

# King County DEPARTMENT OF PUBLIC DEFENSE



*The Honorable Lori K. Smith officiates DPD's first swearing-in ceremony of 11 new DPD attorneys at the King County Courthouse on September 14, 2017. Pictured from left to right: Shawn Shariati, Chad Law, Baily Mullins, Katie Farden, Susan Sobel, Sophia Posnock, An Nguyen (not pictured: Vince Burnton, James Carr, Charlie Klein, Elaine Saly)*

## 2018 ANNUAL REPORT



Department of  
**PUBLIC DEFENSE**

*Upholding the Constitution,  
one client at a time.*

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# Executive Summary

## Lorinda Youngcourt

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Three years ago, I joined a young organization made up of the employees of four non-profit agencies and the county employees who oversaw their contracts. Our shared ideology of providing quality representation to clients holds us together as we continue to build trust and unity. I am proud of all that we have achieved, but prouder still of the staff that I am so honored to lead. They live their commitment to justice and equity every day through their individual work on behalf of our clients.

Our 2017 milestones include:

- Moving into our consolidated, historic, and beautifully renovated office space in Seattle's Dexter Horton building.
- Hiring 15 attorneys during their third year of law school, who started between 8/1/17 and 4/1/18.
- Honoring our 2017 class at a private Department of Public Defense (DPD) swearing-in ceremony following the Bar examination.
- Improving our recruiting and hiring processes for all DPD jobs, and shortening vacancy periods.
- Implementing a new financial structure better suited to an organization our size.
- Expanding our training opportunities for non-attorney employees.

In 2017, we started our strategic planning process, which we expect to complete in

2018, firmly defining the Department's mission and vision statements. Throughout this process, everyone in DPD was able to add their voice and ideas to the statements, the culmination of which we proudly present as follows:

**Vision statement:** King County Department of Public Defense provides high-quality, innovative, and zealous advocacy on behalf of individual clients, challenges inequities in the justice system, and promotes alternatives that support individual and community well-being.

**Mission statement:** The Department of Public Defense provides superior legal representation to indigent individuals of King County who are accused of crimes, subject to dependency and other juvenile proceedings, or facing involuntary commitment. Our multi-disciplinary teams empower our clients, defend constitutional rights, and advocate for systemic improvements that affirm the dignity of every person.

DPD is committed to removing all barriers to the guarantees of the United States and Washington State constitutions. When law enforcement in King County says, "if you cannot afford a lawyer, one will be provided for you," it is not a promise on which delivery is delayed. It is not a promise that, through a confusing and complex series of procedural hoops, means little to nothing. Ahead of most jurisdictions, anyone in King County being investigated for a crime or involved with a family and social services dispute has access twenty-four hours a day, every day, to the advice of counsel through the on-call attorney line. Everyone under "investigation" by King County law enforcement can have a lawyer consult with

them, while working to preserve evidence of their innocence. Any person arrested, incarcerated and charged in King County sees their lawyer within one business day of DPD receiving notice of the charge. Anyone summoned into court in King County to answer for a crime, respond to a dependency petition, or threatened with jail for failing to pay fees, fines, or child support, can pick up the phone, call DPD's financial screeners free of charge, and have a lawyer by their side when they appear in court. Any person on a psychiatric hold for involuntary commitment in a King County hospital has a DPD lawyer by their side to represent their stated interests.

Through collaboration with authorities, every detention center in King County has DPD's on-call attorney number posted next to the phones. Through further

collaboration, law enforcement officers carry this same number while they are on duty. If an officer stops someone under suspicion of driving under the influence in King County, the officer will place the call to DPD so the driver can seek legal advice before submitting to testing, twenty-four hours a day, every day.

DPD's teams stood by more than 15,600 clients in 2017. (See *Appendix H, Figure 3.*) In this report, we share our successes and identify needs to more fully meet the ABA's Ten Principles for Quality Public Defense.



*Lorinda Meier Youngcourt, Director  
King County Department of Public Defense*

## DPD Has Continued To Advocate For Criminal Justice Reform

- Persuaded the Seattle Municipal Court to stop shackling all Mental Health Court defendants during their hearings
- Drafted a simplified *Miranda* warning that is currently used by the King County Sheriff's Office with children being questioned
- Supported legislation that requires counsel for families involved in inquest proceedings
- Obtained agreement from the Department of Adult and Juvenile Detention to allow children to call home from detention for free
- Obtained funding for three civil attorneys who work with DPD attorneys to help clients avoid some of the collateral consequences of a criminal conviction
- Continue to advocate with King County Superior Court to make changes that could help diversify the jury pool

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## Who We Serve

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The rights, liberty, and dignity of indigent individuals are protected by the lawyers and professionals of the King County Department of Public Defense. Unlike other government services, legal representation is mandated by the United States and Washington State constitutions. When the State's power is brought to bear against an indigent individual to deprive them of the right to parent their child through dependency and termination actions, to involuntarily commit them to a mental hospital via Civil Commitment actions, to incarcerate them in a jail or prison, or to mandate restrictions on their liberty through criminal proceedings, a DPD lawyer is there. *See Appendix H, King County Department of Public Defense Practice Data and Statistics.*

### **Civil Practice: Family Defense**

In 2017, this unit, previously identified as “Dependency,” changed their name to “Family Defense” to better identify the service they provide to our clients.

Twenty-seven attorneys across four divisions work with investigators, mitigation specialists, paralegals, and legal assistants to provide family defense representation. The majority of DPD's Family Defense clients are parents whose fundamental right to family integrity has been challenged by the Washington State Department of Social and Health Services (DSHS).

DPD's Family Defense unit also represents children over the age of twelve, children under the age of twelve when the court has appointed counsel at the request of another party, and children whose relationships with their parents have been legally terminated for more than six months. Some of DPD's youth clients are refugee minors – often unaccompanied refugee minors – who were placed in King County with private agencies focused on refugee resettlement. When representing children, the Family Defense unit works to ensure all steps are being taken to provide appropriate services to the child, to ensure the child's relationships with relatives and friends can be maintained, to advocate for the child in school, and to ensure that the child can find a stable home.

As in the juvenile and criminal court systems, children and adults of color are disproportionately overrepresented in the child welfare system<sup>1</sup>.

### **Civil Practice: Involuntary Treatment Act**

The Involuntary Treatment Act (ITA) allows for the involuntary detention of a person for mental health treatment when, as a result of a mental disorder, the person presents as likely to cause serious harm to themselves, others, or the property of others, or to be gravely disabled. Clients facing such treatment can be housed at Evaluation and Treatment facilities (E&T's) or boarded at community hospitals throughout King County. DPD's Civil Commitment unit provides legal representation for individuals facing involuntary treatment. In 2017, DPD represented 3,725 unique clients who were

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<sup>1</sup> Racial Disproportionality, WA Dept. Social and Health Services, <https://www.dshs.wa.gov/ca/advancing-child-welfare/racial-disproportionality> (last visited 3/6/18).

facing involuntary commitment, representing 22.2 percent of DPD's clients. DPD attorneys represent clients facing involuntary commitment at nine E&T facilities and in ten boarding hospitals throughout the County. Most of these hospitals have video courtrooms and attorneys appear with their clients via video to the judge and prosecutor, who are at Harborview Hospital in Seattle. DPD has requested office space in each hospital with varying degrees of success. In 2017, Involuntary Treatment Act assignments continued to increase with 4,458 assignments, up from 4,031 in 2016. *See Appendix H, Figure 2a.* DPD added attorneys to this practice area in order to be fully compliant with the Washington standard of 250 cases per year per lawyer.

#### **Civil Practice: Contempt of Court**

Courts have the power to hold an individual in contempt for failing to pay court ordered obligations. A contempt finding allows for incarceration and orders to garnish wages. Fortunately, King County has chosen to prosecute fewer contempt of court cases.

The Contempt of Court (COC) unit represents clients who have been ordered to pay child support but are unable to meet the financial obligation. Our teams negotiate reduced payments based upon the present financial circumstances of clients.

*After the elimination of \$39,000 of back-debt owed to the State, one client was able to purchase a home for the first time in his life. DPD assisted another client in eliminating nearly \$200,000 of back-debt, ending the contempt proceedings against him.*

Throughout 2017, DPD attorneys continued to assist clients with paperwork for modification hearings to reduce child support and back-debt owed to the custodial parent and the State of Washington.

#### **Criminal Practice: Juvenile Defense/Becca**

DPD and King County emphasize keeping children out of detention and the justice system. In 2017, DPD leadership, juvenile attorneys and supervisors participated in at least five different committees and workgroups, all focused on reducing the over-representation of children of color in detention, and the use of detention as a whole. Peace Keeping Circles, Zero Youth Detention and the Juvenile Justice Equity Steering Committee are focusing on intervention and diversion. The work of these committees remains ongoing.

In keeping with King County's commitment to Best Start for Kids, DPD expanded its juvenile practice to include actions to lift sex offender registration and to seal juvenile records. To date, DPD has provided sealing services to 72 clients and moved to lift sex offender registration requirements for 14 children. *See Appendix H for data on juvenile representation.*

#### **Criminal Practice: Misdemeanor Defense**

DPD represents clients charged with misdemeanors in both King County District Court and Seattle Municipal Court (SMC). Accustomed to working with the non-profit agencies, SMC continued its practice of assigning indigent clients directly to DPD divisions. This practice adversely affected DPD's ability to collect data on assignments and clients. In late 2017, SMC began sending all case information to DPD's coordinators who run a conflict check and

assign the case to a DPD division. This was the result of work by DPD, King County Information Technology (KCIT) and the City of Seattle, modifying both technology and processes. Annual figures are not available, but the number of clients in January 2018 (the first full month for which data is available) was 522, representing 24 percent of DPD new clients for that month.

SMC representation is provided pursuant to a five-year intergovernmental contract with the City of Seattle (with the option for three five-year extensions), and is based on full cost recovery. *See Appendix H, figures 2a and 4a for data on misdemeanor representation.*

### Above and Beyond

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Investigator Gerald Gregory's detection skills led to the recent dismissal of a DPD client's case. The client was charged with 4th Degree Assault in an SMC domestic violence proceeding. Gerald's investigation into the background of the complaining witness revealed numerous police reports involving the complaining witness. Gerald's dogged pursuit of the truth also brought incriminating social media posts by the complaining witness to light. DPD attorney Rebecca Bradlow was then able to present this information to the Prosecutor's Office and convince them to dismiss the case. This case would never have been dismissed without Gerald's tireless work and Rebecca's zealous advocacy.

### **Criminal Practice: Felony Defense**

Clients charged with felonies in King County Superior Court represented 35.3 percent of DPD clients in 2017. *See Appendix H, figures 2a. and 4a.* Of concern in this practice area is the impact of law enforcement body worn cameras (BWC). In many felony cases, numerous officers arrive at a crime scene with their cameras recording. Those videos are lawfully turned over to DPD in discovery. Issues for BWC videos include: (1) staff time to upload the video to DPD's digital file system, (2) digital storage capacity for hours of videos, which DPD is ethically obligated to retain on behalf of clients, and (3) added attorney and investigator time to review each video for pertinent evidence.

### **Criminal Practice: Death Penalty Requests**

DPD has no clients against whom the King County Prosecutor is requesting a death sentence. In January of 2017, Dan Satterberg filed a notice in *State v. Brown* advising the court he did not intend to seek a death sentence. Since the "no death" jury verdicts in Anderson, McEnroe, and Monfort, the King County Prosecutor has chosen not to pursue death sentences. DPD applauds Mr. Satterberg for his statewide leadership in seeking the abolition of a sentence that is unjust, has proven to be impossible to obtain, is financially devastating, and most importantly is a hollow promise to the surviving family of a victim.

### **Criminal Practice: RCW 71.09**

Washington RCW 71.09 allows the State to file a petition requesting that a person convicted of a crime which was "sexually motivated" and who is otherwise ready for release having served his entire sentence, be confined in a secure facility operated by the

Washington Department of Social and Health Services. Through a contract with the State Office of Public Defense (OPD), DPD defends clients against indeterminate confinement and helps those under a confinement order to obtain less restrictive orders.

DPD did not receive any new RCW 71.09 client assignments in 2017. However, representation for clients with cases assigned prior to 2017 continued throughout the year. The former nonprofit agencies brought this work with them in 2013. Until July of 2017, OPD appointed DPD to represent clients in King and other Washington counties. In all counties other than King, the State Attorney General prosecutes 71.09 cases and defense counsel is provided from an OPD assigned counsel panel. Here, the King County Prosecutor's Office prosecutes 71.09 cases.

Under King County Code 2.60.020(C), DPD may provide services to the State of Washington "on a full cost recovery basis." Current Washington State Office of Public Defense 71.09 contracts do not fully cover DPD's costs. The Executive has instructed DPD not to renew its annual contract if the State will not provide full cost recovery. DPD is recognized as a leader in the State in protecting the rights of 71.09 clients, and few attorneys outside of DPD have the requisite experience and training in these matters. Pursuant to the American Bar Association (ABA) Principle 6, which requires that defense counsel's training and experience match the complexity of the case, the Public Defender believes DPD's representation of these clients should continue. It is imperative that King County provide effective representation for all King

County residents, especially for King County residents facing indefinite detention. Rather than end this body of work, the County should work to receive adequate funding from the State.

## Case Dismissed

JR's defense team, attorneys Scott Schmidt and Andrew Repanich, and investigator Pandora Eyre, successfully obtained dismissal of sexual abuse charges.

During the investigation, Pandora uncovered information about other abuse allegations made by the same child against other family members. Ultimately, the State provided documents which referenced Child Protective Services (CPS) records and referrals and the complaining witness's mental health at the time of the initial disclosure. Resisting pressure from the judge to move the case forward, the team moved to obtain those records. Despite an attorney intervening on behalf of the complaining witness and adverse rulings from the court, JR's defense team was undaunted. They did not budge on the right to prepare a second motion. That motion, heard in front of a different judge, resulted in the production of critical documents detailing how even the child's own counselor doubted the veracity of her multiple allegations. This gave the team what they needed in order to confront the child about the truth of her statements. The case was dismissed.

## Specialty Courts

In addition to representation in traditional mainstream court proceedings, DPD also represents clients in problem-solving courts (also called therapeutic or treatment courts). These courts employ a collaborative team-based approach to address the underlying issues that result in the participants entering the criminal justice system. The court provides services such as treatment, life skills, employment counseling and housing. The goal of the team is to assist the client to avoid incarceration, reduce recidivism, and increase community safety. DPD protects the due process rights of clients at all stages of the therapeutic court process, while also supporting their clients' life goals.

DPD's mitigation specialists assess client competency, mental health and substance use disorders. They refer clients to services and resources for better care coordination and stronger release and aftercare plans.

DPD represents clients in:

- Adult Drug Diversion Court
- Juvenile Drug Court
- Family Treatment Court
- King County Regional Mental Health Court
- King County Regional Veterans Court

DPD also represents clients participating in the Drug Offender Sentencing Alternative (DOSA) program. Once sentenced to DOSA, participants regularly appear before the judge where the court monitors progress in treatment and in the program. DPD attorneys assist participants in navigating through the DOSA program by linking them with resources, raising legal issues and defending clients on alleged violations. *See Appendix H, Figure 12.*

## An Arrest is NOT the Same as a Conviction

A 19 year old woman, employed at a local retailer, was arrested and charged with 1st Degree Theft. This by itself was overwhelming for our client, but the situation took a turn for the worse when her employer terminated her in response to the arrest. Attorney Adrien Leavitt, advocated for amendment of the charges against our client, and successfully had the case transferred to Drug Diversion Court.

Collateral consequences attorney, Lou Manuta, intervened to get the client her job back, speaking with the employer's labor relations executive. Lou educated the employer on Seattle's Fair Chance Employment Ordinance and its applicability to companies headquartered outside the city. Under the Ordinance, Seattle employers may not discharge an employee solely because of an arrest. While our client was required to take a drug screening, she was immediately eligible for rehire. Shortly thereafter, a second client was terminated by the same employer, before being promptly and similarly reinstated after a similar intervention.

## Clients in the Community

DPD "foster[s] and promote[s] system improvements, efficiencies, access to justice and equity in the criminal justice system," which serves the community. *King County Charter 350.20.60.* In 2017, DPD fostered and promoted a county ordinance that prohibits law enforcement from

interrogating a detained child until after the child has met with a lawyer. As the community demanded better outcomes for its children, DPD sponsored the drafting of a simplified *Miranda* warning that was adopted for use by the King County Sheriff's Office in all criminal investigations involving children.

In 2017, Seattle Councilmember Herbold and DPD created and promoted a pilot project to provide clients charged in Seattle Municipal Court the benefit of legal advice on how to avoid the civil consequences of plea agreements and sentences which often lead to homelessness, unemployment, and deprivation of benefits. Seattle City Council has funded three civil attorneys currently embedded in DPD. Data is being collected to gauge the success of the pilot. *See Appendix I: Civil Legal Aid Pilot Project Report.*

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## Where We Serve

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### **King County Jail in Seattle**

In Seattle, the jail is not only used to incarcerate convicted individuals and those being held pre-trial, but also for court hearings. The space available in the jail courtrooms and the attorney visitation areas is inadequate for confidential attorney-client meetings and causes DPD to run afoul of ABA Principle 4.

In Courtroom 1 of the King County Jail, all clients awaiting hearings are held in a single room. Attorneys and clients have no ability to speak privately. All conversations must occur in front of other clients.

The King County Jail, Courtroom 2, where SMC arraignments are held, is also deficient. Attorneys are forced to speak to their clients in a thin, open hallway behind the courtroom. It is often so full that legal advice must be virtually shouted to be heard. In the courtroom, attorneys are separated from their clients by a wall of plate glass, which impedes communication and rapport. There is only one computer for defense counsel to use and there is no WiFi allowing them to use their laptops.

The King County Jail provides inadequate space for confidential face-to-face client meetings with attorneys, investigators, paralegals, and mitigation specialists. There is no WiFi, hampering the review of discovery. DPD and KCIT are working with the Department of Adult and Juvenile Detention (DAJD) to provide WiFi in the face-to-face client meeting areas; however, the cost estimates currently exceed DPD's ability to provide the much-needed resource.

### **Involuntary Treatment Court (ITA) and Hospitals**

ITA space continues to be inadequate with no solution in sight for the near to mid future. DPD has been provided space and funding for at least one and often two small offices for attorneys from the two divisions providing representation to ITA clients at hospitals. Although these offices do not meet ABA requirements, they are an improvement over prior years.

### **King County Courthouse in Seattle**

Arraignments and administrative hearings in felony cases are heard in Room 1201 of the King County Courthouse. There is inadequate room for clients summoned to court and observers. The small courtroom area where observers and those waiting for

their cases to be called can observe court proceedings through glass, is located at the end of a long thin hallway. The only public entrance to the actual courtroom is through a door in the glass which is guarded by an officer. When court is in full session, those waiting to appear and their attorneys line the hallway attempting to have confidential conversations as there are no consultation rooms.

In-custody clients are held all together in a small space adjacent to the courtroom. Again, there is no space for lawyers to speak confidentially with their clients before the client is brought out to stand directly before the bench for their hearing.

### **Maleng Regional Justice Center Court**

Often referred to as the MRJC, the Maleng Regional Justice Center in Kent, is a relatively new facility. Small conference rooms are readily available for attorneys and clients to speak confidentially.

### **Maleng Regional Justice Center Jail**

The MRJC Jail is attached to the courthouse. Meeting areas for attorneys and clients is

adequate. In an attempt to facilitate the efficient review of client discovery, DPD and KCIT are working with the DAJD to provide WiFi in the face-to-face client meeting areas in the MRJC.

### **Juvenile Court**

There are only three private rooms for juvenile clients, who are not in-custody, to meet with their attorneys before and after court hearings. Clients are often forced to talk to their attorneys in the public waiting area when the rooms are in use. In-custody juveniles are placed in cell-like rooms behind the court. The attorneys are not normally allowed into the cells and as a result have to stand in the hallway and talk to their clients through the cell/room door.

### **Juvenile Detention**

Juvenile attorneys have inadequate space to speak confidentially with children held in detention. There is only one private room with a door. If more than one attorney is there, the juvenile is forced to meet in the large visiting room, making confidential conversations difficult.

## Youngcourt vs. SMC

DPD attorneys Mark Middaugh, Nick Gross, Sarah Wenzel and James Carr observed Seattle Municipal Court (SMC) judges refuse to honor affidavits of prejudice filed by clients at arraignment hearings. The judges who were obligated to reassign the cases were instead arraigning clients and setting conditions of release. DPD attorneys challenged the practice in a single case and prevailed, but the Court continued the practice. DPD then filed a representative writ, *Youngcourt vs. SMC*, to obtain systemic relief. After the court ordered preliminary relief in favor of DPD, the SMC judges then began honoring affidavits of prejudice. The Court failed, however, to immediately provide a different judge for the arraignment and instead sent DPD clients back to jail for an extra day before setting conditions of release. DPD successfully filed a writ against this practice as well. This matter is presently before the Washington Court of Appeals.

### **Seattle Municipal Courthouse**

The SMC Courthouse is new and modern compared to the courts described above. There is ample room for confidential conversations. DPD clients appear in ten courtrooms on four different floors. WiFi is available, but can be spotty.

### **Department of Public Defense Offices**

Since the Department's creation, County and DPD leaders have highlighted the importance of consolidating Seattle-based staff into one building close to the King County Courthouse and the Seattle Municipal Court, as well as providing additional space in Kent close to the MRJC.

DPD moved closer to this vision when the Director's Office and NDD moved to their final locations in the Dexter Horton Building in September, 2017. ACAD and SCRAPD moved to their new locations in early 2018. The moves have been symbolic of the merger into a consolidated department. While a welcome improvement for some, investigator and mitigation staff were moved from offices into cubicles, creating a challenge for sensitive conversations. Facilities Management Division (FMD) provided phone rooms and conference rooms, and in some cases higher cubicle walls to mitigate the loss of private offices, however, the lack of privacy remains an issue for some staff.

Shared resources, including training space, conference rooms with Skype-enabled audio visual equipment and hoteling offices are providing increased collaboration opportunities. Close proximity to the courthouse and to others in the Department is increasing efficiency. The move of the remaining division, TDAD, is scheduled to be completed by Summer 2018.

### **DPD Screening Transitions to Phone-Based System**

DPD is now screening clients by phone to determine eligibility for a public defender. This is a significant development, making our screening faster and easier. Clients can now call a screener between 8 a.m. to 5 p.m. Monday through Friday. DPD also provides phone screening to the cities of Kenmore, Shoreline and Redmond. In-person screenings are still offered two days a week, during the busiest calendar days, at both the King County Courthouse (KCCH) and the Maleng Regional Justice Center (MRJC) and in the Dexter Horton Building. DPD has also placed a phone outside the KCCH and MRJC screening offices that rings directly to the screeners, so that those who do not have a phone or who appear at a vacated screening office still have easy and direct access. Generally, the phone-based system is receiving around 1,500 calls a month and our estimated average call length is 6 to 7 minutes.

Under the previous system, DPD offered in-person screenings between 8:30 a.m. and 4:30 p.m., with very limited phone screening available. Clients generally had to wait in line to screen, and often would screen the day of a court hearing to avoid an extra trip to the courthouse. This practice resulted in continuances that are now being avoided. DPD has created fliers in English and Spanish for judges and bailiffs to give to defendants, and has placed posters in several high-traffic locations in both courthouses.

The Department continues to experience critical space challenges in the overcrowded Kent Meeker Street Law Building. To address increased case filings at the MRJC in February 2016, NDD opened a felony unit in Kent; now all divisions have Kent-based units. In the 2017 report, DPD expected to be in a new space by the issuance of this report. DPD needs offices, meeting, and training space for Kent-based staff. NDD currently has no conference space, client meeting or waiting rooms, no room for support, investigative or mitigation staff and attorneys are sharing offices. FMD is currently investigating additional space in a nearby building as a temporary solution. Consolidated space in Kent is a high priority for DPD.

The DPD Seattle space consolidation and the future Children and Family Justice Center (CFJC) completion are changing the Department requirements at the 14<sup>th</sup> and Jefferson building. This building is ideally suited to provide public defense services to clients at the Youth Service Center. Three divisions currently use space in the building. Upon the completion of the CFJC, all four divisions will occupy the 14<sup>th</sup> and Jefferson building, requiring funding to make tenant improvements to the space.

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## How We Serve

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First and foremost, DPD represents clients. We advise and provide each client “an informed understanding of the client's legal rights and obligations and [explain] their practical implications.” Washington Rules of Professional Conduct, Preamble [2]. We advocate by zealously asserting each client’s

### Team-Driven Approach to Public Defense

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DPD attorneys Brian Beatty and Matt Sanders, with investigators Molly Gilbert and Jill Picchena and paralegal Gary Shaleen, demonstrated the extraordinary power inherent in a team-based approach to public defense. LP (a 65-year-old grandmother) went to the Dollar Store in Kent to buy a coloring book for her nephew. While there, a major fire broke out in the store, and she was mistakenly identified as the arsonist.

Though LP had never been arrested before, she spent 25 days in jail before her attorneys were able to secure her release. The investigators pushed beyond the discovery provided by the prosecutor, subpoenaing Kent Police and Fire Department records, leading to the discovery of another suspect, who admitted setting the fire in a 911 call, yet was never placed under investigation. The paralegal waded through reams of discovery to pull together information that went into counsel’s fifty-page motion to dismiss, which the Court granted.

Dismissal of the charges preserved LP’s housing and public benefits and ended her nightmarish ordeal with her record unblemished.

“position under the rules of the adversary system.” RPC, Preamble [2]. We negotiate, seeking results advantageous to each individual client. Our committed professional staff includes legal assistants, paralegals, investigators, mitigation specialists, attorneys, supervisors, and administrative staff who come to work each day to provide clients what they need to successfully end their contact with the justice system. Please take the time to read the side bars in this report which highlight just a few of our clients’ stories.

### **Strategic Planning**

We serve our clients through individual representation and serve the community through our advocacy for systemic reform. In 2017, DPD began the process of creating a strategic plan to help set and prioritize goals, design tactics to achieve the goals, and measure success. *See Appendix J: King County Department of Public Defense Strategic Plan poster.*

As part of strategic planning, DPD recognized the need to devote more resources to systemic litigation and policy work. As a two-year pilot project, DPD created two special duty positions titled Special Litigation Criminal Attorney and Special Litigation Civil Attorney. These two positions will focus on system improvements through collaborating with DPD’s justice partners and supporting DPD attorneys in litigating systemic issues. They will also work with DPD’s Learning and Growth team to identify training needs and assist in the compilation, writing and editing of resources.

On a disappointing note, while employees’ salaries and benefits have significantly improved through the creation of DPD,

assigned counsel have seen no increase in their compensation since 2004. The Department has been using its Public Defense Improvement Grant funding to augment the county’s reimbursement rate. However, even with this supplemental payment from grant funds, the assigned counsel compensation rates remain below neighboring counties.

### **Joining in King County Initiatives**

DPD employees also serve through King County initiatives such as Equity and Social Justice (ESJ). DPD employees formed several workgroups in 2017. The Communication and Education group took action by creating and hosting monthly Thoughtful Third Thursdays, a conversation café about race, bias, and cultural differences. The Financial group is working on implementing a sliding fee scale for “indigent but able to contribute” clients. The Operations group identified client materials and forms for translation into multiple languages. The Facilities group identified a need for convenient gender neutral restrooms for staff and clients and is brainstorming how to provide them. The Workforce and Workplace group volunteered for a pilot project with the King County Office of Equity and Social Justice implementing the “Hiring and Excellent Workforce Toolkit” which is designed to support equitable hiring, onboarding and retention practices. The Department’s Community Partnerships ESJ Goal Team won a grant from the county ESJ Opportunity Fund to produce two short videos to help community members navigate the criminal and family court systems.

In the 2017 Annual King County Employee Giving Campaign, DPD received the “Most

Improved & Most New Connections” award. Liz Angous, DPD’s Employee Giving Ambassador, and employees across the Department sponsored an event with Superior Court, Public Health and Community and Human Services. The DPD divisions also held bake sales, lunches, and craft sales with proceeds contributed to the campaign.

DPD recognizes the value of many King County Initiatives for our clients. However, only a small number of employees are able to participate because these activities are not accounted for in our staffing model.

### **System Improvements**

DPD Finance staff participated in the county-wide Business Intelligence (BI) Analytics development and implementation group.

A group of DPD employees used county-provided Lean training to improve DPD’s expert service process, which has decreased the time between bill submission and payment. In May of 2017, DPD established an independent review process for expert service funding authorizations. This process utilizes two well-regarded private attorneys to serve as expert masters for reviewing expert requests. This ensures that expert funding decisions are made free of conflicts. In 2017, a total of 1,768 expert service requests were approved of the 2,115 submitted. *See Appendix F: Expert Service Data and Statistics.*

A team of DPD employees identified necessary standard software by job role, enabling KCIT to set up replacement computers with all the necessary software.

In addition, when DPD was created, it carried over the financial structure used by the Office of Public Defense, which was a

division of the Department of Community and Human Services (DCHS) and was monitoring contracts. As the Department evolved, it became clear this structure was unable to maximize resources or provide operational efficiency for reporting and billing. In 2017, DPD’s financial team worked with the Business Resource Center and the Finance and Business Operations Division to change its financial structure. DPD can now track expenses and staffing by case area and division. This change improved confidence in financial data and efficiency in reporting to and billing outside agencies.

During the 2017-2018 budgeting process, DPD negotiated the "buy back" of two FTE felony attorneys to retain defense work in-house, with a goal of using the assigned counsel panel only for conflict cases. The Department achieved this goal toward the end of the year with only eight felony cases given to assigned counsel for capacity issues during the months of October through December. *See Appendix E: Assigned Counsel Data and Statistics.*

### **Focus on Best Practices and Continuous Improvement**

Jeanette Brinster moved from NDD’s managing attorney position to the Director’s Office to focus on DPD’s obligation to provide attorney supervision and systematic review for quality and efficiency. She began this work by creating a supervisor’s toolbox in alignment with ABA Principle 10. The toolbox will include guidance on reviewing cases, files and trials to ensure timely coaching and feedback to maintain a high quality experience for our clients. It will also include templates and guidance around Human Resource (HR) issues, accommodations, discipline and safety to assist our workplaces in being equitable and safe for all our employees.

Early in 2018, DPD began a process to improve its development review procedure and forms. The ongoing project includes input from employees in all job classifications and will be ready to roll out in the second quarter of 2018. This work is in line with ABA Principle 10, concerning supervision and systematic review.

DPD's supervisors have participated in trainings covering implicit bias, development reviews, and having difficult conversations. They continue to meet quarterly to discuss how to maintain and improve performance across all divisions.

DPD also increased trainings available to all job classifications and expanded the annual conference to a 2-day event. The second day includes a heavier focus on customer service and administrative skills and more specialized legal training for attorneys, paralegals, investigators and mitigation specialists in accordance with ABA Principles 6 and 9.

### **Information Technology Resources**

Technology is mandatory in the provision of high-quality defense services. On a micro level, each client file contains digital documents, audio, video photographs and other digital content. Courts require pleadings to be filed electronically. On a macro level, DPD needs data to make decisions about structure, systemic advocacy and to monitor quality. DPD has made significant technology progress since 2013, but continues to experience noteworthy challenges.

Integrating DPD's legacy case assignment system HOMER into the Case Management System (CMS) used by our divisions was slated to occur in 2017. During the initial stages, it was discovered that DPD's CMS lacked the ability to integrate. This lack of

## DPD Hosts Administrative Support Professionals Conference

DPD has recognized the overwhelming need to develop trainings for non-attorney staff. Our Learning and Growth team hosted an Administrative Support Professionals Conference. More than 70 attendees, comprised of administrative support staff from each division, gathered to receive training on a variety of topics, including record-keeping practices, DPD's ethical walls, writing effective emails, P-Card purchasing procedures, and continuous improvement/root cause techniques. DPD's Laura Federighi, Serge Kovalchuk and Anita Khandelwal were among the presenters. There will be a second part to this training taking place in the first quarter of 2018. Our Learning and Growth team continues to develop staff trainings that meet the business needs of our department.



integration leaves DPD unable to timely obtain usable data. What data is available takes hours and days to manually tabulate and synthesize. Further, with two systems, data entry is being duplicated. Amongst stakeholders in the justice system, DPD lags behind in its ability to obtain and analyze its own data. DPD is working with the Office of Performance, Strategy and Budget (PSB) and KCIT to obtain necessary funding to bring a new integrated CMS on-line.

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## Who We Are

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On August 18, 2011, the Washington Supreme Court decided a case which turned the nonprofit public defense system in King County upside down. The Court held that employees of Associated Counsel for the Accused (ACA), Northwest Defenders Association (NDA), Society of Counsel Representing Accused Persons (SCRAP), and The Defender Association (TDA) were government employees under RCW 41.40.010(12) and, therefore, entitled to be enrolled in the Public Employees Retirement System (PERS).

While these proud and respected nonprofit agencies were aligned in their missions to provide high quality representation, they were simultaneously market competitors for service contracts with King County and Seattle courts. *See Appendix A: King County Department of Public Defense in the News.*

A settlement was reached. King County paid 34 years of contributions to PERS on behalf of the employees. In order to enroll employees in PERS, they had to work for the county, requiring the creation of King County Department of Public Defense (DPD). On July 1, 2013, the figurative doors

of DPD opened. Overnight, the nonprofit agencies became divisions of DPD and their executive directors were made division heads who reported to a county selected interim director. The King County employees of the Office of Public Defense (OPD) who managed the county contracts with the agencies were told they were now part of a newly-formed department. Speculation was rampant that high quality defense representation and the defense voice for systemic improvements, were hallmarks of days past. Many feared for their jobs and all experienced profound feelings of loss as a result of the many changes they were powerless to stop. Bringing together strong-willed and dedicated professionals, and embedding them with long-time King County employees who formerly oversaw their contracts, has been an enormous leadership challenge, yet DPD has successfully built trust and relationships amongst its 480+ team members.

Developing and implementing a recruiting and hiring plan for attorneys has been vital to DPD's cohesion and growth as an organization. In addition to drawing from local law schools, DPD recruits nationally for summer interns who are interested in public defense. Students selected for the program receive training in trial skills, Washington law, and King County legal practices. Each prepares and presents a defense in a mock trial at the beginning of the program before being assigned to a division supervisor who directs and mentors each in the representation of actual clients. The majority of students have the opportunity to defend a client in a trial during the course of the summer.

Many of the interns, along with students from law schools around the country, apply

to DPD for full time employment at the beginning of their final year in law school. DPD conducted rigorous interviews of 71 law students in 2017, selecting 11 from the 2018 graduating class. The Department plans to hire an additional four lawyers who graduated in 2016 or 2017 and have been filling fellowship or judicial clerkship positions in April of 2018. Following graduation and the bar examination or completion of the fellowship/clerkship, DPD welcomes these lawyers to full time employment as positions become available through attrition.

Consolidation of DPD's Seattle-based staff at one office location, within short walking distance to the King County Courthouse and Seattle Municipal Court, has also been a significant factor in bringing the Department together. As with any department, staff turns over, and since 2013, some DPD employees have left. Their vacancies have been filled with equally qualified and dedicated professionals with emphasis placed on increasing race/ethnic and gender diversity at all levels of the Department. *See Appendix D: Workforce Data and Statistics.*

As the Executive negotiated the Master Labor Agreement, DPD was also involved in small table bargaining, which resulted in salary increases for investigators and additional auto-step progression for attorneys. A supportive and collaborative relationship between leadership and the workforce has been built through Labor Management committees brainstorming trainings and improving the development review processes. The Department is collecting data on the impacts of BWC videos on the workload of attorneys and staff. Further, in Labor Management Committee discussions, DPD's unions have

raised the issue that the Washington State Bar Association (WSBA) Standards for Indigent Defense do not exempt calendar attorneys from support staff ratios. The current staffing model used by DPD and PSB does not include calendar attorneys.

DPD has come a long way as an organization, starting with four competing agencies to a single cohesive team with four divisions and a Director's Office. Our workforce is embracing being part of the County and are proud to work at DPD, as evident in our Employee Engagement scores.

### DPD Staff Honored at WDA

Investigator Verna Hochstrasser and attorney Katie Hurley received awards at the 2017 Washington Defender Association (WDA) annual conference.

Verna received the President's Award, given each year to an outstanding individual who has dedicated their career to public defense. Verna started her career at The Defender Association as a receptionist, legal assistant, and paralegal, before beginning her career in her current role as an investigator. Throughout her career, she has achieved remarkable results for DPD's clients.

Katie received a certificate of recognition for her outstanding advocacy on behalf of DPD's clients as well as juvenile policy work, which has benefited juveniles throughout King County and Washington.

With regard to the survey, Department staff scored high in their work unit; treating clients with respect; commitment to DPD goals; skills and ability to apply equity and social justice to their work; and their willingness to put in extra effort. Increasing scores regarding the visibility and accessibility of division leadership indicate the value of the Department's continued focus in 2017 on training for supervisors. The training included tools and skill building to assist supervisors in providing consistent, meaningful and substantive

development reviews, guidance, and support to those whom they supervise.

In 2018, the Department will continue the practices we believe improved some employee engagement scores. We will increase focus on Department leadership engagement and communication, two areas where scores decreased in the survey. The Public Defender is committed to visiting employees at their worksites regularly – a request that employees across the Department have made. Increased communication tools and opportunities are also being deployed.

## 2017 DPD Accomplishments

- Sponsored the screening and discussion of the film "13th: From Slave to Criminal with One Amendment"
- Worked with other partners in the juvenile system, so that fewer youth will be booked into detention on warrants for failing to appear
- Launched a pilot project that diverts youth arrested for shoplifting at the Westfield Mall in Tukwila into programs that provide mentoring and other services
- Representation of youth during police interrogations, reversing the county's practice of allowing officers to enter the detention facility at the Youth Services Center and interrogate a youth without an attorney present
- Inclusion of ESJ performance elements in all of DPD's job classifications' developmental reviews
- On-going ESJ Training: La Mer Kyle-Griffiths, Deputy Director of Workforce, Learning, and Growth, has brought ESJ issues to the staff, with training sessions on multiple facets of implicit bias
- Established language lines that give staff on-demand interpretation services
- Translation of "Know Your Rights" brochure in both English and Spanish
- Translated significant portions of the Department's website into Spanish
- Provided the Community Action Poverty Simulation (CAPS) training to DPD staff, interns and partners in the justice system and King County
- Conducted a one-day civics course on the criminal justice system for high school seniors in the Kent School District

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## DPD and the ABA's 10 Principles for Quality Public Defense

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The Implementing Ordinance that created the King County Department of Public Defense calls for the Public Defender to ensure that the American Bar Association's 10 Principles of a Public Defense Delivery System guide the management and work of the Department and to report on the results of her efforts in that regard on April 1 of each year.

The preceding pages describe the Department's status, challenges, successes, and milestones of the last year, and to a large degree, they help to exemplify the ABA's principles. The Department of Public Defense is now in its fifth year.

Here is a brief summary of DPD's status as it relates to the 10 principles, with references to other sections of this report.

### **1. The public defense function, including the selection, funding, and payment of defense counsel, is independent.**

As described in the side story on page 2, DPD acted independently to advocate for criminal justice reform in 2017. From *Youngcourt vs. SMC*, page 9, where DPD filed a representative writ to obtain systemic relief, to collaborating with criminal justice partners to implement a simplified *Miranda* warning for juveniles, DPD's independent voice is challenging inequities in the justice system. We promote alternatives that

support individual and community well-being.

### **2. Where the caseload is sufficiently high, the public defense delivery system consists of both a defender office and the active participation of the private bar.**

See pages 12 and 13 for a discussion on DPD's use of assigned counsel. DPD actively engages the private defense bar, when needed due to conflicts, while also striving to keep as many cases within the Department as possible. DPD is also working to ensure the quality of its assigned counsel work is high. The Department continues to advocate for an increase in Assigned Counsel compensation. Assigned Counsel is included in trainings and other programs, as appropriate.

### **3. Clients are screened for eligibility and defense counsel is assigned and notified of appointment, as soon as feasible after clients' arrest, detention, or request for counsel.**

See the side story on page 10 for a discussion of screening. DPD continues to provide both telephone-based and in-person screening. Attorneys are also required to see clients within 24 hours of receiving a case assignment.

### **4. Defense counsel is provided sufficient time and a confidential space within which to meet the client.**

See pages 8-11 for a discussion of DPD's facility issues. As of the writing of this report, four of the five divisions have moved to a consolidated office space in Seattle; the fifth will move in 2018. The Department continues to experience challenges in both Kent and for those who work in the ITA Court system.

**5. Defense counsel’s workload is controlled to permit the rendering of quality representation.**

As discussed on pages 3, 4, 5 and 16, DPD works to ensure its attorneys fall at or below the State Supreme Court-mandated caseload standards. The 2017–2018 budget approved two additional FTEs to decrease sending non-conflict work to Assigned Counsel due to capacity issues. Data shows the Department achieved its goal to improve retention of non-conflict cases. The Department is collecting data about the workload impacts of BWC videos and reviewing the WSBA requirement for support staff for calendar attorneys. See page 16.

**6. Defense counsel’s ability, training, and experience match the complexity of the case.**

A robust training program is a key part of DPD, with training provided at all levels of the organization. Additional supervisor training was developed and provided in 2017. The annual conference and training was also expanded to two days allowing for additional training. See pages 1, 6, 10, 12, 13, 14, and 16.

**7. The same attorney continuously represents the client until the completion of the case.**

Vertical representation is largely observed by DPD except that initial appearances, e.g., arraignment calendars in adult criminal courts, are typically handled by a “calendar lawyer” who does not represent clients after that stage of the case. This has been the practice in King County for decades. DPD, as part of its continuous improvement, is investigating assignment for true vertical representation within the current practices of the courts and the Prosecutor’s Office.

**8. There is parity between defense counsel and the prosecution with respect to resources and defense counsel is included as an equal partner in the justice system.**

Small table bargaining was completed for the Department’s two collective bargaining groups. Salary scales for attorneys and most support staff are on par. See page 16.

**9. Defense counsel is provided with and required to attend continuing legal education.**

Again, see pages 1, 6, 12, 13, 14, and 16 for a description of DPD’s training program. DPD provides enough internal trainings to meet the Washington Bar Association CLE requirement.

**10. Defense counsel is supervised and systematically reviewed for quality and efficiency according to nationally and locally adopted standards.**

The Department continues to improve its development review process. Supervisors have received training in how to provide meaningful and substantive review, guidance, and support to those whom they supervise. DPD continues to provide quarterly training to its supervisors.

DPD’s collective bargaining agreements mandate a 10 (attorney) to 1 (supervisor) ratio. DPD is in compliance with the contract. See pages 13, and 14.

Appendix A:  
King County  
Department of Public  
Defense in the News

*King County Department of Public Defense Establishment and History*

**Council Could Restore Funding for Controversial Public Defender**

By Erica C. Barnett 6/15/2011 at 12:00pm;

<https://www.seattletimes.com/articles/2011/6/15/controversial-defender-association-out-as-public-defense-provider>

**City Plans to Re-Hire Public Defense Firm, May Take Over Indigent Legal Services**

By Erica C. Barnett 12/6/2011 at 12:00pm;

<https://www.seattletimes.com/articles/2011/12/6/city-plans-to-re-hire-public-defense-firm-may-take-over-indigent-legal-services>

**On the Defensive: Audit Blasts City's Public-Defender Program**

By Erica C. Barnett 8/16/2007;

<https://www.thestranger.com/seattle/on-the-defensive/Content?oid=291166>

**Seattle Taxpayers Sue Themselves and Lose the Equivalent of a Cop's Salary in the Process**

By Eli Sanders 8/10/2011;

<https://www.thestranger.com/seattle/seattle-taxpayers-sue-themselves/Content?oid=9436644>

*King County Department of Public Defense in the News, 2017*

**‘It’s OK if you don’t want to talk to me’: King County deputies will use simpler Miranda warning for young people**

By Christine Clarridge 9/27/17;

<https://www.seattletimes.com/seattle-news/crime/its-ok-if-you-dont-want-to-talk-to-me-king-county-deputies-will-use-simpler-miranda-warning-for-young-people/>

**King County Council Bans Solitary Confinement for Juveniles**

By Sydney Brownstone 12/11/17;

<https://www.thestranger.com/slog/2017/12/11/25622734/king-county-council-bans-solitary-confinement-for-juveniles>

**Teenagers Charged as Adults and Placed in Solitary Confinement Sue King County in Federal Court**

By Sydney Brownstone 10/24/17;

<https://www.thestranger.com/slog/2017/10/24/25490897/teenagers-charged-as-adults-and-placed-in-solitary-confinement-sue-king-county-in-federal-court>

**Increased Caseloads Plague King County’s Mental Health Court: The Involuntary Treatment Act Court has seen its cases double in the last decade and the staff can’t keep up.**

By Katey Rusch 11/22/17;

<http://www.seattleweekly.com/news/increased-caseloads-plague-a-court-designed-to-help-the-mentally-ill/>

**City Attorney's Crackdown on Johns Has Dire Consequences for Immigrants, Defense Attorneys Say: City attorney Pete Holmes hired a hotshot law firm to defend his hardline approach to prosecuting sex buyers.**

By Sydney Brownstone and Steven Hsieh 9/26/17;

<https://www.thestranger.com/news/2017/09/26/25434273/city-attorneys-crackdown-on-johns-has-dire-consequences-for-immigrants-defense-attorneys-say>

**Civilians will oversee Seattle police conduct, but there's debate over details**

By Paige Browning 5/18/17;

<http://kuow.org/post/civilians-will-oversee-seattle-police-conduct-theres-debate-over-details>

**City Council votes to expand SPD body cams: The program will spread department-wide after pilot period**

By Lynsi Burton 2/27/17;

<https://www.seattlepi.com/local/crime/article/City-Council-votes-to-expand-SPD-body-cams-10963829.php>

**Should Police Be Able to Interrogate Detained Juveniles Without an Attorney Present? On Monday, King County Will Decide**

By Steven Hsieh 4/24/17;

<https://www.thestranger.com/slog/2017/04/21/25099845/should-police-be-able-to-interrogate-detained-juveniles-without-an-attorney-present-on-monday-king-county-will-decide>

**City Launches Legal Aid Program to Prevent Evictions**

By Ana Sofia Knauf 7/26/17;

<https://www.thestranger.com/slog/2017/07/26/25308412/city-launches-legal-aid-program-to-prevent-evictions>

**Seattle Municipal Court To Host Worry Free Warrant Event Today**

By Seattle Medium 11/30/17;

<http://seattlemedium.com/seattle-municipal-court-host-worry-free-warrant-event-today/>

**Seattle could outlaw some police interrogation tricks**

By David Kroman 5/3/17

<https://crosscut.com/2017/05/seattle-police-interrogation-techniques>

**Adrien Leavitt's Photography Basks in the Beauty of Queer Bodies**

By Emily Pothast 6/21/17

<https://www.thestranger.com/visual-art/2017/06/21/25227061/adrien-leavitts-photography-basks-in-the-beauty-of-queer-bodies>

**Law Review Article Calls CASA an 'Exercise of White Supremacy'**

By the Chronicle of Social Change 3/10/17

<http://www.socialjusticesolutions.org/2017/03/10/law-review-article-calls-casa-exercise-white-supremacy/>

# Appendix B: Training Programs and Statistics

Training Date	Hours	Training Title	Type of Attendees Invited	Training Type	In-house	Number of Attendees
1/25/2017	4.00	Administrative Conference	Administrative Professionals	Administrative	Yes	75
2/13/2017	29.00	Litigation Talent Academy	Attorneys	Trial Skills	Yes	26
3/3/2017	4.00	Administrative Conference	Administrative	Administrative	Yes	75
3/6/2017	1.00	Juvenile Records Sealing	Attorneys	Specialized Legal	Yes	9
3/6/2017	7.00	Leadership Symposium	Supervisors	Supervision Skills	Yes	40
3/15/2017	1.00	Discovery Training	Attorneys	Specialized Legal	Yes	38
3/20/2017	2.00	Relief from the Duty to Register - Juvenile	Attorneys	Specialized Legal	Yes	12
3/23/2017	3.00	Poverty Simulation	All Job Types	Equity & Social Justice	Yes	40+
3/31/2017	1.50	Taking a Case to Trial	Attorneys	Trial Skills	Yes	31
3/31/2017	1.00	Voir Dire CLE: Jury Selection	Attorneys	Trial Skills	Yes	19
4/13/2017	1.00	Alcohol DUI Investigation	Attorneys Paralegals Investigators	Specialized Legal	Yes	37
4/20/2017	12.00	Voir Dire College	Attorneys	Trial Skills	Yes	29
4/27/2017	1.50	Misdemeanor All Staff Retreat	All Job Types	Specialized Legal	Yes	27
4/28/2017	13.50	Communications & Negotiation Training	Attorneys	Legal	Yes	10
5/8/2017	1.50	Juvenile Defenders and Immigration: Focus on Special Immigrant Juvenile Status (SIJS)	Attorneys	Specialized Legal	Yes	12
5/17/2017	1.00	Discovery Training	All Job Types	Specialized Legal	Yes	14
5/30/2017-6/9/2017	60.00	Summer Interns Training	Interns	General Legal	Yes	All Summer Interns
6/2/2017	3.00	Poverty Simulation	All Job Types	Equity & Social Justice	Yes	43

Training Date	Hours	Training Title	Type of Attendees Invited	Training Type	In-house	Number of Attendees
6/13/2017-6/16/2017	3.00 per Trial	Intern Mock Trials (10)	Interns	General Legal	Yes	All Summer Interns
6/22/2017	1.50	DNA Part I Workshop	Attorneys/ Interns	Specialized Legal	Yes	34
7/13/2017 & 7/14/2017	76.75	Cultivating Harmony / Department Conference	All Job Types	General Legal	Yes	All DPD
8/3/2017-8/4/2017	12.00	Writing Conference	Attorneys Paralegals	Specialized Legal	Yes	10
8/16-18/2017	8.00-12.00	Legal Files Primer	All Job Types	Administrative	Yes	19
8/17/2017	1.50	Federal Impact (Kent)	Attorneys	Specialized Legal	Yes	12
8/21/2017	1.50	Federal Impact	Attorneys	Specialized Legal	Yes	32
8/30/2017	7.00	Leadership Symposium	Supervisors	Supervision Skills	Yes	40
9/6/2017	3.00	Poverty Simulation	All Job Types	Equity & Social Justice	Yes	40+
9/18/2017-9/19/2017	11.25	Sex Offense Strategy: Litigating & Defending With Zeal	All Job Types	Specialized Legal	Yes	37
10/19/2017	1.00	Thoughtful Third Thursday	All Job Types	Equity & Social Justice	Yes	15
11/3/17 - 11/9/17	31.50	Litigation Talent Academy	Attorneys	Trial Skills	Yes	33
11/16/2017	1.00	Thoughtful Third Thursday	All Job Types	Equity & Social Justice	Yes	12
11/29/2017	7.00	DUI Defense Program	Attorneys	Specialized Legal	Yes	28
11/30/2017	1.50	DNA Part II Workshop	Attorneys	Specialized Legal	Yes	6
12/6/2017	1.75	Leadership Symposium	Supervisors	Supervision Skills	Yes	38
12/12/2017-12/14/2017	18.50	Powerful Jury Selection	Attorneys	Trial Skills	Yes	20
12/15/2017	3.00	Poverty Simulation	All Job Types	Equity & Social Justice	Yes	30+

# Appendix C:

## Leadership Team

### Members Biographical

### Information

*Appendix C includes biographical sketches for the members of the King County Department of Public Defense Leadership Team. Lorinda Youngcourt, Director, is presented first. The remaining members of the Leadership Team are presented in alphabetical order by last name.*



### **Lorinda Youngcourt**

Lorinda Youngcourt began working as King County’s Public Defender on Jan. 20, 2015, and was confirmed to a four-year term by the King County Council on March 2. She heads the Department of Public Defense, which provides legal services to people who cannot afford an attorney but are accused of a crime or face other legal issues.

Lorinda has worked as a criminal defense attorney for more than 25 years. She has extensive experience representing clients facing the death penalty in both state and federal courts. Lorinda has been heavily involved at the national level of public defense, serving on the steering committee for the National Association for Public Defense and being active in the National Association of Criminal Defense Lawyers. She came to King County from Lawrence County, Indiana, where she was appointed to create and lead the first office of indigent services, replacing an antiquated system of underpaid private attorneys hired and fired by local judges.

She chaired the Indiana Public Defender Council, a statutory agency that provides support services to the 1,300 public defenders in Indiana and plays a statewide leadership role on issues of criminal justice. She has also taught at the Indiana University School of Criminal Justice, the Indiana Trial Practice Institute and the National Criminal Defense College at the Mercer School of Law. She received her law degree from Indiana University School of Law in 1988.

Lorinda brings to King County a deep commitment to quality public defense, a passion for the importance of a trained and talented defense bar and a strong voice for the rights of individuals who are often marginalized in our communities. She serves on the board of directors for the Washington Defender Association.



### **Jeanette Brinster**

As Quality and Resource Counsel, Jeanette Brinster currently develops tools, methods, and provides guidance for improving and standardizing supervision across the divisions. She gathers performance data for supervisors and managing attorneys. She also works on special projects with the training director, including improving and updating manuals and other resources. Jeanette formerly served as Managing Attorney for

NDD, where she had worked since 1993. Jeanette received her law degree from Golden Gate University Law School.



**Gwen Clemens**

As Director of Administrative Services and Operations, Gwen Clemens works with other departments in King County to ensure DPD employees have the office space, technology hardware and software, and technical support they need to provide strong public defense. Communications, contracts with the State and cities, data, and finance functions are overseen by Gwen. She also represents the department at various county operational meetings. She holds a master's degree in public administration from the University of Washington's Evans School of Public Policy.



**Laura Federighi**

Laura Federighi is the Chief Financial Officer of the department. Laura prepares the department budget and monitors the department's compliance with finance rules and regulations. She oversees all budget and finance functions of the department. She has extensive experience in administration, finance and business operations management. Before coming to DPD, she worked in the Department of Public Health and the Department of Transportation in various finance and administration positions. She serves on several countywide project committees, including the Business Intelligence Analytics project, the Budget Advisory Team, the Enterprise Resource Planning Evaluation Team and the Best Run Government Deployment Review Team. Before coming to King County, she worked at the University of Washington where she was instrumental in establishing the recycling and waste management programs and a supported employment program for people with disabilities.



**Anita Khandelwal**

Anita Khandelwal is Deputy Director of Law and Policy. She works with other members of the leadership team to develop both internal and external policies and plays a lead role in setting and overseeing the Department's agenda for criminal justice reform and systemic advocacy and change. She also coordinates DPD's amicus briefs, reviews claims against the Department, handles requests submitted to the Department under the Public Records Act and provides legal ethics oversight. Anita holds a law degree from Yale University and is a board member for the Public Defender Association in Seattle.



### **La Mer Kyle-Griffiths**

La Mer Kyle-Griffiths has been recently named the Deputy Director of Workforce, Learning and Growth for the King County Department of Public Defense in Seattle, Washington. She is responsible for designing, organizing, and facilitating in-house trainings. La Mer previously practiced criminal defense for over 17 years as part of the Kentucky Department of Public Advocacy and in the Roxbury office of the Committee for Public Counsel Services centered in Boston, MA. She has practiced juvenile defense, adult defense, and tried a death penalty case, as well as arguing two cases before the Kentucky Supreme court. While in Boston, she was with the Youth Advocacy Division, who actively practices holistic juvenile representation based on the Positive Youth Development model.

Over the past 15 years, La Mer has taught law students, attorneys, investigators, mitigation specialists, and administrative staff in the areas of trial skills, race and implicit bias, sentencing, juvenile practice, mitigation, client rapport, and DNA, among others. She is currently an adjunct professor at Seattle University Law School and currently coaches annually at Harvard Law School's Trial Advocacy Workshop. She is a graduate of the University of Dayton - School of Law with a Sociology degree from the University of Kentucky.



### **Rick Lichtenstadter**

Rick Lichtenstadter is the managing attorney at The Defender Association Division, where he supervises staff, provides case strategy review, oversees office management, monitors caseloads and handles the other myriad duties that come with running a large office of attorneys, paralegals, investigators and administrative professionals. Rick has been a public defender since he got his JD at the University of Oregon Law School. Before he became a lawyer, he worked as a supervised release counselor for King County Court Services.



### **Mary Louis**

Mary Louis is the department's Human Resources Manager. She began her professional career as a staff attorney with The Defender Association. During her eight years there, she represented clients in the Misdemeanor, Family Defense, and Involuntary Treatment Courts. This was followed by other career adventures in Real Estate, Labor Negotiation, and Union Representation, which ultimately led her back to the Department of Public Defense. Within the department, Mary's team has worked on streamlining the recruitment process and is addressing standardization of classifications. Mary has also recently participated in the county's Conflict Engagement Stakeholder Group and the Anti-Harassment Policy work group.



### **Burns Petersen**

As DPD's first Director of Assigned Counsel, Burns Petersen is responsible for recruiting and selecting DPD's assigned counsel panels, outside attorneys who represent clients for the Department when DPD cannot do so due to prior representation of involved parties (called "conflicts" in the world of law firms). He also updates policies and practices governing assigned counsel, coordinates case reassignments when attorneys leave the panels and reviews and responds to expert service requests. Burns, a graduate of University of Puget Sound Law School (now Seattle University), is active in the King County Bar Association.



### **David Roberson**

David Roberson has served as managing attorney of the Society of Counsel Representing Accused Persons Division since June 2017. He worked as a staff attorney with The Defender Association from September 1989 until December 1995, after which he practiced at Roberson & Walsh (formerly Smith Roberson & Walsh), a law firm specializing in criminal defense. From May 2002 through April 2005, he served on the Board of Directors for Northwest Defenders Association. He returned to practice as a public defender serving as Deputy Director at Northwest Defenders Association from April 2005 until November 2010. He joined the Society of Counsel Representing Accused Persons in December 2010, eventually serving as its Deputy Director in 2014. Dave graduated from the University of Southern California in 1986 with a BA in Political Science, and received his Juris Doctor from Georgetown University Law Center in 1989.



### **Daryl Rodrigues**

Daryl is managing attorney for the Northwest Defenders Division. He holds a B.A. and M.A. in Psychology from Seattle University, a J.D. from Gonzaga University School of Law and an M.B.A. in strategic management from Whitworth University. Daryl previously worked as a County Designated Mental Health Professional performing civil commitment investigations, implementing critical incident stress debriefing programs, taught psychological evaluation and assessment, and managed emergency crisis services. As an attorney, Daryl has served as a law clerk, a solo practitioner, managing partner, a Tribal Defender and as a Chief Defender before coming to DPD. Daryl is a former president of the Washington Defender Association (2017-18), and the 2018-2019 Chair of the WSBA Council on Public Defense.



### **Joshua Saunders**

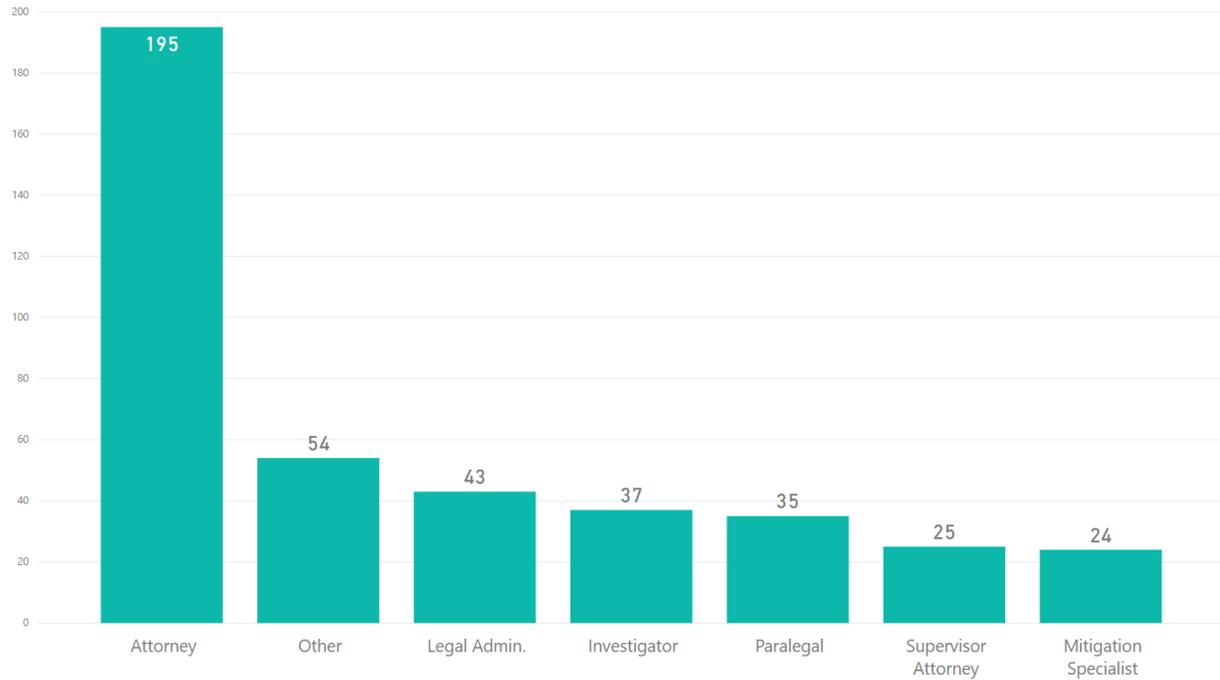
Joshua Saunders is the managing attorney at the Associated Counsel for the Accused Division, supervising approximately 100 attorneys, investigators, paralegals, mitigation specialists and administrative professionals working to provide quality public defense to indigent clients. He has been a public defender since obtaining his law degree from New York University School of Law and most recently worked at Brooklyn Defender Services, where he co-founded the Brooklyn Community Bail Fund, an innovative nonprofit that prevents unnecessary pretrial detention by paying bail for low-income defendants. He continues to serve on the organization's board of directors.

# Appendix D:

# Workforce Data and

# Statistics

**Figure 1. Total Number of Staff by Primary Job Position**



**Figure 2. Sex, Age, and Race/Ethnicity of Staff**

<b>Sex</b>		
<b>Category</b>	<b>Employees</b>	<b>Percent</b>
Female	256	62.0
Male	157	38.0

<b>Race/Ethnicity</b>		
<b>Category</b>	<b>Employees</b>	<b>Percent</b>
African-American/Black	38	9.2
American Indian/Alaska Native	2	0.5
Asian	29	7.0
Latino/a	25	6.1
Native Hawaiian or Other Pacific Islander	1	0.2
White	269	65.1
Two or More Races	34	8.2
Unreported	15	3.6

<b>Age</b>	
Average Age	44.2

**Figure 3. Sex, Age, and Race/Ethnicity of Staff, 2017 Hires**

<b>Sex</b>		
<b>Category</b>	<b>Employees</b>	<b>Percent</b>
Female	28	56.0
Male	22	44.0

<b>Race/Ethnicity</b>		
<b>Category</b>	<b>Employees</b>	<b>Percent</b>
African-American/Black	4	8.0
American Indian/Alaska Native	0	0.0
Asian	4	8.0
Latino/a	5	10.0
Native Hawaiian or Other Pacific Islander	0	0.0
White	30	60.0
Two or More Races	5	10.0
Unreported	2	4.0

<b>Age</b>	
Average Age	33.7

**Figure 4. Sex, Age, and Race/Ethnicity of Staff, 2017 Departures**

<b>Sex</b>		
<b>Category</b>	<b>Employees</b>	<b>Percent</b>
Female	28	60.9
Male	18	39.1

<b>Race/Ethnicity</b>		
<b>Category</b>	<b>Employees</b>	<b>Percent</b>
African-American/Black	8	17.4
American Indian/Alaska Native	0	0.0
Asian	4	8.7
Latino/a	4	8.7
Native Hawaiian or Other Pacific Islander	1	2.2
White	24	52.2
Two or More Races	5	10.9
Unreported	0	0.0

<b>Age</b>	
Average Age	40.5

**Figure 5. Sex, Age, and Race/Ethnicity of Public Defense Attorney I Position**

<b>Sex</b>		
<b>Category</b>	<b>Employees</b>	<b>Percent</b>
Female	105	53.8
Male	90	46.2

<b>Race/Ethnicity</b>		
<b>Category</b>	<b>Employees</b>	<b>Percent</b>
African-American/Black	10	5.1
American Indian/Alaska Native	0	0.0
Asian	12	6.2
Latino/a	5	2.6
Native Hawaiian or Other Pacific Islander	0	0.0
White	143	73.3
Two or More Races	15	7.7
Unreported	10	5.1

<b>Age</b>	
Average Age	42.3

**Figure 6. Sex, Age, and Race/Ethnicity of 3<sup>rd</sup> Year Attorney Hiring Class**

<b>Sex</b>		
<b>Category</b>	<b>Employees</b>	<b>Percent</b>
Female	6	40.0
Male	9	60.0

<b>Race/Ethnicity</b>		
<b>Category</b>	<b>Employees</b>	<b>Percent</b>
African-American/Black	0	0.0
American Indian/Alaska Native	0	0.0
Asian	2	13.3
Latino/a	1	6.7
Native Hawaiian or Other Pacific Islander	0	0.0
White	8	53.3
Two or More Races	1	6.7
Unreported	3	20.0

<b>Age</b>	
Average Age	29.7

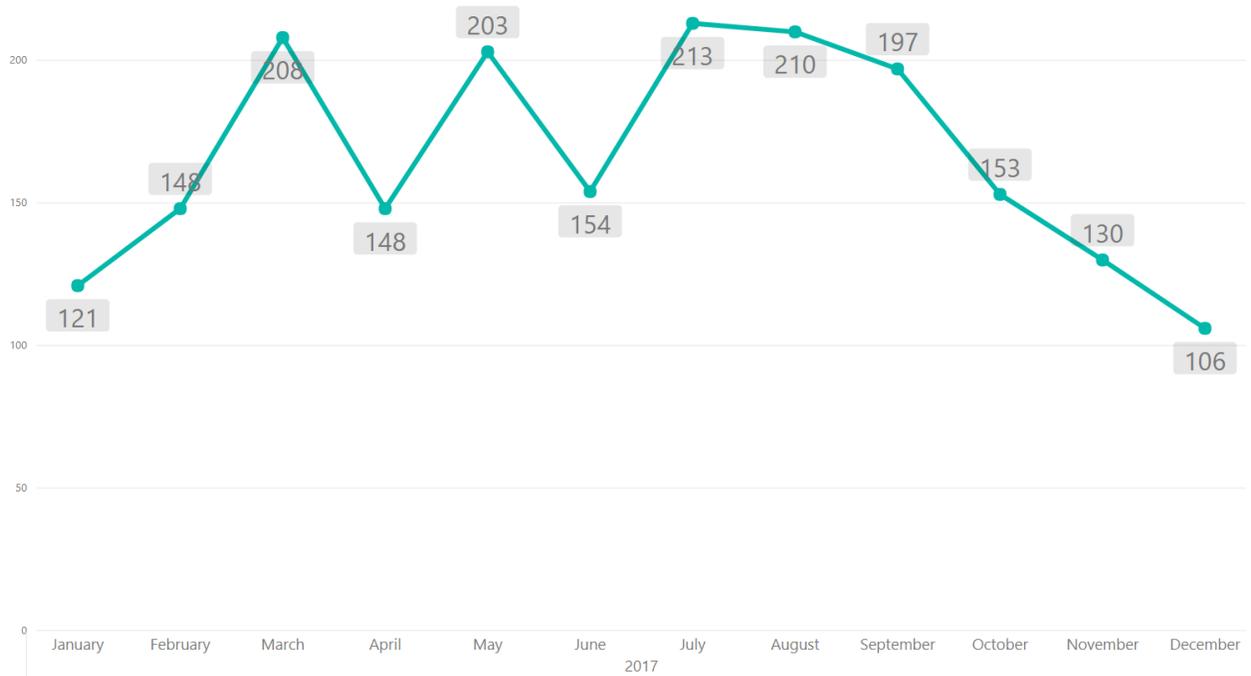
**Figure 7. Law Schools of 3<sup>rd</sup> Year Attorney Hiring Class**

<b>Law School</b>	<b>Number of 3<sup>rd</sup> Year Hires</b>
Columbia University School of Law	1
New York University School of Law	1
Seattle University School of Law	3
U.C. Berkeley School of Law	3
University of Texas School of Law	1
University of Washington School of Law	6

# Appendix E:

# Assigned Counsel Data and Statistics

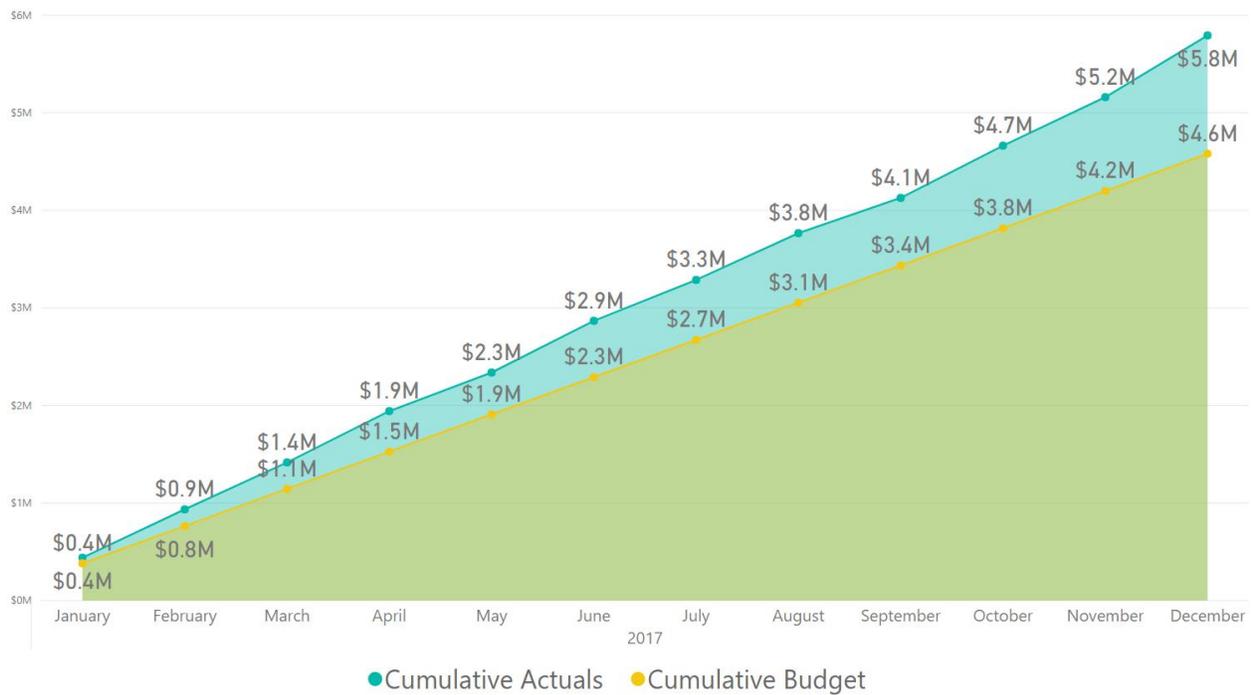
**Figure 1. Total Assigned Counsel Assignments, by Month**



**Figure 2. Capacity and Conflict Assigned Counsel Credits, Felonies, by Month**



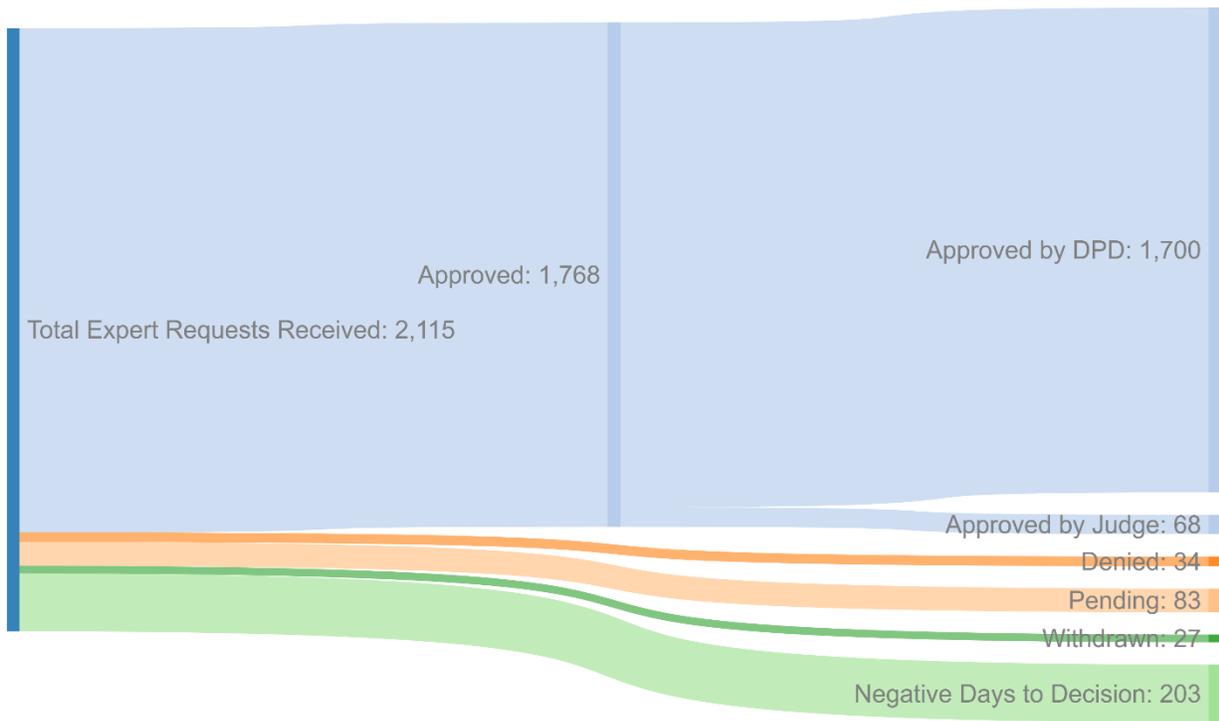
**Figure 3. Total Assigned Counsel Payments Compared to Normalized Budget Estimate, by Month**



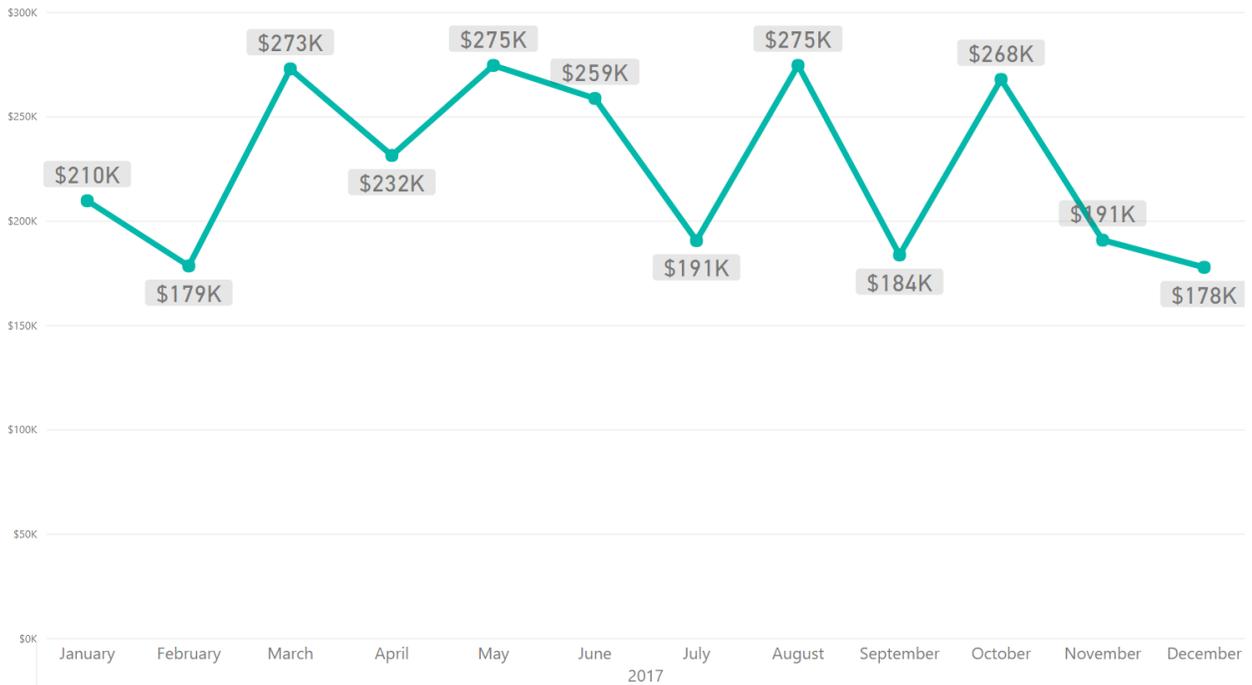
# Appendix F:

# Expert Services Data and Statistics

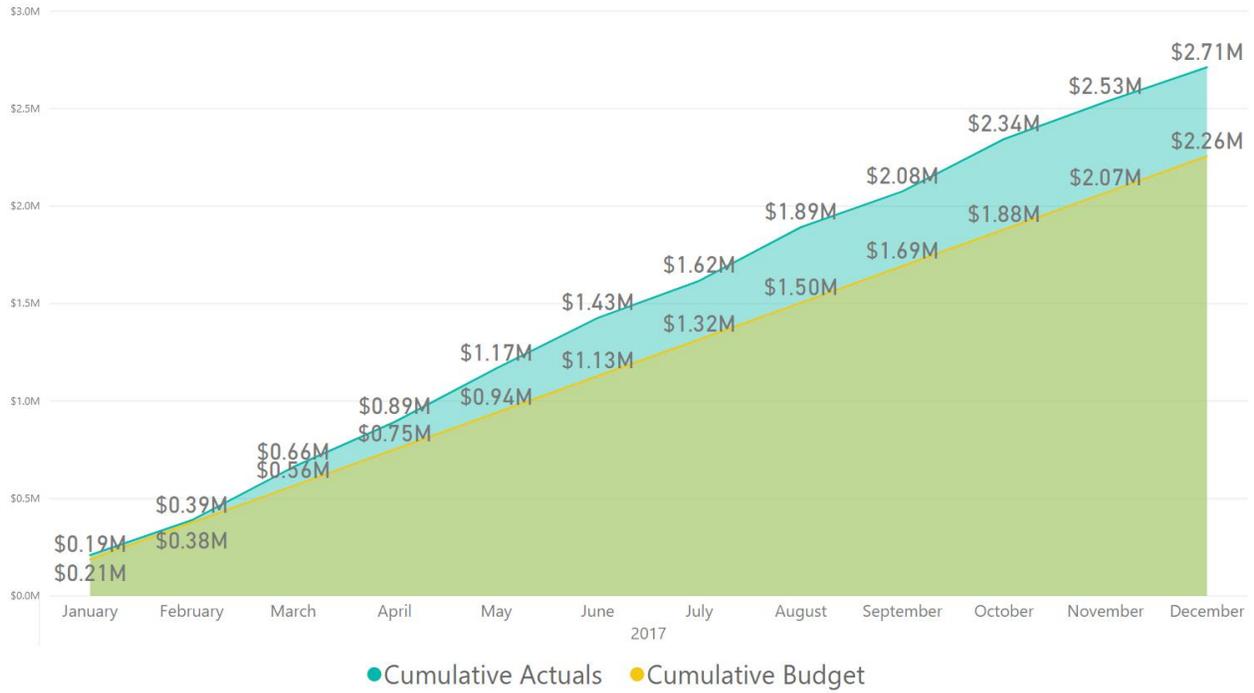
**Figure 1. Expert Service Requests and Approvals**



**Figure 2. Total Expert Services Payments, by Month**



**Figure 3. Total Expert Service Payments Compared to Normalized Budget Estimate, by Month**



# Appendix G: Public Defense Advisory Board Biographical Information

**ATTACHMENT C**

**PUBLIC DEFENSE ADVISORY BOARD**

DATE: November 2017  
 TOTAL NUMBER OF MEMBERS: 11  
 LENGTH OF TERM: 3 year term

\* *King County seeks to create an inclusive and accessible process for individuals who wish to serve on a King County board or commission. We strive to ensure that King County boards and commissions are representative of the communities we serve.*

**BOARD MEMBERS APPOINTED**

Pos.	Name	KC Dist	Background and/or Representing	Date First Appointed	Term Expires	Number of Appointed Terms
1	Thomas Hillier	0	Washington Association of Criminal Defense Lawyers	6/10/14	6/30/18	2 Full
2	Sophia Byrd McSherry	0	Washington State Office of Public Defense	6/10/14	6/30/18	2 Full
3	John Strait	2	Washington Defender Association	6/10/14	6/30/18	2 Full
4	Sharon Armstrong	4	King County Bar Association	6/10/14	6/30/18	2 Full
5	Jeffery Robinson	2	Minority bar association	6/10/14	6/30/19	2 Full
6	Paul Holland	2	Mental health organization	6/10/14	6/30/19	2 Full
7	Safia Ahmed	5	Substance abuse	9/9/16	6/30/19	1 Full
8	Adam Chromy	2	Military Veterans	11/10/17	6/30/19	1 Partial
9	Marc Boman	6	Poverty	6/10/14	6/30/20	2 Full
10	Kimberly Ambrose	4	Juvenile Justice	6/10/14	6/30/20	2 Full
11	Matt Adams	2	Immigration	6/10/14	6/30/20	2 Full

**APPOINTED, NOT YET CONFIRMED**

Pos.	Name	Council District	Background and/or Representing	Date First Appointed	Term Expires	Number of Appointed Terms
8	Adam Chromy	2	Military Veterans	11/10/17	6/30/19	1 Partial

Form revised: 05/24/2013

### **Matt Adams**

Matt Adams is legal director at Northwest Immigrant Rights Project, one of the nation's largest immigration legal services organizations. Mr. Adams received the Jack Wasserman Memorial Award in 2008 from the American Immigration Lawyers Association, in recognition of his "excellence in litigation in the field of immigration law." He represents an organization active in immigration issues.

### **Safia Ahmed**

Safia Ahmed brings a perspective few on the 11-member board possess. Not long ago, she faced a potential sentence of 30 years in a federal prison for financial crimes in California. Safia, an immigrant from Somalia, dramatically turned her life around. Because of her full compliance with all the conditions of her pretrial release, including successful sobriety and restitution of \$130,000, her felony conviction was reduced last March to a misdemeanor identity theft charge and one year of probation. Safia has become a leading voice on issues of recovery and the difficulties facing troubled youth and women who have alcohol or drug addictions. She recently completed an internship in the King County Executive's Office, where she worked on the development and implementation of peacemaking circles, a process that attempts restorative justice instead of punishment for youth charged with a crime.

### **Kimberly Ambrose**

Kim Ambrose is a senior lecturer at the University of Washington School of Law and director of Tools for Change: Race and Justice Clinic, a UW clinic she founded that focuses on racial disparities in the juvenile justice system. As a former public defender, Ms. Ambrose represented indigent adults and juveniles in both child welfare and criminal proceedings. She represents juvenile justice interests.

### **Hon. Sharon Armstrong**

Hon. Sharon Armstrong is a retired King County Superior Court judge who twice served as chief criminal judge and co-chaired an advisory committee on public defender compensation models. She recently joined JAMS, the largest private provider of mediation and arbitration services worldwide. She represents the King County Bar Association.

### **Marc Boman**

Marc Boman helped lead the reform of public defense in this state as co-chair with former Justice Robert Utter of the Washington State Bar Association's Blue Ribbon Panel on Criminal Defense. Mr. Boman is a partner at Perkins Coie and the former chair (and current member) of the WSBA's Council on Public Defense. In 2009, he received the president's award from the Washington Defender Association for his commitment to improving public defense. He represents an organization concerned about poverty issues.

### **Adam Chromy**

Adam Chromy is a staff attorney with the Northwest Justice Project. Adam has been in legal services for more than 5 years and has been working with NJP's Veterans' project since 2013, performing casework while enacting significant outreach to both veteran clients and their service providers. In 2015, Adam joined a pilot program at the Maleng Regional Justice Center to provide an ongoing monthly civil legal clinic for incarcerated veterans. Adam's legal work with veterans has given him a wide understanding of the issues facing King County's veteran population, and his outreach efforts have given him a strong connection with individual veterans, allowing for a deeper knowledge of methods to unlock potential within these veterans to be an asset to their communities. He represents a nonpartisan organization active in King County that focuses on issues concerning military veterans.

### **Tom Hillier**

Tom Hillier, who recently retired as the Federal Public Defender for the Western District of Washington, has been hailed for his work with indigent defendants and advocacy for federal sentencing reform. He worked as a federal public defender in Seattle for 38 years, 28 of them as chief, building an office described by The Seattle Times as "a model for indigent defense nationwide." He represents the Washington Association of Criminal Defense Lawyers.

### **Paul Holland**

Paul Holland is associate dean for academic affairs at the Seattle University School of Law. Before becoming dean in 2009, he directed the nationally recognized Ronald A. Peterson Law Clinic, through which law students work on real cases to serve poor and marginalized populations. He is a longtime child advocate and former chair of the governor's Juvenile Justice Advisory Committee. He represents an organization active in mental health issues.

### **Sophia Byrd McSherry**

Sophia Byrd McSherry, an attorney, has served as the deputy director of the Washington State Office of Public Defense since 2007. In her former position as policy director for the Washington State Association of Counties, she successfully lobbied the Legislature for statewide public defense funding and system reforms. Before becoming a lawyer, Ms. McSherry worked as a journalist and was awarded the prestigious American Political Science Association fellowship. Ms. McSherry recently served on the King County Public Defense Criminal Justice Advisory Task Force. She represents the Washington Office of Public Defense.

**Jeffery Robinson**

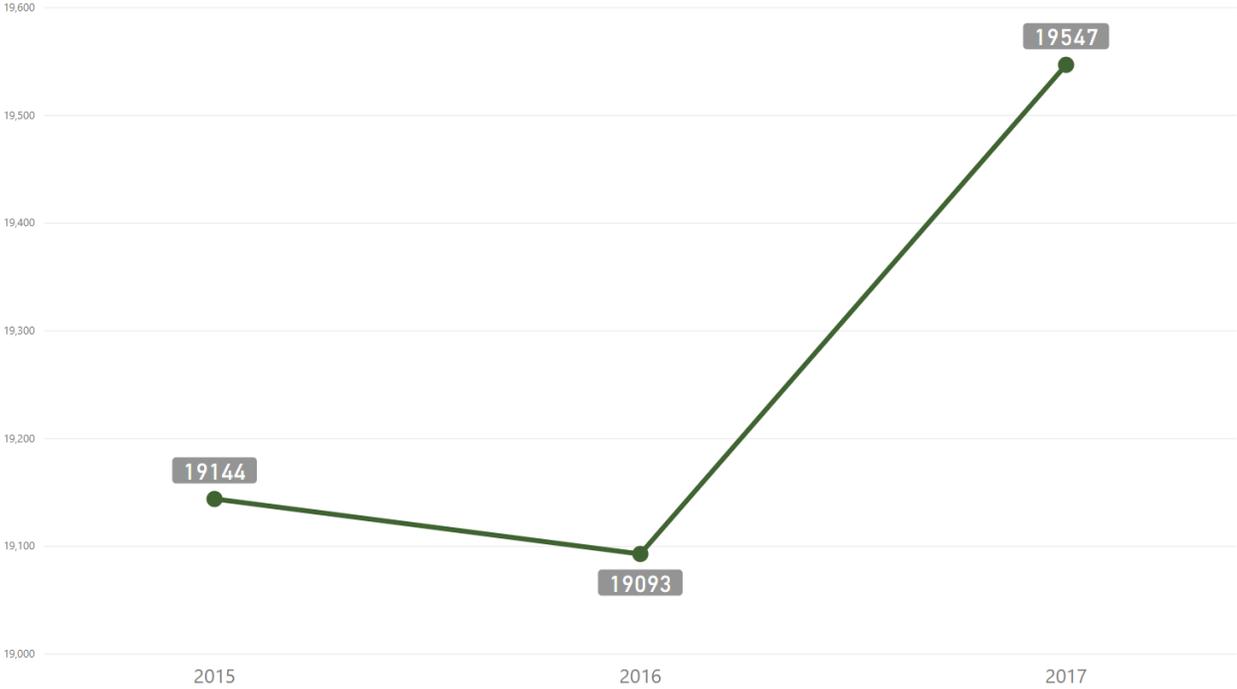
Jeffery Robinson is the ACLU's deputy legal director and director of the Trone Center for Justice and Equity, which houses the organization's work on criminal justice, racial justice and reform issues. Mr. Robinson is a former public defender and a nationally recognized trial attorney; for 27 years, he worked in private practice at Schroeter, Goldmark, Bender in Seattle. He is past president of the Washington Association of Criminal Defense Lawyers and a recipient of its prestigious William O. Douglas award. A faculty member of the National Criminal Defense College in Georgia, Mr. Robinson was selected as one of the nation's top 100 African American lawyers by Black Enterprise magazine and ranked as one of the top 10 criminal defense lawyers in the state by Washington Law & Politics magazine. He represents a minority bar association.

**John Strait**

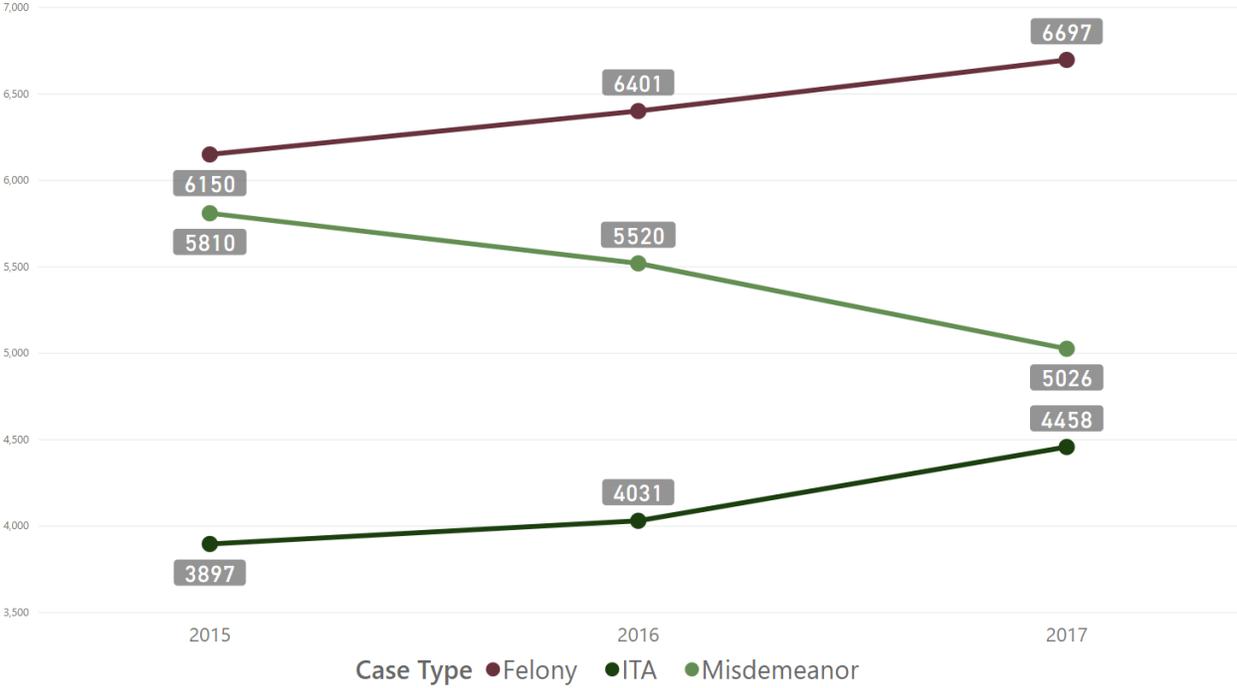
John Strait is an associate professor of law at the Seattle University School of Law and a national expert on public defense and ethics. Mr. Strait has served on the Washington Supreme Court's Judicial Ethics Advisory Committee, the King County Bar Association's Campaign Ethics Committee and the Washington State Bar Association's Rules of Professional Conduct Committee. He also chaired the Seattle Port Authority's Ethics Advisory Committee. He represents the Washington Defender Association.

# Appendix H: King County Department of Public Defense Practice Data and Statistics

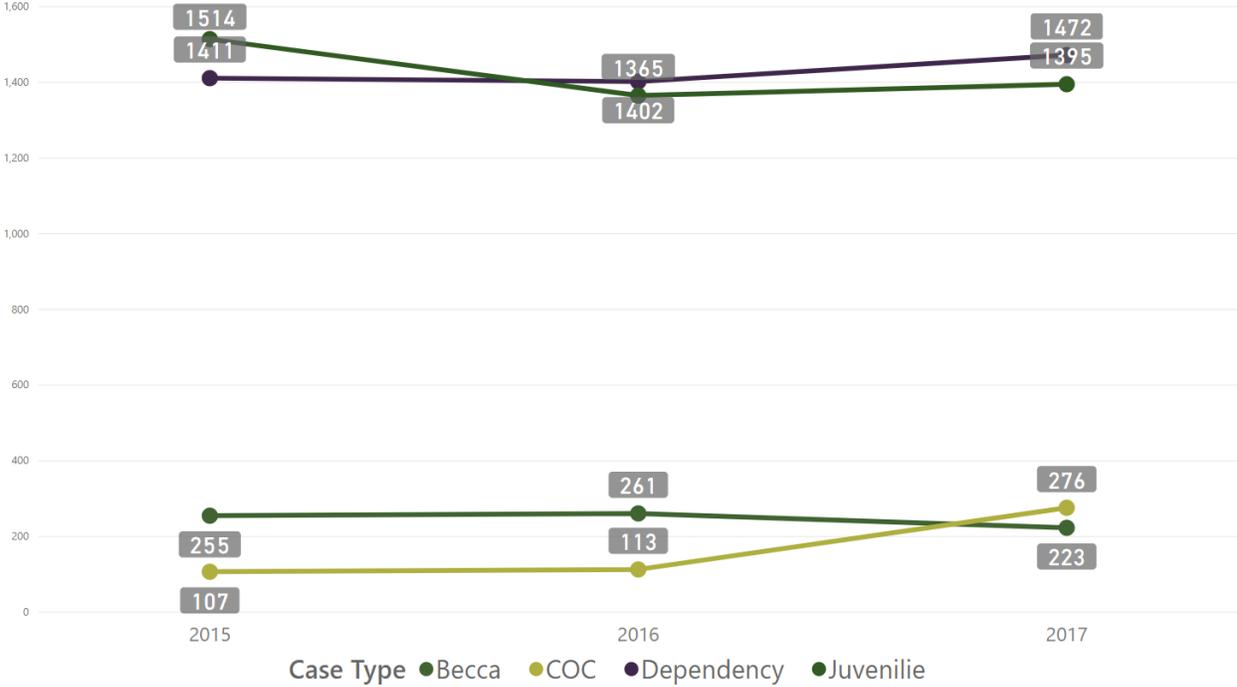
**Figure 1. Total Number of Unique Case Assignments, 2015-2017**



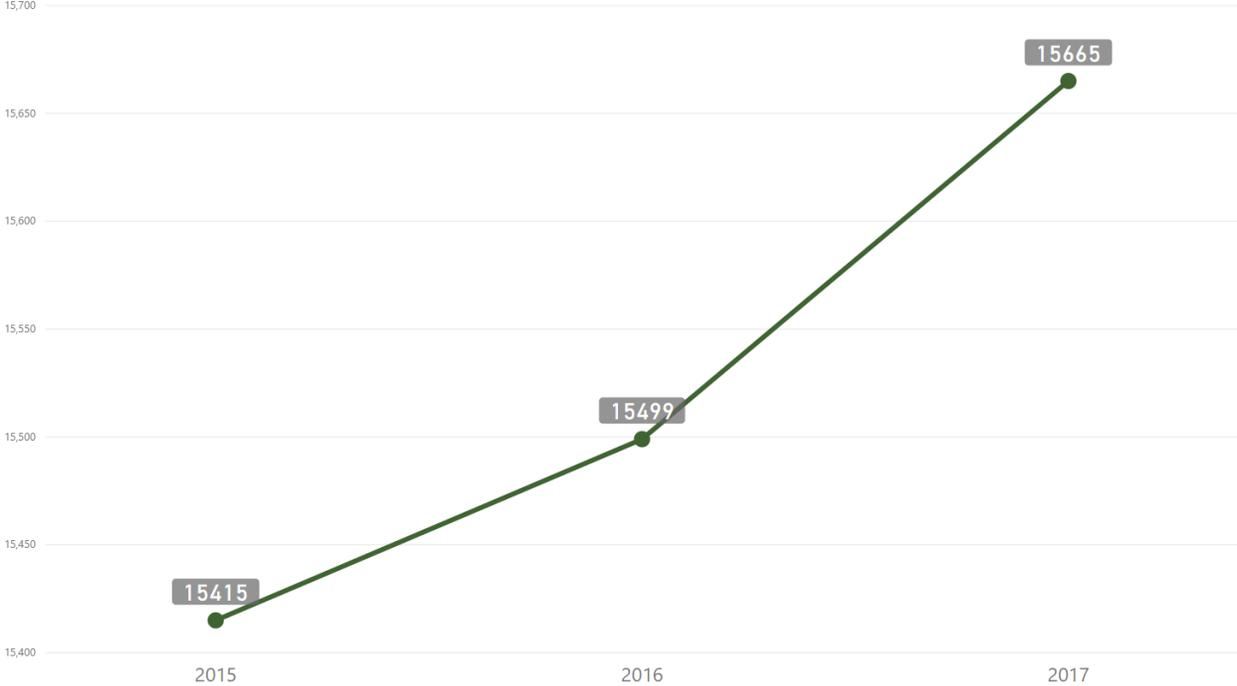
**Figure 2a. Number of Unique Case Assignments, by Primary Case Type, 2015-2017**



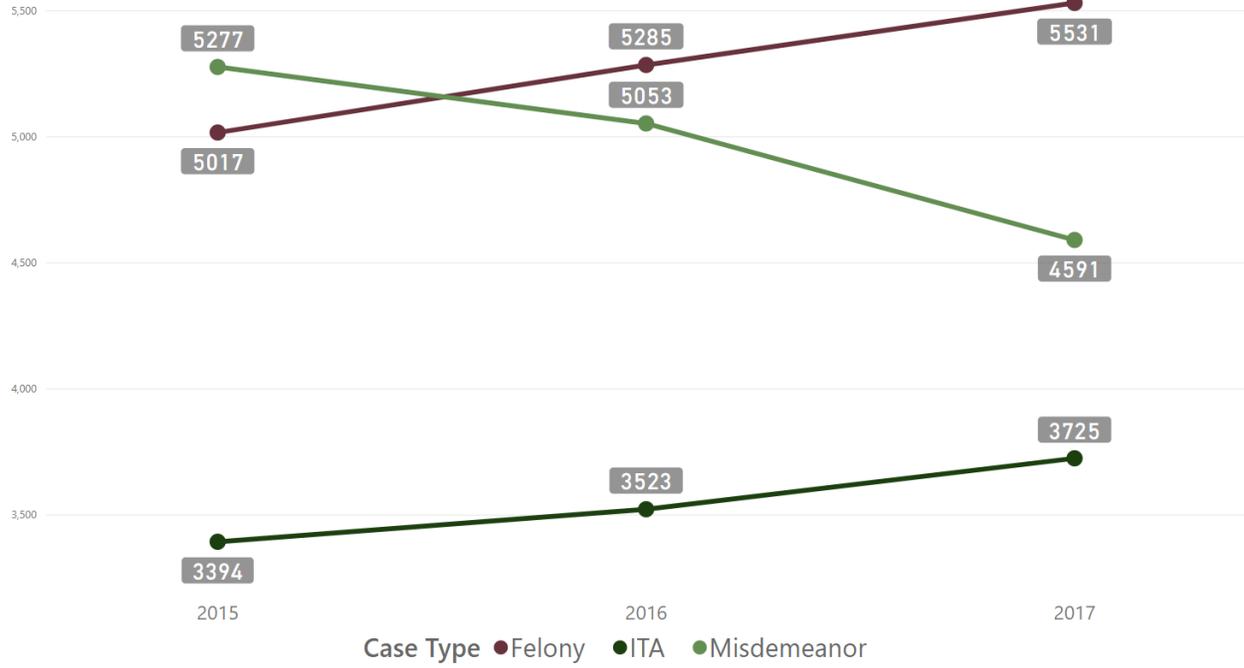
**Figure 2b. Number of Unique Case Assignments, by Primary Case Type, 2015-2017**



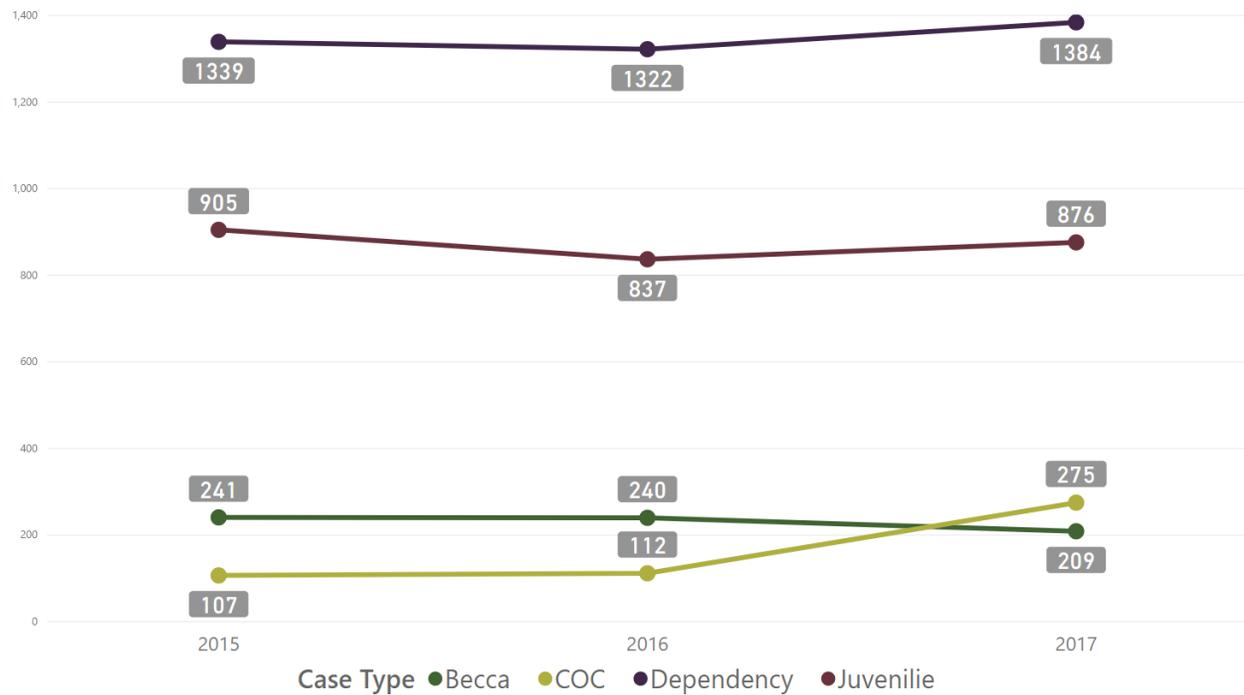
**Figure 3. Total Number of Unique Clients, 2015-2017**



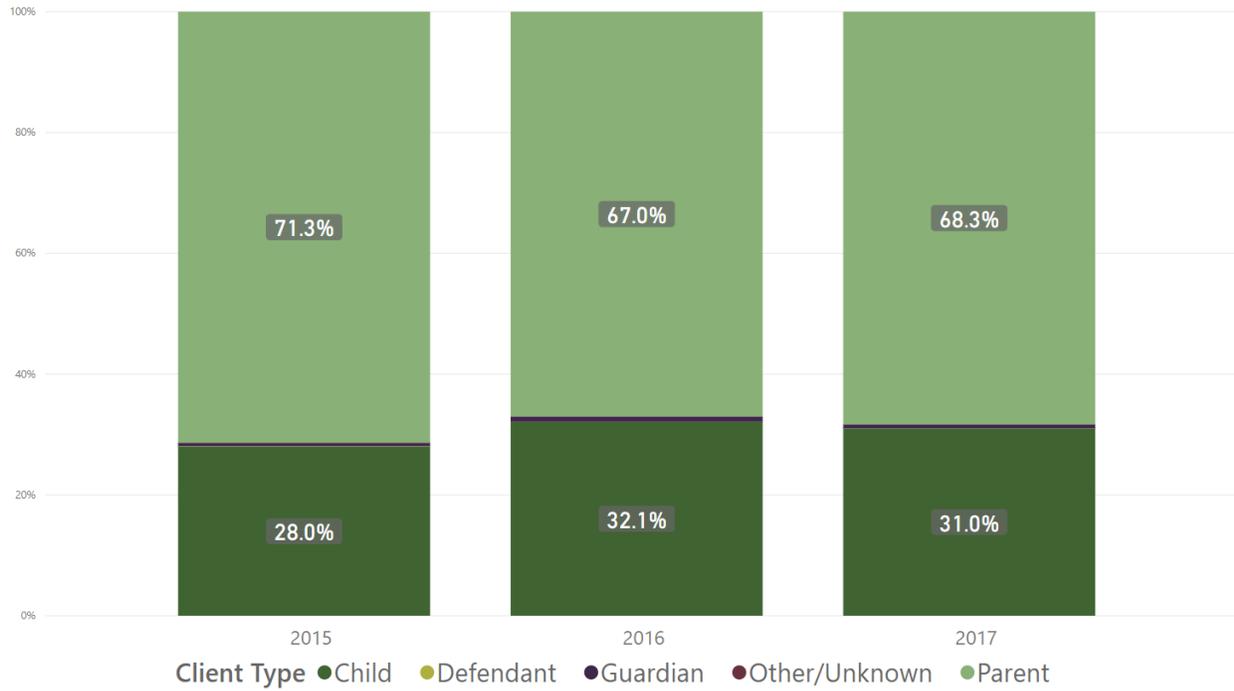
**Figure 4a. Number of Unique Clients, by Primary Case Type, 2015-2017**



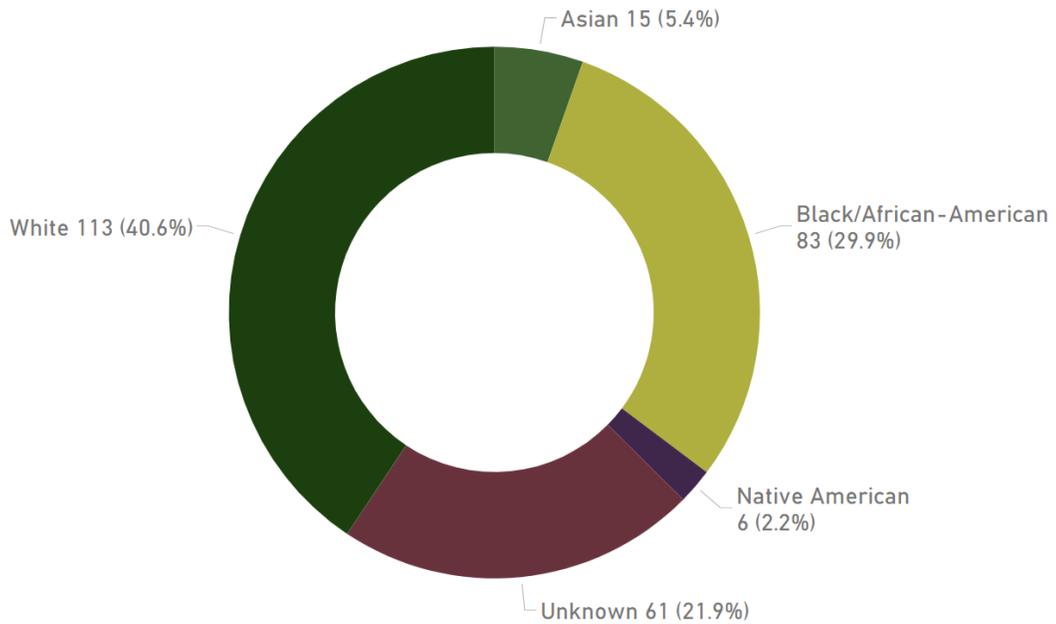
**Figure 4b. Number of Unique Clients, by Primary Case Type, 2015-2017**



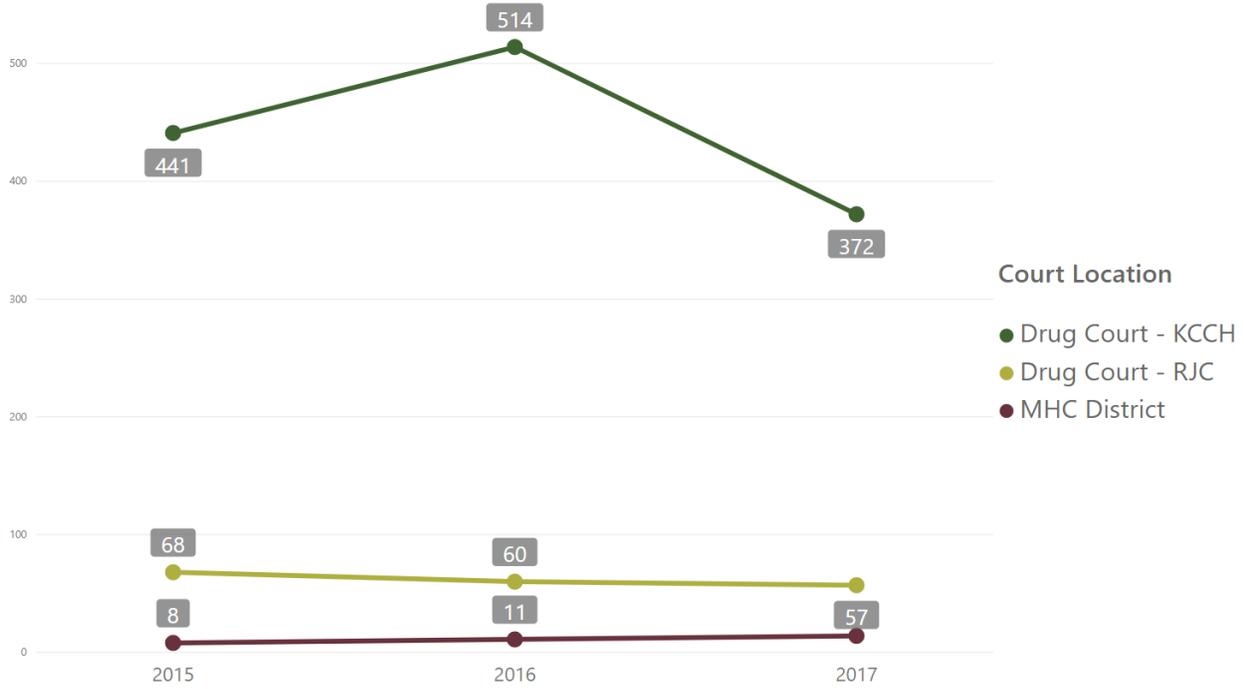
**Figure 5. Family Defense Client Composition, Unique Clients, 2015-2017**



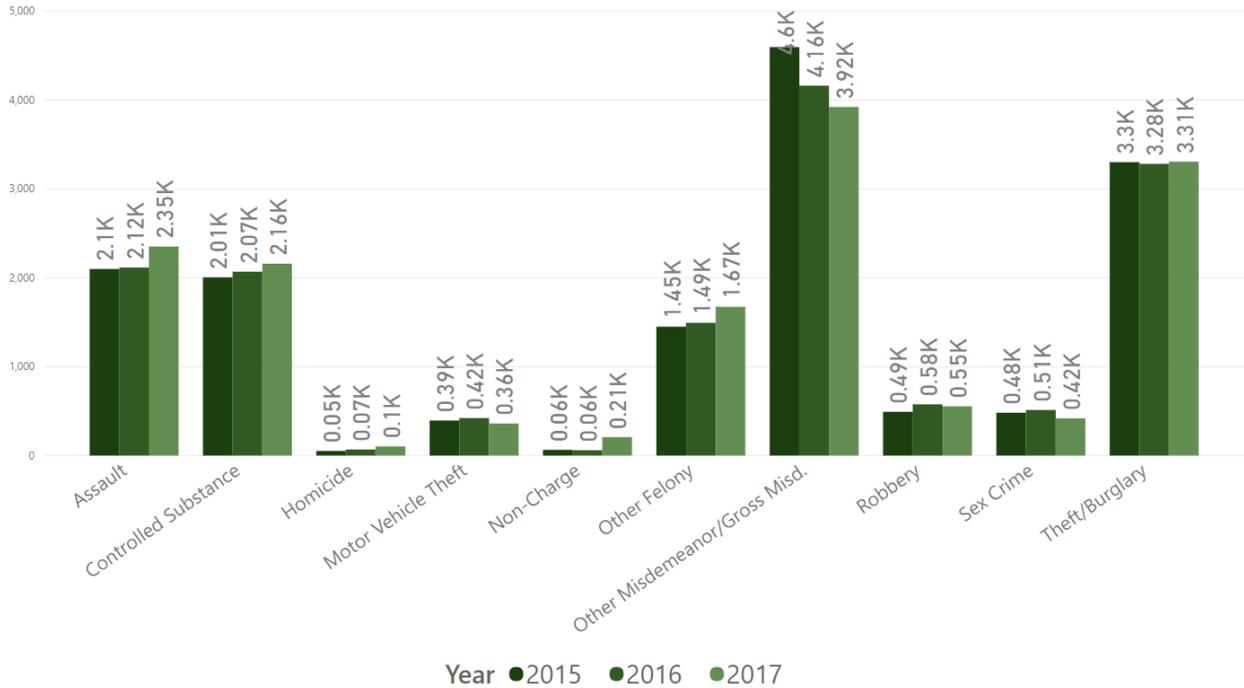
**Figure 6. Race/Ethnicity of Unique Contempt of Court Clients, 2017**



**Figure 7. Number of Unique Clients, Therapeutic Courts, 2015-2017**



**Figure 8. Number of Unique Misdemeanor and Felony Criminal Case Assignments by Crime Category, 2015-2017**



**Figure 9. Number of Unique Misdemeanor and Felony Criminal Case Assignments by Crime Category, 2015-2017, by Month**

Crime Category	Year	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
Assault	Total	516	511	578	560	635	622	538	614	591	569	470	587	6,791
	2015	149	168	179	200	198	211	186	191	204	160	143	177	2,166
	2016	182	182	192	175	209	199	168	208	198	174	152	163	2,202
	2017	185	161	207	185	228	212	184	215	189	235	175	247	2,423
Controlled Substance	Total	516	557	578	501	539	529	525	588	555	552	562	460	6,462
	2015	162	195	172	162	184	196	164	173	192	155	188	152	2,095
	2016	159	190	205	173	166	165	149	209	189	200	185	163	2,153
	2017	195	172	201	166	189	168	212	206	174	197	189	145	2,214
Homicide	Total	16	12	24	16	16	28	18	10	25	22	23	17	227
	2015	5	2	7	3	3	11	3	4	4	4	4	3	53
	2016	6	4	10	7	5	5	7	3	7	4	7	4	69
	2017	5	6	7	6	8	12	8	3	14	14	12	10	105
Motor Vehicle Theft	Total	100	93	111	120	104	98	103	96	83	106	105	94	1,213
	2015	32	34	48	38	29	37	36	33	28	28	32	30	405
	2016	43	33	31	46	44	38	36	29	37	40	41	25	443
	2017	25	26	32	36	31	23	31	34	18	38	32	39	365
Non-Charge	Total	25	23	32	16	23	26	17	26	46	38	34	27	333
	2015	9	9	4	5	5	8	2	6	7	3	2	4	64
	2016	1	5	13	6	4	6	5	4	1	6	5	4	60
	2017	15	9	15	5	14	12	10	16	38	29	27	19	209
Other Felony	Total	387	369	421	383	363	429	374	435	414	401	373	400	4,749
	2015	118	131	131	127	106	133	121	115	158	125	110	120	1,495
	2016	138	115	131	114	127	148	124	145	122	134	113	126	1,537
	2017	131	123	159	142	130	148	129	175	134	142	150	154	1,717
Other Misd./ Gross Misd.	Total	1,282	1,119	1,286	1,058	1,124	1,140	1,099	1,155	1,079	1,173	1,029	1,071	13,615
	2015	495	423	438	415	396	413	426	378	421	410	384	345	4,944
	2016	396	375	450	357	378	411	371	380	352	344	350	312	4,476
	2017	391	321	398	286	350	316	302	397	306	419	295	414	4,195
Robbery	Total	119	119	151	145	162	156	134	150	112	137	128	139	1,652
	2015	47	28	49	54	37	47	50	36	32	38	31	52	501
	2016	43	44	49	47	62	58	35	68	46	46	50	45	593
	2017	29	47	53	44	63	51	49	46	34	53	47	42	558
Sex Crime	Total	113	112	133	121	138	150	105	132	114	121	103	112	1,454
	2015	40	39	42	42	42	60	24	43	38	48	36	43	497
	2016	49	45	58	47	48	49	48	37	43	29	40	33	526
	2017	24	28	33	32	48	41	33	52	33	44	27	36	431
Theft/ Burglary	Total	858	794	999	884	878	859	844	799	825	847	781	890	10,258
	2015	302	260	345	316	300	291	281	237	295	272	246	275	3,420
	2016	281	260	321	318	285	317	300	264	281	266	270	285	3,448
	2017	275	274	333	250	293	251	263	298	249	309	265	330	3,390
<b>Grand Total</b>		<b>3,932</b>	<b>3,709</b>	<b>4,313</b>	<b>3,804</b>	<b>3,982</b>	<b>4,037</b>	<b>3,757</b>	<b>4,005</b>	<b>3,844</b>	<b>3,966</b>	<b>3,608</b>	<b>3,797</b>	<b>46,754</b>

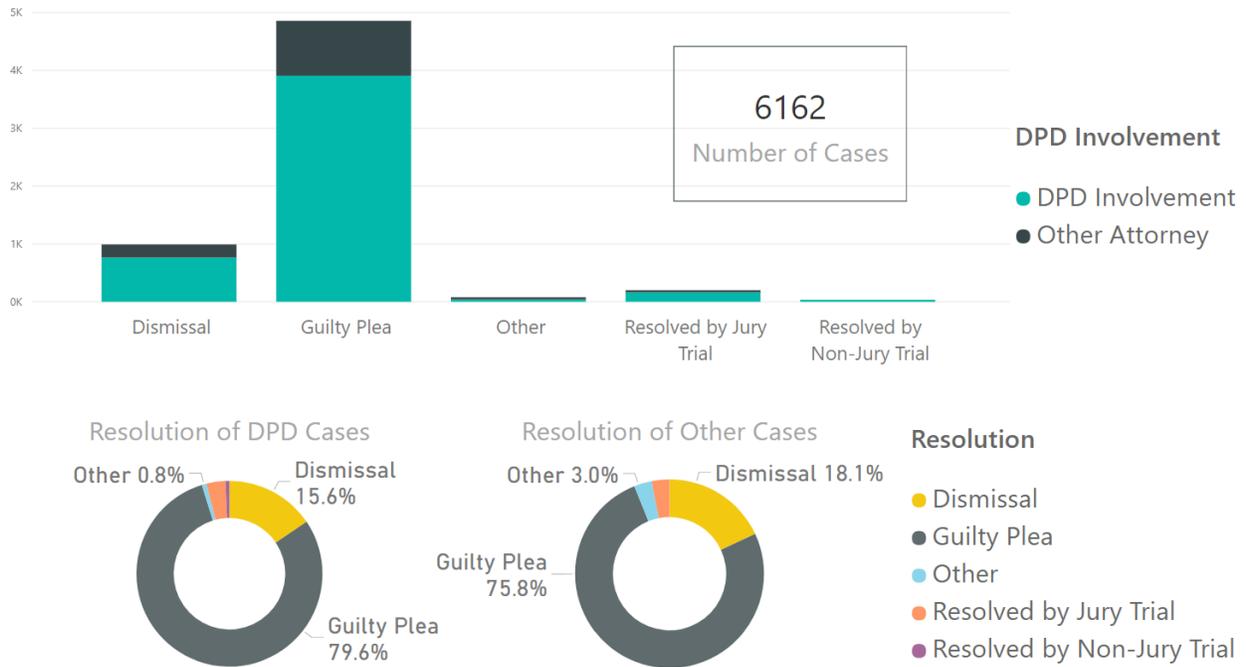
**Figure 10. Top 10 Criminal Charges Faced by DPD Clients, 2015-2017**

Rank	Charge	Crime Category	Number of Assignments
1	Driving While Intoxicated/Under Influence of Drugs (DUI) (Gross Misdemeanor)	Other Misdemeanor/Gross Misd.	6,383
2	VUCSA Violation of Controlled Substances Act	Controlled Substance	5,997
3	Possession of Stolen Vehicle	Theft/Burglary	2,110
4	Theft 3rd Degree (Not Firearm)	Theft/Burglary	1,384
5	Residential Burglary	Theft/Burglary	1,134
6	Burglary 2nd Degree	Theft/Burglary	1,083
7	DV Assault 2nd Degree	Assault	1,049
8	DV Assault 4th Degree Gross Misdemeanor	Assault	976
9	Assault 4th Degree Gross Misdemeanor	Assault	930
10	Theft 2nd Degree (Not Firearm)	Theft/Burglary	891

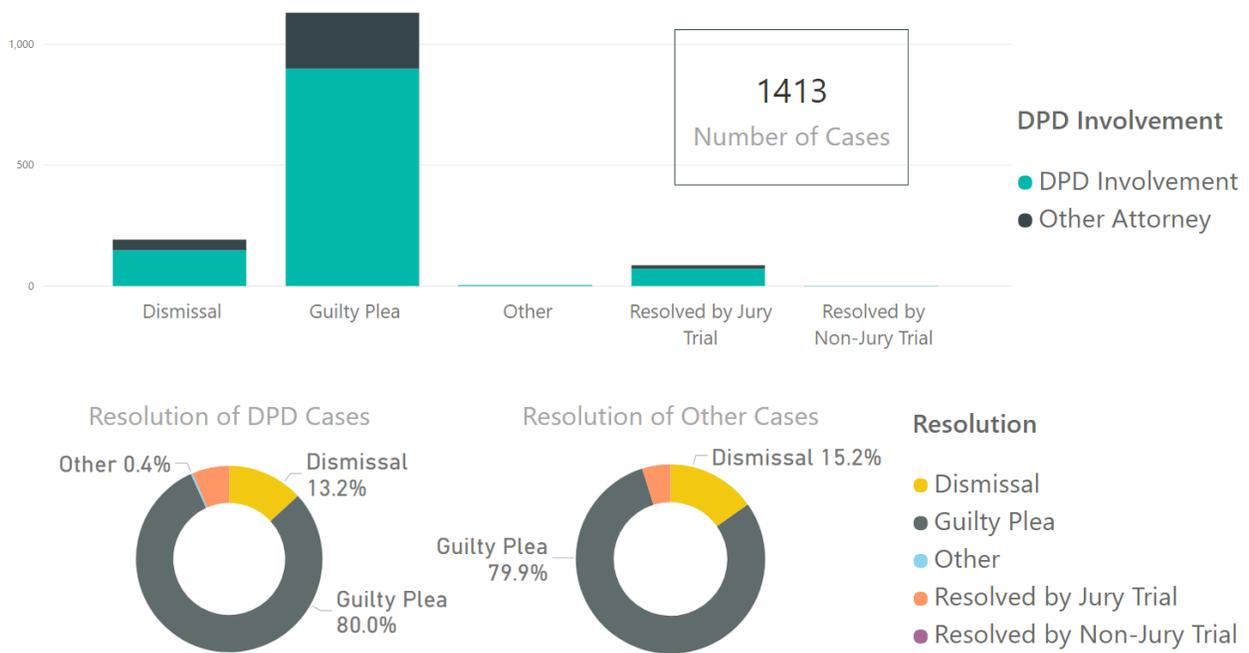
**Figure 11. DPD Superior Court Criminal Case Resolutions (Estimates), 2017**

Attorney Involvement	Row Labels	Dismissal	Guilty Plea	Other	Resolved by Jury Trial	Resolved by Non-Jury Trial	Grand Total
DPD Involvement	Aggravated Assault	13.2%	80.0%	0.4%	6.4%	0.1%	100.0%
	Burglary/Theft/Larceny	10.7%	86.9%	0.0%	1.5%	0.8%	100.0%
	Controlled Substance	25.9%	71.7%	0.0%	0.6%	1.7%	100.0%
	Homicide	0.0%	77.8%	2.8%	16.7%	2.8%	100.0%
	Motor Vehicle Theft	16.6%	83.4%	0.0%	0.0%	0.0%	100.0%
	Other	22.9%	68.3%	4.6%	3.5%	0.7%	100.0%
	Robbery	7.3%	90.3%	0.0%	2.4%	0.0%	100.0%
	Sex Crime	10.6%	81.3%	0.0%	8.1%	0.0%	100.0%
	<b>Total</b>	<b>15.6%</b>	<b>79.6%</b>	<b>0.8%</b>	<b>3.3%</b>	<b>0.7%</b>	<b>100.0%</b>
Other Attorney	Aggravated Assault	15.2%	79.9%	0.0%	4.8%	0.0%	100.0%
	Burglary/Theft/Larceny	16.0%	81.2%	0.0%	2.5%	0.3%	100.0%
	Controlled Substance	25.4%	73.6%	0.5%	0.5%	0.0%	100.0%
	Homicide	8.3%	75.0%	0.0%	16.7%	0.0%	100.0%
	Motor Vehicle Theft	19.4%	80.6%	0.0%	0.0%	0.0%	100.0%
	Other	20.4%	61.7%	15.4%	2.5%	0.0%	100.0%
	Robbery	6.1%	91.8%	0.0%	2.0%	0.0%	100.0%
	Sex Crime	19.0%	75.2%	0.0%	5.7%	0.0%	100.0%
	<b>Total</b>	<b>18.1%</b>	<b>75.8%</b>	<b>3.0%</b>	<b>3.0%</b>	<b>0.1%</b>	<b>100.0%</b>
<b>Grand Total</b>		<b>16.1%</b>	<b>78.8%</b>	<b>1.3%</b>	<b>3.2%</b>	<b>0.6%</b>	<b>100.0%</b>

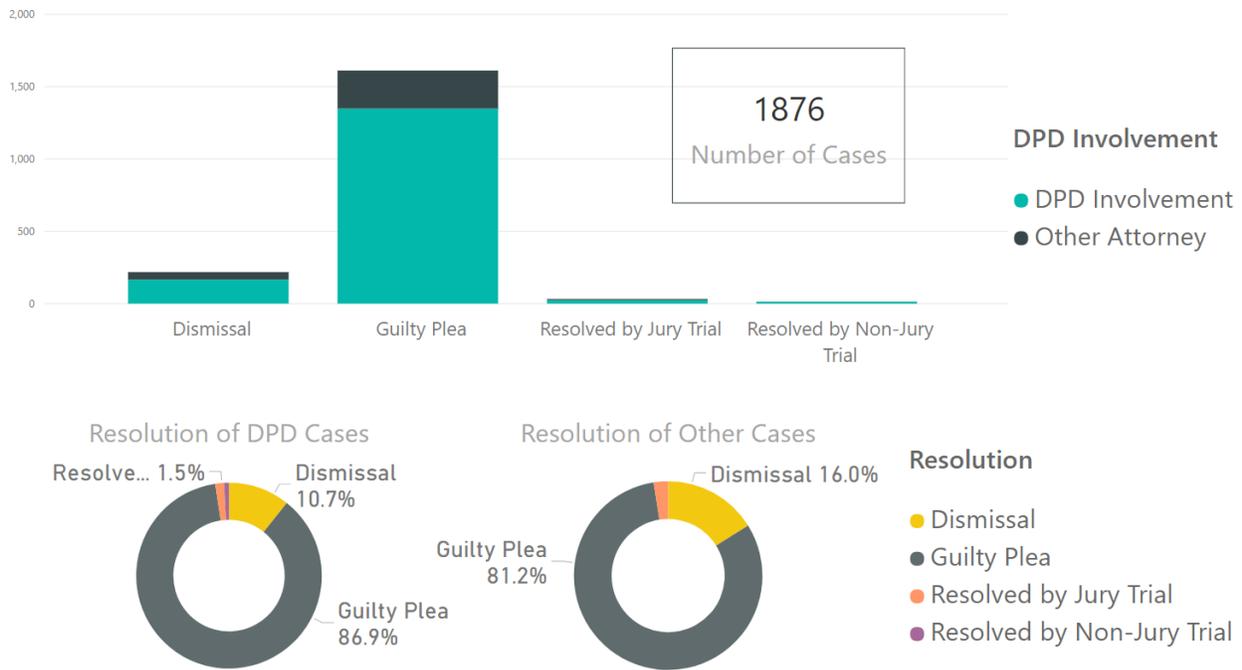
**Figure 11a. DPD Superior Court Criminal Case Resolutions, All Cases (Estimates), 2017**



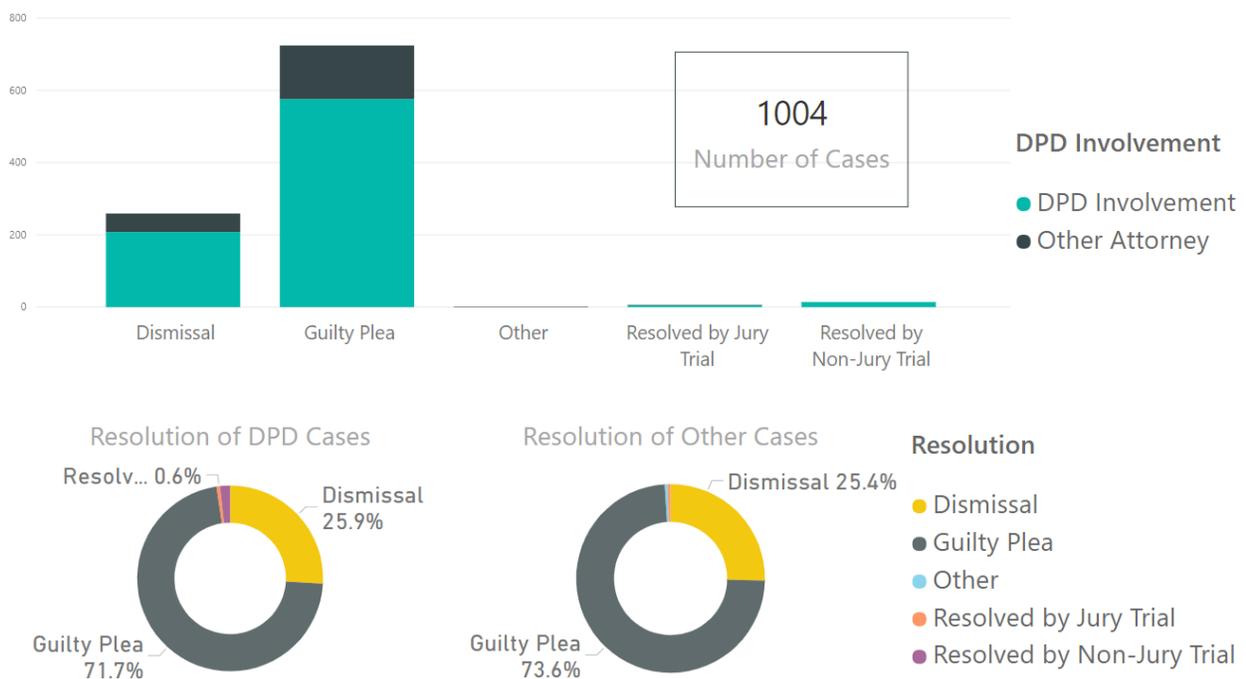
**Figure 11b. DPD Superior Court Criminal Case Resolutions, Aggravated Assault (Estimates), 2017**



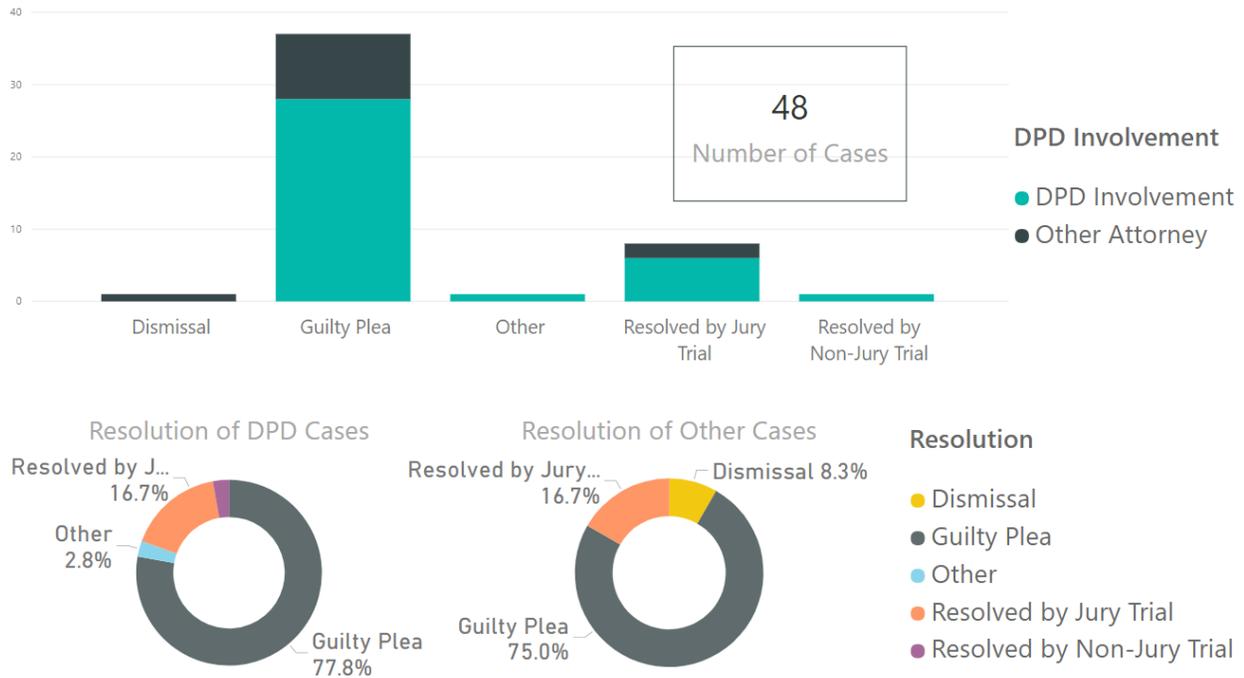
**Figure 11c. DPD Superior Court Criminal Case Resolutions, Burglary/Theft (Estimates), 2017**



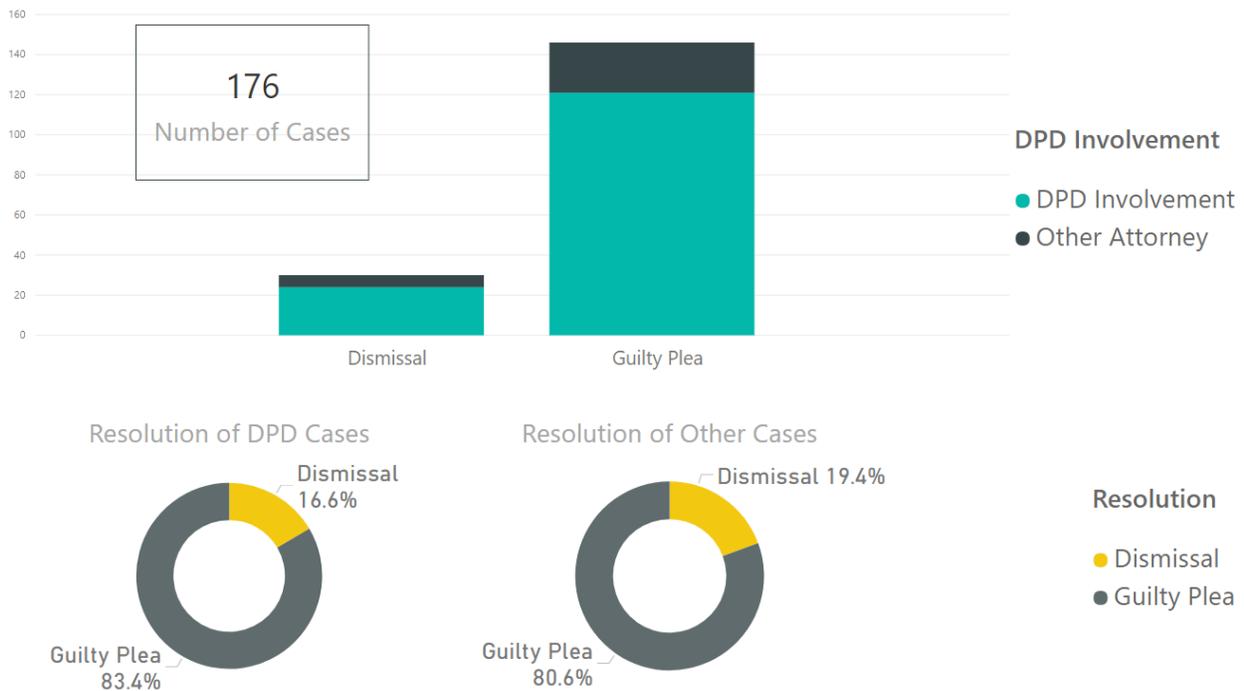
**Figure 11d. DPD Superior Court Criminal Case Resolutions, Controlled Substances (Estimates), 2017**



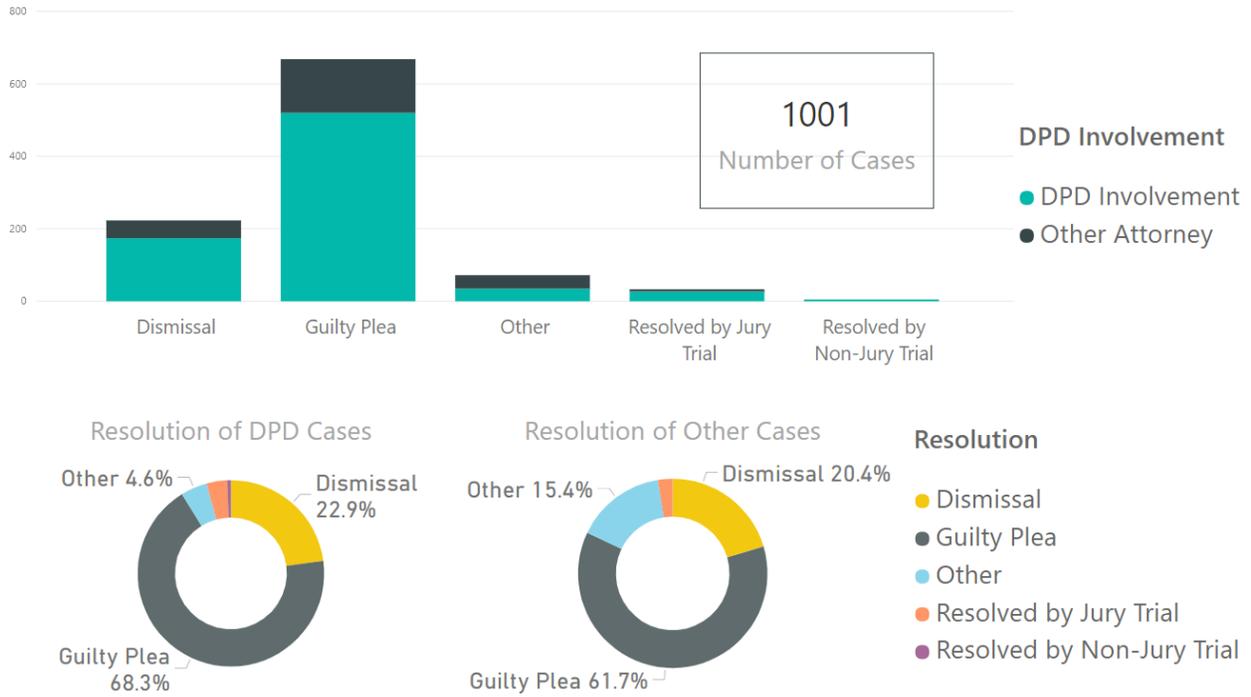
**Figure 11e. DPD Superior Court Criminal Case Resolutions, Homicide (Estimates), 2017**



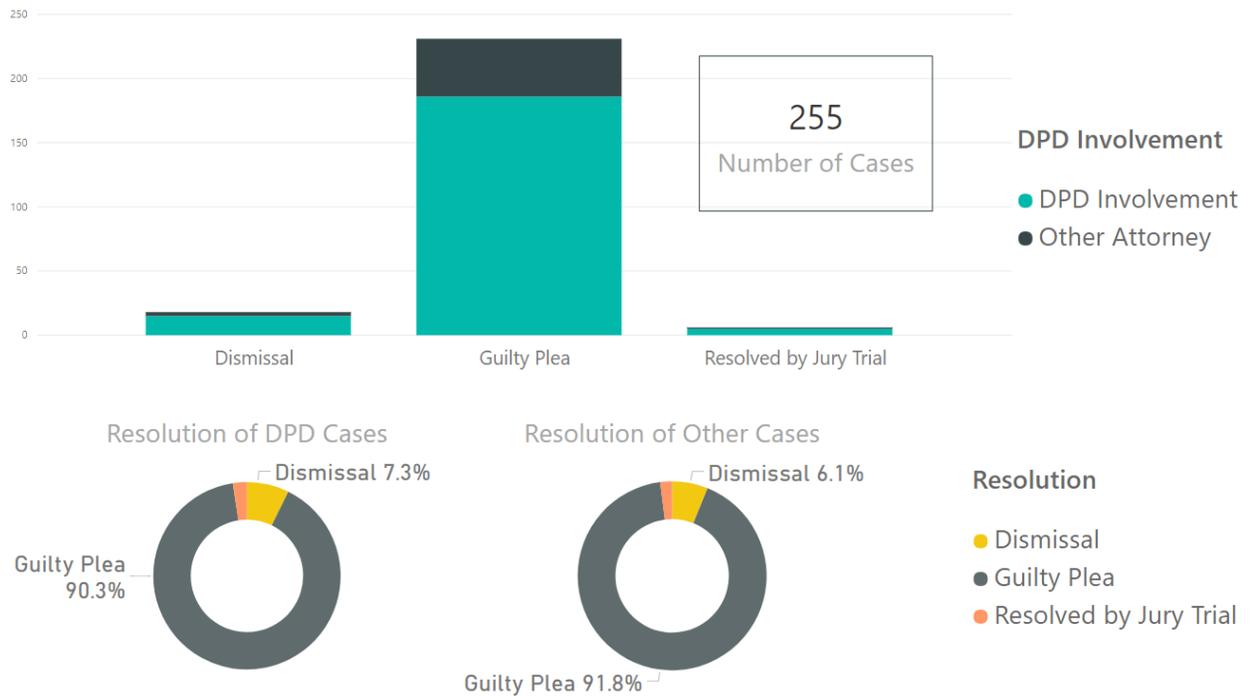
**Figure 11f. DPD Superior Court Criminal Case Resolutions, Motor Vehicle Theft (Estimates), 2017**



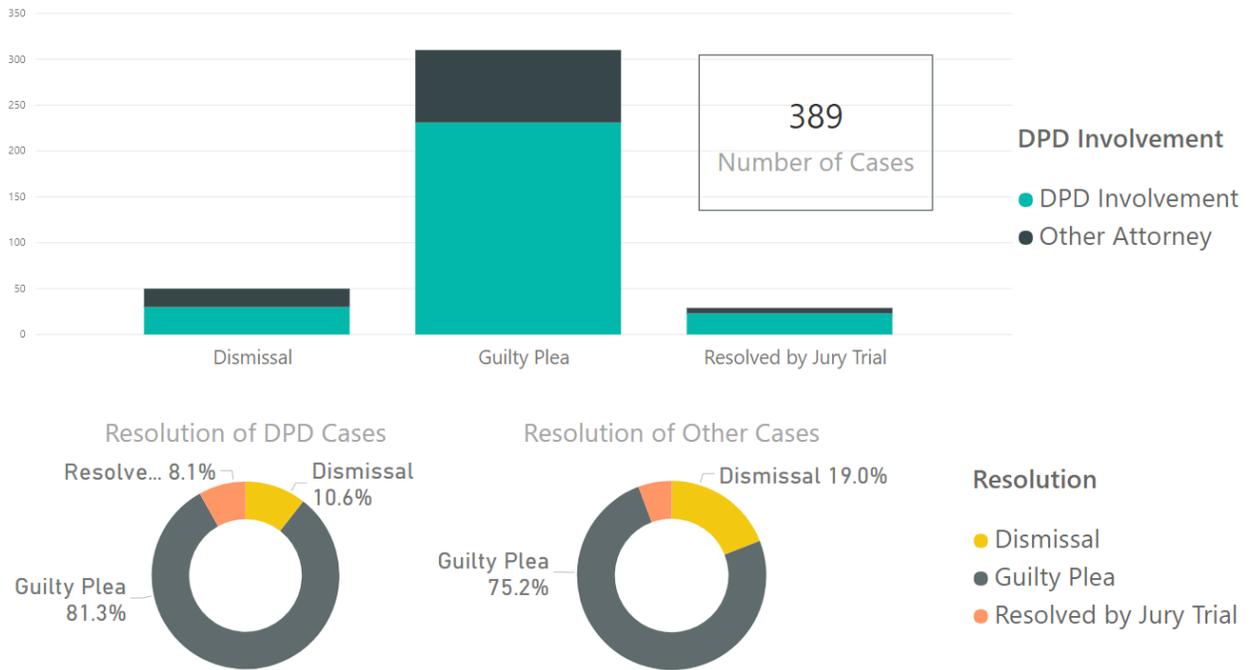
**Figure 11g. DPD Superior Court Criminal Case Resolutions, Other (Estimates), 2017**



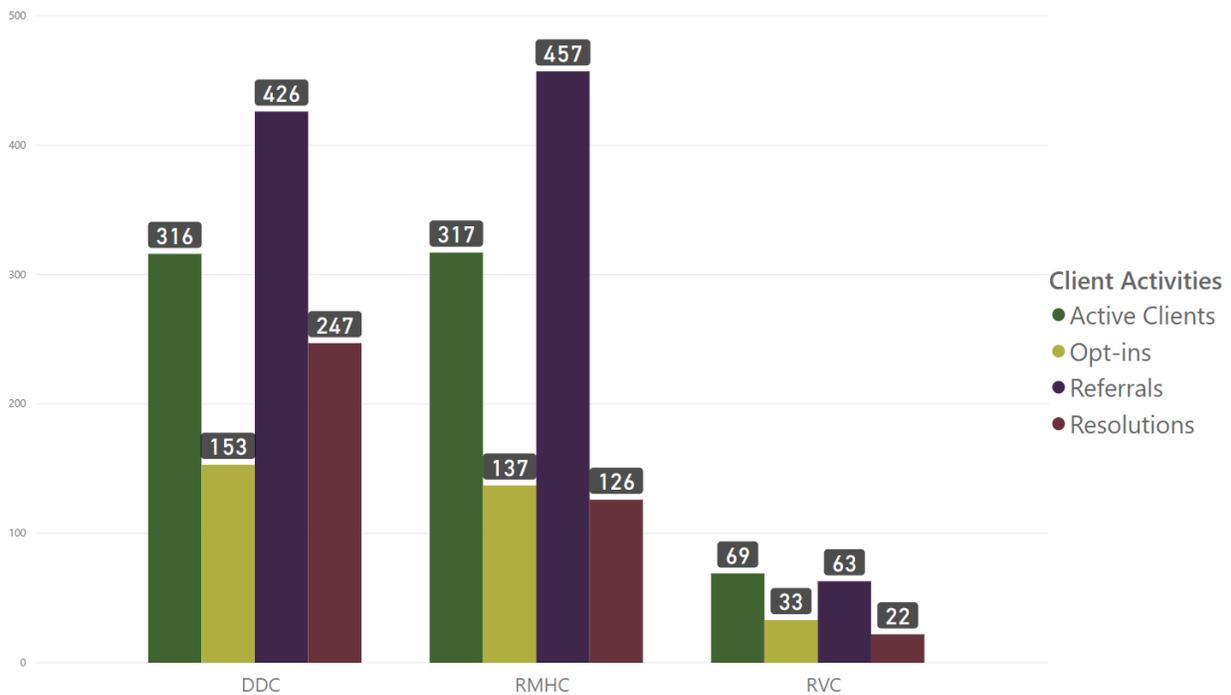
**Figure 11h. DPD Superior Court Criminal Case Resolutions, Robbery (Estimates), 2017**



**Figure 11i. DPD Superior Court Criminal Case Resolutions, Sex Crime (Estimates), 2017**



**Figure 12. Specialty Court Client Activity, 2017**



# Appendix I: Civil Legal Aid Pilot Project Report

**King County Department of Public Defense  
Report on  
Collateral Consequence Attorneys**



**King County**

**Department of  
PUBLIC DEFENSE**

*Upholding the Constitution,  
one client at a time.*

**Report to City Council  
March 8, 2018**

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## **I. Introduction**

In 2017, the City of Seattle allocated \$440,000 of funding to Criminal Justice Contracted Services for a two-year pilot project for civil legal services attorneys (“Collateral Consequence Attorneys”) to provide services in coordination with the criminal representation provided to Seattle Municipal Court indigent defendants by the King County Department of Public Defense (KC DPD). The funding was a result of the Council’s recognition that there are a large number of unintended collateral consequences that result from a criminal conviction. These consequences were, in most cases, not intended by the legislature and are barriers to people re-entering and rehabilitating.

The initial phase of the pilot project focused on provision of legal advice regarding civil legal consequences of specific plea offers.

Given that the funding is directed to the KC DPD, DPD is expected to report to the City Council’s Committee on Civil Rights, Utilities, Economic Development, and Arts. (CRUEDA). This report is intended to meet the City’s expectation.

## **II. Background**

### *A. King County Department of Public Defense*

Pursuant to the contract with the City of Seattle, the KC DPD legally represents individuals who are indigent and charged with a crime in Seattle Municipal Court. KC DPD attorneys handle approximately 7,500 cases a year from SMC.

KC DPD assigns cases to one of the three divisions that currently work in SMC — Associated Counsel for the Accused Division, Northwest Defender Division, and The Defender Association Division. In order to provide conflict-free representation, the three divisions are separated by “ethical walls” and operate as separate law firms for the purposes of client representation. A client represented by one division cannot be represented by a lawyer from a different division and confidential client issues can only be discussed within that client’s particular division.

### *B. Collateral Consequences*

While KC DPD attorneys have significant expertise in identifying and litigating criminal legal issues (e.g., unlawful searches, unlawfully obtained confessions), these attorneys have significantly less expertise in identifying and mitigating the civil collateral consequences of convictions.

The Council of State Governments has identified over 100 possible collateral consequences for a misdemeanor conviction in Washington.<sup>1</sup> These include the loss of

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<sup>1</sup> <https://niccc.csgjusticecenter.org/search/?jurisdiction=48>

professional certifications (e.g., chemical dependency counselor), the loss of a driver's license, and the loss of housing.

The three Collateral Consequence Attorneys have received over 300 referrals from public defenders since joining KC DPD in August 2017. Involvement ranges from advising public defenders to working directly with clients, advising them of their rights, and empowering them to act upon these rights. Oftentimes, during the course of the representation, clients become aware of their rights for the first time regarding housing, employment licenses, visitation of their children, and public entitlements. The Collateral Consequence Attorneys advise clients on lease enforcement, immigration issues, administrative hearings, legal financial obligations, and family law proceedings, among many other issues that accompany clients' criminal charges. Additionally, these attorneys advise public defenders, prosecutors, and clients of the civil consequences attached to a criminal conviction. Even when clients do not secure a legal victory, they have been advised of their legal rights and provided an opportunity to act upon them.

In addition to the work with individual clients, Collateral Consequence Attorneys provide advice to public defenders about innumerable matters ranging from civil rules of discovery to administrative procedure and processes to specific rights held by people deemed incompetent in immigration court. They research and advise based on court and legislative policies. Below are a few examples of the results these attorneys have been able to achieve in their first five months.

### **III. Current Data**

Thus far, the city-funded Collateral Consequence Attorneys have focused on helping KC DPD criminal defense attorneys and their Seattle Municipal Court clients determine plea agreements that help meet the client's needs by taking into account collateral impacts to the client.

Since August, Collateral Consequence Attorneys have provided advice and advocacy to nearly 300 clients regarding the potential collateral consequences of criminal charges they face. This report summarizes client demographics and areas in which clients were provided advice or advocacy.

#### *A. Client Demographics*

Of the nearly 300 clients advised by the Collateral Consequence Attorneys, approximately 66.2% of these clients were male and 29.0% were female. Approximately 32.4% of all clients were African-American and 31.4% were white, although the race of a large proportion (28.3%) of clients was unrecorded. Approximately 9.6% of all clients were of Hispanic/Latino origin.

**Table 1. Client Gender<sup>2</sup>**

<b>Gender</b>	<b>Clients</b>	<b>Percentage of Clients</b>
Male	194	66.2%
Female	85	29.0%
Trans-female	4	1.4%
Trans-male	2	0.7%

**Table 2. Client Race/Ethnicity**

<b>Race</b>	<b>Clients</b>	<b>Percentage of Clients</b>
Black/African-American	95	32.4%
White	92	31.4%
Asian	9	3.1%
More than Two Races	7	2.4%
Native American/Alaska Native	4	1.4%
Native Hawaiian or Other Pacific Islander	3	1.0%

**Table 3. Client Hispanic Origin**

<b>Hispanic Origin</b>	<b>Clients</b>	<b>Percentage of Clients</b>
No	167	57.0%
Yes	28	9.6%

**Table 4. Client Immigration Status**

<b>Immigration Status</b>	<b>Clients</b>	<b>Percentage of Clients</b>
U.S. Citizen	116	39.6%
Undocumented	13	4.4%
Documented	3	1.0%

Approximately 68.3% of clients were male and 28.3% were female.  
Approximately 37.6% of misdemeanor clients were white and 29.8% were African-

<sup>2</sup> At the time data this report was compiled, KC DPD Collateral Consequence Attorneys had received just under 300 referrals. The current total is over 300.

American, with 23.9% of misdemeanor clients having an unrecorded racial group. Approximately 12.7% of misdemeanor clients were of Hispanic/Latino origin. Undocumented immigrants comprised 5.4% of KC DPD’s misdemeanor clients.

**IV. Areas of Collateral Consequence Attorney Advocacy**

KC DPD Collateral Consequence Attorneys have provided advocacy for 205 clients with misdemeanor charges (70.0%), 40 clients with felony charges (13.7%), and 19 clients with ITA charges (6.5%). KC DPD Collateral Consequence Attorneys provided advocacy at the pre-trial phase 33.1% of the time, during post-sentencing 23.2% of the time, and at the plea phase 19.8% of the time. Almost half of the attorneys’ advocacy efforts were providing advice to the defense attorney (49.8%), while 37.5% of the advocacy efforts were providing advice directly to the client. Approximately 24.2% of referrals were related to housing, which included maintaining housing and eviction concerns. Approximately 12.0% of issues were related to employment, which included maintaining employment, maintaining professional licenses (e.g., commercial driving and nursing), and maintaining unemployment benefits. Family issues and public benefit issues each comprised 9.9% of the Collateral Consequence Attorneys’ advocacy efforts. For misdemeanor clients, KC DPD Collateral Consequence Attorneys primarily dealt with issues surrounding housing, employment, and driver’s licenses. For felony clients, KC DPD Collateral Consequence Attorneys primarily dealt with issues surrounding housing, asset forfeiture, employment, and public benefits.

**Table 5. Collateral Consequence Attorney Involvement by Case Type**

Case Type	Clients	Percentage of Clients
Misdemeanor	205	70.0%
Felony	40	13.7%
ITA	19	6.5%
Dependency	6	2.0%
Mental Health Court	3	1.0%
Family Law	1	0.3%
RALJ	1	0.3%

**Table 6. Collateral Consequence Attorney Involvement by Advocacy Stage**

Advocacy Stage	Clients	Percentage of Clients
Pre-trial	97	33.1%
Post-sentencing	68	23.2%
Plea	58	19.8%

Sentencing	24	8.2%
Post-time served	20	6.8%
In Custody	2	0.7%
Post-commitment	2	0.7%
ITA	1	0.3%

**Table 7. Collateral Consequence Attorney Involvement by Type of Advocacy**

Type of Advocacy	Clients	Percentage of Clients
Advised Defense Attorney	146	49.8%
Advised Client	110	37.5%
Brief Services	26	8.9%
Advised Attorney and Client	1	0.3%
Advocacy with Judge	1	0.3%

**Table 8. Collateral Consequence Attorney Involvement by Collateral Consequence Type**

Collateral Consequence Type	Clients	Percentage of Clients
Housing	71	24.2%
Other	49	16.7%
Employment	35	11.9%
Child and Family Issues	29	9.9%
Public Benefits	29	9.9%
Driver's License	20	6.8%
Record Issues	17	5.8%
Immigration and Travel	12	4.1%
Civil Rights	9	3.1%
Court Admin and Fees	6	2.0%
Asset Forfeiture	5	1.7%
Warrants and Bail	5	1.7%
Care Status	1	0.3%
Debt and Finances	1	0.3%
Discovery	1	0.3%
Insurance	1	0.3%
Officer Misconduct	1	0.3%
Pretrial Negotiations	1	0.3%

## **V. Sample Success Stories**

### *A. Enforcement of the Fair Chance Employment Ordinance*

When an applicant or newly hired employee has a negative report on their employment criminal background check, the employer must provide the individual with an opportunity to explain or clarify prior to rejection. A major regional grocery chain and employer of numerous current and former KC DPD clients fired three clients without affording them the opportunity to explain or clarify their background check out of compliance with the Fair Chance Employment Ordinance. Following discussions between Collateral Consequence Attorneys and corporate personnel, an understanding was reached as to the proper applicability of the Ordinance's notice and opportunity to explain requirements. This resulted in one client (a 21-year-old Caucasian male) being re-hired, a second (a 19-year-old Black/African American female) currently in the re-hiring process, and a third (a Caucasian female in her late 30s) who has been advised of her right to challenge the negative hiring decision.

### *B. Public Entitlements*

The Collateral Consequence Attorneys helped many maintain entitlements or continue applications and appeals for entitlements while in custody.

### *C. Legal Financial Obligations*

Numerous clients have been assisted with negotiating and paying off legal financial obligations, including assistance in dealing with collection agencies and King County's new Unified Payment program.

### *D. Ensuring Better Housing Outcomes*

- An eviction was stopped for a client while they were in custody.
- A 34-year-old single mother of African descent was arrested on an assault charge against the father of her nine-month-old daughter, but the prosecutor declined to file charges and she was subsequently released. Immediately thereafter, she was served with a three-day notice to vacate her apartment. The client vacated the apartment, but she did not know what her rights were or whether she could get back into the apartment. Through negotiations with the landlord's attorney, the Collateral Consequence Attorneys were able to ensure that the client would not have an eviction on her record or be responsible for back rent.
- A resident of a "tiny-home" faced loss of the house if he remained in custody for more than 30 days on a theft charge. The Collateral Consequence Attorney advised the defense attorney and the prosecutor, who agreed to a lesser charge and sentence so the client could keep his home.

### *E. Protecting Families*

A mother facing jail time with no family, friends, or neighbors to care for her child was able to find supportive and stable housing for her daughter to avoid Child Protective Services' intervention and the fear that her daughter would end up in foster care.

### *F. Criminal Records*

- An 18-year-old client was arrested during a police sting operation on massage parlors on the charge of "sexual exploitation." He was traveling to Canada for college on a full-ride football scholarship, but because of the arrest he was denied entry at the border. The Collateral Consequence Attorney was able to confer repeatedly with prosecutors to get a letter explaining he had not been charged, which the client continues to carry with him as he travels between the U.S. and Canada.
- Many clients have been assisted with expunging old charges and advised of the likely consequences stemming from their record.

### *G. Employment Licenses*

- A 32 year old African-American male was charged with a DUI. The client had been employed with a contractor of Seattle Public Schools and was working towards obtaining his teaching certificate. He feared that a DUI conviction would threaten his chance at obtaining those credentials. After advising defense counsel on the potential ramifications of such a conviction, counsel was able to present a compelling case to the prosecutor and negotiate a lesser plea of reckless driving.
- The Collateral Consequence Attorneys have advised numerous clients about the consequences on professional licensure.

### *H. Drivers' Licenses*

- Collateral Consequence Attorneys negotiated a payment arrangement with a collection agency so a client could re-obtain her driver's license.
- Numerous clients have been advised about appealing license suspension and assisted in securing temporary or limited licenses. Maintaining the right to drive has afforded breadwinners and parents the ability to continue providing for their families.

### *I. Asset Forfeiture*

A client who was living in his car with all of his possessions had his car impounded following a DUI. By working with the impound lot and client's family, the Collateral Consequence Attorney was able to get the client's possessions secured prior to being put up for auction.

## **VI. Next Steps**

In phase two of this project, the Collateral Consequence Attorneys will provide representation in civil proceedings. KC DPD will determine if a Collateral Consequence Attorney will represent a client in civil or administrative proceedings based primarily on three factors:

- The client's ability to represent themselves
- The complexity of the case and expertise of the Collateral Consequence Attorneys
- KC DPD resources required to complete the representation

Substantively, Collateral Consequence Attorneys will focus on:

- i. evictions;
- ii. housing discrimination;
- iii. public benefits;
- iv. matters involving no contact or protection orders; and
- v. issues involving licensing, records, and legal financial obligations.

These areas were chosen based on KC DPD's assessment of client needs and the expertise of current Collateral Consequence Attorneys.

## **VII. Conclusion**

KC DPD is grateful for the benefits this pilot project has had for both KC DPD clients and for the people of Seattle. Housing and employment are protective factors against recidivism. The work done by the Collateral Consequence Attorneys to avoid the loss of housing and employment, or other barriers to maintaining housing and employment, keeps us all safer and healthier.

We look forward to building on this work by representing clients in evictions and other civil proceedings.

Appendix J:  
King County  
Department of Public  
Defense Strategic Plan

# Department of Public Defense Strategic Plan



## VISION

King County Department of Public Defense provides high-quality, innovative, and zealous advocacy on behalf of individual clients, challenges inequities in the justice system, and promotes alternatives that support individual and community well-being.

## MISSION

The Department of Public Defense provides superior legal representation to indigent individuals of King County who are accused of crimes, subject to dependency and other juvenile proceedings, or facing involuntary commitment. Our multi-disciplinary teams empower our clients, defend constitutional rights, and advocate for systemic improvements that affirm the dignity of every person.



## GOALS & OBJECTIVES

### Client Perspective

- ✓ Increase community outreach and services
- ✓ Practice effective advocacy
- ✓ End mass incarceration

- ✓ Increase communication, innovation and collaboration
- ✓ Establish and maintain operational excellence

### Internal Perspective

- ✓ Ensure adequate sustainable funding
- ✓ Build flexibility in staffing
- ✓ Increase productivity through efficient business procedures

### Financial Perspective

- ✓ Provide training to develop, promote and support effective, high-quality services
- ✓ Maintain a culture of value and respect

### Employee Learning and Growth Perspective