



Snohomish County Council

Committee: Community Safety and Justice **Analyst:** Nicole Gorle
ECAF: 2023-0687 & 2023-0747 **Date:** July 5, 2023
Motion: 23-258 & 23-276

Consideration:

Authorize the Executive to sign two contracts for indigent defense services, and any future amendments.

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.

Since the enactment of [RCW 10.101](#), the County has contracted with outside attorneys for legal services to indigent defendants through the courts¹, and then in 2000 under the Office of Public Defense upon its creation.² Today, the largest contract is with the Snohomish County Public Defender Association (PDA), who provides the majority of legal services to indigent defendants in the County. The County also enters into smaller contracts with other attorney’s and law offices which primarily handle cases where there is a conflict of interest between the PDA and the defendant.

Current Proposal

Scope: These two (2) motions would approve contacts between the County and individuals to provide representation to indigent defendants in criminal cases where there is a conflict of interest between the defendant and PDA for the 2023 calendar year. Scope of services is outlined in schedule A.

| ECAF | Motion | Contractor | Not to Exceed Amount | Duration |
|-----------|--------|-------------------|----------------------|--------------------------------------|
| 2023-0687 | 23-258 | Sonja Hardenbrook | \$250,000 | 2023 – may extend two one year terms |
| 2023-0747 | 23-276 | Ruth Rivas | \$250,000 | 2023 – may extend two one year terms |

¹ Motion: 90-132; ECAF #: n/a; Leg. Title: Relating to “Conflicts Contracts” for Indigent Legal Services in Criminal Cases

² Ordinance: 00-072; ECAF #: 20001559; ECAF Title: Establish an Office of Public Defense

2023 Budget: Yes

Future Budget Impacts: Potentially, depending on if the contract is extended

Handling: Normal

Approved-as-to-form: Yes

Risk Management: Yes

Executive Recommendation: Approve

Attachments: None

Amendments: None

Request: Move to GLS on July 19th for consideration.