville Municipal Court. The firm employs staff attorneys, supervisors, and an investigator. The cities jointly applied for state funds to expand public defense services by adding a Social Worker to the defense team. The Social Worker position began in early 2017 and assists clients by securing mental, alcohol and drug evaluations, obtaining treatment beds, helping to find housing or safe shelter, and following up with clients to ensure compliance with court-ordered requirements.

City of Olympia

2015 Population	51,020
Percent below poverty level 2012-2016	17.1%
2012-2016 estimated median household income	\$54,523
Competitive Grant awarded for use in 2017	\$17,400

2015 Statistics

Amount spent on public defense	\$401,991
Amount spent per capita	\$7.88
City misdemeanor cases filed	1,586
Total misdemeanors per 1,000 population	31.1
Number of cases assigned to counsel	1,497

Administration of Public Defense Services: The City of Olympia employs a part-time Public Defense Coordinator to oversee the quality of public defense services. The coordinator recruits and contracts with private defense attorneys to represent indigent defendants, monitors attorneys' compliance with state standards and performance guidelines, reviews motions for non-attorney services in criminal cases, and responds to client complaints.

The City of Olympia has adopted a resolution to establish standards for public defense (Resolution No. M-1809). Contracted attorneys are required to annually attend training related to public defense practice. In addition, they must provide the city with detailed reports on matters such as case dispositions, time spent on cases, and private practice caseloads.

Use of State Funds: The city used its state grant funds in 2017 to increase contract attorney compensation, and reimburse some costs for training.

City of Pasco

2015 Population	68,240
Percent below poverty level 2012-2016	16.9%
2012-2016 estimated median household income	\$57,440
Competitive Grant awarded for use in 2017	\$21,400

2015 Statistics

Amount spent on public defense	\$158,340
Amount spent per capita	\$2.32
City misdemeanor cases filed	2,483
Total misdemeanors per 1,000 population	36.4
Number of cases assigned to counsel	897

Administration of Public Defense Services: The City of Pasco takes a unique approach towards its public defense administration. While the city contracts with attorneys to represent indigent defendants, it also contracts with Franklin County for public defense administration and oversight. Three attorneys have part-time contracts with the city for representing public defense clients. Conflict cases are assigned to an additional attorney who is paid on a per-case basis.

The City of Pasco has adopted local public defense standards ([Resolution No. 3616](#)). The public defense attorneys are required to attend approved training by the Franklin County Office of Public Defense Administration, and report hours billed for non-public defense legal services.

Use of State Funds: The City of Pasco received its first public defense improvement grant in 2017, and funds were used for interpreter services for attorney-client communications, and attorney training costs.

City of Port Orchard

2015 Population	13,510
Percent below poverty level 2012-2016	15.4%
2012-2016 estimated median household income	\$63,634
Competitive Grant awarded for use in 2017	\$14,000

2015 Statistics

Amount spent on public defense	\$120,228
Amount spent per capita	\$8.90
City misdemeanor cases filed	847
Total misdemeanors per 1,000 population	62.7
Number of cases assigned to counsel	507

Administration of Public Defense Services: The City of Port Orchard contracts with one multi-attorney firm to provide primary public defense services. Conflict of interest cases are assigned to an additional attorney who is compensated on an hourly basis. The City of Port Orchard has adopted a public defense standards ordinance ([Chapter 9.09](#)).

Use of State Funds: In 2017 the City of Port Orchard used state grant funds to sustain previous grant-funded improvements: additional attorneys to reduce caseloads, and increased compensation. The firm that provides primary public defense representation previously increased attorneys designated for Port Orchard Municipal Court from one to two, including additional coverage at preliminary hearings and in-custody hearings. In addition, attorneys who handle conflict cases continue to be paid at a higher hourly rate. This rate increase has helped the city recruit and retain quality attorneys.

City of Shelton

2015 Population	10,070
Percent below poverty level 2012-2016	24.3%
2012-2016 estimated median household income	\$38,550
Competitive Grant awarded for use in 2017	\$41,100

2015 Statistics

Amount spent on public defense	\$91,804
Amount spent per capita	\$9.12
City misdemeanor cases filed	562
Total misdemeanors per 1,000 population	55.8
Number of cases assigned to counsel	477

Administration of Public Defense Services: The City of Shelton delivers public defense representation by contracting with a multi-attorney law firm. When a case presents a conflict for the firm, the court assigns it to one of several attorneys who are compensated at an hourly rate.

The City of Shelton has adopted a Public Defense Standards Ordinance ([Chapter 2.96](#)). The city's public defense attorneys are required to attend approved annual training.

Use of State Funds: The City of Shelton has received state grant funds since 2012. During that time, the city has contracted with a sufficient number of attorneys and increased compensation to ensure that they maintain caseloads consistent with the Supreme Court's Standards for Indigent Defense.

City of Spokane

2015 Population	213,100
Percent below poverty level 2012-2016	19.7%
2012-2016 estimated median household income	\$43,274
Competitive Grant awarded for use in 2017	\$58,800

2015 Statistics

Amount spent on public defense	\$2,777,490
Amount spent per capita	\$13.03
City misdemeanor cases filed	7,581
Total misdemeanors per 1,000 population	35.6
Number of cases assigned to counsel	6,479

Administration of Public Defense Services: The City of Spokane delivers public defense representation through a city public defender agency. The City of Spokane Public Defender Office has a director, 19 attorneys, and an investigator. The City and the Spokane County Public Defender's Office have an inter-local agreement to provide representation for each other's conflict cases.

The City of Spokane has adopted a public defense ordinance ([Chapter 03.11.010](#)). The City of Spokane Public Defender Office pays for and requires attorneys to attend at least seven hours of public defense training annually.

Use of State Funds: The city has continued to use state grant funds to provide a public defender at daily inmate first appearance hearings and weekly arraignment and bench warrant recall dockets. In addition, the city used state grant funds to increase investigator services, and reimburse some training costs for staff attorneys.

City of Spokane Valley

2015 Population	93,340
Percent below poverty level 2012-2016	14.5%
2012-2016 estimated median household income	\$47,567
Competitive Grant awarded for use in 2017	\$17,500

2015 Statistics

Amount spent on public defense	\$649,831
Amount spent per capita	\$6.96
City misdemeanor cases filed	2,074
Total misdemeanors per 1,000 population	22.2
Number of cases assigned to counsel	1,969

Administration of Public Defense Services: The City of Spokane Valley contracts for public defense services exclusively with the Spokane County Public Defender's Office, which employs full-time staff attorneys, investigators, and support staff. Employees are compensated at parity with Spokane County Prosecuting Attorney Office employees.

The City has adopted local public defense standards by resolution (Resolution No. 15-006), and requires that all attorneys assigned to represent defendants in municipal cases to attend at least seven hours of public defense training annually.

Use of State Funds: In 2017 state grant funds were used to help offset the increased costs for two additional misdemeanor attorneys, which were hired to help comply with caseload limits required by the Supreme Court's Standards for Indigent Defense.

City of Sunnyside

2015 Population	16,280
Percent below poverty level 2012-2016	24.5%
2012-2016 estimated median household income	\$37,975
Competitive Grant awarded for use in 2017	\$50,000

2015 Statistics

Amount spent on public defense	\$282,750
Amount spent per capita	\$17.37
City misdemeanor cases filed	1,296
Total misdemeanors per 1,000 population	79.6
Number of cases assigned to counsel	832

Administration of Public Defense Services: The City of Sunnyside contracts with four attorneys to represent indigent defendants. Counsel is also provided at all in- and out-of-custody first appearance hearings. The City has adopted a public defense standards ordinance ([Chapter 2.42](#)), which requires attorneys to meet training, supervision, monitoring and evaluation standards set by the Washington State Bar Association and the Washington State Defender Association.

Use of State Funds: The City of Sunnyside used state funds to sustain the increase to the number of attorneys representing public defense clients, in order to ensure compliance with mandatory caseload limits. The city has also taken steps to ensure that attorneys have a private conference room at the courthouse to have confidential meetings with clients, along with access to internet and the court's case management system.

City of Tacoma

2015 Population	202,300
Percent below poverty level 2012-2016	17.9%
2012-2016 estimated median household income	\$53,553
Competitive Grant awarded for use in 2017	\$38,550

2015 Statistics

Amount spent on public defense	\$1,846,160
Amount spent per capita	\$9.13
City misdemeanor cases filed	4,192
Total misdemeanors per 1,000 population	20.7
Number of cases assigned to counsel	2,779

Administration of Public Defense Services: 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. DAC employees receive salary and benefits in parity with the Pierce County Prosecuting Attorney Office employees. The agency contracts with outside attorneys for conflict counsel and provides investigative services through a panel of pre-approved investigators.

Pierce County has adopted public defense standards by resolution ([Resolution No. 39076](#)) 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.

Use of State Funds: During 2017 the city used its state grant funds to maintain reductions to attorney caseloads by continuing to fund an additional attorney position that was created in 2012 with OPD grant funds. In addition, the city received state funds to offset some costs for attorney training.

City of Tukwila

2015 Population	19,300
Percent below poverty level 2012-2016	21.5%
2012-2016 estimated median household income	\$48,490
Competitive Grant awarded for use in 2017	\$25,000

2015 Statistics

Amount spent on public defense	\$456,012
Amount spent per capita	\$23.63
City misdemeanor cases filed	1,995
Total misdemeanors per 1,000 population	103.4
Number of cases assigned to counsel	1,399

Administration of Public Defense Services: The City of Tukwila delivers public defense representation through a contract system with one primary law firm with four attorneys. Conflict cases are assigned by the court to three additional attorneys who are paid on a per-case basis.

The City of Tukwila has adopted public defense standards by ordinance ([Chapter 2.70.050](#)). The public defense attorneys are required to attend approved training annually, and report hours billed for non-public defense legal services.

Use of State Funds: In 2017 the city used its state grant funds for investigation services, case management services to assist defendants in contacting and obtaining services and interpreter services for client meetings outside of court.

City of Union Gap

2015 Population	6,150
Percent below poverty level 2012-2016	26.5%
2012-2016 estimated median household income	\$37,202
Competitive Grant awarded for use in 2017	\$21,595

2015 Statistics

Amount spent on public defense	\$136,737
Amount spent per capita	\$22.23
City misdemeanor cases filed	805
Total misdemeanors per 1,000 population	130.9
Number of cases assigned to counsel	788

Administration of Public Defense Services: The City of Union Gap delivers primary public defense representation services through one full-time contract attorney and three part-time contract attorneys. The City of Union Gap has adopted public defense standards by resolution (Resolution No. 14-37) which incorporates by reference the Washington State Bar Association's Standards for Indigent Defense Services, and the decision of *Wilbur v. Mt. Vernon*.

Use of State Funds: Union Gap used state funds in 2017 to sustain increases to the number of contract public defense attorneys and to increase attorney compensation, both of which have contributed to lowering attorneys' caseloads.

City of Vancouver

2015 Population	170,400
Percent below poverty level 2012-2016	13.5%
2012-2016 estimated median household income	\$52,004
Competitive Grant awarded for use in 2017	\$53,076

2015 Statistics

Amount spent on public defense	\$1,081,188
Amount spent per capita	\$6.35
City misdemeanor cases filed	4,203
Total misdemeanors per 1,000 population	24.7
Number of cases assigned to counsel	5,173

Administration of Public Defense Services: Public defense representation is provided through a contract system. The city has one primary defense contract with a twelve-attorney law firm, as well as two contracts with additional firms to provide representation in conflict cases. The City also contracts with Clark County for representation in a limited number of Mental Health Court cases.

The City of Vancouver has adopted a public defense standards ordinance (M-3927). The city requires attorneys to attend approved annual training and report their non-public defense attorney hours.

Use of State Funds: The City of Vancouver increased its public defense budget in 2015 by 79.4% to ensure that public defense attorney caseloads are within the limits set by the Supreme Court's Standards for Indigent Defense, and that public defense attorneys are compensated at levels closer to the prosecuting attorneys. The city used its state grant funds to contribute to the increases made to its public defense budget, and to offset some costs relating to attorney training.

City of Westport

2015 Population	2,110
Percent below poverty level 2012-2016	23.4%
2012-2016 estimated median household income	\$40,143
Competitive Grant awarded for use in 2017	\$3,500

2015 Statistics

Amount spent on public defense	\$15,000
Amount spent per capita	\$7.11
City misdemeanor cases filed	296
Total misdemeanors per 1,000 population	140.3
Number of cases assigned to counsel	111

Administration of Public Defense Services: The City of Westport delivers public defense services through a contract system. One attorney is on contract to represent all non-conflict indigent defendants. The city has a public defense services resolution which incorporates, by reference, the Washington State Bar Association's Standards for Indigent Defense Services, and the decision in *Wilbur, et al v. Mt. Vernon* (Resolution No. 850).

Use of State Funds: State grant funds were used in 2017 to sustain previous increases to attorney compensation, provide additional investigative and expert services, and fund interpreter services for attorney-client meetings.

City of Yakima

2015 Population	93,220
Percent below poverty level 2012-2016	22.9%
2012-2016 estimated median household income	\$40,951
Competitive Grant awarded for use in 2017	\$88,500

2015 Statistics

Amount spent on public defense	\$910,981
Amount spent per capita	\$9.77
City misdemeanor cases filed	3,300
Total misdemeanors per 1,000 population	35.4
Number of cases assigned to counsel	1,527

Administration of Public Defense Services: The City of Yakima delivers public defense representation through a contract system. The city contracts with two law firms to provide public defense services, and the two firms employ a total of 9.5 FTE attorneys. Additional law firms provide representation at an hourly rate for conflict cases. The City of Yakima has adopted a public defense standards ordinance ([Chapter 1.64](#)). Contracted attorneys are required to attend approved annual training and report their non-public defense attorney hours.

Use of State Funds: In 2017 the city maintained previous increases to public defense staffing, to ensure that attorneys' caseloads comply with the limits established by the Supreme Court's Standards for Indigent Defense. State grant funds contributed to costs associated with increased public defense attorneys, representation at arraignment, interpreter and investigative services.

Appendix A: Methodology and Data Reporting for County and City Reports

In preparing the county and city data reports, OPD used information submitted as part of each jurisdiction's application for grant 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. 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.

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.

2016 Data in the County Reports: The County Reports present data on funding and caseload levels in each of the thirty-eight counties that participate in the Chapter 10.101 RCW funding program. The data contained in these County Reports reflect the figures reported in the 2017 applications for 2018 funding. Because these applications were submitted in August 2017, the data reflects public defense assignments and expenses in 2016.

2015 Data in the City Reports: The City Reports, on the other hand, reflect public defense data from 2015. The Cities profiled on these pages applied for Chapter 10.101 RCW funds in 2016 in order to receive funds in 2017. They submitted applications to OPD in July 2016, which reported 2015 data on public defense assignments and expenses.

Counting Cases and Expenses: The processes used for calculating public defense caseloads vary from jurisdiction to jurisdiction. There is no standard method; systems differ, sometimes even within individual jurisdictions. Some are based on "points" or "credits" based on compensation rates rather than cases, while others assign differing values to certain case types based on case weighting policies.

In comparing case filings with public defense appointments, it is important to keep in mind that these figures are reported from different sources, and may have limitations for purposes of identifying public defense appointment rates. All case filings are based on data contained in the Caseload Reports and reflect cases filed in courts in the stated year. However, public defense attorneys may be appointed to cases that were filed in previous years. Public defense appointments may also apply to situations that do not necessarily reflect new case filings, such as representation of a witness.

The number of filings in District and Municipal Courts may be overrepresentations of the number of actual cases stemming from the same factual basis due to the courts' case management system. In that system, charges are organized by three categories: DUI, other traffic offenses, and non-traffic offenses. Therefore, cases containing charges from more than one category may be counted as multiple filings.

The manner in which jurisdictions deal with post-conviction hearings such as probation violations (PVs) also impacts caseload calculations.¹⁴ Generally, PVs are less time-consuming than new cases. Some counties and cities count PVs as a case; some do not count them separately and instead incorporate them in representation of the underlying case; and others count them as a fraction of a case (often one-third).

¹⁴ 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.

Appendix B: Glossary for County/City Reports

COUNTY PROFILE

2016 population: Total county population as reported in the Washington State Office of Financial Management April 1, 2016--[Population of Cities, Towns, and Counties publication](#).

Percent below poverty level: Percent of individuals in the county population below the federal poverty level as reported by the [U.S. Census Bureau – American FactFinder](#).

Median household income: Median household income as reported by the [U.S. Census Bureau – American FactFinder](#).

2017 Chapter 10.101 RCW distribution: The county's allocation of the Chapter 10.101 RCW funds appropriation as determined by the distribution formula contained in [RCW 10.101.070](#).

I. 2016 Statistics

1. Amount spent for public defense: The county-reported total dollar amount spent for public defense representation during 2016.
2. 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, local attorney availability, the county's poverty rate, and case filing rates.

II. Adult Felony

1. Adult Superior Court cases filed: The number of new adult Superior Court cases filed during 2016 as reported in the [Superior Court 2016 Annual Caseload Report](#). The number of filings does not include appeals from lower courts and non-charges.
2. Adult Superior Court 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 2016 as reported by counties in their Chapter 10.101 RCW grant applications.

III. Adult Misdemeanor

1. County misdemeanor cases filed: The number of new (non-probation violation) District Court cases filed during 2016 as reported in the [Courts of Limited Jurisdiction 2016](#)

[Annual Caseload Report](#). The total listed is the sum of DUI, Other Traffic, and Non-Traffic misdemeanor filings.

2. Number of cases assigned to counsel by county: The county-reported number of new adult District Court cases assigned to public defense counsel during 2016 as reported by counties in their Chapter 10.101 RCW grant applications.¹⁵

IV. Juvenile Offender

1. Juvenile offender cases filed: The number of new (non-probation violation) juvenile offender cases filed during 2015 as reported in the [Superior Court 2016 Annual Caseload Report](#). The number of filings does not include non-charges.
2. Juvenile offender cases per 1,000 population: The total number of new juvenile offender cases filed during 2016 divided by the county population as expressed in thousands.
3. Number of cases assigned to counsel: The county-reported number of new juvenile offender cases assigned to public defense counsel during 2016.

CITY PROFILE

2015 population: Total city population as reported in the Washington State Office of Financial Management April 1, 2015 - [Population of Cities, Towns, and Counties publication](#).

Percent below poverty level: Percent of city population below the federal poverty level as reported by the [U.S. Census Bureau – American FactFinder](#).

Median household income: Median household income as reported by the [U.S. Census Bureau – American FactFinder](#).

2017 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 2016, and were used during calendar year 2017.

I. 2015 Statistics

1. Amount spent for public defense: The city-reported total dollar amount spent for public defense representation during 2015, 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

¹⁵ Some counties included contract municipal cases in the reported number.

major cases filed, local attorney availability, the number of attorneys practicing in the city, the city's poverty rate and case filing rates.

3. City misdemeanor cases filed: The number of new (non-probation violation) Municipal Court cases filed during 2015 as reported in [Courts of Limited Jurisdiction 2015 Annual Caseload Report](#).
4. Total city misdemeanor cases per 1,000 population: The total number of new misdemeanor cases filed during 2015 divided by the city population as expressed in thousands.
5. Number of cases assigned to counsel by city: The city-reported number of new Municipal Court cases assigned to public defense counsel during 2015.