



## COUNTY/CITY USE OF STATE PUBLIC DEFENSE IMPROVEMENT FUNDS

### Purpose

This policy establishes clear guidelines for how counties and cities may use state public defense improvement funds distributed under RCW 10.101.050 - .080.

### Definitions

- **State Funds:** Monies disbursed by the Office of Public Defense (OPD) under RCW 10.101.050 - .080.
- **Local Funds:** County or city monies expended on public defense.
- **Supplanting:** Reducing or withdrawing local public defense services funds, specifically because state funds are available or anticipated under Chapter 10.101 RCW.
- **Public Defense Services Providers:** Individuals or entities—whether contracted, appointed by the court, or employed by government—who deliver public defense services in Washington’s superior courts or courts of limited jurisdiction. This includes supervisors, attorneys, paralegals, investigators, social workers, legal assistants, and other professionals directly supporting legal representation.

### General Rule

State funds must supplement existing local resources and devoted exclusively to improving public defense services pursuant to the Washington State Bar Association’s Standards for Indigent Defense Services. Under no circumstances may they be used to supplant local funds.

### Permitted Uses

Counties and cities may allocate state public defense improvement funding to the following categories:

#### 1. Legal Support Services

- Investigator services.
- Expert witness services.
- Social work services providers and/or mitigation services and to assist defense counsel.

#### 2. Organizational Capacity

- Establishment of a public defense agency within local government.
- Public Defense management and oversight, as described in Washington State Court General Rule 42 (d).

#### 3. Attorney Resources

- Increased compensation to attract high-quality public defense services providers.
- Hiring and contracting additional public defense attorneys to lower individual caseloads.
- First appearance calendar representation by public defender or expansion of existing first appearance services.

#### 4. Specialized Support

- Defense-initiated evaluations supporting sentencing options (e.g., drug assessments, SSOSA, DOSA).



## Washington State Office of Public Defense

### 5. Training and Performance Evaluation

- Reimbursement of training costs for public defense services providers.
- Professional evaluation of public defense system performance by a public defense expert.

### 6. Communication and Access

- Interpreter services for attorney-client meetings and defense investigations (excluding in-court interpreters required under Chapter 2.42 RCW and Chapter 2.43 RCW).
- Technology solutions and equipment solely for public defense services providers (e.g., case management systems, remote working solutions, etc.)
- Equipment or services to ensure safe representation during emergencies (e.g., video conferencing subscriptions; PPE; devices for confidential client communications).

### 7. Other Uses

- Any additional purpose approved in writing by OPD that demonstrably improves indigent defense and aligns with WSBA Standards for Indigent Defense Services.

## Prohibited Uses – (Non-Exhaustive List)

State public defense funds may **not** be expended for:

- Supplanting county or city funds used for public defense services.
- Administrative or billing costs associated with local the public defense program management.
- Indigency screening processes.
- County, city, or court technology systems or equipment not exclusively for public defense.
- County or city attorney time, including advice on public defense contracting.
- In-court interpreters required under Chapter 2.42 RCW or Chapter 2.43 RCW.
- Pre-trial supervision services, (e.g., continuous transdermal alcohol monitoring device, electronic home monitoring, urinalysis, ignition interlock devices, etc.).

## Approval Process for Other Uses

1. Submit a written justification demonstrating how the proposed use:
  - Fills a service gap or enhances representation quality
  - Aligns with the WSBA Standards for Indigent Defense Services
2. OPD will review requests within 15 days and may seek additional information.
3. Approved uses will be documented in an updated funding agreement.

## Implementation and Oversight

- OPD will monitor expenditures through periodic reporting, site visits, and audits.
- Counties and cities must maintain transparent records showing that state funds are additive and uniquely enhance public defense services.
- Noncompliance may result in fund retraction or future funding ineligibility.

## Effective Date

This policy is effective immediately and applies to all Chapter 10.101 RCW public defense improvement funding disbursed on or after the date of issuance.