

Washington State Judicial Branch

2025-2027 Biennial Budget

Simple Possession Advocacy and Representation (SPAR) Program – SB 5536

Agency: Office of Public Defense

Decision Package Code/Title: 1F – SPAR Program

Agency Recommendation Summary Text:

The Office of Public Defense (OPD) requests funding to maintain the Simple Possession Advocacy and Representation (SPAR) program, which was created pursuant to RCW 2.70.200 to help local jurisdictions provide public defense representation in newly authorized misdemeanor drug possession cases. The statute directs OPD to reimburse cities and counties under a certain population threshold for public defense expenses related to drug possession cases, or at the election of the jurisdiction, to contract directly with attorneys to represent indigent people charged in possession cases.

Fiscal Summary: Funding is requested to maintain OPD assistance in misdemeanor drug possession cases, pursuant to RCW 2.70.200.

	FY 2026	FY 2027	Biennial	FY 2028	FY 2029	Biennial
Staffing						
FTEs	6.5	7.5	7.0	7.5	7.5	7.5
Operating Expenditures						
Fund 001-1	\$7,684,000	\$8,097,000	\$15,781,000	\$8,086,000	\$8,262,000	\$16,348,000
Total Expenditures						
	\$7,684,000	\$8,097,000	\$15,781,000	\$8,086,000	\$8,262,000	\$16,348,000

Package Description:

Background and current situation:

In [SB 5536](#), the 2023 Legislature in special session appropriated funding and directed OPD to assist local jurisdictions in providing public defense for newly authorized misdemeanor drug possession and public use charges (hereinafter, possession). The legislation, codified at [RCW 2.70.200](#), directs OPD to reimburse cities and counties under a certain population threshold for public defense expenses related to possession cases, or at the election of the jurisdiction, to contract directly with attorneys to represent indigent people charged in drug possession cases. In response, OPD created the Simple Possession Advocacy and Representation (SPAR) Program.

Problem:

While RCW 2.70.200 contemplates an ongoing role for OPD to assist local governments with public defense for new possession charges, and while other state agencies received ongoing funding for their duties under SB 5536, OPD's funding ends June 30, 2025. At the same time, possession charges are increasing and local jurisdictions continue to need OPD's assistance. Data from the Administrative Office of the Courts (AOC) indicates that more than 10,000 individuals were charged with possession offenses between July 2023 and July 2024, and the charges statewide have increased each month in the past year.

Proposed solution:

This decision package proposes continued funding for the SPAR program in order to implement RCW 2.70.200 and a) offer eligible local jurisdictions help with public defense in response to the growing number of drug possession cases, and b) sustain the OPD staffing levels needed to administer the program.

Description of SPAR Program

OPD is authorized to administer the SPAR program per RCW 2.70.200, which states in part that:

“The office of public defense may provide reimbursement of eligible expenses or contract directly with indigent defense providers 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](#)(2) (b) or (c), or charged with offenses involving allegations of possession or public use of a controlled substance, counterfeit substance, or legend drug, 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. The county or city may enter into an agreement with the office of public defense for reimbursement of eligible expenses or designate the office of public defense to contract directly with indigent defense providers for consultation and representation services in their jurisdiction.”

As authorized by RCW 2.70.200, a local jurisdiction under the population threshold may access SPAR funding on a reimbursement grant basis, or designate State OPD to contract directly with indigent defense providers for consultation and representation services in their jurisdiction.

Reimbursement grants: After an initial program development period, for Fiscal Year 2024 SPAR reimbursed just over \$630,000 in defense counsel costs to 25 counties and cities. For Fiscal Year 2025 SPAR has 32 city and county grant recipients, totaling just under \$4 million in encumbered funds. For Fiscal Year 2025, grant applications from local jurisdictions encumbered all the funding earmarked by OPD for this purpose. (Grant recipients are identified on the attached map.)

Client services contracts: Additionally, in Fiscal Year 2025 SPAR is piloting the option to contract directly with indigent defense providers at the request of four jurisdictions: the City of Vancouver, the City of Kennewick, the City of Richland, and the City of West Richland. Contracted providers include individual attorneys or multi-attorney organizations, as provided in the RFQs attached to this decision package. These contracts are unique and unprecedented in Washington’s public defense history, in which State OPD partners with local jurisdictions to directly assist with the administrative burden of trial level criminal public defense.

Growing demand: SPAR expects future growth in eligible jurisdictions’ requests for reimbursement grant funding as well as their option to delegate contracting to OPD. The agency bases this assumption both on the monthly possession case data it collects from the AOC, as well as historical experience with other grant and client services contract programs that OPD administers. Anticipating this growth, as part of this decision package, OPD requests funding to continue staffing for its current team (supervisor, program analyst, program assistant, training attorney, and social services manager) as well as to hire two managing attorneys, one in each fiscal year, to assist the supervisor in managing the reimbursement grants and client services contracts.

Additional resources: In addition to the grant funding and attorney contracts, in recognition that quality legal representation requires more than just funding for attorney compensation, SPAR also offers eligible jurisdictions additional critical resources.

Training: The SPAR program promotes consistent, quality defense representation in courts of limited jurisdiction. Ongoing access to high-quality training is critical for quality representation. The law and the practice of law are ever-changing, and the criminalization of drug possession in Washington is particularly inconstant at present. A dedicated staff lawyer at OPD to stay abreast of developments in this fast-changing area of law helps busy misdemeanor attorneys ensure they are delivering constitutionally sufficient representation. Additionally, many practitioners at the misdemeanor level work as independent contractors and typically experience less access to mentorship or training opportunities, formal and informal, than staff of public defense agencies. OPD’s SPAR training attorney helps fill that gap.

Moreover, many practitioners in courts of limited jurisdiction are not used to defending drug cases. While possession charges have been around for decades, they historically have been prosecuted and defended as felonies. It will take time to grow a cadre of experienced misdemeanor lawyers in a practice area relatively new to the misdemeanor level. The SPAR attorney trainer offers local jurisdictions access to high-quality training for public defense attorneys representing clients in possession cases. Between January and July 2024, the SPAR trainer created and delivered nearly a dozen well-received trainings, including several in-person regional trainings in rural jurisdictions. The trainer also created trial improvement guides for attorneys to use when working on their drug cases, including a pre-trial advocacy manual, a trial advocacy manual, and practice checklists. The trainer also publishes a monthly newsletter for misdemeanor drug attorneys, which includes case law updates, monthly practice advisories, and contributions from others, including the Supreme Court's librarian.

Social Workers & Client Emergency Fund: In addition to attorney training, in Fiscal Year 2025, SPAR is piloting a social worker component. Headed by an experienced MSW hired in May 2024, SPAR is providing local grant recipients and contracted attorneys with access to a small pool of contracted social workers. The benefits of social workers in public defense cases are well-documented, but few local jurisdictions in Washington have the capacity to implement and administer this important resource. As part of this decision package, OPD also requests funding and authorization for a social work client emergency fund, to assist clients with emergency needs like transportation, housing, and food, the lack of which can jeopardize clients' ability to meaningfully engage in their criminal case and related treatment services. This client emergency fund would be structured similarly to an already-existing legislatively appropriated client fund at OPD, in the Parents Representation Program.

Looking Ahead: OPD is confident that the SPAR program is supplying eligible local jurisdictions with the tools to deliver quality public defense representation in misdemeanor drug possession cases, thereby increasing the Legislature's return on investment for SB 5536. The SPAR program is ready to meet the growing demand from local jurisdictions for public defense assistance in misdemeanor drug possession cases, so long as it has adequate resources to do so.

Fully describe and quantify expected impacts on state residents.

This decision package helps eligible local jurisdictions address an urgent need for public defense capacity in misdemeanor drug possession cases. It also assists Washington residents who find themselves charged with possession offenses. AOC data as of July 2024 indicates that more than 10,000 individuals have been charged with possession offenses since July 2023, and the charges statewide have increased each month in the past year.

Explain what alternatives were explored by the agency and why this was the best option.

OPD chose this option because the Legislature in SB 5536 expressed its intent for OPD to help smaller cities and counties provide public defense in misdemeanor drug possession cases and to implement the grants and direct contracts administered by the SPAR program.

What are the consequences of not funding this request?

Not funding this decision package will mean that OPD cannot implement the policy directives of RCW 2.70.200. Not funding this decision package will eliminate targeted assistance to local jurisdictions for public defense related to drug possession charges. Likewise, defendants on the receiving end of those charges may experience a negative consequence in the form of overworked, underpaid public defenders.

Is this an expansion or alteration of a current program or service?

This decision package continues and slightly expands an existing program.

Decision Package expenditure, FTE and revenue assumptions:
Staffing Assumptions

Job Title Classification	#s of FTE Round to Nearest Tenth				Workload Assumptions/Description
	FY 26	FY 27	FY 28	FY 29	
Supervising Attorney	1	1	1	1	50% Manages development of SPAR program including budget oversight; 25% supervises team; 25% contract and grant management.
Program Analyst	1	1	1	1	50% Assists with the development, preparation and dissemination of program application and funding reimbursement materials, as well as client services contract materials; 25% Obtains program data and creates, updates and maintains multiple ongoing data projects; 25% assists in the development of educational, methodological or expository materials.
Social Services Manager	1	1	1	1	50% Develops and implements a strategic social service plan and standards in providing social work services critical to the program area served; 25% Manages the recruitment and selection process of securing independent contractors to perform social work services where applicable; 25% Monitors and evaluates independent contractors to ensure contract requirements are being met and tracks overall performance.
Program Assistant	1.5	1.5	1.5	1.5	50% Performs various administrative duties such as arranging meetings, preparing agendas and supporting materials, taking minutes at meetings and preparing reports; 25% Assists the public by phone or email by providing unit specific interpretation on policies and procedures; 25% Maintains grant and/or contract records.
Fiscal Assistant	0.5	0.5	0.5	0.5	Reviews and pays invoices for simple possession reimbursement grants to

Office of Public Defense
Policy Level – 1F – SPAR Program

					counties and cities, as well as monthly invoices from contracted attorneys and related expert/investigator/litigation costs.
Managing Attorney (1.0 FY26, 2.0 FY27)	1	2	2	3	By FY26, OPD anticipates that the volume of grants and contracts will require 1 FTE Managing Attorney, and by FY27, 2 FTE Managing Attorneys for the following duties: 50% Perform administrative and technical contract oversight by managing the process of initiating, negotiating, maintaining and/or terminating contracts with independent contractor attorneys and local government grant recipients; 20% Provide program specific technical assistance by responding to inquiries from independent contractors, grant recipients and applicants, staffing cases, and researching novel legal issues; 15% Manage the recruitment and selection process of securing independent contractors to perform public defense services where applicable; 15% Monitor and evaluate independent contractors to ensure contract requirements are being met and track overall performance.
Training Attorney	1	1	1	1	75% Developing, implementing, and delivering training and practice resources relevant to drug possession cases; 25% Conduct field observations of SPAR-funded local attorneys to observe how courts of limited jurisdiction handle simple drug possession cases and evaluate the training needs of practicing attorneys.

Use Standard Costs?

No.

Office of Public Defense
Policy Level – 1F – SPAR Program

If No, Explain Additional Costs	Round to Nearest \$1,000				Description/Assumptions
	FY 26	FY 27	FY 28	FY 29	
Contracts	\$6,565,000	\$6,820,000	\$6,820,000	\$6,820,000	City/county reimbursement grants; client services contracts with attorneys to deliver indigent defense services in jurisdictions that have designated SPAR to contract directly for that work; client services contracts with social workers; expert/investigator/litigation expenses; and other contract management expenses.
Training	\$65,000	\$65,000	\$65,000	\$65,000	Funding to deliver training for drug possession cases to indigent defense legal professionals statewide; funding to meet training needs of OPD program staff.
Travel	\$10,000	\$10,000	\$10,000	\$10,000	Funding for statewide travel necessary for OPD program staff, such as monitoring visits to grant recipients and direct contractors or recruiting visits.
Social Work Client Emergency Assistance Fund	\$10,000	\$10,000	\$10,000	\$10,000	Funding to support SPAR social work function by supplying contracted social workers with the means to assist clients with emergency needs like transportation, housing, and food.
Supplies/Other	\$10,500	\$10,500	\$10,500	\$10,500	Office supplies and miscellaneous admin needs.
Equipment – one time	\$22,000	\$11,000			One-time start up for 3 staff 2 FY26 and 1 FY27

Office of Public Defense
Policy Level – 1F – SPAR Program

[illegible]

Policy Level – 1F – SPAR Program

[illegible]

How does the package relate to the Judicial Branch principal policy objectives?

Fair and Effective Administration of Justice

This decision package sustains funding to assist eligible local jurisdictions in meeting the demand for constitutionally mandated public defenders in drug possession and public use cases, as provided in RCW 2.70.200.

Access to Necessary Representation

This decision package requests funding that directly implements the constitutional guarantee of counsel, and helps support meaningful access to counsel for indigent defendants in drug possession cases.

Commitment to Effective Court Management

This decision package helps the judicial branch maintain systems and practices that enhance effective court management by encouraging quality defense counsel in courts of limited jurisdiction.

Sufficient Staffing and Support

This decision package helps the judicial branch meet its goal of sufficient staffing and support for Washington courts by supporting the presence of quality defense counsel in courts of limited jurisdiction. It also ensures sufficient OPD FTEs to administer the Simple Possession Advocacy and Representation (SPAR) program.

How does the package impact equity in the state?

Address any target populations or communities that will benefit from this proposal.

Thousands of indigent defendants facing drug possession charges benefit from this decision package, which ensures trained, effective defense counsel.

Describe the how the agency conducted community outreach and engagement.

SPAR has leveraged OPD’s existing relationships with city and county associations to advertise the availability of grants and direct contracts for representation. OPD held multiple Zoom information sessions for interested jurisdictions. In furtherance of the client services contract pilot, OPD conducted in-person information sessions in two regions of the state. SPAR maintains an FAQ on its website.

Consider which target populations or communities would be disproportionately impacted by this proposal. Explain why and how these equity impacts will be mitigated.

This program itself mitigates equity impacts by focusing on jurisdictions below a certain population threshold, as directed by SB 5536 and RCW 2.70.200

Are there impacts to other governmental entities?

This decision package benefits eligible counties and cities that receive grant funding or contracted attorney services.

Stakeholder response:

At its September 12, 2024 meeting, the OPD Advisory Committee voted to approve this decision package. In addition, municipalities in particular have noted their appreciation of this new public defense resource. Several jurisdictions have used SPAR’s training attorney to organize regional training events. Recipients have expressed excitement about the forthcoming social worker services.

Are there legal or administrative mandates that require this package to be funded?

RCW 2.70.200 directs OPD to provide the services included in this decision package subject to amounts appropriated for this purpose.

Does current law need to be changed to successfully implement this package?

No.

Are there impacts to state facilities?

No.

Are there other supporting materials that strengthen the case for this request?

- Map showing local government recipients of current SPAR resources.
See Attachment A: 1F – SPAR Program – FY 2024 SPAR Funding Map
- Drug possession and public use charges increased nearly 50% from December 2023 through June 2024, according to statewide data from the Administrative Office of the Courts.
See Attachment B: 1F – SPAR Program – Simple Possession Charge Distribution C
- SPAR training highlights.
See Attachment C: 1F – SPAR Program – SPAR Training Highlights
- SPAR update memo from March 2024
See Attachment D: 1F – SPAR Program – Program Update
- SPAR flyer regarding Fiscal Year 2025 reimbursement grants and the direct contract option.
See Attachment E: 1F – SPAR Program – SPAR Flyer for R6 and R7

Office of Public Defense
Policy Level – 1F – SPAR Program

- RFQ for OPD direct contracts, as requested by four SPAR-eligible cities
See Attachment F: 1F – SPAR Program – SPAR RFQ Kennewick-Richland
See Attachment G: 1G – SPAR Program – SPAR RFQ Vancouver

Are there information technology impacts?

No.

Agency Contacts:

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FY25 SPAR Funding Map

 County Grant Recipient

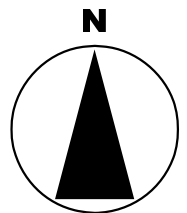
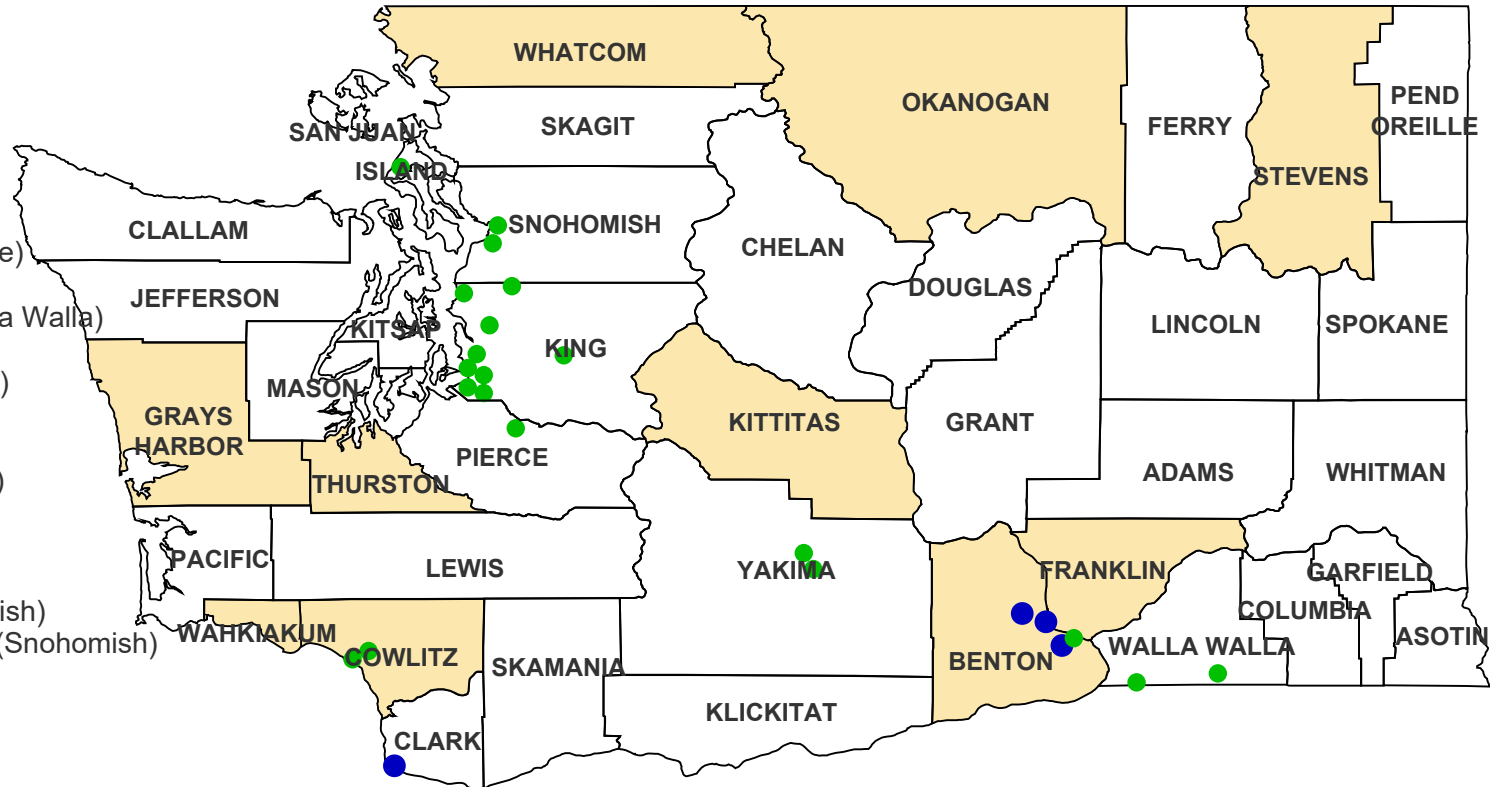
 City Grant Recipient

 City Designating OPD to Contract

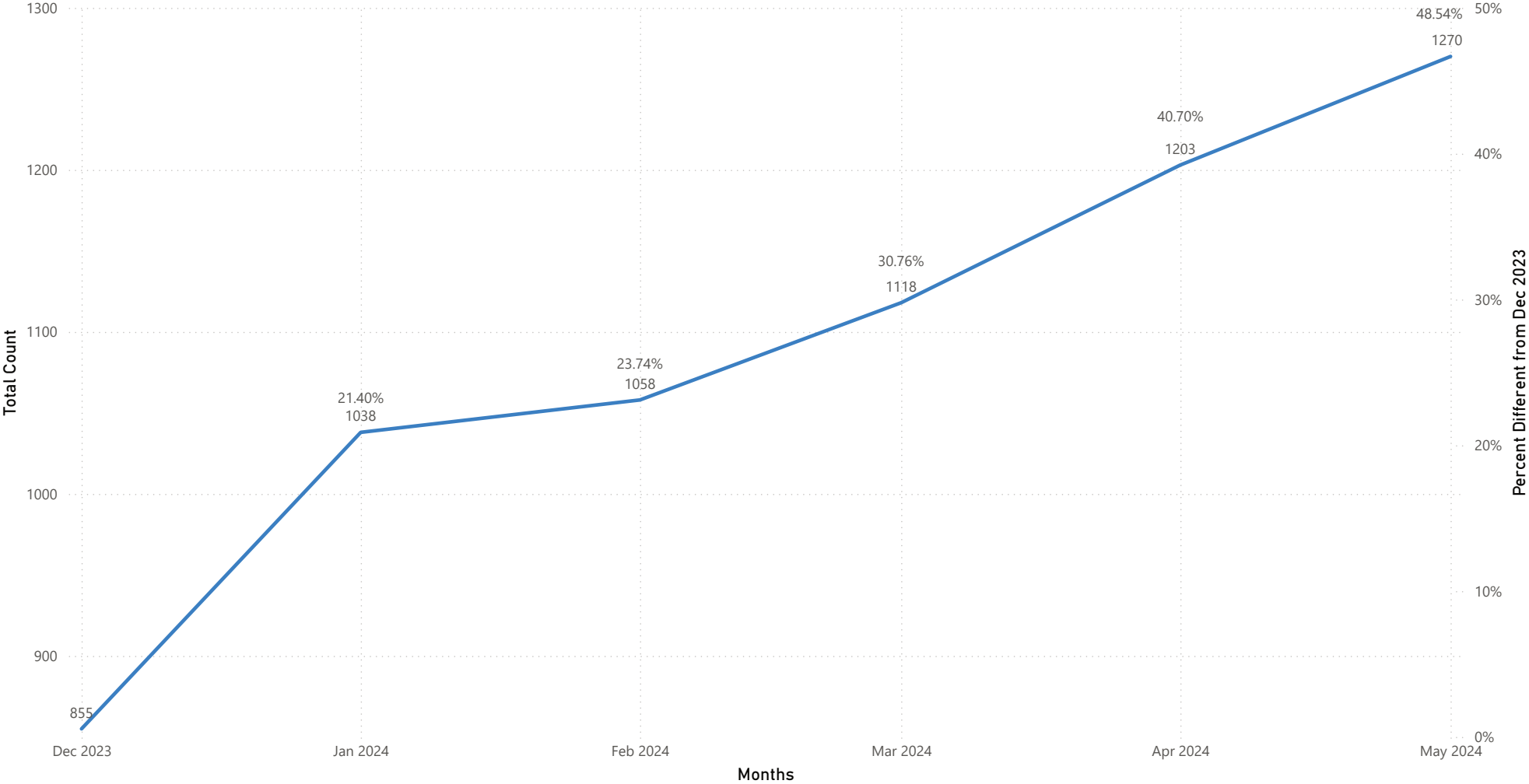
Pin locations for cities are not exact

Cities (Alphabetical)

-  Auburn (King)
-  Bellevue (King)
-  Bonney Lake (Pierce)
-  Bothell (King)
-  College Place (Walla Walla)
-  Des Moines (King)
-  Everett (Snohomish)
-  Federal Way (King)
-  Kelso (Cowlitz)
-  Kennewick (Benton)
-  Kent (King)
-  Lacey (Thurston)
-  Longview (Cowlitz)
-  Marysville (Snohomish)
-  Mountlake Terrace (Snohomish)
-  North Bend (King)
-  Oak Harbor (Island)
-  Olympia (Thurston)
-  Pasco (Franklin)
-  Richland (Benton)
-  Tukwila (King)
-  Union Gap (Yakima)
-  Vancouver (Clark)
-  Walla Walla (Walla Walla)
-  West Richland (Benton)
-  Yakima (Yakima)



State-Wide Drug Possession and Public Use Charges Over a 6-Month Period



Over a 6-month period the number of charges for possession and public use increased a total of 49%

Source: Administrative Office of the Courts



2024 SPAR Training Highlights

Since the start of SPAR training, the program has offered many in-person and online trainings. These trainings focused on skills requested by those in the community and strived to reach rural and underserved areas. The in-person programs were all incredibly successful, with each one reaching full capacity for the training facility. This cost-effective programming allowed misdemeanor attorneys the opportunity to build the skills necessary to defend drug cases.

Program highlights include:

- **Be the Best Advocate You Can Be – East Wenatchee, WA**
 - Description: This training included four sessions: Better Trials through Motion Practice, Calling Out Prosecutorial Misconduct, DNA and State Crime Lab, and Preserving Error for Appeal.
 - Feedback: Speakers rated an average of 5/5 stars.
- **Theme, Theory, and Storytelling – Online**
 - Description: In trial practice, theory is everything. This session focused on building themes and theories into a misdemeanor drug attorney's trial skills and how to use storytelling skills to get juries and judges to understand the case theory of misdemeanor drug attorneys.
 - Feedback: "Very good presentation, great information and practically useful!"; "Great suggestions for breaking down the process of creating a theory and theme. I especially liked the suggestions about incorporating emotion into the theory/theme/story." Speakers rated an average of 4.7/5 stars.
- **Direct Examination – Online**
 - Description: In this session, we discussed presenting a compelling, persuasive, and engaging direct examination. Misdemeanor drug attorneys struggle with direct examination because we do it less frequently and may model poor examples they see in court. This session taught tools and styles to present a direct examination that grabs and keeps the jury's attention and advances the case theory. Session attendees learned techniques to present a compelling and dynamic direct examination in defending drug cases, which the jury will remember when they enter their deliberations.
 - Feedback: "Helpful, relevant, action step information was provided by the presenter.", "These trial advocate topics you have been doing are such a great thing! We need more of them because they are practical and can improve our daily practice of law.", "Great engaging speaker." Speakers rated an average of 5/5 stars.
- **Closing Arguments– Online**
 - Description: A closing argument is a misdemeanor drug attorney's final opportunity to speak directly with the jury about why they should accept the defense theory of the case. After this webinar, misdemeanor drug attorneys were empowered with tools and examples for presenting persuasive closing arguments.



- Feedback: “I have a trial coming up on Monday and this has really helped me get the brain juices flowing. My trial experience is limited so I need any tips I can get!”, “I really enjoyed this CLE. Super helpful and interesting.”, “It’s very helpful for structuring closings in the future”, “This trial training series has been excellent! Thank you!”. Speakers rated an average of 5/5 stars.
- **WSBA Standards Training - Online**
 - Description: The WSBA recently adopted updated standards of Indigent Defense. These standards will impact caseloads, the necessary experience needed to handle cases, and the support attorneys must receive from social workers, investigators, and others. After this webinar, misdemeanor drug attorneys understood the new standards and can effectively employ them to represent persons accused of crimes in our state.
 - Feedback: Speakers rated an average of 4.5/5 stars
- **Putting Your Skills to Practice – Port Townsend, WA**
 - Description: This training included six sessions: Adopting a Theory of the Case, Opening Statement Strategies, Developing Winning Opening Statements Workshop, Impeaching Witnesses through Effective Cross-Examination, Building Skills to Effectively Impeach Witnesses Workshop, and Incorporating Theory into Opening Statements and Cross-Examination.
 - Feedback: “I found all of it very helpful “, “My colleague and I talked about how this was one of the better CLEs we’ve attended. Personally, I’d rank it near the very top. I appreciated the emphasis on supporting each other as a community of defenders. As someone in solo practice, I think that element has a tendency to get lost amongst us. Thank you.”. Speakers rated an average of 5/5 stars.
- **Be the Best Advocate You Can Be – Pasco, WA**
 - Description: This training included four sessions: Improved Client Communication, Better Trials through Motion Practice, Storytelling, and Calling Out Prosecutorial Misconduct.
 - Feedback: “The motions practice CLE (including the supplied materials) are excellent.”, “We have already put the motions into use-- and have already subpoenaed or requested the files and information the DV advocate who is employed by the prosecutor’s office! VERY USEFUL! THANK YOU”. Speakers rated an average of 4/5 stars.



**WASHINGTON STATE
OFFICE OF PUBLIC DEFENSE**

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SPAR Program Update - March 2024

WA State OPD's SPAR Program has three components: funding to cover the cost of public defense on qualifying cases; training; and social service worker support (in development).

Funding

- Reimbursement grants
 - Statewide notification about reimbursement grant funding went out in October 2023.
 - 24 jurisdictions applied (9 counties; 15 cities); 3 jurisdictions withdrew
 - 21 recipients were funded (7 counties; 14 cities), with reimbursement grant contracts beginning January 1, 2024.
 - Reimbursement grant contracts cover eligible costs incurred for qualifying cases. Qualifying cases are those that include, but need not be limited to, a drug possession charge.
 - Eligible costs are:
 - Attorney and support staff compensation (including RALJ appeals)
 - Investigator costs
 - Expert costs related to the drug charge
 - Onboarding sessions were held with recipients in January 2024
 - Cities of: Bonney Lake, Bothell, College Place, Des Moines, Federal Way, Kelso, Lacey, Longview, Marysville, Mountlake Terrace, Oak Harbor, Olympia, Pasco, Tukwila
 - Counties of: Benton, Franklin, Grays Harbor, Kittitas, Okanogan, Stevens, Thurston
- Client Services Contracts
 - For the purposes of this program, State OPD has divided the state up into 7 regions.
 - SPAR Team identified its Region 6 (Lewis, Pacific, Wahkiakum, Cowlitz, Clark, Skamania, Klickitat, and cities within) and Region 7 (Yakima, Benton, Franklin, Walla Walla, and cities within) as the regions to **pilot** the client services contract piece of the program. [Note: Clark County exceeds the population limit set by the legislature for participation, but jurisdictions within Clark are eligible].
 - Contract structure
 - After meeting with other OPD programs and weighing pros and cons of various contract models, SPAR intends to offer *primary attorneys a*

capacity contract with caseload cap and trial incentive. SPAR intends to offer *conflict attorneys* a **rate per case contract, and trial incentive.**

- Contract Rates
 - Rate for primary attorneys: Compensation for 1.0 FTE capacity contract is anticipated to be \$125,000.
 - Rate per case for conflict attorneys: Anticipated at \$400/case
 - Trial incentive for both at \$350 per trial day.
 - These rates were arrived at by:
 - Looking at what other OPD programs pay contracted attorneys
 - Looking at what these regions pay contract defenders
 - State OPD intends to use this formula as we expand into other areas, although it depends somewhat on how easy or hard it is to attract contractors under this rate. State OPD anticipates it will identify two additional regions in which to expand the client services contract component into in January 2025.
- Appointment process
 - OPD will provide each participating jurisdiction with the names and contact info of our SPAR contractors. Courts can appoint those contractors to eligible cases.
 - Contractor will be responsible for notifying State OPD of case assignment at the time of appointment.
- Contingency Plan
 - OPD will offer each jurisdiction wishing to designate us to contract a conditional grant to cover the cost of representation in qualifying cases in the event WA State OPD does not have a contractor available.

Training

- Attorney trainer on staff to assist with jurisdiction training needs
- Attorney trainer will also help with contract monitoring

Social Work

- SPAR has future plans to make contract social workers available to assist defenders
- Currently hiring a manager to build out this piece of the program. Stay tuned!



PARTNER WITH SPAR ON DRUG POSSESSION CASES

WE CAN HELP!

- ADDITIONAL FUNDING
- FEWER CASE ASSIGNMENTS
- ATTORNEY RECRUITMENT
- ATTORNEY TRAINING
- STATEWIDE RESOURCES & SUPPORT



**CONTRACTS ANTICIPATED
TO START AS EARLY AS
JULY 1ST**

ABOUT US

The Washington State Office of Public Defense (OPD) received funding to assist cities and counties with the cost of representing indigent clients facing drug charges in courts of limited jurisdiction. Our Simple Possession Advocacy & Representation (SPAR) Program administers these funds. Grant funding was awarded to qualifying jurisdictions statewide in December 2023, and grant funding is still available for interested qualifying jurisdictions. We are now expanding the program to contract with attorneys for public defense services on qualifying cases in select jurisdictions.



360-586-3164 ext. 151



spar@opd.wa.gov





Washington State
**Office of
Public
Defense**

More About Us and Our Programs

If you or someone you know has been assigned a public defender in a criminal case, that attorney is typically provided by either county or city government. However, there are some public defense services that are managed by the Washington State Office of Public Defense (OPD) on a statewide scale. Our programs include:

Parents Representation Program



OPD's nationally recognized Parents Representation Program provides defense services for parents, custodians and legal guardians involved in child dependency and termination of parental rights proceedings. OPD applies professional practice standards and provides access to independent social workers and experts to help clients successfully reunify their families. (About 10,000 clients per year.)

Appellate Program



OPD contracts with attorneys to provide public defense representation to individuals whose cases are appealed to the Washington Courts of Appeals and the Washington Supreme Court. These include criminal appeals as well as appeals involving basic rights such as dependency proceedings, parental rights terminations, criminal contempt convictions, and involuntary civil commitments. (About 1,000 clients per year.)

Chapter 71.09 RCW Civil Commitment Program



OPD-contracted attorneys represent respondents in complex sex offender civil commitment cases under Chapter 71.09 RCW. OPD provides access to expert witnesses, investigators, and independent social workers to help clients succeed in treatment and exit civil commitment. (About 235 clients per year.)

Public Defense Improvement Program



Every year OPD distributes \$6.9 million in state grants to improve trial-level public defense in cities and counties. OPD also conducts training for defense attorneys throughout the state, and consults with local officials on indigent defense standards, contracting, and other public defense quality issues.

Response to *State v. Blake*



OPD supports county public defenders to represent individuals with drug possession convictions who are now entitled to relief under *State v. Blake*. OPD provides funding, contracts with defense attorneys, helps analyze case data, and provides information to help individuals understand and navigate their legal rights.

Youth Access to Counsel Program



Starting in January 2022, whenever police officers ask youth to waive their *Miranda* rights or consent to a search of their property, the officers must first connect those youth by telephone with a Youth Access to Counsel (YAC) attorney. OPD contracts with attorneys to provide this 24-7 consultation service, to help youth understand their rights and obligations when making this critical decision.



Request for Qualifications

ATTORNEY REPRESENTATION FOR INDIVIDUALS CHARGED WITH DRUG POSSESSION OFFENSES IN COURTS OF LIMITED JURISDICTION IN THE CITY OF KENNEWICK, THE CITY OF WEST RICHLAND, and the CITY OF RICHLAND

Title: SPAR Attorney, RFQ25002

Expected Contract Period: July 1, 2024 through June 30, 2025

Application Due Date: Rolling. Applications will be reviewed as they are received.

Submit Applications by Email To: Nicole Dodge, Program Analyst—Simple Possession and Advocacy Program (SPAR) spar@opd.wa.gov

Background: The 2023 Washington State Legislature appropriated funding to the Washington State Office of Public Defense (OPD) to help counties and cities provide public defense services for individuals charged under the offenses created in [Second Engrossed Second Substitute Senate Bill \(2E2SSB\) 5536](#). Our Simple Possession Advocacy and Representation (SPAR) Program administers and disburses these funds. The legislature limited these funds to counties with a population of 500,000 or less, or to cities with a population of 200,000 or less.

Under RCW 2.70.200, OPD may provide reimbursement of eligible expenses to qualifying jurisdictions or, at the election of the jurisdiction, contract directly with indigent defense providers for consultation and representation services for indigent adults facing drug possession charges. OPD is piloting the direct client services piece of the SPAR program in two regions. Within those two regions, four municipal jurisdictions elected to designate OPD to directly contract with indigent defense providers: the City of Vancouver, the City of Kennewick, the City of Richland, and the City of West Richland.

SPAR Purpose: To promote consistent, quality defense representation in courts of limited jurisdiction for every indigent client facing or charged with possession offenses

Position Summary:

OPD will enter into contracts with solo practice attorneys and/or multi-attorney organizations to provide indigent defense consultation and representation services for individuals facing drug possession or public use charges in a court of limited jurisdiction. For the purposes of representation on filed cases, an individual may be charged with misdemeanor or gross misdemeanor offenses other than drug possession or public use; the cause number need not be limited to drug possession or public use charges.

Work & Compensation:

The City of Kennewick, the City of West Richland, and the City of Richland: OPD is recruiting for **two** contracts of up to 100% full-time SPAR caseload (300 open and active misdemeanor or gross misdemeanor cases that include a drug possession or public use charge) filed in Benton County District Court, stemming from charges in one of these municipalities, and non-caseload related work. OPD's preference is for one attorney/firm to contract to take all three jurisdictions under one contract; charging data indicates the majority of charges come from Kennewick. However, OPD will also accept applications per jurisdiction, or applications for part-time work covering all three jurisdictions, but the caseload would be reduced in that event, and compensation may be reduced accordingly. Position is open until filled. Start date is negotiable.

The approximate caseload for a full-time SPAR attorney is 300 cases. The current annual compensation for a full-time contract is \$130,000. Part-time attorney position compensation is pro-rated based on a percentage of a full-time case load. Compensation includes all overhead such as support staff, rent, and other costs of doing business. PFML often is available to employees of our contractors (including private law firms). PFML program includes an opt-in for self-employed people such as our solo practice contractors. More information can be found at the following link <https://paidleave.wa.gov/elective-coverage/>

Support:

OPD provides contracted attorneys access to funds for expert services pursuant to SPAR's expert services policy, as well as access to technical support. OPD also provides training opportunities and training materials.

Required Qualifications:

OPD is seeking attorneys with the following qualifications:

- Licensed member in good standing with the Washington State Bar;
- Carries malpractice insurance;
- At least 2 years of criminal defense practice in Washington state;
- Knowledge of Washington State criminal law;
- Knowledge of criminal practice and procedure in Washington State.
- Ability to meet Washington State Supreme Court Standards for Indigent Defense.

- Ability to be responsive to, and communicate clearly with, clients who are often under a great deal of stress.
- Experience or interest in how race, gender, national origin, disability, and class intersect to create disparities for individuals in the criminal legal system and a willingness to challenge these disparities

Desired Qualifications:

In addition, the following qualifications are preferred:

- Experience practicing law as a public defense attorney;
- Experience working with people from marginalized communities.
- Experience in the court for which you are interested.

How to Apply:

Please send the following information as soon as possible. Questions regarding applications and completed applications can be sent to spar@opd.wa.gov

1. **Cover Letter** describing how you meet the qualifications listed above and why you are interested in the contract;
2. Your **Resume** or Resume of Attorneys in your firm who would participate in delivery of these services;
3. Two Professional **References**; and,
4. Information about the following (can be included in your cover letter):
 - a. Whether you hold any other current contracts for public defense, and with whom.
 - b. Other representation obligations, such as private practice clients.
 - c. Existing caseload.
 - d. How you plan to balance this contract, if awarded, with your other professional commitments.

This is a contract position and is not eligible for state benefits or considered employment through OPD.

OPD reserves the right to amend this Request for Qualifications and reserves the right to refrain from contracting with any and all applicants. This Request for Qualifications does not obligate the state of Washington or OPD to contract for the services specified here.

The Washington State Office of Public Defense vigorously pursues diversity in the work force. Women, racial and ethnic minorities, LGBTQ, persons with disabilities, formerly incarcerated individuals, people with lived experience in the juvenile/criminal legal system, and military veterans are encouraged to apply.



Request for Qualifications

ATTORNEY REPRESENTATION FOR INDIVIDUALS CHARGED WITH DRUG POSSESSION OFFENSES IN COURTS OF LIMITED JURISDICTION IN THE CITY OF VANCOUVER

Title:	SPAR Attorney, RFQ25003
Expected Contract Period:	July 1, 2024 through June 30, 2025
Application Due Date:	Rolling. Applications will be reviewed as they are received.
Submit Applications by Email To:	Nicole Dodge, Program Analyst—Simple Possession and Advocacy Program (SPAR) spar@opd.wa.gov
Background:	The 2023 Washington State Legislature appropriated funding to the Washington State Office of Public Defense (OPD) to help counties and cities provide public defense services for individuals charged under the offenses created in Second Engrossed Second Substitute Senate Bill (2E2SSB) 5536. Our Simple Possession Advocacy and Representation (SPAR) Program administers and disburses these funds. The legislature limited these funds to counties with a population of 500,000 or less, or to cities with a population of 200,000 or less. Under RCW 2.70.200, OPD may provide reimbursement of eligible expenses to qualifying jurisdictions or, at the election of the jurisdiction, contract directly with indigent defense providers for consultation and representation services for indigent adults facing drug possession charges. OPD is piloting the direct client services piece of the SPAR program in two regions. Within those two regions, four municipal jurisdictions elected to designate OPD to directly contract with indigent defense providers: the City of Vancouver, the City of Kennewick, the City of Richland, and the City of West Richland.
SPAR Purpose:	To promote consistent, quality defense representation in courts of limited jurisdiction for every indigent client facing or charged with possession offenses
Position Summary:	OPD will enter into contracts with solo practice attorneys and/or multi-attorney organizations to provide indigent defense consultation and

representation services for individuals facing drug possession or public use charges in a court of limited jurisdiction. For the purposes of representation on filed cases, an individual may be charged with misdemeanor or gross misdemeanor offenses other than drug possession or public use; the cause number need not be limited to drug possession or public use charges.

Work & Compensation:

The City of Vancouver: OPD is recruiting for **one** contract of up to 100% full time SPAR caseload (300 open and active misdemeanor or gross misdemeanor cases that include a drug possession or public use charge) filed in Clark County District Court stemming from charges in the City of Vancouver, and non-caseload related work. OPD's preference is for one attorney/firm to take one full-time contract, but OPD will also accept applications for a reduced caseload. Compensation may be reduced accordingly. Position is open until filled. Start date is negotiable.

The approximate caseload for a full-time attorney is 300 cases. The current annual compensation for a full-time contract is \$130,000. Part-time attorney position compensation is pro-rated based on a percentage of a full-time case load. Compensation includes all overhead such as support staff, rent, and other costs of doing business. PFML often is available to employees of our contractors (including private law firms). PFML program includes an opt-in for self-employed people such as our solo practice contractors. More information can be found at the following link <https://paidleave.wa.gov/elective-coverage/>

Support:

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Required Qualifications:

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- Licensed member in good standing with the Washington State Bar;
- Carries malpractice insurance;
- At least 2 years of criminal defense practice in Washington state;
- Knowledge of Washington State criminal law;
- Knowledge of criminal practice and procedure in Washington State.
- Ability to meet Washington State Supreme Court Standards for Indigent Defense.
- Ability to be responsive to, and communicate clearly with, clients who are often under a great deal of stress.
- Experience or interest in how race, gender, national origin, disability, and class intersect to create disparities for individuals in the criminal legal system and a willingness to challenge these disparities

Desired Qualifications:

In addition, the following qualifications are preferred:

- Experience practicing law as a public defense attorney;
- Experience working with people from marginalized communities.
- Experience in the court for which you are interested.

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1. Cover Letter describing how you meet the qualifications listed above and why you are interested in the contract;

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- a. Whether you hold any other current contracts for public defense, and with whom.
- b. Other representation obligations, such as private practice clients.
- c. Existing caseload.
- d. How you plan to balance this contract, if awarded, with your other professional commitments.

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