



Snohomish County Council

Committee: LJHS

ECAF: 2022-1272

Motion: 22-541

Analyst: Heidi Beazizo

Date: December 8, 2022

Consideration:

Motion 22-541 would approve the 2023 contract with the Snohomish County Public Defender Association for legal services for indigent defendants and authorize the Executive to execute the contract and any amendments to the contract.

Background

The [Sixth Amendment](#) of the United States Constitution states that the accused has the right to the assistance of counsel for their defense in criminal prosecutions. As not every defendant can afford an attorney, in 1989 Washington State implemented [Chapter 409 \(RCW 10.101\)](#) stating that “legal representation should be provided for indigent persons and persons who are indigent and able to contribute.” This chapter also requires counties and cities to establish standards for the delivery of defense services to indigent defendants.

Today, the largest contract is with the Snohomish County Public Defender Association (SCPDA), who provides the majority of legal services to indigent defendants in the County.

Current Proposal

Scope: Motion 22-541 approves an agreement with SCPDA to Provide assistance of counsel for indigent persons charged with criminal offenses in Snohomish County superior, district, and juvenile Court.

Primary services provided by the SCPDA under this contract are:

1. Legal assistance to all clients during criminal investigations who are un-represented and request legal assistance.
2. Counsel and represent all clients in criminal and juvenile proceedings who are referred by the County
3. Counsel clients on their rights to appellate review and file related notices at the request of the client.
4. Counsel and represent people who have petitions filed against them in the Superior Court for involuntary civil commitment under RCW 71.05.

Additionally, the 2023 budget included the following changes from 2022:

1. Schedule A:

- a. **Section H.1 and H.2 (Felony and Misdemeanor):** The language is updated to say “Caseloads for attorneys providing services under this

Contract will be consistent with Standard 3 of the WSBA Standards for Indigent Defense Standards (Revised September 1, 2021).

- b. **Section I.4:** Same caseload standard revision as the above change.

2. Schedule B.3 (Records and Reporting):

- a. Removal of Drug Court Offender Sentencing (DOSAs) expense line reference for Schedule C
- b. Removes RALJ/Write Lawyer Expenses reference for Schedule C
- c. Adds Post-Conviction Lawyer Expenses reference for Schedule C

3. Schedule C (Compensation):

- a. Rather than itemize the amount by type of expense, the total amount of the agreement is moved to the top and referenced as "The County shall pay the Association \$14,938,826.00) for the following services as required by Schedule A:"
- b. **#1** – adds 1.0 FTE for Administrative Staff
- c. **#2** – adds 2.0 misdemeanor supervising attorneys and 1.0 felony supervising attorney
- d. **#9** – adds 1.0 Civil commitment attorney
- e. **#18** – adds 1.5 investigators
- f. **#19** – adds 1.0 social workers

Duration: January 1, 2023 – December 31, 2023

Fiscal Implications: \$14,938,826

The funding for this contract was included in the 2023 Council Adopted Budget:

DAC/Description	2022	2023	Variance
002.5321274106 - Misc.	\$104,325	\$109,620	\$5,295
002.5321274107 - Felony	\$9,378,189	\$9,319,459	(\$58,730)
002.5321274108 - Misdemeanor	\$1,516,527	\$1,432,469	(\$84,058)
002.5321274111 - Juvenile	\$266,173	\$268,744	\$2,571
002.5321274117 - Becca	\$123,510	\$129,936	\$6,426
124.02321274107 - Felony	\$1,793,144	\$2,387,572	\$594,428
124.02321274106 - Misc	\$135,728	\$134,985	(\$743)
124.02321274108 - Juv Show Cause Attorney	\$59,522	\$72,485	\$12,963
130.575165177841 - ARPA Essential Govt Svcs		\$1,083,556	\$1,083,556
Total	\$13,377,118	\$14,938,826	\$1,561,708

Fund 002: \$128,496 increase; Fund 124: \$606,648 increase. Costs related to COVID-19 Backlog are built in and reimbursable from Fund 130.

Handling: Urgent

Approved-as-to-form: Yes

Risk Management: Yes

Executive Recommendation: Approve

Request: Move to GLS on December 14, 2022 for Council to consider taking action.