

The State of King County Public Defense

2015

“The board shall ... issue at least two written reports to the executive and council each calendar year: one on the board’s review of the executive’s proposed budget for public defense; and one on the state of county public defense. The report on the state of county public defense shall include an assessment of the progress of the county in promoting equity and social justice related to the criminal justice system and may include recommendations for advancing equity and social justice.”

King County Code 2.60.031(H)



King County



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EXECUTIVE SUMMARY

The King County Department of Public Defense provides essential services to thousands of clients every year, ensuring that indigent people receive high-quality representation so that vital interests, including their constitutional rights, physical liberty, and parent-child relationships are protected. Together, the Department's attorneys and other employees investigate the facts, explore options, and advise and advocate for clients in a criminal justice system that achieves just results only when accused persons have skilled and properly supported counsel to effectively marshal all relevant information on their behalf.

Charged with reporting on the "state of public defense" in the county, the Board seeks with this inaugural Annual Report to provide a baseline for future assessments by describing the operations of the still-recently consolidated Department. The Board identifies several issues that the Department must address in order to maintain the county's tradition of excellent public defense service to clients and to attract, retain, and properly support the committed and talented staff that makes such service possible. Some of these issues rest primarily within the discretion of the Department's leadership. Others require coordination with other county leaders. The most pressing example of the latter class of issues is the need to develop a viable staffing and budgeting model, a task which is currently being addressed by the Budget Work Group led by the County Budget Director.

This Report contains recommendations across a range of issues, from organizational structure and strategic planning to hiring, training, and coordination with other county agencies. In addition, the Board examines the Department's impact on promoting equity and social justice and identifies opportunities where, with appropriate resources, the Department could achieve even more in this crucial area.

The Board is mindful that the county and the Department face resource constraints as they confront the challenge of meeting constitutional and statutory obligations and preserving a tradition of service that is itself a valuable asset. The assessments and recommendations contained within this report are offered with great respect for the hard work of the Department's employees and a shared commitment to the interests of those in need of the Department's services.

INTRODUCTION

The people of King County approved the Charter Amendment creating the Department of Public Defense (“the Department” or “DPD”) in November 2013. The Department then began the process of integrating four formerly-independent non-profit public defense firms into one organization. Per the charter, the Public Defense Advisory Board (“the Board” or “PDAB”) was constituted, with all 11 Board members appointed, confirmed, and sworn in by early July. The process of developing the first-ever biennial budget for the Department led to creation of a Budget Work Group led by the County Budget Director and including DPD leadership and a PDAB member. The Work Group is closely examining pertinent data to determine the structure, staffing levels, and other resources necessary for the Department to meet its obligation to provide “legal defense services in an efficient manner that ensures effective representation at reasonable cost to the county.”¹ On December 8, County Executive Dow Constantine appointed Lorinda Youngcourt as the Department’s first Public Defender, following a national search. Ms. Youngcourt began her service as Public Defender on January 20, 2015. While these structural changes were unfolding, the dedicated employees of the Department were performing their duties, representing more than 25,000 clients in a wide range of matters, as described within this report.

The Charter Amendment directs the Board to produce an annual report on the state of public defense in the county, which report “must include an assessment of the county’s progress in promoting equity and social justice.” The Board presents this inaugural Annual Report with a full appreciation of the challenges facing the Department and its new Director. The Board has sought to identify issues that are most salient during this transitional period and most significant for the Department’s long-term effectiveness. In preparing this report, the Board:

- held two town hall meetings (one in Seattle and one in Kent) to which all Department staff were invited;
- met with Department leadership;
- sent a survey to the Directors of each of the Department’s four divisions (all four responded);
- worked closely with the Department’s administrative staff to gather data regarding the Department’s operations;
- built upon the extensive information developed during the preparation of the Board’s Budget Report, issued in October; and
- discussed drafts of the Report at the January 8, 2015 and February 5, 2015 Board Meetings.

The Board also examined the Ten Principles for a Public Defense Delivery System adopted by the American Bar Association in 2002 and the Washington State Standards for Indigent Defense Services, mindful that the King County Code imposes upon the Public Defender an obligation to ensure that the Department follows the Standards and is guided by the Principles.

¹ King County Code 2.60.020B(2)

WHAT KING COUNTY PUBLIC DEFENDERS DO

DPD at a Glance

The King County Department of Public Defense represents people who cannot afford an attorney and who are accused of a crime or face other serious infringements on their liberties in certain other matters, such as juvenile dependency, civil commitment, or civil contempt proceedings.

DPD employs a team of public defense attorneys, investigators, mitigation specialists, paralegals, and administrative support staff. The Department also administers the Assigned Counsel Panel, which consists of attorneys available for appointment to cases the Department is unable to accept.² An administrative division provides other services – screening clients for eligibility, assigning cases to the divisions, data analysis, and other support work. The Department represents clients in courts throughout the County:

King County Superior Court in downtown Seattle

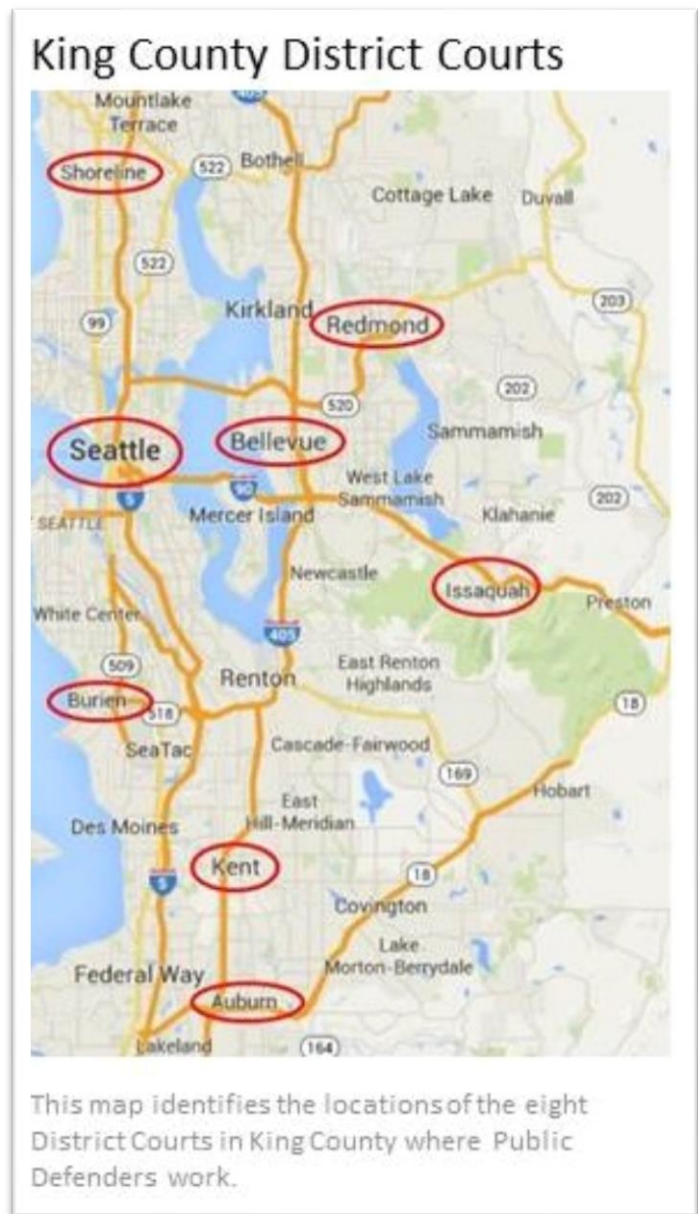
King County Superior Court at the Regional Justice Center in Kent

King County District Court at eight locations (Seattle, Kent, Auburn, Bellevue, Burien, Issaquah, Redmond, and Shoreline)

King County Juvenile Court in Seattle and Kent (dependencies only in Kent)

Mental Illness Court at Harborview Medical Center and Fairfax Hospital (adolescents)

Seattle Municipal Court in downtown Seattle.



² In 2014, the Department assigned more than 2,000 cases to the Assigned Counsel Panel.

In 2014, more than 200 DPD attorneys and more than 100 DPD staff (including investigators, mitigation specialists, and paralegals) represented over 20,000 clients in King County and another 5,300 in Seattle Municipal Court. Clients served by the attorneys and staff at DPD are indigent, which means that their annual income falls below 125 percent of the federal poverty guidelines: \$14,363 for an individual, \$29,437.50 for a four-person household.

Here's a look at DPD's new client assignments and case and review assignments in 2014 by practice area:

<i>Practice Area</i>	<i>Clients</i>	<i>Cases</i>
Felony	4,854	5,791
Felony (reviews only)	336	329
Drug Diversion Court	413	467
KC Misdemeanor	5,367	5,734
KC Misdemeanor (probation reviews only)	1,693	1,774
Seattle Municipal Court	3,328	4,145
Seattle Municipal Court (probation reviews only)	2,022	2,555
Mental Health Court	610	859
Juvenile Offender	1,187	1,752
Juvenile Offender (reviews only)	461	518
Juvenile Status Offenses (ARY/CHINS/Truancy)	313	346
Dependency	1,564	1,606
Contempt of Court Calendar	145	147
Involuntary Treatment	3,148	3,586
Sexual Offender Civil Commitment (SOC/SVP)	9	9 ³
Total⁴	25,450	29,618

Types of Cases

Capital Defense

As of February 2015, the King County prosecutor was pursuing the death penalty in four aggravated murder cases. Trials were underway for two capital defendants in King County, with a third capital case expected to go to trial within the year. A fourth case is pending. In light of the severity of the possible punishment and the complexity of capital cases, the Washington Supreme Court requires that at least two experienced attorneys be assigned to these cases, with at least one of those attorneys being a member of the panel of Supreme Court-approved capital attorneys.⁵ In total, 10 DPD attorneys are working on capital cases,⁶ supported by DPD investigators, mitigation specialists, paralegals, and clerical staff.

³ The Department was appointed to nine new clients, but provided continuing representation to many others, as described later in this report.

⁴ Some of these numbers are preliminary and may change as final numbers are verified.

⁵ Special Proceedings Court Rule (SPRC) 2.

⁶ In two of the cases, the Superior Court has ordered the appointment of a third attorney.

Felony Defense

In 2014, DPD attorneys handled more than 5,700 adult felony cases at the King County Courthouse in Seattle and the Norm Maleng Regional Justice Center in Kent. A felony carries a possible sentence of more than one year in prison. These offenses can range from Class C offenses, such as forgery, theft, and possession of illegal drugs, to Class A offenses, such as premeditated murder and Rape in the First Degree. Felony defendants have the right to a jury trial within 60 days of arraignment if they are in custody or within 90 days of arraignment if they are not in jail. DPD attorneys and staff work hard during this timeframe to review the state’s evidence, investigate the facts, raise legal issues through motions,

negotiate case dispositions (e.g., dismissals, pleas and sentences) with the attorneys from the prosecutors’ offices, counsel clients, and represent them in all court proceedings. A felony conviction in a non-capital case results in a range of sentencing alternatives that may include prison sentences of up to life in prison without the possibility of parole for the most serious offenses. Felony convictions also carry a wide range of other serious life-altering consequences that may include deportation, legal financial obligations, disqualification from employment, educational and housing opportunities, ineligibility for military service, inability to obtain financial aid, restrictions on travel, the duty to register as a sex or kidnapping offender, revocation of the right to possess a firearm and a stigmatizing criminal record. Per the caseload standards established by the Washington Supreme Court, full-time felony public defenders handle no more than 150 cases per year – or approximately 12.5 new case assignments per month. In

“I went to law school to become a public defender in order to give a voice to poor people who feel powerless in the criminal justice system. After seven and half years of representing adults and children in the criminal justice system, I still find this extremely challenging work very rewarding.”

Twyla Carter, Felony Attorney

accordance with state standards, DPD has adopted a case-weighting system so that more serious cases may be assigned more than one case credit to reflect the additional time required.

Misdemeanor Defense

In 2014, DPD attorneys handled more than 5,700 new misdemeanor cases⁷ and more than 1,700 probation reviews in eight different District Court locations throughout King County. (See map, previous page.) DPD attorneys also handled more than 3,000 new misdemeanor cases and 2,000 probation reviews in Seattle Municipal Court through a contract with the City of Seattle.

Misdemeanors carry a maximum penalty of 364 days in jail. Examples of misdemeanor cases include Driving Under the Influence of Alcohol (DUI), domestic violence assault, shoplifting, harassment, disorderly conduct, and transit fare evasion. In addition to jail time and probation, misdemeanor convictions can carry a wide range of non-confinement consequences, including deportation, loss of driving privileges, financial obligations, revocation of the right to possess a firearm, and loss of employment and housing opportunities.

⁷ This number also includes “expedited felony” cases – low-level felonies handled in district court where defendants are offered the opportunity to plead guilty to a misdemeanor offense.

DPD misdemeanor attorneys handle no more than 300 cases per year, per the Washington State Supreme Court’s caseload standards. Case weighting is not currently applied in misdemeanor cases, although the Department has considered employing this measure for complex cases.

Juvenile Defense

In 2014, DPD attorneys handled more than 1,700 misdemeanor and felony cases filed against children under 18 in King County Juvenile Court.⁸ Juvenile court jurisdiction includes misdemeanors (e.g., Minor in Possession of Alcohol and assaults linked to intra-family disputes) but extends to the most serious felony offenses (e.g., armed robbery, burglary, serious assault, negligent homicide, murder), and involvement can bring significant consequences, including many of the same consequences as apply to adults, such as confinement (until the age of 21), the duty to register as a sex offender, legal financial obligations and a criminal history record that can create barriers to employment, housing, and education. In addition, children charged with crimes in juvenile court are often the subject of other juvenile court proceedings, such as dependency or truancy matters. Sometimes they have been suspended or expelled and require advocacy to return to school. Juvenile defenders represent children in trials as well as hearings unique to juvenile practice, such as the determination of whether a child should be treated as an adult (decline hearings) or in hearings where children are under the age of 12 and capacity must be proven (capacity hearings).

The juvenile justice system is intended to be rehabilitative in addition to holding youthful offenders accountable. To obtain positive outcomes for young people who are in this system, the defense needs multidisciplinary and multi-system expertise. Defense social workers can have a significant impact, helping youth, many of whom are from poor families and neighborhoods, access services and get their lives on track.

DPD juvenile defenders handle 250 cases per year, or approximately 21 new cases per month, pursuant to Washington State Supreme Court standards.

“As an attorney in Seattle Municipal Court, quite a few of my clients are people who have fallen between the cracks of the system, suffering from a combination of mental health and chemical dependency issues. Many of them end up incarcerated for low-level “quality of life” offenses, awaiting their court date in jail since they do not have a stable address. I take seriously my role as their voice in the system. I can rely on our investigators to locate homeless witnesses if a case is going to trial, or our social workers to help place them on a path towards housing and engagement with services if I am negotiating a disposition. Most people who become involved with the criminal justice system do so because of a misdemeanor; many of my clients have never dealt with the court system before. Even with a heavy caseload, my goal is to ensure that my clients get the best possible outcome, regardless of their situation or background or their ability to hire an attorney.”

John Drenning, Misdemeanor Attorney

⁸ Juvenile offense filings are at historically low levels, falling by more than 50 percent since 2008. Unlike dependency and felony proceedings, handled in both Seattle and Kent, all juvenile offender proceedings are handled at the juvenile court in Seattle.

“The work that juvenile defenders do is unique and demanding. It takes specialized training in several areas, including adolescent brain development, trauma, educational law, dispositional alternatives and collateral consequences. Well-trained attorneys for youth are able to obtain better outcomes for their young clients and help keep them from graduating to the adult criminal justice system.”

*George Yeannakis, State OPD
Managing Attorney Special
Counsel, TeamChild, and
former juvenile defense
supervisor*

Parent Representation in Dependency Cases

In 2014, DPD attorneys were assigned more than 900 new dependency clients – mothers or fathers whose children were removed from their care.⁹ Dependency cases are investigated by social workers from Child Protective Services, a division of the State Department of Social and Health Services (DSHS), and prosecuted by the Attorney General’s Office. The cases are heard in King County Juvenile Court and at the Kent Regional Justice Center. The cases begin with the filing of a dependency petition and an initial hearing immediately following or preceding the State’s removal of children from parents who are alleged to have abused, neglected, or abandoned them. These cases can last two or more years as the Department, the court, and the parties consider whether and when the children can safely be returned to their parents and what alternative permanency options exist. Dependency cases require multidisciplinary expertise, as attorneys work with clients who are typically involved in many systems and who need intensive services to achieve their goals.

DPD dependency attorneys carry a caseload of no more than 80 open cases, as required by the Washington Supreme Court indigent defense standards. Since July 1, 2014, the Department has performed this work pursuant to a Parents Representation Program contract with the state Office of Public Defense.

Child Advocacy (Dependency, Children in Need of Services, Youth at Risk, and Truancy)

Children have a right to assigned counsel in a number of different non-criminal proceedings:

Dependency proceedings: Children over 12 are appointed counsel to advocate for their interests when they are removed from their parents’ care. This representation may continue up until the age of 21 if they are eligible for extended foster care. In addition, recent legislation provides that children under the age of 18 have a statutory right to counsel if they have not been adopted within six months after their parents’ rights have been terminated.¹⁰ Attorneys for children in dependency proceedings play a critical role in protecting children’s health, safety, and well-being while in the state’s custody and in helping abused and

“The most rewarding thing about representing parents in dependencies is seeing families reunited. It is often not a reflection of our own work, but the hard work of our clients.”

*Matt Pang,
Dependency Attorney*

⁹ In the same period, more than 280 parents were appointed attorneys from the Assigned Counsel Panel (January-June), or qualified conflict attorneys subject to performance-based contracts with state OPD (July-December). Due to the number of independently represented parties in each dependency case (mothers, fathers and children), conflicts frequently necessitate outside counsel.

¹⁰ RCW 13.34.100(6)(a).

neglected children attain permanent homes.

Child in Need of Services (CHINS) proceedings: Children and parents may file these petitions in order to seek placement for the child outside of the home. The orders may be in place for up to nine months to allow for the provision of services to reunite the family. Attorneys are appointed at the time a petition is filed and continue until the petition is dismissed.

At Risk Youth (ARY) proceedings: These parent-initiated proceedings can result in a court order that requires the child to comply with certain conditions under threat of incarceration pursuant to the court’s civil contempt powers. Attorneys are appointed at the time of filing and continue until the petition is dismissed, up to 18 months later.

Truancy proceedings: School districts file truancy petitions in juvenile court after a student has 10 unexcused absences. Upon finding a student truant, a court may enter an order requiring school attendance, which can then be enforced through a contempt citation and secure detention. Attorneys are appointed when a contempt motion is filed.

Approximately 400 children in dependency proceedings were assigned counsel in 2014. About half of these cases were handled by DPD attorneys and the other half by assigned counsel. DPD attorneys represented almost 300 children in CHINS, ARY, and Truancy proceedings in 2014. These proceedings take place in both Seattle and Kent.

Civil Commitment

In 2014, DPD attorneys represented more than 3,000 adults and juveniles facing involuntary commitment to a secure mental health facility – a case volume that has grown enormously in recent years. These proceedings take place in the Mental Illness Court at Harborview Medical Center, where attorneys are challenged by severe workspace limitations. DPD attorneys are appointed to represent adults and juveniles with significant mental health needs at an initial detention hearing. Representation continues until the case is dismissed, which can take months or years. These clients have significant needs for services and ongoing support, and they benefit from skilled defense mitigation specialists. Optimally, civil commitment clients would be assisted by more defense mitigation specialists than are currently available to do forward-looking reentry planning.

Civil Contempt

In 2014, DPD attorneys represented 145 persons who were facing jail time for failing to pay child support or otherwise violating a family law order. Attorneys are appointed to indigent parents when a motion for contempt is filed by the Child Support Enforcement Division of the King County Prosecutor’s Office or another adverse party in a family law matter. DPD attorneys continue to represent clients until the contempt proceeding is dismissed, which can take months or even years.

“In the Civil Commitment Unit, we work with very diverse clients because mental illness affects people of all ages and backgrounds. I became a public defender to give a voice to people who are marginalized and I am fortunate to have the opportunity to do that every day advocating for the rights of clients struggling with mental illness who are disproportionately homeless, overlooked and dismissed by much of our society. My clients face challenges and disabilities that I have never had to experience, and they do so with remarkable courage.”

Aileen Tsao,
Civil Commitment Attorney

Sexual Offender Civil Commitment (Sexually Violent Predators)

In 2014, DPD attorneys represented 19 respondents facing trials to determine if they would be civilly committed at the state's Special Commitment Center for sexually violent predators. These complex, lengthy civil proceedings can result in indefinite detention for offenders who have already completed criminal sentences. In addition to the initial commitment proceedings, DPD attorneys provided continuing post-commitment representation to more than 100 previously committed persons who have a right to annual reviews and periodically may petition the court for less restrictive alternatives or unconditional release. Nine DPD attorneys and 1.75 investigators and social work professionals provide these services under contract with the state Office of Public Defense. While the attorneys are based at King County DPD, under OPD's statewide contract they may be assigned to represent clients whose commitment proceedings are handled by courts outside of King County.

Specialty Courts

Specialty courts (also called problem-solving, treatment, or therapeutic courts) are an increasingly important part of the criminal justice system. In these courts, the adversarial processes of traditional criminal courts are replaced by a collaborative model in which attorneys, treatment providers, and probation officers work together to address the issues underlying a defendant's alleged criminal conduct, avoiding incarceration if possible.

King County has been at the forefront of these developments, and DPD attorneys and mitigation specialists have been essential in the development of these programs and in representing clients within these courts. In these courts, attorneys must have the ability to assess the legal merits of cases and advise clients accordingly while also working with the rest of the court actors to facilitate holistic solutions and advance the client's long-term goals that often have significant non-legal components. Specialty court attorneys often follow clients from arraignment to case closure, which may take as long as two years. There are frequent hearings, and the attorneys must develop strong bonds of trust with clients in order to effectively advocate for and advise them as they progress, often unevenly, through the proceedings.

DPD's dedicated attorneys and mitigation staff help King County's specialty courts maintain their reputation as some of the best in the country. One example is the King County Adult Drug Diversion Court where DPD attorneys represented more than 400 defendants in 2014. Other specialty courts in which DPD attorneys practice include:

- Juvenile Drug Court
- Family Treatment Court
- Mental Health Court
- Domestic Violence Court
- King County Regional Veterans Court
- Seattle Veterans Treatment Court
- Seattle Community Court

"Our work in therapeutic courts allows us to take the time to embrace our roles as 'counselors.' We go beyond just giving legal advice and work to help clients to leave the cycle of justice-involvement by encouraging them and helping them address the underlying causes of their contacts with the system."

*Abbey Perkins, Attorney,
King County Regional
Mental Health Court and
Veterans Court*

THE STATE OF KING COUNTY PUBLIC DEFENSE: KEY ISSUES

Organizational Structure

At this early point in its institutional history, the Department of Public Defense confronts several complex challenges with respect to its organizational structure. In this section of the report, we address the need to (1) ensure that the Department is able to fully exercise independence in managerial and policy decisions, including the organizational structure necessary to provide quality, conflict-free representation in a cost-effective manner; (2) develop a common sense of purpose and identity among the staff across all divisions; (3) institute a long-term strategic planning process; (4) develop effective approaches to key central administrative functions; and (5) improve the oversight and operation of the Assigned Counsel Program.

Ensuring the Public Defender's Managerial and Policymaking Independence

The Department's primary function is to provide to each eligible person the representation guaranteed by the state and federal constitutions. In addition, the King County Code and Charter vest in the Department the responsibility of "[f]ostering and promoting system improvements, efficiencies, access to justice and equity in the criminal justice system."¹¹ Both the County Code and the Charter recognize that independence is essential for the Department to achieve these objectives. The Code does so by expressly requiring that the American Bar Association's Ten Principles of a Public Defense Delivery System "guide the management of the department."¹² The first of the Ten Principles provides, "The public defense function . . . is independent." The Charter protects Departmental independence by providing that "[e]lected officials shall not interfere with the exercise" of the Department's duties.¹³

The Charter allows that "the enactment of appropriation ordinances does not constitute interference." However, for the guarantee of independence to be meaningful, the Public Defender must have the discretion to deploy the Department's resources as she deems necessary to ensure that clients' rights to effective representation are honored. This includes the authority to determine the organizational structure that will enable the Department to provide quality, conflict-free representation while minimizing the need to rely on the Assigned Counsel panel.¹⁴

Independence extends beyond the use of budgeted funds. Inevitably, there will be instances in which protection of the rights of clients will require the Public Defender to act independently on substantive legal issues based on the exercise of her professional judgment¹⁵ The Code's and Charter's

¹¹ King County Charter, Section 350.20.60; King County Code 2.60.020(B)(7).

¹² King County Code, Section 2.60.026(A)(4).

¹³ King County Charter, Section 350.20.60.

¹⁴ Should the Director decide at some point that a reduction in the number of divisions is appropriate, it will be necessary for such a reduction to be carefully planned, with the sufficient time afforded in order to ensure compliance with the Rules of Professional Conduct and reduce the risk of claims against the Department or its attorneys for misconduct or malpractice.

¹⁵ The County's history offers many examples of advocates, including public defenders, working with County leaders to foster criminal justice system improvements, even on controversial issues. See, for example, the decision to refuse to honor federal immigration holds for low-level offenders in county custody.

http://seattletimes.com/html/localnews/2022382682_immigrationxml.html

independence provisions require that the Department’s leadership have the latitude to take appropriate action in such instances.

Leading an Integrated Department

The four divisions came into the Department with lengthy, distinct histories of which staff members, both current and former, are duly proud. The Department has the opportunity and obligation to build upon this history and forge a vibrant, new institutional culture with which the Department becomes identified, both internally and externally. The Board believes that the consolidation of the county’s public defenders into a single institution offers significant opportunities to enhance service to clients and the experience of the

staff through: (1) a comprehensive program of training for all employees, as described on pages 15-18; (2) access to essential technology (discussed in pages 19-22); and (3) the possibility for more – and more effective – knowledge-sharing and collective action¹⁶ across the divisions than could regularly occur among the non-profits. As a voice for the concerns of defender attorneys and other staff, the Public Defender occupies a position of strength potentially far greater than that ever held by the Director of a single non-profit. The Public Defender should seize this opportunity to foster a shared sense of institutional mission across all divisions, drawing on the best that each division and its staff can contribute. The Board supports the organizational restructuring that will be necessary to achieve this objective, which we expect will also improve operational efficiency and service to clients.

Strategic Planning

During 2014, Department leaders necessarily spent a great deal of their time and energy addressing a set of extremely important near-term issues, such as the Department’s budget for the current biennium and the implementation of a new case management system. With the benefit of the work being done by the Budget Work Group and data from the case management system soon to be implemented Department-wide, the Public Defender will have the opportunity to

turn her attention to long-term strategic planning. This planning may encompass a number of the issues addressed in this report, e.g., the development of a long-term technology plan and the application of data analysis to enhance departmental effectiveness.¹⁷ Any strategic plan should include planning to increase

“I have been working in public defense for over 26 years because I believe the work we do is important for clients who really need us and because I enjoy the people I work with. We have always been a dedicated group, working together with a common goal to serve our clients. The transition to the County has been challenging – sometimes we don’t get all of the information we need in a timely fashion – but I remain hopeful that we will be able to maintain the highest level of service for our clients.”

Linda Ronholt, Legal Assistant II

¹⁶ The Department’s Equity and Social Justice Working Group offers a current illustration of a cross-division partnership that addresses meaningful issues that affect clients’ lives and staff’s ability to achieve their goals, while also promoting a shared organizational culture.

¹⁷ For a discussion of how defenders can use data for strategic development, see, Metzger and Guthrie, *Defending Data*, 88 Southern California Law Review (2015) http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2279203 . See also, NLADA and North Carolina Indigent Defense Services *Toolkit: Building In-House Research Capacity* <http://www.nlada100years.org/sites/default/files/NLADA%20Toolkit%20-%20Research%20Capacity.pdf> (2013); <http://www.nytimes.com/2014/12/07/magazine/cyrus-vance-jrs-moneyball-approach-to-crime.html> (describing the effort of the Manhattan Prosecuting Attorney to use enhanced data collection and analysis to improve the

the external, i.e., non-county, resources available to the Department¹⁸ and how to best leverage the Department's strategic alliances with other advocacy organizations in the county, across the state, and around the country. Instituting such a planning process will provide Department leadership with an excellent opportunity to forge the new unitary Department culture called for below.

Managing Case-related Information Needed for Administrative Purposes

Some of the functions performed by the Department's central administration require access to case-related information. For example, when an attorney requests approval to retain the services of an expert, she needs to provide information regarding the issues the expert will address and how the expert's involvement will assist the representation. To take another example, the Public Defender may find herself reviewing a Division Director's decision to take disciplinary action related to an attorney's actions in the course of representing a client. In *People v. Christian*,¹⁹ a California court suggested that drawing confidential case-related information into the central administration would compromise a public defense entity's claim to providing conflict-free representation. It is not clear that this analysis is correct as a matter of Washington law, but it is something the Department must consider as it works to design effective and ethically sound processes for performing essential administrative functions.

Managing the Assigned Counsel Panel

Among the duties of the Department of Public Defense in King County Code §2.60.020(B) are:

- Establishing and maintaining an assigned counsel panel that includes attorneys acceptable to the department who wish to participate in the defense of persons eligible for services through the department.
- Assigning cases to assigned counsel where necessary due to conflicts of interest or other special circumstances.

The Department maintains a list of attorneys willing to accept cases where conflicts of interest or special circumstances exist.²⁰ Complying with the Washington State Supreme Court's caseload limits should be the norm and should not qualify as a "special circumstance."²¹ However, as discussed in the Board's Budget Report, at pages 15-18, DPD has recently relied on assigned counsel to represent clients in non-conflict-of-interest situations because there was no Department attorney able to accept another case without exceeding caseload limits. Increasing the capacity of the Department, not outsourcing cases to panel attorneys, will honor the King County Code's plan for providing effective assistance of counsel to all who qualify.

effectiveness of the office); and <https://www.youtube.com/watch?v=qUQwSmIzzRo> (illustrating how legal services attorneys are likewise using data).

¹⁸ Lorinda Youngcourt, the newly appointed Public Defender, achieved such a result in her former position, working with elected local officials and others in Indiana to develop a system whereby counties received significant new resources from the state to support indigent defense.

¹⁹ 41 Cal.App.4th 986 (Court of Appeal, First District, Division 2 1996).

²⁰ The current list is outdated, as it includes the names of several attorneys who are no longer practicing.

²¹ "Special circumstances" would include cases in which special expertise, skill, experience, or knowledge is required (e.g., capital murder cases, cases where fluency in sign language or a particular spoken or technical language is necessary) or where the Department faces an unusual and unanticipated spike in filings.

Appointing an attorney from the assigned counsel panel carries potential quality implications for clients and cost implications for King County. Panel attorneys are paid low hourly rates for their services (\$55 per hour for Class B and C felonies, \$50 per hour for misdemeanors and juvenile cases) and are not supervised or trained by the Department. The hourly rates alone appear inadequate to pay for the attorney's time, office space, technology, email, phone, and basic supply and personnel resources normally associated with quality criminal defense representation.²² Consequently, the extent to which individual panel attorneys are able to provide quality representation on a par with the Department's attorneys will likely depend, at least in part, on (a) the extent to which income from other sources, primarily private clients, allows panel attorneys to pay for resources to support public defense cases and (b) the panel attorneys' own willingness to devote time and resources to cases in which they are poorly compensated.

Moreover, panel attorneys must separately apply to the Department for approval of investigator and expert services, and use of these resources by panel attorneys is not routine. Without a licensed social worker on staff, assigned counsel cannot readily conduct competency assessments or identify DSM-V conditions, assess the defendant's needs, and find appropriate services to meet those needs. While these resources and services, too, can be applied for by panel attorneys, this is not done as a matter of routine.

Further compounding the disparity in public defense services provided by panel attorneys is the lack of a well-organized program of training, supervision, monitoring, and evaluation of panel attorneys.²³ King County judges have expressed concern over the inconsistent quality of representation provided by attorneys from the assigned counsel panels. While some provide excellent representation, too many do not. Whether due to low pay, inadequate training, lack of administrative and technological resources, inadequate oversight by more experienced attorneys, or other factors, the uneven quality of representation by panel attorneys is a serious concern.

The County's Budget Work Group, led by Budget Director Dwight Dively, is currently reviewing the budget implications associated with the current process for assigning counsel to panel attorneys. The Board's recommendations are listed in the final section of this report.

Workforce

Collective Bargaining Agreement

The Department's unionized employees have been working without a collective bargaining agreement since becoming county employees in July 2013. The Board recognizes that responsibility for reaching an agreement rests with the parties, and the Board takes no position on the proper resolution of the issues under discussion. We highlight this matter in this report because of a concern that if an agreement is not reached soon, valuable employees may elect to leave the Department.

²² As discussed in the PDAB Budget Report, at page 17, King County's rates are low, far below the rates paid under the federal Criminal Justice Act, where a rate of \$126 per hour applies to representation of indigent clients in all non-capital cases.

²³ In Massachusetts, for example, the Committee for Public Counsel Services has developed a program, supported by a manual, qualification standards and performance standards for assigned counsel. See http://www.publiccounsel.net/private_counsel_manual/private_counsel_index.html.

In the absence of an agreement, the Department has been unable to promote employees to levels they would have attained under an agreement. This exacerbates an underlying problem with the current classification scheme, i.e., the Department is unable to appropriately signal or reward the experience of senior employees by designating them with a classification equivalent to similarly experienced counterparts at the Office of the King County Prosecuting Attorney. The Department should implement or, if need be, seek authorization to implement, a similar scheme.

One of the critical issues in the ongoing negotiations is the appropriate means of calculating the workload of employees with supervisory responsibility over both attorneys and other professional staff. State standards mandate that an attorney should not have supervisory responsibility over more than 10 attorneys. The standards do not speak to how to assess the workload of an employee who supervises eight attorneys and four investigators (or perhaps four investigators and two mitigation specialists). This issue raises questions of compliance and the risk of compromising service to clients.

Strategic Hiring Procedures

During the investigation that led to this report, the Board heard concerns from Department leaders at various levels that the inability to offer positions to potential hires before they graduate from law school jeopardizes the long-term quality of the workforce. The Board believes that the Department must take the necessary steps to be competitive in recruiting excellent new public defenders. Customarily, law firms in the private and public sectors recruit new hires during students' third year of law school, extending offers of employment before graduation, with the expectation that the graduates will begin employment sometime after the bar exam. In other words, competitive recruitment of new attorneys takes place based, at least in part, on anticipated rather than currently open positions.

This is such a well-settled feature of the market that *US News & World Report* asks law schools to report data on the number of students who have secured employment by the time of graduation. If unable to effectively compete in this market, the Department will likely lose out on many of the most talented and committed new attorneys interested in public defense careers. The Board heard from one Division Director that the division stands to miss an opportunity to hire an intern who a senior lawyer has described as "the best intern she has ever seen" because this intern will certainly get advance offers from other defender offices and will be unlikely to decline those in the absence of some assurance of employment from the Department. There are many ways that the Department could approach such situations, so the Board merely encourages Department and County leaders to be creative and thoughtful, in the interest of preserving the quality of the Department's staff for the future.

Training²⁴

In order to attract, retain, and empower the committed, excellent staff upon which the Department depends for its success, the Department must facilitate a comprehensive training program that supports all employees to meet the demands of their jobs at every stage of their careers and in every assignment they are given. Such a program is necessary to fulfill the Department's statutory obligations as well as enable

²⁴ "Training" refers to more than just CLEs and encompasses the breadth of substantive, procedural, and skills-based competencies as well as the full and continuous cycle of learning, practice, simulation, and evaluation necessary to meet the demands of the position of a public defender. This includes institutional, in-house training for all employees at key career phases as well as externally provided continuing education and training opportunities.

individual members of the Department to fulfill their duties to their clients.²⁵ DPD's new structure and scale as a County Department present a powerful opportunity to establish a consistent training system that supports continued improvements and quality criminal defense for indigent defendants in King County.

The Department has an opportunity to institute a comprehensive and continuous cycle of training – including instruction, observation, simulation, practice, and evaluation – that is designed with the specific purpose of enabling each employee to excel in his/her role. Attorneys should be introduced in training to the challenges they will confront in practice so that they can more effectively recognize and respond to those challenges for clients. This introduction can take many forms, including written and video-recorded preparatory materials,²⁶ mentorship from more experienced attorneys, and co-trying cases with supervisors. The Department's duty to serve clients will require learning on the job and often encountering issues for the first time in the context of clients' cases. However, a well-structured program of instruction, simulated practice, and feedback will greatly enhance attorneys' ability to respond to these new situations.

Implementing a Department-wide training program will require the allocation of resources. These resources will likely include assignment of a Department-level Director of Career Development and Strategic Planning with authority to standardize and supervise training; a percentage of all DPD employees' workloads dedicated to giving or attending training; and integrating training requirements with hiring, evaluation, and assignment processes.

The current state of DPD training

Input from DPD employees indicates that the timing, type, resourcing, and supervision of training have been inconsistent across the divisions. Attorneys are able to attend externally provided CLEs,²⁷ but these are not equivalent to a consistent, skills-based, in-house training program

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- ²⁵ 1. Among the King County Code-specified duties of the county public defender are:
- a. "Ensuring that the American Bar Association Ten Principles for a Public Defense Delivery System ... guide" the department's standards. KCC §2.60.026(A)(4). Principle 6 ("Defense counsel's ability, training, and experience match the complexity of the case."), Principle 9 ("Defense counsel is provided with and required to attend continuing legal education."), and Principle 10 ("Defense counsel is supervised and systematically reviewed for quality and efficiency according to nationally and locally adopted standards.") implicate aspects of training as it is defined in this report.
 - b. "Following the Washington State Standards for Indigent Defense Services." KCC §2.60.026(A)(5). Standard Nine (Training) and Standard Eleven (Monitoring and Evaluation of Attorneys) implicate aspects of training.
 - c. "Developing and maintaining appropriate standards and guidelines for the qualifications ... of public defense attorneys and paraprofessionals." §2.60.026(A)(6).
2. RCW 10.101.030 requires counties to adopt standards for the delivery of public defense that shall include (among other requirements) standards for training and evaluation of attorneys.
3. The Washington State Bar Association's *Performance Guidelines For Criminal Defense Representation (2011)*, *Guideline 1.2* also identify training as essential to the provision of quality representation.

²⁶ The Board heard from some staff that even simple resources, such as brief or motion banks and access to basic legal materials, are not consistently available. This is something that should be examined, especially as part of a long-term technology strategy. Current technology makes it possible to access so much useful information that could support Department employees in their work.

²⁷ The Department benefits greatly from the work of the Washington Defender Association, which provides an extensive menu of programming that is beneficial for DPD attorneys. However, this resource must be seen as

administered by DPD. Several stakeholders identified the need for training that uses actual cases currently on an attorney's caseload. Non-attorney employees identified that both in-house and outsourced trainings are inadequate for their needs, and the inability to arrange for coverage of other pressing work obligations often impedes attendance at the training that is available.²⁸

DPD employees also reported inconsistent delivery of formal and informal evaluation. Several attorneys described an effective evaluation protocol they would like to see standardized: evaluation of courtroom observation, focused on principles or practices recently addressed in training, and delivered quickly after the evaluated performance.

There are several promising current or recent training practices that could be elevated to the Department level. At present, however, such practices seem to be the result of individual or small-group initiatives and occur outside of expected work hours because workloads do not presently account for time dedicated to training.

The six tenets of an effective training system

After reviewing DPD employee feedback and practices of other indigent defense delivery systems, the Board identified **six key tenets** to guide the Department's creation of an effective training system. (Recommendations for DPD are listed in the final section of this report.)

A training system should blend in-house training with out-sourced CLEs, programs, and resources.

Out-sourced training opportunities such as CLEs and off-site training programs offer DPD employees essential access to cutting-edge practices, local and national relationships, and substantive experts. These training opportunities will be most effective when they complement a robust system of in-house training. Only an in-house training program offers the physical proximity, affordability, and schedule control to facilitate Department-wide, required training for an organization of DPD's size. An in-house training program is also the only way to offer opportunities for in-depth instruction using cases currently on an attorney's or mitigation specialist's caseload.

Training should address all positions within the Department.

A systematic and comprehensive training program should empower all members of the Department to contribute. Attorneys, investigators, mitigation specialists, and support staff all make vital contributions to quality public defense, and all members of the team will be most effective when trained.

supplementary to rather than constitutive of an effective training program because these programs may not correspond with the needs and schedules of DPD attorneys.

²⁸ The Board heard especially forceful comments from staff in Kent that they are often unable to participate in training due to the logistical challenges presented by their location.

The Department should retain responsibility for standardized, in-house training at key career milestones.

Many DPD employees referred to excellent initial training that they received as newly hired attorneys. Others reported receiving little or no formal training upon being hired. Similarly inconsistent experiences – ranging from excellent training to none at all – were reported in other key career transitions, such as transferring into a new practice area or transitioning into a supervisory role. The Department should identify key career milestones and transitions for which standardized, Department-led training will foster the shared values, culture, skills, and knowledge that will best serve the Department’s clients.²⁹

For training responsibilities left to the divisions, the Department should ensure consistent training across divisions by providing minimum standards.

In addition to providing Department-wide training, the Department should set the conditions for consistent and quality training that will be provided within divisions. DPD must make maximum use of its supervisors to ensure principles and practices learned in training are applied to the benefit of clients. Supervisors are best positioned to ensure implementation of Department-wide training and to facilitate improved client representation by applying training to cases on the trained attorney’s caseload. Supervisors must in turn be trained in techniques for case review and providing valuable feedback – and have time allocated to conduct these tasks. The Department should develop training standards for the divisions in order to ensure consistent standards of practice among divisions, appropriately delegating the specifics of how to meet those standards to the individual divisions.

Training should be resourced.

An otherwise well-designed training system will not be effective if DPD employees are not afforded a dedicated percentage of their workload to participate in training. Feedback from DPD employees uniformly confirmed the necessity of having a percentage of their workload dedicated to training. Newly hired mitigation specialists and attorneys immediately assumed full caseloads, preventing them from attending orientation or familiarization training as they began their new positions. Short-term investments in training new and transitioning employees will produce long-term returns in quality client service and employee retention.

²⁹ The Colorado State Public Defender Office is an example of such a system for attorneys. Summer interns and newly hired attorneys who did not intern with the office are required to attend a centralized four-day intensive trial skills training before beginning their work. Within three months of being placed in the organization, all entry-level attorneys attend another centralized core trial skills training. Between six and nine months after being placed, entry-level attorneys must successfully complete a six-day public defense “bootcamp.” For additional information, see http://pdweb.coloradodefenders.us/index.php?option=com_content&view=category&layout=blog&id=79&Itemid=102. The Louisiana Public Defender Board offers annual three-day juvenile defense workshops, three-day investigator workshops, two-day leadership development workshops, and an annual legislative update. See <http://lpdb.la.gov/Events/Program%20Overview.php>.

Training should be linked to evaluation.

Regular, standardized evaluations are essential to verify that training is resulting in improved quality. As noted above, several employees reported to the Board that they have never received a meaningful, formal performance evaluation. Ensuring that such a process is in place is essential both as a matter of basic organizational health and efficiency and because of the professional ethical obligations of supervising lawyers. RPC 5.1(b) states that “[a] lawyer having direct supervisory authority over another lawyer shall make reasonable efforts to ensure that the other lawyer conforms to the Rules of Professional Conduct.” Providing competent representation, of course, is one of the foundational obligations of an attorney,³⁰ and meaningful, timely evaluation is essential to ensuring that any subordinate attorney is given proper notice of the steps s/he needs to take in order to develop the competence needed for the tasks to which s/he will be assigned.

Infrastructure

Office Buildings and Workspace

At present, each division operates out of the separate offices the non-profit firms used before the Department’s creation. The Department also rents a building in Kent for its operations in South King County. There are plans under discussion to move all of the downtown Seattle operations of the Department to one building. A site has been identified. If this plan is approved by the Executive and the Council, it is projected to take at least two years for the building to be made ready for the Department’s use. Plans for the new building do not call for individual offices for non-lawyer professionals. If such plans go forward, it is essential that these staff members have sufficient access to confidential meeting space for meetings with clients and other purposes.

Civil Commitment proceedings are held in Harborview Hall, an inadequate facility which is appropriately slated to be remodeled. Relief as a result of that project is still likely years away. Attorneys working in this area indicate that steps are needed in the interim to provide reasonable working conditions so that docketing staff, paralegals, and mitigation specialists can be physically accessible to attorneys. Attorneys also need adequate office space.

Technology

Access to appropriate technology is an essential component of modern law practice. Attorneys and other Department staff must have (1) reliable access to electronic case files and Internet-based resources;³¹ (2) the ability to communicate with clients in a timely fashion; and (3) the opportunity to make effective use of visual aids and other technology-supported advocacy in the courtroom. In addition, the Department needs a reliable case management system capable of providing detailed and meaningful reports on the Department’s work. DPD employees who spoke at the Board’s Town Hall Meetings voiced numerous concerns about the quality and reliability of the technology at their disposal. As described below, the

³⁰ RPC 1.1.

³¹ For examples of innovative implementation of technology in public defense practice, see <http://abovethelaw.com/2014/06/todays-tech-a-public-defender-and-her-ipad/>; and http://static.legalsolutions.thomsonreuters.com/static/pdf/wv_pub_def_case_study_L-390552.pdf.

Department is close to completing the transition to a department-wide technology infrastructure that should address many of these concerns.

Responsibility for Technology Support

Each of the four non-profit agencies had its own technology staff – in-house at ACA and SCRAP, via contract at TDA and NDA. Upon the Department’s creation, responsibility for technology management and support was conferred upon the King County IT Department (KCIT). The ACA and SCRAP IT employees joined KCIT, and the vendor providing contract services to the other agencies was retained to assist in transition services. KCIT has a Service Delivery Manager (SDM) for DPD, as it does for each department it supports. The SDM is responsible for ensuring that KCIT is meeting the Department’s needs while also monitoring the Department to make sure it is adhering to the county’s standards for technology practice.

When DPD employees need assistance with technology, they are expected to contact the IT Service Center. Gwen Clemens leads the Department’s IT Work Group, which includes an attorney (generally the deputy division director) and a non-attorney (generally the office manager) from each division, as well as the Department’s finance and administration manager. The IT workgroup receives IT Service Center reports by division. These reports can help divisions identify their primary issues, monitor the time it takes for them to be resolved, and, where necessary, call for additional support. The Department needs to more closely examine whether KCIT has been responding promptly and effectively and whether employees are submitting IT Service Center requests when issues arise.

Acquiring Adequate Technology for Communicating with Clients and Accessing Necessary Information

Several speakers at the Board’s town meetings expressed frustration at the poor quality of the laptop computers available for their use. People complained that the computers take too long to power up and that attorneys waste valuable time waiting for documents to open. In response to the Board’s inquiry on this point, Department staff described how the Department has been working on a plan to provide each attorney, investigator, and mitigation specialist with a laptop computer, with this deployment to be phased in over time. Relatively new computers (i.e., less than two years old) have been re-imaged rather than replaced. A joint DPD-KCIT Work Group was created to oversee this transition. The replacement process began with ACAD, which was identified as having the oldest computers of any of the four divisions. A significant number of the computers provided by the County at this stage were sub-standard. The County completed the process of replacing or reimaging those machines in January 2015. The replacement/reimaging process for the other divisions appears to have been much more effective.

The practice of law today requires that attorneys use mobile technology as well. Checking in with clients, speaking with investigators out in the field, addressing issues with prosecutors – these are but some of the many case-related tasks lawyers perform while out of the office. At the moment, DPD staff (attorneys, investigators, and mitigation specialists) do a great deal of this mobile communication on personal cellphones. This raises issues related to whether these personal devices may become subject to various

types of public disclosure requests.³² Moreover, it is concerning that Department employees are paying for a technological capacity that is being used, to a significant degree, for public work. The Board is mindful of the budgetary implications of this issue and by raising it we do not mean to establish it as a priority above other resource needs described in this report. However, it is something that needs to be addressed.

Remote Access

Several speakers at the town hall meetings expressed frustration with the inability to access files remotely. The Board has been assured that all DPD employees have the ability to access files remotely. Department laptops are configured for remote access, and employees using a personal machine can access files remotely via a VPN or SharePoint (on which each employee has a drive). Email can be accessed online via OWA. Department administration will attempt to communicate more clearly with staff how to take advantage of these capabilities and to identify any shortfalls that do exist.

Email Accounts

ACA, NDA, and SCRAP were using Outlook before the transition, so moving these employees to County Outlook accounts was simple. TDA had been using Gmail, and the transition process has taken time. All TDAD employees now have county Outlook accounts. KCIT is still working on migrating the old Gmail content.

Wi-Fi at Court

Speakers at the town hall meeting stated that they were unable to use Wi-Fi at Superior Court. Department staff looked into this and advised the Board that this problem appears to have been resolved.

Courtroom Presentation Technology

At the town hall meetings, the Board heard complaints about the unavailability of state-of-the-art courtroom technology. In Kent, speakers stated that they were only able to use such technology in cases where the prosecution also planned to do so and thus brought their office's machine. This puts the Department out of line with leading defender offices nationwide.³³ The Department should engage with the court and the prosecution to develop a cost-effective way to ensure equitable access to such technology for both the prosecution and the defense. The Eastern and Western Districts of the federal courts in Washington provide examples of the effectiveness and efficiency of such joint ventures.

³² The Board believes that case-related communications should be exempt from disclosure in virtually all situations, but there is cause for concern merely in having employees exposed to such requests.

³³ For an example of what national leaders in the public defense community are doing in this respect, see, <http://www.publicdefender.mo.gov/employment/technology.htm>. The Missouri Public Defender also supplies technologies for multimedia presentations and exhibits in the courtroom to present the case in the most compelling format. These include laptops, portable projectors, software to re-create crime scenes, digital cameras, and video.

Case Management System

The former public defender agencies used different case management systems. The Department is now in the process of introducing a single Department-wide system. This system is currently being used by the SCRAP Division. It should greatly enhance the Department's ability to: (1) track individual cases; (2) make data-driven requests for the resources necessary to support effective representation; and (3) perform sophisticated data analysis related to Department practices and justice system outcomes. After the system is solidly established, the Department should examine the potential for collecting and using such data.

At one of the town hall meetings, the Board was advised that the enhanced power of the case management system is dependent upon more extensive data entry throughout the process. Thus, it will be essential that all staff be trained and supported in the use of the system.

Licenses for Essential Investigative Resources

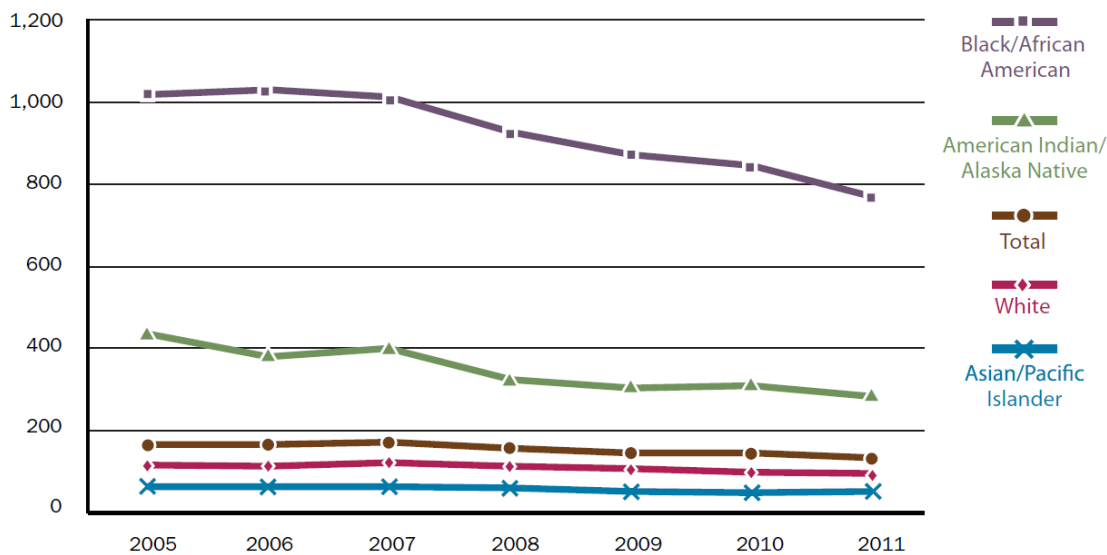
Staff at one of the town hall meetings reported that DPD investigators are often hindered in their ability to locate witnesses because the Department does not have sufficient (or perhaps any) licenses to the most powerful databases commonly used for such tasks. This concern should be closely examined so that a decision is made that considers the expected benefits of such licenses relative to the cost.

Equity and Social Justice

The Charter Amendment charges the Department, generally, and the Public Defender, specifically, with the duty of “[f]ostering and promoting system improvements, efficiencies, access to justice and equity in the criminal justice system.”³⁴ The amendment likewise charges the PDAB with assessing in this report “the progress of the county in promoting equity and social justice related to the criminal justice system” and provides that the report “may include recommendations for advancing equity and social justice.”³⁵ This conception of the Department’s role recognizes the Department’s unique ability to contribute to the improvement of the criminal justice system by doing more than the fundamental task of providing high-quality representation to individual clients.

The County has recently begun the process of setting baseline measures for equity and social justice (ESJ) in various key areas, including law and justice. A recent report designated the adult incarceration rate and the Juvenile Justice Population Change by Decision Point as the indicators of equity in the justice system.³⁶ Despite decreasing incarceration rates overall, King County incarcerates black adults at significantly higher rates than white adults relative to their percentage in the general population. In 2013, black youth were five times more likely to be referred to the juvenile justice system than white youth, and referrals of black youth increased in 2014. Based on this data, King County has much work ahead to improve equity and social justice in the criminal and juvenile justice systems.

Incarceration Rate per 100,000 in King County Secure Detention, by Race and Year, 2005-2011

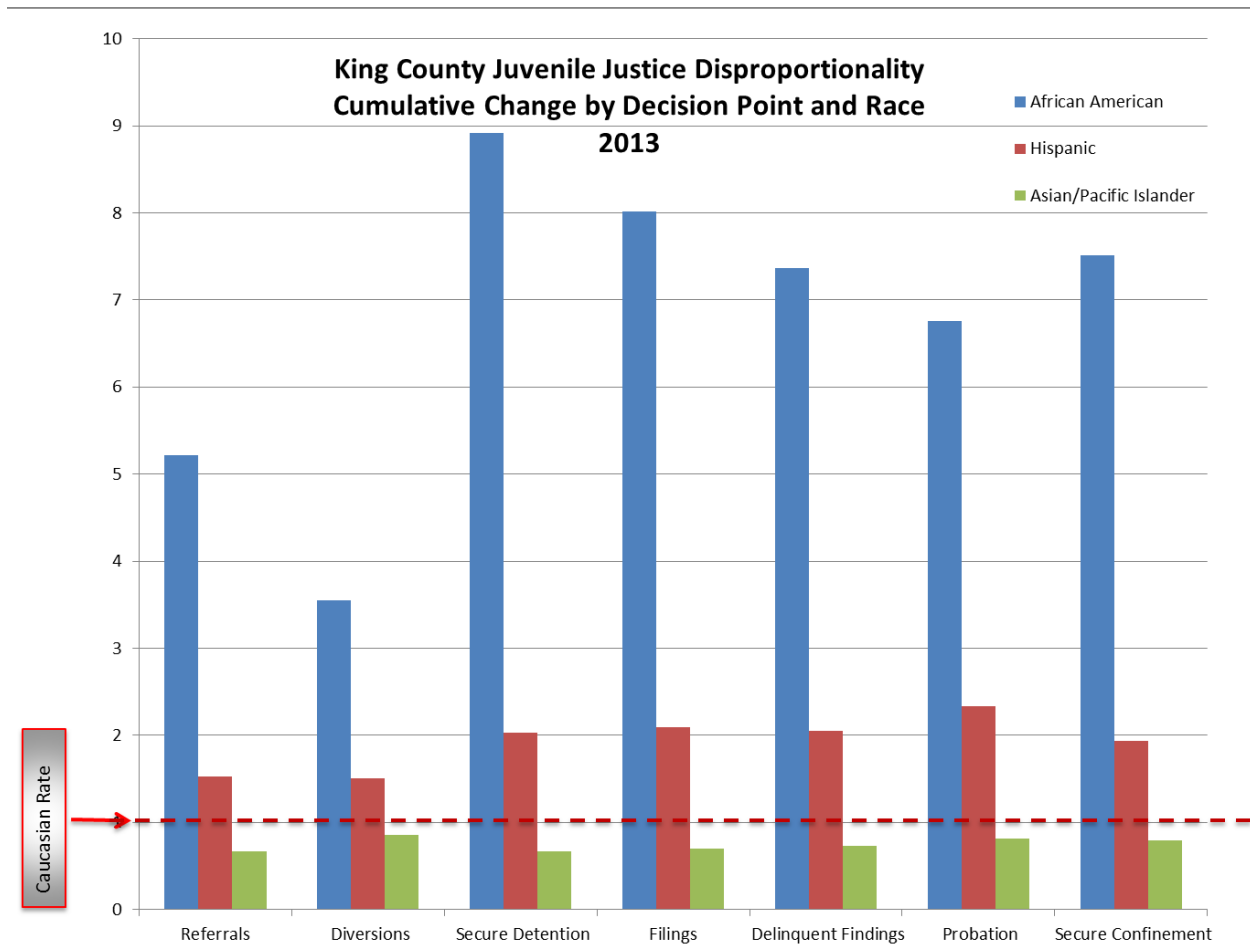


Data source: Annual Detentions and Alternatives Report, King County Department of Adult and Juvenile Detention; Public Health - Seattle & King County

³⁴ KCC 2.60.020(B)(7) and KCC 2.60.026(A)(8).

³⁵ KCC 2.60.031(H).

³⁶ Beatty, Abigail and Foster, Dionne, *The Determinants of Equity: Identifying Indicators to Establish a Baseline of Equity in King County*, King County Office of Performance, Strategy and Budget (January 2015). The Juvenile Justice Population Change by Decision Point measures the rate of disproportionate racial and ethnic disparity at each decision point in the juvenile justice system from arrest to secure confinement.



2015 is a year of great opportunity to advance equity and social justice, both by improving criminal justice agency practices and by coordinating the efforts of the County’s non-justice system agencies which bear on outcomes for individuals who chronically cycle through the justice system. In this first Annual Report, we review the Department’s current contribution to promoting equity and social justice and offer recommendations for how the Department and the County might further advance equity and social justice in the coming year.

The Department’s zealous representation of indigent clients necessarily and materially promotes equity and social justice.

Every client served by DPD is indigent, and a disproportionate number are people of color – a fact which reflects the intersection of race/ethnicity, poverty, and justice system-involvement. Many DPD clients face the additional challenges that accompany poverty, e.g., lack of adequate housing, education, employment, and access to health care. When DPD attorneys and staff provide quality, client-centered representation to their indigent clients they promote equity and social justice. A few examples illustrate the ways in which this takes place in the regular course of DPD’s work:

- A DPD attorney working with an investigator and an expert to obtain an acquittal for a client who was charged with a robbery that he did not commit.
- A DPD attorney keeps a mother with a young son from going to prison by convincing a jury that the arresting officer could have simply charged her with false reporting (a misdemeanor) as opposed to identity theft (a felony) when she gave him a false name and ID at the time of arrest.
- A DPD attorney and mitigation specialist keep their client out of prison by successfully advocating for the new Family Offender Sentencing Alternative program. The defense team also helps her retain her driver's license, which allows her to attend college trade classes, obtain her GED, complete chemical dependency treatment, and enroll in an apprenticeship program.
- A DPD mitigation specialist regularly connects clients to health insurance for the first time in their lives. For those with mental illness, this can mean the difference between obtaining treatment to remain safely in the community or being in jail.
- A DPD attorney represents an immigrant youth in dependency proceedings and obtains a court order that allows the youth to successfully apply for special immigrant juvenile visa status, thereby obtaining the stability to remain in this country and move forward with her life.

DPD staff work collaboratively to make policy changes to improve the multiple systems which affect their clients' lives.³⁷

In addition to the day-to-day work of serving individual clients, DPD attorneys and staff participate in numerous working groups addressing systemic issues, including the following:

- The Community Court Task Force
- The Center City Initiative
- The Disproportionate Minority Contact Task Force
- The Mental Health Court/Western State Hospital Collaboration Group
- The WSBA Council on Public Defense
- The Becca Task Force³⁸
- The QIC Child Representation Project
- The RCW 10.77 Revision Study Group
- The Seattle Community Police Commission

DPD staff advocate in multiple forums for better laws and policies to advance their clients' interests.

During the legislative session, DPD staff are often called upon to testify on bills that will impact their clients. DPD staff also work to make policy changes at the local level, such as advocating for King County Ordinance 17706, which places limits on who may be held in the King County Jail or Juvenile Detention for immigration enforcement purposes. DPD staff are situated to see some of the most troubling

³⁷ Much of the information regarding ongoing social justice work being done by PDAB staff was taken from a survey administered by the King County Public Defense Criminal Justice Reform Advisory Task Force and included in the Report and Recommendations to the King County Council and King County Executive on August 30, 2013.

³⁸ The court calendar addressing status offenses for youth is frequently referred to as the "Becca Calendar" in reference to a teenager whose death prompted the Legislature to create the modern statutory scheme for handling such cases.

systemic failures, such as the severely mentally ill being housed in jails for lengthy periods and decompensating while they await competency evaluations or restoration services.

DPD staff are engaged in the community.

DPD staff serve on professional bodies dedicated to issues of concern to the Department’s clients, provide legal guidance to community organizations serving the interests of DPD clients and their communities, serve and educate the legal profession and provide pro bono services. Examples include, service on the WSBA Juvenile Law Section, the Washington State Minority and Justice Commission, the Washington Association of Criminal Defense Lawyers, the King County Bar Association Future of the Law Institute, the Loren Miller Bar Association, King County Bar Association Neighborhood Legal Clinics, the Mockingbird Society, Orion Youth Center, and Operation Nightwatch.

DPD staff partner with law schools and community organizations to expand their service to clients.

Examples include:

- The TeamChild Juvenile Records Sealing Clinic is a free monthly clinic held at the SCRAP Division’s office to assist individuals seal their juvenile records. The clinic is staffed by volunteer attorneys and investigators from DPD, working with other pro bono attorneys, TeamChild staff, and law students from Seattle University and the University of Washington.
- DPD attorneys and staff work with the law school clinics to provide high quality representation and train the next generation of defenders through the Seattle University Youth Advocacy Clinic and the Incarcerated Parents Advocacy Clinic, the UW Children and Youth Advocacy Clinic and the UW Race and Justice Clinic. DPD attorneys also regularly appear as guest lecturers at both law schools and judge mock trial competitions. The Department also supports a steady stream of externs from both schools.

DPD staff and leadership have identified the urgent need to find ways to help clients overcome barriers to reentry and are committed to finding solutions.

DPD attorneys typically close their criminal and juvenile justice cases after their clients have been sentenced or the case is otherwise resolved. They typically do not follow up with clients after they are sent to prison or put on probation. DPD clients are then left without counsel to deal with the lingering consequences of their criminal and juvenile justice involvement, including the imposition of court-ordered legal financial obligations with staggering interest rates, the loss of civil rights, a public criminal record that includes conviction and non-conviction information, sex offender registration requirements, and the loss of driving privileges. Without access to legal advice or assistance with these issues,

“As public defenders, it is critical for us to engage with the community we serve by actively participating in community events and other activities related to improving the justice system. We believe by our clients seeing us in their community and participating in workshops and volunteering at their neighborhood clinics or for local food/ clothing drives, it will advance respect for our profession and the criminal justice system as a whole. Our attorneys and staff contribute hundreds of volunteer hours each year to various community activities and events.”

Karen Murray, Supervising Attorney

recidivism is unduly high and DPD clients do not have the ability to be restored and successfully reintegrated into the community.

For example, a juvenile who commits a sex offense at the age of 12 or 13 will be required to register as a sex offender until a court grants relief. To be relieved of this duty, often a prerequisite to finding housing and employment, the youth must file a motion in court and prove that registration is no longer necessary. If relieved of the duty to register, a youth may also have his sex offense sealed and vacated. Many youth are eligible for relief from registration after successfully completing treatment and remaining crime-free for a period of years, but the court process is too difficult for them to navigate without counsel.³⁹ Continued registration limits employment, education, and housing opportunities, and failing to register can result in a new felony conviction. Unfortunately, when eligible former DPD clients contact their public defenders to request assistance on such matters, typically they are denied due to workload constraints.

"I love representing children in juvenile court and am lucky to stand with them and fight for them to obtain justice and a path forward. It is my privilege to ensure that youth are treated with compassion, mercy, and grace as they fight against systems that are too often unjust and unfair. I hope that we will expand our representation in the future to help youth who are trying to seal their case or lift sex offender registration so that the true goals and ideals of the juvenile justice system can be realized."

*Katie Hurley, Attorney,
Juvenile Unit Supervisor*

DPD attorneys and staff are often in the best position to assist their clients with many legal issues related to their reentry. However, current caseload levels do not allow for representation to continue after adjudication or conviction. Typically, DPD attorneys cannot seek reduction of legal financial obligations, seek reinstatement of driving privileges, or move to vacate a criminal conviction because of limited resources. As a result, the defense work that DPD attorneys do on behalf of their clients to resolve their criminal or juvenile cases may be for naught when the client is left with few options to successfully join the community as a contributing member after being released from jail or prison.

The 2015-2017 DPD budget request included a request for additional resources to provide assistance to clients with reentry issues. The request was not granted. Nevertheless, DPD should continue to advocate for the resources necessary to provide services for their clients that will give

them the best chance to succeed in the community, to avoid reoffending and to remain free from the expensive cycle of criminal justice involvement. Advocating for these resources to assist clients in reentry falls squarely within the DPD's mandate to promote and foster equity in the criminal justice system.

DPD should expand the impact of the Department's advocacy for clients.

Holistic defense is a model of public defense that achieves better outcomes for clients, their families, and their communities. Holistic defense combines aggressive legal advocacy with a broader recognition that

³⁹ Research shows that juveniles who commit sex offenses are amenable to treatment and have low recidivism rates for future sex offenses. For a discussion of the research regarding adolescents who commit sex offenses and sex offender notification laws See Washington State Sex Offender Policy Board Annual Report to the Legislature 2009 available online at http://www.ofm.wa.gov/sgc/sopb/documents/12_Dec_09_SOPB_%20Full_Report.pdf.

for most poor people arrested and charged with a crime, the criminal case is not the only issue with which they struggle.⁴⁰ TeamChild,⁴¹ launched by one of the defender offices, is an early example of this approach in King County.

The key insight of holistic defense is that to be truly effective advocates for clients, a public defense department must ensure that clients have assistance in addressing both the collateral consequences of criminal justice involvement as well as the underlying issues that play a part in driving clients into the criminal justice system. King County defender offices have long employed this approach but without dedicated funding. Expanding the Department's capacity to provide these vital services would require additional resources, including attorneys with the requisite expertise. For as long as such resources are not provided, the Department should continue, enhance, and expand its partnerships with other organizations providing service to clients around these issues, enabling clients to experience their collective representation as more of an integrated whole.

Many DPD attorneys and staff are already engaging in holistic or community-oriented defense, but it is inconsistent across the Department due to limited resources and a lack of clarity regarding what public defenders and their staff are permitted or required to do on behalf of their clients. For example, some defenders report being authorized by supervisors to represent clients in collateral matters that are related to ensuring a successful outcome in the underlying criminal or dependency matter while others report that they are prohibited from venturing into areas outside of the criminal or dependency case. Some DPD attorneys express a desire to assist their clients in areas outside of the criminal or dependency matter because they know that it will result in a better short- or long-term outcome for their client but feel they lack the requisite training as well as the time required to provide such assistance.

Extending the benefits of holistic representation across the Department will require time and resources. However, steps should be taken to maintain those activities already underway and to encourage further development. To do so, the Department, the Executive, and the Council must develop policies and advocate for a budget that will:

- Ensure appropriate staffing levels of mitigation specialists, investigators, and paralegals and encourage their consistent participation in cases across the Department. There are numerous examples of the work that multi-disciplinary support staff do to produce better outcomes for clients by accessing the supports and services that clients need to succeed. However, these important professionals are a limited resource and their services should be made consistently available to all DPD clients through proper staffing levels, appropriate training, and policies to support their utilization.
- Develop policies that will ensure access to legal advice and advocacy on ancillary issues, such as immigration, housing, civil, and other non-confinement consequences of criminal and juvenile

⁴⁰ "Community Oriented Defense" is another term used to describe holistic defense practices. The Brennan Center for Justice at New York University has played a lead role in advancing this approach. Anne Daly, Director of the SCRAP Division, has been involved in the development of the Community Oriented Defense Network since its early stages. Lisa Dugaard, DPD Deputy Director, serves as a member of the Community Oriented Defense Advisory Group. The Network's Ten Principles of Community Oriented Defense can be found at <http://www.brennancenter.org/sites/default/files/legacy/Justice/COD%20Network/CODStatementofPrinciples.pdf>.

⁴¹ TeamChild is a non-profit law firm that provides legal services to children across the state, including King County.

convictions and adjudications. DPD should develop a plan for ensuring access to justice for their clients on issues related to the client's criminal matter. There are various models that might be explored, but steps should initially be taken within the Department to identify the areas where clients need advice and/or representation (e.g. Department of Licensing hearings, civil anti-harassment hearings, housing matters) and develop a plan for efficiently and competently serving clients so that they may exit the criminal justice or dependency systems.

- Ensure coordination of legal services for clients involved in multiple systems, for example, children who may be involved in dependency, juvenile justice, mental health, and truancy proceedings. Currently, a child client may have three or more attorneys provided at county expense: an attorney representing her as a foster child in a dependency proceeding, an attorney representing her on a pending criminal matter such as shoplifting, and an attorney representing her in a school proceeding through TeamChild. Child clients are particularly in need of seamless holistic legal services.
- Encourage consistent community engagement. Many DPD employees are engaged in the community through pro bono and volunteer work, but it is ad hoc based on individual interest not on a philosophy or ethos of community engagement adopted by the Department. The Department should explore ways to promote and facilitate community engagement that will lead to better service to DPD clients. Examples might include developing a plan for recruiting and hiring a more diverse staff from communities DPD serves, developing community education programs to assist community members in their interaction with police, developing a panel of attorneys available to provide information about the criminal and juvenile justice system to schools or community groups, identifying community events where DPD staff should maintain a presence, and creating a process for maintaining contact with former clients to engage them in policy work.
- Enhance its community engagement and client service through better use of data. With a new case management system being implemented throughout the Department, data not previously gathered regarding clients' race, ethnicity, and geography should be collected and utilized to better understand how DPD can better serve clients and improve outcomes. While it is well known that racial disproportionality exists in the juvenile and adult criminal justice systems, DPD does not currently collect data and examine the role that defenders might play individually as they serve clients as well as through their participation in systemic reforms.⁴²

Promoting Equity and Social Justice through Criminal Justice Reform

King County expends significant resources on the criminal justice system and other services for individuals who are, have been, or may become clients of the Department. In addition, the County is home to an array of other organizations providing valuable services to this client population. Improved integration and coordination within the community of service providers – including King County's various departments and non-County organizations – offers an opportunity for improved outcomes for clients and the community as well as for short- and long-term cost savings.

⁴² For an example of how legal services attorneys are seeking to enhance their advocacy capacity through data collection, analysis, and mapping, see <https://www.youtube.com/watch?v=qUQwSmIzzRo>.

Work Release

At the end of 2014, the Department of Adult and Juvenile Detention (DAJD) instituted new Work Release eligibility requirements, with the result that individuals outside of Drug Diversion Court who are not working but are in treatment or school or are seeking work will be excluded from the program. DPD staff have compiled many examples of the destructive impact of these changes – shutting down the development of sentencing alternatives and impairing defendants’ chances of succeeding upon release and reentry. During inter-departmental discussions while these changes were being contemplated, DAJD provided an analysis of the projected ESJ impact of the shift, and as expected, it disproportionately adversely impacted defendants of color. During those discussions, all involved agreed that an alternative to secure confinement for individuals in treatment or school or seeking work was imperative; however, a visible, interdepartmental, planning process for such alternatives has been slow to materialize. Restoration or even expansion of work release-style detention alternatives for those in school, in treatment, or seeking work should be a high priority for the County in 2015.

Jail Population

DPD has and should continue to play a role in the effort to reduce the jail population. The County-adopted budget for 2015-2016 assumes that the jail will achieve a cap of 1800 Average Daily Population (ADP). Recently there has been public discussion with the City of Seattle about the need to achieve that population reduction through an intentional, planned process of system reform and improvement, rather than through across the board booking restrictions. DPD should remain committed to working with other criminal justice and County partners to achieve system improvements that both reduce the jail population and also improve outcomes for defendants.

Pre-filing Diversion

King County has been the home to successful pre-filing and pre-booking diversion programs including Seattle’s Law Enforcement Assisted Diversion (LEAD) program and the 180 Program. The LEAD project is a groundbreaking multi-year collaboration between police, prosecutors, defenders and treatment providers, among others, to divert people arrested on narcotics and prostitution charges pre-booking. The 180 Program is an innovative community based program spearheaded by the King County Prosecutor’s Office to divert juveniles from the juvenile justice system pre-filing. Another new project is getting started at juvenile court, a restorative justice program aimed to reduce filings in juvenile court. These programs highlight the potential for keeping communities safe while keeping youth and adults out of the criminal and juvenile justice systems. The Board believes that the County should look for ways to expand pre-booking and pre-filing diversion programs as they have tremendous potential for reforming the criminal justice system and promoting equity and social justice.

Mental Illness and Drug Dependency (MIDD)

One opportunity for creating systemic change to reduce criminal justice costs might be found in the sizable reserve in the Mental Illness and Drug Dependency Action Plan (MIDD).⁴³ These funds must be

⁴³ In 2007, the King County Council enacted a one-tenth of one cent sales tax to fund the strategies and programs outlined in King County’s Mental Illness and Drug Dependency Action Plan. The program’s goal is to prevent and reduce chronic homelessness and unnecessary involvement in the criminal justice and emergency medical systems

used in a way that best leverages changes in practice by the criminal justice agencies, not just to support promising practices in providing services for mentally ill and/or addicted people. The MIDD oversight committee and, in particular, the County Council could assess what key justice system partners (especially police and prosecutors) need in order to agree to divert individuals away from the formal justice system and into community-based options, and those services and approaches should then be planned and prioritized consistent with the stated goals of the MIDD program. In this way, costs avoided in the criminal justice system could increase the County's resources to support a wide range of social and human services, and the MIDD will accomplish its stated purpose of ensuring that mentally ill and addicted people are not unnecessarily involved in the formal justice system.

Involuntary Commitments

Another opportunity and pressing issue facing the county is the increase in numbers of civil commitments and the problem of placement. DPD staff participate in an ongoing task force on alternatives to "boarding" in non-psychiatric facilities.⁴⁴ Progress on this issue could alleviate pressure on the Mental Illness Court and the need for more attorneys in civil commitments, as well as greatly improve the situation for vulnerable clients.

Leveraging Medicaid Expansion

There is a growing consensus locally to develop community-based diversion alternatives for individuals who would otherwise be processed through the criminal justice system due to behavioral health issues. This shift would reduce the jail population and likely improve outcomes for mentally ill, addicted and/or homeless individuals, but funding for community-based alternatives is a barrier to implementing such strategies. Medicaid expansion through the Affordable Care Act (ACA) provides a critical opportunity to use federal funding for supportive housing, case management, outreach, and other services needed as a part of a robust diversion approach.

Addressing Racial and Ethnic Disparity in the Juvenile Justice System

For many years, juvenile justice stakeholders have been making efforts to address the disproportionate representation of youth of color in juvenile detention. Although the number of youth in detention has dropped dramatically, the percentage of detained youth who are black or brown has increased. The King County Council recently approved a contract for the construction of a new facility, the Children and Family Justice Center, to replace the current aging juvenile court and detention facility. This followed a 2012 voter-approved levy to raise \$210 million in property taxes for the new building, which will include 10 courtrooms for juvenile offender and Seattle dependency cases and a new 144 bed detention center. The proposed new facility has engaged the community in a broader discussion on the issue of racial and ethnic disparity in juvenile and criminal justice as well as the appropriate use of detention. As plans continue for the new building, one that will house the county's juvenile justice and child welfare work for decades to come, it is critical that the county adhere to its commitment to apply equity and social justice

and promote recovery for persons with disabling mental illness and chemical dependency by implementing a full continuum of treatment, housing, and case management services.

⁴⁴ On August 7, 2014, the Washington Supreme Court held that the practice of using emergency departments to detain civilly committed patients, known as "psychiatric boarding" is unlawful. *In the Matter of the Detention of D.W.*

foundational practices to the development of this facility as well as its overall approach to children and families in order to “eliminate inequities and create opportunities for all people and communities.”⁴⁵ As the planning process for the new building continues, the County should consider how resources and services are distributed countywide, such that youth and families who live in the southern part of the county can have access to opportunities which will allow them to avoid contact with the juvenile and dependency systems. The County should also ensure that policies to reduce the detention population continue and expand. In designing the detention facility, the County should consider social science research around trauma and the dangers of detention for youth.⁴⁶ Finally, at this critical juncture, the County should actively engage community members in the planning process to ensure that the new building meets the needs of youth and families and does not embed or exacerbate the inequities that currently exist in the juvenile justice system.

⁴⁵ K.C.C. Ordinance 16948, Section 5.

⁴⁶ See, e.g. Holman, Barry and Ziedenberg, Jason, *The Dangers of Detention: The Impact of Incarcerating Youth in Detention and Other Secure Facilities*, The Justice Policy Institute (2006) available at <http://www.justicepolicy.org/research/1978>.

RECOMMENDATIONS

Organizational Structure

- The Department should initiate a strategic planning process that encompasses funding, technology, service delivery, coordination with other agencies, and organizational design.
- The County should ensure that the Department retains the number of divisions necessary to provide high-quality, conflict-free representation to those eligible to receive these services.
- The Department should develop effective means of performing core administrative functions requiring case-related information without compromising ethical restrictions related to conflicts and confidentiality.

Assigned Counsel

In order to ensure compliance with KCC §2.60.020(B) and to provide quality, cost-effective representation, the Board reiterates and expands upon the recommendations made initially in the Budget Report of the King County Public Defense Advisory Board:

- The Department should be structured to maximize its ability to provide conflict-free representation and thus minimize the need to resort to assigned counsel.
- The Department must employ a sufficient number of attorneys to accommodate ebbs and flows in filings so that cases are not assigned to the assigned counsel panel simply because of over demand.
- The Department must review and update the list of eligible panel attorneys.
- The Department must create a program for effective training, supervision and evaluation of the assigned counsel panel.
- In the long term, the County will need to increase its compensation rates to attract and retain highly-qualified attorneys to the assigned counsel panel.

Training

- DPD should create a department-level position for a person with extensive trial experience to serve as Head Trainer with authority to plan, resource, and supervise training.⁴⁷
- DPD should convene a training strategy work group with a goal of developing department-level training standards for in-house training administered by DPD.
- DPD training standards should identify which types of training should be conducted at the department level and which types of training should be conducted at division level or below, including considering how to properly resource training on current cases from attorney caseloads while maintaining conflict avoidance protections.

⁴⁷ The Board heard from some leaders within the Department who believe that Department-wide training will only be able to accomplish a limited amount of what is needed because attorneys trained by someone outside their division cannot engage with the trainer in discussions of their cases, because of confidentiality concerns. The Board appreciates that some of the most valuable learning must come through case-related intra-division discussions, but the Board firmly believes that establishing a Department-level training curriculum system is essential for providing all lawyers employees with access to the core knowledge and skills they must acquire and that such a structure system will only enhance the division-level learning that takes place while enabling consistency between divisions.

- DPD training standards should include training requirements for all positions within the department (attorneys, investigators, mitigation specialists, investigators, support staff) in all phases of their careers (newly hired, experienced, supervisors).
- DPD should implement mandatory training and temporary workload adjustment during transitions between substantive areas of practice.
- Workload requirements must dedicate a percentage of workload for training:
 - Newly hired or transitioned attorneys should have reduced caseload during an initial training period to enable supervised transition into practice or between practices.
 - Supervisors and experienced attorneys should have adjusted caseload requirements that allow them to serve as co-counsel with newly hired or transitioned attorneys during their initial training periods.
- Development of standard evaluation practices and requirements (if not of the specific evaluative instrument) should be part of the Training Committee’s task – these practices should focus on evaluation as a part of the training cycle. Evaluation must be focused on skills previously trained, usefully detailed, and responsively conducted.

Technology

- The Department should develop a process for identifying and budgeting for the technological resources necessary for quality representation. This necessarily will include the ability to remain competitive with the prosecution in using technology to prepare and present cases.
- The Department should assess the extent to which staff are able to effectively use the Department’s current technology and should ensure that any shortfalls in this area are quickly remedied.

Interagency System Improvements

- County departments should coordinate with criminal justice partners to provide more diversion opportunities. Seattle & King County Public Health, DCHS, DPD and other criminal justice partners should meaningfully coordinate to develop diversion approaches that will work from the perspective of police, prosecutors, and defenders.
- Address the psychiatric “boarding” problem through better coordination of services for the mentally ill. DPD should continue to collaborate with DCHS and Public Health to develop less restrictive alternatives to forced involuntary in-patient commitment, as well as to foster upstream interventions in the community that avoid the need to initiate the commitment process.
- Leverage funds available through the ACA to keep people in the community and out of the criminal justice system. The

“Most of the children we represent are involved in multiple systems – foster care, juvenile justice, mental health. Trust can be a huge issue for them, but as their advocate I am able to be on their side and ensure that their voice is heard in those systems. We try where we can to get the systems to work together to better serve our clients, but it doesn’t always happen. I wish there were more resources dedicated to coordinated services that address the mental health needs of youth in the system. When the resources are there – it is amazing to see how kids can be successful back with their families and their community.”

Ben Kaplan, Mitigation Specialist

County should prioritize and lead the effort to ensure that Health Homes in Washington is used to support the full range of supportive services needed to make community-based diversion feasible on a large scale.

- Expand work release opportunities. As discussed above in the section on system improvements, changes in eligibility for work release are having a negative impact on individuals who are in school and treatment. This should be addressed through interdepartmental collaboration.

Equity and Social Justice

- DPD should improve data collection to better understand clients' experiences in order to meet clients' needs and be more effective advocates, particularly around the pressing issue of racial disproportionality in the juvenile and adult criminal justice systems.
- DPD should explore and increase opportunities for holistic representation through proper staffing levels, training, defense coordination for clients involved in multiple systems, and interagency service coordination.
- DPD should continue and expand efforts to eliminate barriers to successful reentry through serving clients on case related matters post-disposition.
- County departments should coordinate with criminal justice partners to provide more diversion opportunities. Seattle & King County Public Health, DCHS, DPD and other criminal justice partners should meaningfully coordinate to develop diversion approaches that will work from the perspective of police, prosecutors, and defenders.
- Expand work release opportunities. As discussed above in the section on system improvements, changes in eligibility for work release are having a negative impact on individuals who are in school and treatment. This should be addressed through interdepartmental collaboration.
- Address the psychiatric "boarding" problem through better coordination of services for the mentally ill. DPD should continue to collaborate with DCHS and Public Health to develop less restrictive alternatives to forced involuntary in-patient commitment, as well as to foster upstream interventions in the community that avoid the need to initiate the commitment process.
- Leverage funds available through the ACA to keep people in the community and out of the criminal justice system. The County should prioritize and lead the effort to ensure that Health Homes in Washington is used to support the full range of supportive services needed to make community-based diversion feasible on a large scale.
- Create a community task force on juvenile justice reform to make recommendations regarding alternatives to secure detention, services and programming needs for youth and families.