**TO**: City/County Officials

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

**DATE**: September 24, 2024

**RE**: Applications for SPAR funding for State Fiscal Year 2025 (FY25), July 1, 2024 to June 30, 2025

The Washington State Office of Public Defense (State OPD) has additional grant funding available through its Simple Possession Advocacy and Representation (SPAR) Program to award for use in Fiscal Year 2025 (July 1, 2024 to June 30, 2025). Counties with a population of 500,000 or less, or cities with a population of 200,000 or less may apply for this funding.

**This additional funding will be award on a rolling, first-come, first-serve basis until the additional funding is exhausted.** To apply for funding, please complete the attached application as soon as possible. Selected applicants will be able to use their award to receive reimbursement for eligible expenses incurred between July 1, 2024 and June 30, 2025.

Read below for more information, and questions may also be directed to:

* Grace O'Connor, Supervising Attorney, SPAR Program, 360-586-3164, x.151
* Nicole Dodge, Program Analyst, SPAR Program, 360-586-3164, x. 114

**Funding Program Overview and Frequently Asked Questions**

**What does this funding support?** This funding helps cover public defense costs incurred in courts of limited jurisdiction on cases involving drug possession or public use.

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

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

State OPD received a biennial appropriation (FY24 and FY25) to create, administer, and fund this reimbursement program. In order to administer these funds, State OPD created the Simple Possession Advocacy and Representation (SPAR) Program. In FY24, State OPD made awards to 22 jurisdictions. Additional funding remains for FY25.

**How do I know if my jurisdiction is below the population threshold?** To determine whether a county has a population of 500,000 or less, and to determine whether a city has a population of 200,000 or less, State OPD consults the [April 1 official population estimates](https://ofm.wa.gov/sites/default/files/public/dataresearch/pop/april1/ofm_april1_population_final.pdf) from the State Office of Financial Management.

**How are funding awards disbursed?** This funding is reimbursement-based. If you receive an award from State OPD, you will enter into a funding agreement with us. The grant period will run from July 1, 2024 to June 30, 2025 (the state fiscal year). The funding agreement will include a maximum allocated reimbursement amount. During the grant period, OPD will reimburse jurisdictions up to the maximum allocated reimbursement amount upon receipt of properly completed invoices and supporting documentation. OPD will provide template invoices and forms to assist jurisdictions in completing reimbursement requests.

**What kinds of costs are covered by the reimbursement grants?** Per RCW 2.70.200, WA State OPD may reimburse grant recipients for eligible public defense expenses related to qualifying charges and qualifying cases. Permissible use of funding includes reimbursement for attorney and support staff compensation for consultation and representation on qualifying cases (including some RALJ appeals), reimbursement for investigation costs on qualifying cases, reimbursement for expert services related to qualifying offenses, out-of-court interpreter services, and some training expenses as approved by WA State OPD. Additional expenses may be approved as eligible expenses on a case-by-case basis by WA State OPD. Jurisdictions will be responsible for any other expense.

**What’s a qualifying case?** A qualifying case is a proceeding filed against a defendant in a court of limited jurisdiction in which at least one of the charges filed, either originally or as amended, is for a qualifying offense, even if later dismissed.

**What’s a qualifying offense?** A qualifying offense is an offense under RCW 69.50.4011(1)(b) or (c), 69.50.4013, 69.50.4014, 69.41.030(2), (b), or (c); or a charge of an offense under a local ordinance involving allegations of possession or public use of a controlled substance, counterfeit substance, or legend drug.

**How does OPD determine the reimbursement rates for jurisdictions that receive an award?** Reimbursement rates are based on a jurisdiction’s actual costs expended in defending qualifying cases. This is true whether you employ salaried public defenders or rely on indigent defense contractors. In the indigent defense contractor scenario, to determine reimbursement rates for attorney compensation, a jurisdiction generally reports the number of qualifying cases by case number handled by a contractor in an invoicing period and either 1) multiplies the number of qualifying cases by the contractor’s case rate; or 2) determines the percent of qualifying cases in an invoicing period and multiplies that by a contractor’s monthly compensation. Variations exist and State OPD will work with selected applicants to the best of its ability to reimburse jurisdiction’s actual costs on qualifying cases.

**How do I determine the amount of funding to ask for?** Most jurisdictions estimate attorney compensation by estimating the number of qualifying offenses a jurisdiction expects to have filed in a year, multiplied by the average cost of counsel per case. To that number, jurisdictions may add estimated investigation, expert and interpreter service costs related to qualifying cases/charges.

**Can my jurisdiction use this funding to pay for representation on felony cases?**

No. The legislature limited this funding to representation in courts of limited jurisdiction.

**Is this funding the same as the Public Defense Improvement Program (RCW 10.101) grant funding that my jurisdiction receives from State OPD?** No. A jurisdiction may receive funding under both of these State OPD programs. But, funds awarded under the Public Defense Improvement Program (PDIP) have a different purpose and structure than SPAR funding, and jurisdictions who are awarded funding from both programs should be sure not to confuse these funds. For more information on PDIP, visit our [website](https://opd.wa.gov/cities-counties-courts/chapter-10101-rcw-county-and-city-public-defense-improvement-funds).

**Application Timeline:**

Completed applications will be accepted on a rolling basis. Awards will be made on a first-come, first-serve basis. Signed, completed applications and corresponding documentation should be submitted as an email attachment to the SPAR Program at spar@opd.wa.gov. *Please do not leave any answers blank.*

**Application Definitions**

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

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

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

**Consultation –** See Representation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**WSBA –** Washington State Bar Association.

**Evaluation of Applications:**

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

**Technical Assistance for SPAR Program:**

State OPD staff is available to work with jurisdictions regarding compliance with these funds. State OPD also has a SPAR Attorney Trainer on staff to serve as a resource for public defense professionals.

For information regarding the SPAR Program or this application process, contact us at spar@opd.wa.gov or 360-586-3164 x. 151.

FY25 Funding Application

Simple Possession Advocacy & Representation (SPAR) Program

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

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| **Section I: Demographics and Case Tracking** |
| 1. **Is this application completed on behalf of a Washington city or county?**
 | **[ ]  City** **[ ]  County** |
|  |  |
| 1. **What is the current** [**population size**](https://ofm.wa.gov/sites/default/files/public/dataresearch/pop/april1/ofm_april1_population_final.pdf) **of your jurisdiction?**
 |  |
|  |  |
| 1. **What is the current public defense model in your city/county? Please select one option that best describes how public defense services are delivered in your region.**
 |
| [ ]  a) The city/county contracts with attorneys for public defense services. [ ]  b) Public defense services are provided primarily by staff attorney(s) of a public defense agency or non-profit. |
|  |  |
| 1. **Does the city/county have the ability to collect and report data on the following data points:**
 |
| **Yes** | **No** | **Data to be requested** |
| **[ ]**  | **[ ]**  | Age of Defendant |
| **[ ]**  | **[ ]**  | Race of Defendant |
| **[ ]**  | **[ ]**  | Gender of Defendant  |
| **[ ]**  | **[ ]**  | Case Outcome/Disposition |
| **[ ]**  | **[ ]**  | Attorney Hours |
| **[ ]**  | **[ ]**  | Diversion Status (including: was case diverted, was diversion completed) |
| **[ ]**  | **[ ]**  | Trials |
| **[ ]**  | **[ ]**  | Number of Cases |
| **[ ]**  | **[ ]**  | Case/Cause Numbers |
| ***Ability to collect and report data on age, race, and gender of the defendant, or case outcome/disposition and diversion status is not a requirement for grant funding. However, ability to track the number of qualifying cases and case (cause) numbers will be part of the documentation required for reimbursement. If the city/county is currently collecting data on any of these data points, please attach a template or sample report, if available.*** |
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| 1. **If you are applying on behalf of a city, what is the city ordinance/city code new filings for possession of a controlled substance are charged under? Please attach a copy.**
 |  |
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| 1. **With the passage of 2E2SSB 5536, OPD anticipates an increase in filings of criminal cases centered around possession of controlled substance charges. How many cases do you estimate will be filed as a result?**
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| 1. **Who in the city/county is responsible for overseeing contract attorneys, sub-contract attorneys and assigned counsel attorneys? What is their title/position?**
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| 1. **Are city/county attorneys, prosecutors, judges, judicial staff, or law enforcement officers involved in the selection of public defense attorneys?** [WSBA Indigent Defense Services Standard 19](https://wsba.org/docs/default-source/legal-community/committees/council-on-public-defense/standards-for-indigent-defense-services-approved-by-bog-revised-september-2021.pdf?sfvrsn=b40d17f1_4)**;** [RCW 10.101.040](http://app.leg.wa.gov/RCW/default.aspx?cite=10.101.040); [GR 42](https://www.courts.wa.gov/court_rules/pdf/GR/GA_GR_42_00_00.pdf)
 | **[ ]  Yes [ ]  No** |
|  |
| **Section II: Diversions and Post-Disposition Representation**  |
| 1. **Pre-File Diversion:** In lieu of jail booking and referral to the prosecutor for possession and public use cases, 2E2SSB 5536 encourages law enforcement to offer a referral to assessment and services available under RCW 10.31.110 or other program or entity responsible for receiving referrals in lieu of legal system involvement, which may include, but are not limited to, arrest and jail alternative programs (AJA), law enforcement assistant diversion programs (LEAD), or a recovery navigator program (RNP). *See* [RCW 69.50.4011(3)(c)](https://app.leg.wa.gov/RCW/default.aspx?cite=69.50.4011); [69.50.4013(2)(c)](https://app.leg.wa.gov/RCW/default.aspx?cite=69.50.4013); [69.50.4014(2)](https://app.leg.wa.gov/RCW/default.aspx?cite=69.50.4014); [69.41.030(2)(e)](https://app.leg.wa.gov/RCW/default.aspx?cite=69.41.030). Additionally, prosecutors are encouraged to divert possession and public use cases for assessment, treatment or other services rather than charge them. *See* [RCW 69.50.4011(3)(a)](https://app.leg.wa.gov/RCW/default.aspx?cite=69.50.4011); [RCW 69.50.4013(2)(a)](https://app.leg.wa.gov/RCW/default.aspx?cite=69.50.4013); [RCW 69.50.4014(1)](https://app.leg.wa.gov/RCW/default.aspx?cite=69.50.4014); [RCW 69.41.030(2)(b),(c)](https://app.leg.wa.gov/RCW/default.aspx?cite=69.41.030).
 |
| * 1. **Please describe any current pre-file diversion programs that exist in your jurisdiction.** In your description, please include 1) the type of diversion, including whether it occurs pre-referral to the prosecutor’s office or post-referral to the prosecutor’s office, 2) how an individual learns of the diversion 3) who makes the decision to allow the individual to participate in the diversion, 4) what is expected of the individual in the diversion, and 5) the role of defense counsel, in any, in these diversions.
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| * 1. **Does your jurisdiction have any future plans to adjust its pre-file diversion options in light of 2E2SSB 5536?**
 | **[ ]  Yes [ ]  No** |
| If yes, please describe:      |
| * 1. **Does your jurisdiction have plans to create a statutory pre-filing diversion option under 2E2SSB 5536?**
 | **[ ]  Yes [ ]  No** |
| If yes, please describe:      |
|  |
| 1. **Post-Charge, Pre-Trial Diversion:** 2E2SSB 5536 created a post-charging, pre-trial statutory diversion framework for possession and public use offenses. *See* [RCW 69.50.4017](https://app.leg.wa.gov/RCW/default.aspx?cite=69.50.4017). Under that framework, a defendant whose motion to divert is granted will be diverted to a recovery navigator program, an arrest and jail alternative program, or a law enforcement assisted diversion program in the area. RCW 69.50.4017(2). Under the statutory framework, the diversion program must provide a regular written status update on the defendant’s progress at least monthly to the court, prosecuting attorney, defendant, and defense counsel. RCW 69.50.4017(4). Additionally, under the statute, if a prosecutor moves to terminate a defendant from the diversion, the defendant must be notified, a hearing must be set, and before the hearing the defendant and defendant’s counsel must be advised of the nature of the alleged noncompliance, and provided discovery of evidence supporting the allegation, including names and contact information of the witness. RCW 69.50.4017(10).
 |
| **Please describe how your jurisdiction intends to ensure availability of defense counsel under this statutory framework for continued representation of clients who are in a statutory diversion under RCW 69.50.4017.** Please include information on how defense attorneys will receive notice of hearings and be assigned to represent clients at those hearings, as well as how attorneys will be available for consultations to clients during the diversion.  |
|       |
| * 1. **Please describe any post-charging, pre-trial alternatives to prosecution that your jurisdiction *currently uses* for misdemeanor or gross misdemeanor charges.** Examples might be, but not limited to, stipulated continuances, deferrals, therapeutic courts, or a diversion program. In your description, please include 1) the type of alternative to prosecution, 2) how a defendant requests the alternative 3) who makes the decision to allow the defendant to participate in the alternative to prosecution, 4) how the defendant successfully completes the alternative, and 5) the role of defense counsel in these alternatives.
 |
|       |
| * 1. **Does your jurisdiction have any future plans to adjust post-charge, pre-trial options for alternatives to prosecution for misdemeanor or gross misdemeanor charges in your jurisdiction in light of 2E2SSB 5536?**
 | **[ ]  Yes [ ]  No** |
| If yes, please describe:      |
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| 1. **Please describe how representation on post-disposition matters, such as probation reviews and revocation hearings, currently takes place.** Please address assignment of attorneys for hearings as well as representation during the probationary period.
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| 1. **Does your jurisdiction have any future plans to adjust the way it does post-disposition representation in light of 2E2SSB 5536?**
 | **[ ]  Yes [ ]  No** |
| If yes, please describe:      |
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| **Section III: Public Defense Expenditures/Budget & SPAR Funding Request** |
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| 1. **In calendar year 2023, the city/county paid indigent defense expenses as follows:**
 |
|  | City/County Funds | State OPD Chapter 10.101 RCW Grant Funds (if applicable) | Other Funds (if applicable) |
| Attorney salaries and benefits, contract and conflict attorney compensation | $      | $      | $      |
| Investigators, experts, interpreters, social workers, and other professional services | $      | $      | $      |
| Other public defense expenses | $      | $      | $      |
| **Total** | **$** | **$** | **$** |
|  |
| 1. **For calendar year 2024, the city/county *budgeted* indigent defense expenses as follows:**
 |
|  | City/County Funds | State OPD Chapter 10.101 RCW Grant Funds (if applicable) | Other Funds (if applicable) |
| Attorney salaries and benefits, contract and conflict attorney compensation | $      | $      | $      |
| Investigators, experts, interpreters, social workers, and other professional services | $      | $      | $      |
| Other public defense expenses | $      | $      | $      |
| **Total** | **$** | **$** | **$** |
|  |
| 1. **Using Table 1 (attached), please list the attorney(s) you expect to handle qualifying cases for your jurisdiction under SPAR funding. Include all the information requested in Table 1.**
2. **How much SPAR funding is the applicant requesting for use in FY25 (July 1, 2024 to June 30, 2025?). Permissible uses of these funds is limited to compensation for attorney and support staff time spent on qualifying offenses, and expert services related to such representation.**
 |
| Attorney Compensation | $      |
| Support Staff Compensation | $      |
| Investigation/Expert Services | $      |
| **TOTAL FUNDING REQUEST** | **$**      |
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| 1. **Pursuant to 2E2SSB 5536, these funds will be disbursed only on a reimbursement basis. This requires the city/county to first expend funds, then submit an invoice for reimbursement. Is the city/county able to track expenditures, including case numbers for qualifying cases, and regularly invoice State OPD for reimbursement?**

**[ ]  Yes** **[ ]  No** |  |
|  |  |
| 1. **If attorney costs are ordered or assessed against indigent defendants, is there a standard recoupment amount or does it vary?\***
 |
| **[ ]**  | Standard Amount: | **$** |
| **[ ]**  | Amount Varies (typical range): | **$** |
| **[ ]**  | Recoupment of attorney costs is never ordered against indigent defendants.  |
| *\*If attorney costs are assessed, the amount will be deducted from any reimbursement paid to the city/county under SPAR.* |
|  |
| 1. **Did the city/county complete an application in 2023 for Chapter 10.101 RCW State Grant funds?**
 | **[ ]  Yes\* [ ]  No** |
| ***\*If yes, you may skip to Section VII****.* |
|  |
| **Section IV: Case Assignments** |
| 1. **Does the city/county use a case-weighting policy as allowed for in Standard 3 of the Standards adopted by the WSBA and the Washington State Supreme Court (**[**CrRLJ 3.1**](http://www.courts.wa.gov/court_rules/?fa=court_rules.list&group=clj&set=CrRLJ)**)?** If yes, please attach the case-weighting policy.
 | **[ ]  Yes [ ]  No** |
| 1. **If yes, what is the city/county’s method of counting probation violations and other post-sentencing hearings?**
 |
|       |
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| **Section V: Court/City/County Information** |
| 1. **Please describe the indigency screening procedure (**[**RCW 10.101.010 – 020**](http://app.leg.wa.gov/RCW/default.aspx?cite=10.101.010)**) for municipal/district court defendants and attach any related written policies and screening documents used:**
 |
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|  |
| 1. **Does the applicant contract with another jurisdiction that provides district/municipal court services for the applicant?**
 | **[ ]  Yes** **[ ]  No** **[ ]  N/A**  |
| If yes, please describe the situation: |
|       |
| 1. **Does the applicant contract with another jurisdiction’s public defender agency to provide the applicant’s public defense?**
 | **[ ]  Yes [ ]  No [ ]  N/A** |
| If yes, please describe: |
|      **5.4** **Does the applicant provide district/municipal court** **[ ]  Yes [ ]  No [ ]  N/A****services for another jurisdiction?** If yes, is this application made on behalf of applicant alone, or in consultation with the other jurisdiction(s)? Please describe:     **5.5** **Does the applicant provide public defense**  **[ ]  Yes [ ]  No [ ]  N/A****services for another jurisdiction?**If yes, is this application made on behalf of applicant alone, or in consultation with the other jurisdiction(s)? Please describe:      |
|  |
| **Section VI: Washington State Bar Association Standards for Indigent Defense Services** |
| [*RCW 10.101.060*](http://app.leg.wa.gov/RCW/default.aspx?cite=10.101.060) *requires each city or county that receives state funds to document to the Washington State Office of Public Defense that it is meeting the* [*WSBA Standards for Indigent Defense Services*](https://www.wsba.org/docs/default-source/legal-community/committees/council-on-public-defense/standards-for-indigent-defense-services-approved-by-bog-revised-september-2021.pdf?sfvrsn=b40d17f1_8)*, or that the funds are being used to make “appreciable, demonstrable improvements in the delivery of public defense services.” The following questions address many of the provisions set forth in statute and the WSBA Standards for Indigent Defense Services.* |
| **Standard One: Compensation** |
| 1. **Do the city/county’s public defense contracts (including sub-contracts and assigned counsel policies) require the attorneys to compensate conflict counsel, investigators or experts?**
 | **[ ]  Yes [ ]  No** |
| If yes, please explain the situation: |
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|  |
| 1. **If public defense is provided by attorneys employed by a public defense agency, are job classifications, compensation and benefit levels comparable to local prosecuting attorneys?**
 | **[ ]  Yes [ ]  No [ ]  N/A** |
| If no, please explain: |
|       |
|  |
| 1. **Are compensation amounts for contracted, sub-contracted, and assigned counsel attorneys sufficient to cover administrative costs such as travel, telephone, technology, office space, supplies, and training?**
 | **[ ]  Yes [ ]  No** |
| If no, please explain: |
|       |
|  |
| **Standard Two: Duties and Responsibilities** |
| 1. **Are defense attorneys present and representing defendants at:**
 |
| * 1. In-custody first appearance hearings where bail is addressed (as defined by [CrRLJ 3.2.1](http://www.courts.wa.gov/court_rules/?fa=court_rules.display&group=clj&set=CrRLJ&ruleid=cljcrrlj3.2.1))?
 | **[ ]  Yes [ ]  No** |
| If no, please describe when and how defendants have access to counsel: |
|       |
| * 1. Out-of-custody first appearance hearings?
 | **[ ]  Yes [ ]  No** |
| If no, please describe when and how defendants have access to counsel: |
|       |
| **6.5 Are public defense attorneys made available to consult with clients prior to first appearance or arraignment hearings?** | **[ ]  Yes [ ]  No** |
|  |
| **Standard Three: Caseload Limits** |
| 1. **Do the city/county’s public defense contracts (and subcontracts, if applicable) specify the maximum number of cases each attorney shall be expected to handle?**
 | **[ ]  Yes [ ]  No** |
| If no, please explain: |
|       |
|  |
| 1. **Are the caseloads of the public defense attorneys (including private cases and public defense cases from other jurisdictions) within the limits set by the Washington Supreme Court (**[**CrRLJ 3.1**](http://www.courts.wa.gov/court_rules/?fa=court_rules.list&group=clj&set=CrRLJ)**)?**
 | **[ ]  Yes [ ]  No [ ]  Not Sure** |
| If yes was not selected, please explain: |
|       |
|  |
| **Standard Four: Responsibility for Expert Witnesses** |
| 1. **Does the city/county pay for defense experts?**
 | **[ ]  Yes [ ]  No** |
| If no, please explain the situation:      |
|  |
| **Standards Six and Seven: Investigators and Support Services** |
| 1. **Does the city/county pay for defense investigators?**
 | **[ ]  Yes [ ]  No** |
| If no, please explain the situation: |
|       |
|  |
| **Standards Ten and Eleven: Supervision, Monitoring and Evaluation of Attorneys** |
| 1. **Which individual/entity maintains the attorney certifications filed in your court?**
 |
|       |
| **How are the certification forms made available for public review?** |
|       |
|  |
| 1. **Has someone from the city/county verified that all attorneys that provide public defense representation in your jurisdiction filed Certifications for the first and second quarters of 2023?**
 | **[ ]  Yes [ ]  No** |
| \*Please provide copies of all Certifications filed for the 2nd Quarter of 2023 in your jurisdiction. Counties do not need to provide Certifications for attorneys practicing only in Superior Court. (It is not necessary to provide Certifications of staff attorneys employed at government or non-profit public defense agencies.) |
|  |
| **Standard Thirteen: Limitations on Private Practice** |
| 1. **Does the city/county require contract and subcontract public defense attorneys to report on public defense caseloads from other jurisdictions, and “hours billed for nonpublic defense legal services including number and types of private cases?”** [**RCW 10.101.050**](http://app.leg.wa.gov/RCW/default.aspx?cite=10.101.050)
 | **[ ]  Yes [ ]  No** |
| If no, please explain the situation:  |
|       |
|  |
| **Standard Fifteen: Disposition of Client Complaints** |
| 1. **Who does the city/county designate to receive and investigate complaints about public defense services?** Please provide the name and contact information for the person/office:
 |
|       |
|  |
| 1. **How are indigent clients notified of the complaint policy and procedure?** Please provide a copy of the city/county’s complaint procedure, complaint form, or any other relevant documentation.
 |
|       |
|  |
| **Section VII: Attachments & Tables** |
| 1. **Please include the following items with your application where applicable. Each required attachment must be labeled with the question number(s) to which it corresponds. If attachments are submitted as separate documents, please ensure the question number is referenced in the file name as well as inside on the document itself. Failure to include any of the required items could result in an incomplete application. (If you were able to skip sections 4 through 6 because you completed an application in 2023 for Chapter 10.101 RCW State Grant funds you do not need to provide the attachments that correspond to those sections).**
 |
| [ ]  | Sample template or report for monthly or quarterly attorney activity, if available *(see question 1.4)* |
| [ ]  | Table 1 including the contract for any identified attorney or firm (*see question 3.3*)  |
| [ ]  | Case-weighting policy, if applicable *(see question 4.1)* |
| [ ]  | Indigency screening form and related documents *(see question 5.1)* |
| [ ]  | 2nd Quarter 2023 Certifications filed *(see question 6.10)* |
| [ ]  | Complaint procedure, forms or other relevant documentation *(see question 6.13)* |
| [ ]  | Other relevant information *(applicant’s discretion)* |

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

|  |  |  |  |  |
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| Washington State Office of Public Defense |
| **Table I: Attorneys Expected to Handle Qualifying Cases Under SPAR Grant and Their Compensation Structure/Rates**\*If contracted attorneys have variable rates in one contract, or multiple contracts covering different services, you may use multiple lines for one contract or attorney/firm. **For contract identified, please attach the corresponding contract**. You may also attach separate narratives or tables explaining the contract’s compensation structure and rates if needed. *The information entered here may also help you determine the attorney compensation request in Question 3.4.* |
| Name of attorney/firm(If firm, please identify (1) the total number of attorney FTEs handling public defense cases, and (2) the name of each attorney handling public defense cases) | WSBA # | Structure of compensation under contract (per case, flat-fee, per hour, etc.) \*If salaried employee of the jurisdiction, write “salaried employee”). \*\*For contracted attorneys, please include whether the contract has a caseload maximum and what the maximum is. | Rate of payment (dollar value per case, per month, per hour, etc.). \*For salaried employee please list total cost FTE (salary + benefits) | Contact Information (email, phone, mailing address) |
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**SPAR Program FY25 Application Evaluation Guidelines**

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