

PUBLIC  
DEFENSE  
ADVISORY  
BOARD  
ANNUAL  
REPORT

2017



**King County**



**King County**

**King County Public Defense Advisory Board**

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## EXECUTIVE SUMMARY

The attorneys and staff of the Department of Public Defense provided essential public defense services to over 22,000 indigent clients in 2016. The period since this Board's last Annual Report has seen many significant achievements for public defense and for DPD employees, including:

- The quality of service to indigent clients is high.
- Compensation for many DPD personnel has improved, with attorneys now on par with prosecutors;
- A new Assigned Counsel Panel has been constituted based on a comprehensive review of participants' qualifications;
- New contracting practices for expert selection have been implemented;
- Through two county budget cycles, DPD has maintained staffing levels despite substantial budget-cutting at other county agencies;
- DPD has obtained authorization for advanced hiring of law school graduates to fill future job openings from a pool of top candidates;
- Technology, in the form of cell phones, laptops and A-V equipment, has been made available to more DPD personnel;
- The Department has played a significant role in addressing important issues of public policy (e.g., prohibition on interrogation of unrepresented incarcerated youth, efforts to improve jury diversity);
- DPD has adopted internal policies to provide better supervision and mentoring of DPD personnel (e.g., written "Supervisor Development Review Expectations," skills training for supervisors, regular evaluations);
- 36 senior lawyers were appointed;
- More robust training and evaluation programs have begun for all divisions;
- A "Language-Line" call-in service for emergency translation has been implemented; and
- DPD has begun to provide additional legal assistance to clients who face barriers to employment, housing and education based on their juvenile criminal history.

At the same time, the Department faces significant challenges, in particular, the reconstitution of a Leadership Team in the aftermath of significant recent or upcoming departures. As discussed in this Report, the Director is mindful of the need for a pause and a re-set to develop a strategic plan, a shared vision for the Department, and the right leaders to implement them. The Board supports this process and, consistent with its statutory mandate to review the plans and activities of the Department, stands ready to provide advice and assistance. In this Report, the Board seeks to provide valuable information on the state of public defense and recommendations that will contribute to continued success on behalf of the Department's clients and its employees.

In the section entitled, "What Public Defenders Do," this Report describes the vast array of public defense services provided by the Department. Attorneys, paralegals, legal assistants, investigators, mitigation specialists and their administrative support teams represent individuals facing loss of liberty. The Department's employees also handle many non-criminal cases, including involuntary commitment and dependency cases, civil matters with consequences that can be just as devastating as criminal convictions for the parties and their families, including confinement to an institution and loss of parental rights. The

Department's employees are charged with investigating allegations made against clients, protecting their rights, and giving voice to their stories. Additionally, the Department's employees pursue systemic change to improve the quality of criminal justice generally.

In the section entitled, "The Quality of Public Defense Services," this Report examines how well King County is fulfilling its statutory mandate to comply with the ABA's "*Ten Principles of a Public Defense Delivery System*," a respected guide for government officials, policymakers and others charged with creating, funding and improving public defense systems. While the King County Department of Public Defense measures up well in most areas, there remain areas where improvements can and should be made. In this section of the Report, we also include feedback that the Board received from meetings with the presiding judges, chief criminal judges and prosecuting attorneys in the courts in which DPD attorneys practice.

A third section of the report, "Organizing for the Future of King County Public Defense," discusses the structure of the Department, its accomplishments, and some of the changes needed to better serve clients, continue to build a shared institutional culture, and generate pride and enthusiasm among all who contribute to the work of the department.

The section entitled, "Progress in Advancing Equity and Social Justice Within the King County Criminal Justice System" reports on the policy changes and efforts that have been made or that are proposed to make the system fairer for all.

This report ends by assessing the Department's progress in addressing recommendations made in the Board's 2016 Annual Report and by making recommendations for improving the quality of King County public defense in the year ahead.

SEPTEMBER 18, 2017

# INTRODUCTION

The quality of the criminal justice system in King County is one of the most important expressions of the community's values. This Annual Report, the Public Defense Advisory Board's third, is prepared in fulfillment of the Board's statutory responsibility under King County Code § 2.60.031(H) to issue to the executive and council each calendar year a report "on the state of county public defense" that includes "an assessment of the progress of the county in promoting equity and social justice related to the criminal justice system." In an effort to meet this broad mandate, the Board has relied on input from a wide range of justice system stakeholders.<sup>1</sup>

Specifically, in preparing this report, the Board:

- Met with all members of the DPD Leadership Team, including the managing attorneys for each division, the presiding judges of the Superior, District and Seattle Municipal Courts, the King County Prosecuting Attorney; the Chief of the Criminal Division of the Seattle City Attorney's Office; King County Executive; and the Chair of the County Council's Law & Justice Committee;
- Reviewed DPD personnel's responses, including extensive narrative comments, to the October 2016 Employee Engagement Survey;<sup>2</sup>
- Gathered additional data regarding the Department's operations;
- Reviewed the report on the Department's compliance with the American Bar Association's Ten Principles for a Public Defense Delivery System submitted to the Council earlier this year by the Director; and
- Met separately with the Director to discuss critical issues the Board identified through the aforementioned steps.

From these and other sources, the Board seeks to arrive at a fair assessment of the Department's operations and to identify significant issues affecting the Department's ability to provide high quality public defense services to clients and a rewarding professional law office for all employees.

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<sup>1</sup> The Board created a survey for all DPD personnel to provide input for this Report. However, the unions representing DPD employees objected to the Board's plan to distribute the survey, so the Board did not send it out this year.

<sup>2</sup> DPD's overall response rate to the County's Employee Engagement Survey cautions against drawing sweeping conclusions. Only 59 individuals responded in the occupation group identified as "Legal" out of roughly 195.6 attorney FTE's in DPD, for a rate of only 30%. Overall, only 54% of DPD personnel responded to the survey (203/378).

# WHAT KING COUNTY PUBLIC DEFENDERS DO

## DPD'S SERVICES

The King County Department of Public Defense represents people who are accused of a crime or face other serious infringements on their liberties and who cannot afford an attorney. The Department consists of a Director's Office and four divisions.<sup>3</sup> Each division provides direct service to clients, through the efforts of attorneys, investigators, mitigation specialists, paralegals and administrative support personnel. The Director's Office oversees strategic planning, policy direction, training, department-wide administration, data analysis, budget development and human resources; it also screens clients for eligibility, assigns cases to the divisions, and provides other administrative support. The Director's Office also administers the Assigned Counsel Panel, a corps of private attorneys who represent individuals the Department cannot serve, for reasons of professional ethics or capacity.

## WHERE DPD WORKS

The Department represents clients in:

**King County Superior Court** in Seattle (two locations) and Kent

**King County District Court** at three locations (Seattle, Kent, Redmond)

**Involuntary Treatment Act Court** at Harborview Medical Center and other facilities around the county

**Seattle Municipal Court** in downtown Seattle.<sup>4</sup>

## TYPES OF CASES

### *Capital Defense*

Pursuant to RCW 10.95.030, a defendant may be sentenced to death for the offense of aggravated First Degree Murder. In order to ensure that a defendant is well-represented when facing this possible punishment, the Washington Supreme Court requires that at least two experienced attorneys be assigned to cases in which the state seeks (or may seek) the death penalty, with at least one of those attorneys being a member of the panel of Supreme Court-approved capital attorneys.<sup>5</sup>

During the period of this report, the King County Prosecutor's Office has not requested a death sentence in any case. Further, in late 2016, Prosecutor Satterberg filed a Notice of Intent Not to Seek the Death Penalty in a potential capital case mentioned in last year's report.

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<sup>3</sup> The ethical underpinnings of the multi-division structure and the separation of DPD leadership from client representation are discussed on page 19, *infra*.

<sup>4</sup> The Department's work in Seattle Municipal Court is governed by a contract between King County and the City of Seattle, which is described further later in the report.

<sup>5</sup> Special Proceedings Court Rule (SPRC) 2.



The long-standing practice in King County is for death penalty defense counsel to carry no additional cases. The decision not to seek a sentence of death allowed DPD to assign a caseload to an attorney who otherwise would be directing 100% of her time to one (1) case.

So long as the death penalty remains a sentencing option in the State of Washington, DPD must continue to have attorneys in each of its divisions trained and qualified to defend against such a request. Since January 1, 2016, six DPD attorneys were sent to national training programs related to death penalty defense.

### ***Felony Defense***

A felony carries a possible sentence of more than one year in prison. These offenses can range from Class C offenses, such as forgery, theft and possession of illegal drugs, to Class A offenses, such as premeditated murder and Rape in the First Degree. A felony conviction in a non-capital case can result in a range of sentences up to life in prison without the possibility of parole for the most serious offenses. Felony convictions also carry a wide range of other serious consequences that may include deportation, legal financial obligations, disqualification from employment, educational, and housing opportunities, ineligibility for military service, inability to obtain financial aid, restrictions on travel, the duty to register as a sex or kidnapping offender, revocation of the right to possess a firearm, and a stigmatizing criminal record.

### ***Misdemeanor Defense***

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

### ***Seattle Municipal Court***

Last year, the Board noted concerns relating to poor performance or preparation on the part of some defense counsel in Seattle Municipal Court. The Department has addressed this situation. As one judge put it, “the quality of lawyering has improved across the board,” although it was noted that the quality of lawyering is still somewhat uneven. During our interviews, the Board heard of improved training and of excellent in-court supervision by several senior lawyers. Still, SMC defense counsel display a wide range of skills and continued in-court, case-specific supervision and training programs, dedicated to raising the quality of practice would be beneficial. Judges reported some inefficiency arising from trial setting and continuance practices. The Board appreciates the court’s concern, but recognizes that defenders’ efforts to protect their clients’ interests will sometimes have such an effect.

DPD successfully addressed the issue raised in last year’s report concerning excessive caseloads for inexperienced attorneys in Seattle Municipal Court (SMC). DPD’s 2016-2017 budget and the current SMC contract provide for sufficient FTE’s to staff in accordance with the Washington caseload standards.

DPD investigator supervisors continue to report being overloaded. One of DPD’s divisions reports investigation requests for SMC cases represent 54% of the total investigation requests for that division.

Since SMC cases are generally quickly resolved, there are time pressures on investigators to complete the requests. DPD should continue to collect data on SMC investigation requests to determine whether the Washington caseload standards and investigator support ratio is providing adequate time for cases to be investigated.

As of the writing of this report, DPD and Seattle have completed the negotiation of a five-year contract for the provision of indigent defense services in Seattle Municipal Court by DPD to replace the current contract which runs through December 31, 2017. The contract now needs the approval of both the King County and Seattle City Councils. The proposed contract allows for three five-year-extensions allowing for stability in the provision of services through December of 2032.

DPD and the Court have also agreed that DPD coordinators will take over the task of assigning the cases to its divisions. Handling this task internally will improve DPD's ability to collect data as well as better control the caseloads of individual attorneys.

Seattle elected officials, DPD, and others have come together to create a Criminal Justice Coordinating Council whose proposed mission is "to work across all branches of government to create a continuously more equitable, efficient and effective municipal criminal justice system of the City of Seattle by using data, best practices and innovation."

### *King County District Court*

According to statistics maintained and reported by King County District Court, filings continue to decline. This is consistent with the reduction in clients, assignments, and credits tracked by DPD. This is explained, in part, by a drop in the number of DUI cases being filed in King County District Court. A review of Washington District Court annual reports shows a steady decrease in DUI filings from 2,717 in 2014 to 2,063 in 2016 with a drop of nearly 500 cases from last year. The reduction is credited to officers in several municipalities filing their DUI cases in the city courts. DPD attorneys report that the majority of DUI cases they see in district court arise from Washington State Patrol arrests.

The decrease in District Court filings has produced a situation where there are fewer lawyers assigned to handle cases which continue to be heard in multiple courtrooms. King County District Court has a dedicated domestic violence court housed at the Maleng Regional Justice Center. Filings in that court equate to 1.5 attorney FTEs in the PSB/DPD staffing model. When DPD staffs this particular court with one attorney handling 100% domestic violence cases and one attorney who handles 50% domestic violence and 50% other misdemeanor cases, scheduling for the court and the attorneys becomes difficult. In the past 18 months, there were 41 jury trials in domestic violence court. 37 of these trials were handled by DPD attorneys. Further, domestic violence court holds frequent review hearings requiring DPD attorneys to spend more time in court than other practice areas. The PSB/DPD staffing model may need to be adjusted to reflect the increased court appearances for these clients.

### *Juvenile Defense*

Juvenile court jurisdiction encompasses misdemeanors and felonies allegedly committed by individuals under the age of eighteen. Adjudication as a juvenile offender can result in many of the same consequences that apply to adults, such as confinement (until the age of 21), the duty to register as a sex offender, legal financial obligations, and a criminal history record that can create barriers to employment, housing, and education. Many juvenile clients have been suspended or expelled from school and require

advocacy in order to be able to regain access to education. The juvenile justice system is intended to be rehabilitative in addition to holding youthful offenders accountable. To obtain positive outcomes for young people who are in this system, the defense needs multidisciplinary and multi-system expertise. DPD mitigation specialists can have a significant impact, helping youth access services and get their lives on track.

According to King County Superior Court, juvenile delinquency filings continue to decline. In 2013, the State filed 1,802 cases as compared to 1,295 cases filed in 2016. Over the same period of time, the King County population was estimated to have increased by 52,300<sup>6</sup>. Although the number of cases has decreased, the proportion of felony cases has increased. The Court's data indicates that between 2014 and 2015, the Prosecutor filed only 2% fewer felony charges against juveniles but 15% fewer misdemeanor charges against juveniles. There was a 25% increase in sex charges against juveniles (which are among the most complex) and reductions in all other charge types.

On March 1, 2017, DPD, with the support of the Executive, expanded its juvenile practice to include representing indigent King County residents who qualify to have their juvenile records sealed by court order and/or their registration requirements lifted. This assistance is essential to enable these young adults to take full advantage of the education, employment, and housing opportunities potentially available to them. As of the writing of this report, four DPD clients have filed for the lifting of registration requirements and 68 have filed for sealing of their juvenile records. DPD expects that the additional casework will be approximately equal to the anticipated reduction in filings, resulting in no need for additional resources at this time.

DPD is also actively working with community members and other criminal justice organizations to design community-based programs for improved outcomes for children. DPD's participation in the Juvenile Justice Equity Steering Committee resulted in the implementation of a diversion project in which children who would otherwise have been charged with shoplifting at Southcenter Mall will be diverted by local police to community-based providers who can help children find jobs and/or mentors.

### ***Parent Representation in Dependency Cases***

Dependency cases involve allegations that one or more children have been abused, neglected, or abandoned. In such cases, parents require counsel to defend against the allegations and advocate for them as they work to retain or regain custody of their children. These cases can last two or more years as the parents engage in court-ordered services and the court and the parties consider whether and when the children can safely be returned to their parents and what alternative permanency options exist. Dependency cases require multidisciplinary expertise, as attorneys work with clients who often need intensive services to achieve their goals.

DPD contracts with the State Office of Public Defense and Office of Civil Legal Aid, who provide funding at a statewide rate, to handle a maximum of 1,200 open parent Dependency cases and 104 to 137 child cases throughout the period of an annual contract. Generally, DPD caseloads are measured by the number of new cases assigned to the department in a 12-month rolling period. OPD however, measures by current active open cases and mandates no single attorney have more than 80 open cases at any one

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<sup>6</sup> State of Washington 2016 Population Trends, Washington Office of Financial Management, <http://www.ofm.wa.gov/pop/april1/poptrends.pdf> (last visited 7/8/2017).

time. DPD set a cap of 65 open cases per attorney, recognizing that litigating 72-hour shelter hearings on short notice, carrying mixed caseloads of parents and children, and the unique demands of King County's Family Treatment Court make it imperative for attorneys dealing with State caseworkers located in six (6) different locations around the county to have time to adequately investigate and prepare.

While the statewide rate paid by OPD generally covers the salaries of attorneys and some DPD staff designated for dependency work, it does not fully cover all of the overhead. The Board supports the Executive's and Council's commitment to families and children as demonstrated by continuing to provide the necessary funding for DPD to provide this representation.

The State's dependency filings in King County declined 14.3% from 2015 to 2016. During the same period, termination of parental rights proceedings increased 2.3% and At Risk Youth and Children in Need of Service filings increased 13.8%.

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

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

**Dependency proceedings:** Children over 12 are appointed counsel to advocate for their interests when they are removed from their parents' care. This representation may continue until the age of 21 if they are eligible for extended foster care. In addition, children under the age of 18 have a statutory right to counsel if they have not been adopted within six months after their parents' rights have been terminated.<sup>7</sup> Attorneys for children in dependency proceedings play a critical role in protecting children's health, safety, and well-being while in the state's custody and in helping abused and neglected children attain permanent homes.

**Child in Need of Services (CHINS) proceedings:** A child or a parent may file a CHINS petition in order to seek placement for the child outside of the home. The orders may be in place for up to nine months to allow for the provision of services to reunite the family. Attorneys are appointed at the time a petition is filed, and representation continues until the petition is dismissed.

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

**Truancy proceedings:** Children of mandatory school attendance age may become subjects of truancy petitions if they are absent without cause. Upon finding a student truant, a court may enter an order requiring school attendance, which can then be enforced through a contempt citation and secure detention. Attorneys are appointed when a contempt motion is filed.

### ***Involuntary Treatment Act***

Under the Involuntary Treatment Act, an individual may be committed to a hospital if s/he suffers from a mental condition such that s/he is a danger to him/herself or others. Representation of these clients often goes on for many months or years, as the determination of dangerousness is revisited according to a

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<sup>7</sup> RCW 13.34.100(6)(a).

statutory timetable. As described within, the Involuntary Treatment Act Court is based at Harborview Medical Center, with respondents and their DPD attorneys often located at the facilities where the respondents are held for treatment and appearing for court proceedings by video.

Consistent with national standards including Principle 7 of the *Ten Principles of a Public Defense Delivery System* (“The same attorney continuously represents the client until completion of the case.”), the Department employs a vertical defense approach in ITA Court with a single lawyer handling all aspects of the proceeding for each individual client. Attorneys representing individuals confined to hospitals must spend significant time shuttling among the several different hospitals in the county, rather than meeting clients in centralized defender offices or at the courthouse. Time spent traveling to and from hospitals is time not spent doing substantive legal work -- meeting with clients, preparing cases, advocating at hearings. ITA lawyers report regularly ending their work day at 7:00 p.m. or later, as the only time to meet with clients and obtain records is after they have finished traveling to and from hearings. Moreover, for the third consecutive year, the number of clients, assignments and credits increased in ITA court.

The current practice of holding hearings in which the respondents and their attorneys appear remotely, by video camera, presents a distinctive set of challenges for the attorneys in these units. Recently, the Department successfully challenged the lawfulness of these practices. Division I held that for individuals facing 90 or 180-day commitments, “the ITA requires that respondents in civil commitment proceedings be physically present for such proceedings.” *In re J.N.*, 75319-3-1. Developing a constitutional and humane way to ensure due process to ITA respondents must be a high priority for county leaders.

### ***Civil Contempt***

Attorneys are appointed to indigent parents when a motion for contempt is filed by the Child Support Enforcement Division of the King County Prosecutor’s Office or another adverse party in a family law matter. DPD attorneys continue to represent clients until the contempt proceeding is dismissed. On occasion, DPD is ordered to provide representation in contempt matters other than family law cases, when incarceration is a potential penalty.

### ***Sexual Offender Civil Commitment (Sexually Violent Predators)***

Pursuant to RCW 71.09, an individual may be confined at the state’s Special Commitment Center for sexually violent predators upon a finding that the individual would be likely to engage in predatory acts of sexual violence if not confined in a secure facility. These complex, lengthy civil proceedings can result in indefinite detention for offenders who have already completed criminal sentences. After the initial commitment proceedings, individuals confined under this statute have a right to annual reviews and periodically may petition the court for less restrictive alternatives or unconditional release.

### ***Specialty Courts***

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

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

DPD’s dedicated attorneys and mitigation staff help specialty courts in King County, listed below, maintain their reputation as some of the best in the country:

- Adult Drug Diversion Court – currently 222 participants in Seattle and 90 in Kent;
- Juvenile Drug Court;
- Family Treatment Court – served 84 adults and 107 children in 2016;
- King County Regional Mental Health Court – currently 153 active participants; and
- King County Regional Veterans Court – currently 29 active participants.

DPD represents clients participating in the Drug Offender Sentencing Alternative (DOSA) program. Once sentenced to DOSA, participants appear in court so the judge can evaluate his or her progress in treatment and address any alleged violations of conditions the court has imposed.

DPD attorneys practicing within the District Court’s Regional Mental Health Court and Seattle Municipal’s Mental Health Court also take on much of the Department’s workload in competency evaluations. While this set of cases is distinct from those for which the Mental Health Court was created, the legal, technical, and cultural expertise of the Mental Health Court staff offers effective and compassionate representation in these challenging proceedings.

**CASELOAD STANDARDS**

The Washington Supreme Court requires every attorney providing indigent defense services to certify annually that s/he is in compliance with caseload standards. The standards establish the following limits on attorney caseloads, by case type:

Felonies:	150 per year
Misdemeanors:	400 per year
Juvenile Offender:	250 cases per year
Juvenile Dependency:	80 open cases at a time
Civil Commitment:	250 cases per year

The standards do not presume that attorneys should be working at the maximum caseload level at all times. Rather, the standards state that the limits “should be adjusted downward when the mix of case assignments is weighted toward offenses or case types that demand more investigation, legal research and writing, use of experts, use of social workers, or other expenditures of time and resources.”

In order to ensure that clients receive adequate time and attention from their lawyers, DPD uses a supplemental crediting system based on the number of hours an attorney spends on a case. The system is

built from the caseload limits posted above. For example, the limit for a felony attorney is 150 cases per year. That limit is based upon an assumption that an attorney has approximately 1,800 hours per year (which allows for vacation, education, and a limited amount of sick leave) to work on the 150 cases, or 12 hours per case. Although some cases are resolved in fewer than 12 hours, many require more than this presumptive total. In 2017 it is not unusual for discovery to include many hours of video and audio recordings, scientific examinations and testing and complex medical records. DPD assigns a supplemental case credit when an attorney doubles, triples, etc., the number of hours anticipated by the standards. Attorney hours are documented in the client file portion of the case management system and monitored by their supervisors. The case management system tracks all credits using the supplemental credit formula described. DPD Leadership reports they have been working for the past year to produce to a written policy for all crediting situations. The draft of the policy has been shared with all DPD employees, this Board, and PSB staff (as it will impact the staffing model discussed in other sections of this report.) All comments have either been incorporated or addressed. The Board urges DPD to make this policy final in order to ensure consistency across its divisions.

## Caseload Data

The table below illustrates the Department's caseload in 2016 by practice area and in comparison to previous years. Clients are unduplicated within each category shown (e.g., Felony and Felony Review).

	CLIENTS			ASSIGNMENTS			CREDITS	
	2014	2015	2016	2014	2015	2016	2015	2016
<b>Felony</b>	<b>4,854</b>	<b>4,852</b>	<b>4,784</b>	<b>5,791</b>	<b>5,543</b>	<b>5,516</b>	<b>7,963</b>	<b>8,635</b>
<i>% change</i>		-0.1%	-1.4%		-4.3%	-0.5%		8.4%
<b>Felony Reviews</b>	<b>336</b>	<b>332</b>	<b>352</b>	<b>329</b>	<b>394</b>	<b>411</b>	<b>216</b>	<b>129</b>
<i>% change</i>		-1.2%	6.0%		19.7%	4.3%		-40.3%
<b>Drug Diversion Court</b>	<b>413</b>	<b>416</b>	<b>234</b>	<b>467</b>	<b>630</b>	<b>249</b>	<b>465</b>	<b>325</b>
<i>% change</i>		0.7%	-43.8%		34.9%	-60.5%		-30.1%
<b>KC Misdemeanor</b>	<b>5,367</b>	<b>3,985</b>	<b>3,657</b>	<b>5,734</b>	<b>4,355</b>	<b>3,947</b>	<b>3,373</b>	<b>2,797</b>
<i>% change</i>		-25.8%	-8.2%		-24.1%	-9.4%		-17.1%
<b>KC Misdemeanor Reviews</b>	<b>1,693</b>	<b>1,695</b>	<b>1,755</b>	<b>1,774</b>	<b>2,073</b>	<b>2,076</b>	<b>1,823</b>	<b>1,849</b>
<i>% change</i>		0.1%	3.5%		16.9%	0.1%		1.4%
<b>KC Mental Health Court</b>	<b>610</b>	<b>179</b>	<b>184</b>	<b>859</b>	<b>204</b>	<b>211</b>	<b>204</b>	<b>235</b>
<i>% change</i>		-70.7%	2.8%		-76.3%	3.4%		15.2%
<b>Juvenile Offender</b>	<b>1,187</b>	<b>872</b>	<b>799</b>	<b>1,752</b>	<b>1,584</b>	<b>1,292</b>	<b>1,505</b>	<b>1,168</b>
<i>% change</i>		-26.5%	-8.4%		-9.6%	-18.4%		-22.4%
<b>Juvenile Reviews</b>	<b>461</b>	<b>362</b>	<b>92</b>	<b>518</b>	<b>633</b>	<b>101</b>	<b>215</b>	<b>166</b>
<i>% change</i>		-21.5%	-74.6%		22.2%	-84.0%		-22.6%
<b>Status Offenses</b>	<b>313</b>	<b>241</b>	<b>240</b>	<b>346</b>	<b>256</b>	<b>263</b>	<b>314</b>	<b>294</b>
<i>% change</i>		-23.0%	-0.4%		-26.0%	2.7%		-6.5%
<b>Dependency</b>	<b>1,564</b>	<b>1,432</b>	<b>1,378</b>	<b>1,606</b>	<b>1,518</b>	<b>1,465</b>	<b>934</b>	<b>945</b>
<i>% change</i>		-8.4%	-3.8%		-5.5%	-3.5%		1.2%
<b>Contempt of Court</b>	<b>145</b>	<b>119</b>	<b>130</b>	<b>147</b>	<b>119</b>	<b>125</b>	<b>119</b>	<b>125</b>
<i>% change</i>		-17.9%	9.2%		-19.1%	5.0%		5.0%
<b>Involuntary Commitment</b>	<b>3,148</b>	<b>3,406</b>	<b>3,524</b>	<b>3,586</b>	<b>3,769</b>	<b>4,033</b>	<b>3,906</b>	<b>4,240</b>
<i>% change</i>		8.2%	3.5%		5.1%	7.0%		8.6%
<b>Seattle Municipal Court</b>	<b>3,328</b>	<b>3,715</b>	<b>3,358</b>	<b>4,145</b>	<b>5,043</b>	<b>4,231</b>	<b>5,043</b>	<b>5,796</b>
<i>% change</i>		11.6%	-9.6%		21.7%	-16.1%		14.9%
<b>Seattle Municipal Reviews</b>	<b>2,022</b>	<b>1,920</b>	<b>1,831</b>	<b>2,555</b>	<b>2,885</b>	<b>2,108</b>	<b>2,885</b>	<b>2,614</b>
<i>% change</i>		-5.1%	-4.6%		12.9%	-26.9%		-9.4%



# QUALITY OF PUBLIC DEFENSE SERVICES

## COMPLIANCE WITH ABA'S TEN PRINCIPLES

The American Bar Association's *Ten Principles of a Public Defense Delivery System* "were created as a practical guide for government officials, policymakers and other parties" to use as "fundamental criteria necessary to design a system that provides effective, efficient, high quality, ethical, conflict-free legal representation for criminal defendants who are unable to afford an attorney." King County expressly adopted these principles in 2013 by including among the county public defender's duties responsibility for "[e]nsuring that the American Bar Association Ten Principles for [sic] a Public Defense Delivery System . . . guide the management of the department and development of department standards for legal defense representation . . ." KCC § 2.60.026 (4). The King County Public Defender is required to file an annual report on the Department's efforts to comply with the Ten Principles and she has done so in her "2017 Annual Director's Report," dated April 1, 2017, filed with the clerk of the Council ("The Director's Report"). The Director's Report describes a public defense delivery system in King County that is generally in compliance with the ABA's Ten Principles. The PDAB makes the following additional observations with respect to King County's compliance with The Ten Principles:

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

**PDAB Comment:** The Department functions independently of political and judicial supervision or interference. Overall management of the department, including hiring of attorneys, interns and staff and the development of departmental policies, procedures and guidelines, is conducted by the Director, the Deputy Director and/or the Director's designees. Supervision of attorneys and staff who interface directly with clients is managed within the divisions under the direction of managing directors. The director has relied on cross-divisional teams to conduct interviews and make recommendations for significant personnel decisions, such as hiring, senior selection and promotions, in order that such decisions be merit-based and promote diversity. For example, the processes through which a new Managing Director for ACAD and new Assistant Training Director were selected appear to have been transparent and focused on merit. We are also pleased that the 2017 intern recruitment and selection process has produced a more diverse class from law schools from across the country. The Board is aware of no political or judicial interference in the day-to-day operations at either the departmental or divisional levels.

Unlike many services provided by King County, most services provided to indigent defendants by DPD are mandated by the United States Constitution, the United States Supreme Court, the Washington State Constitution, the Washington Supreme Court, the Revised Code of Washington, the King County Charter and other local laws. The King County Executive and King County Council have recognized and complied with these mandates and have adopted budgets based on a model that properly funds the Department, except for the Assigned Counsel Panel.<sup>8</sup>

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<sup>8</sup> As noted elsewhere in this Report, hourly rates for members of the Assigned Counsel Panel are not adequate.

**Principle 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.*

**Board Comment:** Principle 2 addresses the need for a coordinated plan for the active participation of the private bar where caseloads are sufficiently high as is the case in King County. Here, this function is performed by the assigned counsel panel. When the new department was created, it began operations with an outdated panel list that included attorneys who had not been recently reviewed, as well as some who were no longer in active practice. Previous PDAB Reports—both Budget Reports and Annual Reports—had made updating the list and fair compensation for assigned counsel a priority. This past year, the Department undertook a comprehensive review under the leadership of Assigned Counsel Director Burns Petersen, requiring any attorney wishing to receive assignments to re-apply. Selection committees devoted substantial time reviewing the qualifications of the applicants and developed a new list of currently-qualified individuals eligible for case assignments for felony, misdemeanor, juvenile, dependency, contempt of court, and civil commitment cases.

While updating the list was an important step forward, we note that the pay scale for assigned counsel remains low and needs to be increased. As we stated in our Budget Report, dated October 11, 2016:

DPD currently pays panel attorneys rates that range from \$40/hour (truancy and civil commitment cases) to \$90/hour (Aggravated Murder). Compensation for representing adults charged with felonies ranges from \$55/hour for a Class C felony (the least serious felony) to \$70/hour for a Class A felony (a serious felony). Contrast that with Pierce County, which pays \$60/hour for Class Cs and \$75 for Class As. The Federal Court in the Western District of Washington pays \$129/hour for all felonies—nearly twice the DPD rate. Overall, when compared to Pierce, Skagit and Snohomish Counties and the federal government, DPD’s assigned counsel rates are low.

DPD requested a modest COLA increase to these rates for the 2017-2018 biennium but that rate increase was not approved. Given that these attorneys have not had a COLA increase for over a decade, these dedicated attorneys are long overdue for a compensation increase. As we stated in the 2016 Budget Report, “Without setting reasonable compensation rates, the efforts that DPD is taking to address the quality and consistency of the services provided by assigned counsel will be diminished. The PDAB also believes that it is an issue of equity and social justice—both for the contracting attorneys who should be fairly compensated and the indigent defendants who deserve consistent, high quality representation.” The failure of the county to adequately fund panel lawyers compels the conclusion that the county is not fulfilling its responsibilities to comply with Principle 2.

**Principle 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.*

**Board Comment:** In January 2017, the Department instituted telephone financial screening for applicants for public defense services. This enhancement enhances access for prospective clients and allows for improved operations within the Department.

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

**Board Comment:** Department policy requires counsel to meet with clients within 24 hours of their detention and well before any court appearances. Private meeting space is generally available at jails, although attorneys often have to schedule time in order to avoid waiting. The Department currently provides confidential space for client meetings. However, the Department is in the process of a major move to new facilities in the Dexter Horton Building in downtown Seattle. The Board is monitoring the move and the adequacy of office space as it is reconfigured. The Board is concerned that the Director's requests for additional space in Kent have yet to be resolved. This issue has been noted by the Board in each of its annual reports and remains a significant barrier to satisfying Principle 4.

A significant concern that is highlighted in the Director's Report is the lack of adequate office space at the Involuntary Treatment Act Court for attorneys and staff. This problem is especially acute at hospitals where video conference hearings are held and where, in some cases, there is either no office space for defense counsel or the available space is inadequate or lacks privacy.

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

**Board Comment:** The County's 2017-18 DPD budget was built to address a staffing model developed by a task force led by the Director of the Department of Performance, Strategy and Budget and that included representatives of the Department and the PDAB. Board member interviews and review of responses to the King County Engagement Survey indicates that, in general, and partially as a result of a credit and supplemental credit system for assigning cases, DPD attorneys' caseloads provide them with sufficient time to discuss and prepare their cases and provide quality representation as is required by Principle 5. This is not to say, however, that the system is not strained. As is indicated elsewhere in this report, while the attorney caseload limits are being complied with in Seattle Municipal Court, there is a need for more investigators to meet the demands for timely reports.

***Principle 6: Defense Counsel's ability, training, and experience match the complexity of the case.***

**Board Comment:** The training of attorneys and staff has been among the Department's highest priorities and is the responsibility of a full-time Training Director and, since July 2017, a full-time Assistant Director. A detailed discussion of the program may be found on page 21.

As far as matching ability and experience to the complexity of case assignments, the same Washington Supreme Court standards that set numerical limits on the number of cases that attorneys can accept also establish experience requirements. For example, in addition to certifying compliance with the basic professional qualifications in Standard 14.1 of the Washington Supreme Court Standards (e.g., familiarity with Washington Rules of Professional Conduct and completing seven CLE hours each year in courses related to public defense practice), an attorney representing a defendant accused of a Class A felony must also certify that he/she meets the experience requirements set forth in Standard 14.2 (e.g., two years as a public defender and trial counsel in three jury trials). Managing attorneys in each of the four divisions are

responsible for ensuring that attorneys' experience and skill levels are appropriate to their case assignments.

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

**Board Comment:** DPD attorneys are assigned to represent each client at all stages of his/her case through trial with the exception of the initial appearance (e.g., arraignment calendar) and investigation calendars. These calendars are currently staffed by one or more attorneys whose job it is to represent the clients for limited purposes such as securing release. This has been the practice in King County since well before the creation of DPD. The Board urges DPD to continue to investigate ways to incorporate these calendars into vertical representation.

**Principle 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.*

**Board Comment.** As a result of collective bargaining agreements that went into effect in February 2016, wages, leave and benefits of represented DPD employees approximate those of personnel within the King County Prosecutor's Office. In addition, over the past 3 years, DPD has arranged for attorneys to have greater access to cell phones, audio-visual equipment for courtroom demonstrations and laptop computers necessary to practice at the same level as prosecutors.

Unfortunately, private attorneys on the Assigned Counsel Panel are not compensated at acceptable rates. Given that these attorneys have recently been required to re-apply for the Panel and provide quality defense services, this inequity in compensation remains a shortcoming for the County in fully complying with the Ten Principles.

We also note that the limited number of investigators within DPD may place the Department at a disadvantage relative to the prosecution in performing necessary factual research and other investigative tasks that are normally provided to the state by police and law enforcement agencies. Washington State Bar Association Standards require that investigative staff be available at a ratio of one investigator for every four attorneys.<sup>9</sup> DPD meets that standard but investigators struggle keeping up with investigative requests particularly in faster moving case areas such as SMC. The Board urges DPD to gather and study data on investigation requests to determine whether the four to one ratio is in fact sufficient.

The DPD Director participates regularly alongside the King County Prosecutor and other criminal justice stakeholders in county wide criminal justice operations and reform efforts.

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

**Board Comment:** As discussed elsewhere in this report and in the chart showing all training programs (Appendix A), professional training is a high priority for the Department and substantial resources, both human and financial are devoted to providing opportunities for attorneys and non-attorney staff alike.

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<sup>9</sup>This one-to-four ratio is required by WSBA Standard 6.2 and 7.4. The certification adopted by the Washington Supreme Court Standards does not include this ratio as part of the certification requirement.

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

**Board Comment:** DPDs collective bargaining agreements, as well as the Washington State Bar Association Standards, set forth a requirement that each agency providing public defense services provide one full-time supervisor for every ten staff lawyers. In 2016, the Department took a number of significant steps to improve the overall quality of supervision of attorneys and staff. The department developed “Supervisor Development Review Expectations” that are set forth in a 2½ page document that covers communication, development reviews, leaves and vacation time, leadership, mentoring, workload and time management, ethics, cooperation and collaboration and equity and social justice. The Board will be interested in monitoring the implementation of these expectations over the coming year as it will require substantial time and effort.

Additionally, the Department conducted training for supervisors to teach them how to provide meaningful oversight and guidance. The results of the Employee Engagement Survey show a significant increase in satisfaction with the amount and quality of supervision, which is a critical function of Division-level leadership. The 2016 survey showed a 12% increase with respect to supervisors’ being supportive, 10% as to constructive feedback, and 8% as to their accessibility.

Finally, in 2017, the Department instituted a comprehensive application and review process and selected Senior Attorneys in accordance with the collective bargaining agreement.

**COMMENTS BY JUDGES AND PROSECUTORS:**

The observations above support the view expressed in the Director’s Report that DPD operates in a system that, with noted exceptions, is generally faithful to the ABA’s Ten Principles. The object of the Ten Principles is to provide a framework for a public defense system that enables efficient, effective and high quality representation. To obtain additional information whether that goal is being realized, the Board met with the presiding and chief criminal judges in each of the courts in which King County public defenders practice -- King County Superior Court (Seattle, Regional Justice Center, Juvenile Court), King County District Court and Seattle Municipal Court. In addition, the Board met with the King County Prosecuting Attorney and the Chief Criminal Deputy in the Seattle City Attorney’s office. The comments that we received indicated a generally high level of skill and professionalism as follows:

***Basic Litigation Skills***

Judges interviewed by the Board stated that most public defenders are capable in basic trial skills and knowledgeable about rules of evidence. Their motions, jury instructions and pleadings are generally well-drafted and supported by relevant authorities. However, it was noted that trial briefs should be, but are not, filed in all cases; that defense counsel should work on improving voir dire skills and that sentencing memos would be more effective if greater efforts were made to develop and present each defendant’s personal story. The judges stated that DPD attorneys are usually well-organized and prepared. In general continuances are sought for appropriate reasons.

## ***Resources***

From the perspective of the judges that we interviewed, public defenders appear to have the resources needed to provide quality representation. They seem to be well-supported by their staffs, with adequate technical resources, in-court demonstratives and experts.

## ***Civility and Professionalism***

Judges report that King County public defenders' demeanor is professional and respectful. Lapses are rare. With few exceptions, lawyers address the court, opposing counsel, jurors, clients and opposing witnesses in an appropriate and professional manner.

## ***Receptivity to Feedback from Court and Jurors***

The judges noted that few defenders sought feedback from them. The Board recognizes that there are a number of factors that should be considered by a defender in seeking feedback from a judge, including the possibility that a matter may be sent back to the judge on a successful appeal. Nevertheless, when appropriate and possible, judges can provide valuable advice based on their experience and observation of counsel over the course of a concluded matter. Defenders were more likely to seek feedback from jurors when permitted to do so by the court and we encourage defenders to take full advantage of these opportunities.

From the Board's perspective, all feedback is potentially of value in the Department's efforts to support its attorneys' professional development. The feedback a lawyer can receive from a supervisor or peer within the Department can be especially valuable, but the Board encourages the Department to consider when and how it might be possible to take better advantage of the perspective that judges can offer. The Department may also invite judges to participate in training programs and supervisors can and should seek feedback from judges in appropriate circumstances.

## ***Other Comments Bearing on the Quality of Public Defense Services***

The generally high marks given by the judges we interviewed reflect the equally high level of work performed outside the courtroom by the non-attorney members of the defense teams - legal assistants, mitigation specialists, investigators, paralegals and administrative support personnel - who enable the attorneys to uncover facts, evaluate defenses, review discovery, interview witnesses, perform research, help with briefs, prepare exhibits, and generally undertake a multitude of tasks that arm attorneys with the full range of information and tools necessary to a quality defense.

# ORGANIZING FOR THE FUTURE OF KING COUNTY PUBLIC DEFENSE

## DEPARTMENT STRUCTURE

The Department of Public Defense consists of a Director's office, headed by county Public Defender Lorinda Youngcourt, and four operating divisions that provide direct legal services to clients (Associated Counsel for the Accused Division, Northwest Defenders Division, Society of Counsel Representing Accused Persons Division and The Defender Association Division). The Public Defender has overall responsibility for management of the Department. Her duties include advocacy within County government and in the community to assure that the public defense function is adequately funded and properly staffed so that the attorneys and other employees within the Department have the resources needed to effectively serve clients. The Public Defender represents the Department in high-level meetings with the Executive, Council, judges, prosecutors and others to assure that the perspective and needs of public defense clients and public defense staff are heard and considered. She works collaboratively with the public defense advisory board and is responsible for advocating policies that advance equity and social justice objectives of the county.

The Public Defender works with a Leadership Team consisting of nine leaders based in her office (a deputy director, policy director, training director, chief of operations, human resources manager, chief financial officer, felony practice director, misdemeanor practice director and assigned counsel director) and the four managing attorneys of the divisions. As explained below, while supervision and training in the context of individual matters is handled at the division level, general skills training for all employees is overseen by the Department Training Director and Assistant Training Director.

Each managing attorney has general responsibility for oversight and administration of the services performed by the attorneys and support staff within his/her division. Each division's staff includes attorneys, paralegals, investigators, mitigation specialists and administrative support staff. Because ethical restrictions prevent sharing of case-specific confidential information across division lines, the supervision and training of attorneys and staff in the context of individual client matters is handled within each division.

Floris Mikkelsen, Deputy Director, and Twyla Carter, Misdemeanor Practice Director, left the Department this summer. Louis Frantz, Felony Practice Director, has recently indicated that he will be retiring before the end of the year. Floris Mikkelsen's extensive knowledge of the history and processes of public defense in the county were essential as the Department navigated many of its early challenges. Twyla Carter spearheaded needed improvements in misdemeanor defense practice and also catalyzed significant systemic change outside the Department through actively engaging with the community. Louis Frantz led the senior selection process, spearheaded improvements in expert selection and retention and oversaw the felony practice at DPD. Thus, these are three significant departures.

Director Youngcourt has informed the Board that she does not intend to fill these positions right away and instead will allow the Leadership Team to assess its current operation and decide on the best structure for moving forward. The Advisory Board supports this process and looks forward to engaging with the leadership as it develops its vision for the future. Of course, it is essential that the Department continues to meet all of the administrative demands necessary to provide effective service to clients throughout this

redesign period. The Director has stated that in this interim period, she plans to distribute the numerous responsibilities formerly carried out by the Deputy Director among the Policy Director and the Training Director, who will work in close consultation with the Managing Attorneys. The Policy Director and Training Director have been actively involved in leadership and thus are well-positioned to maintain continuity during this period, albeit with the challenge of discharging the significant responsibilities that come with their positions.

The Board believes it is essential that the Director and the Leadership Team emerge from this process ready to address the following crucial tasks:

- Developing and articulating a strategic vision and plan for the Department, informed by thorough consultation with the staff;<sup>10</sup>
- Producing a full set of operational policies designed to achieve the priorities established in the strategic plan;
- Developing a decision-making process that invites robust input from staff, generates prompt decisions, and designates authority to the relevant management level;
- Establishing the Department as a nationally renowned provider of public defense services that attracts the best candidates both locally and across the nation.

## **MAINTAINING AN ETHICALLY SOUND DEPARTMENTAL STRUCTURE**

The practice of law in Washington is regulated by mandatory Rules of Professional Conduct adopted by the Washington Supreme Court. These ethics rules govern the activity of all attorneys, individually, and each of the four divisions institutionally. The prohibition of conflicts of interest and the requirement of strict protection of confidential case-related information frequently come into play in criminal cases.

Compliance with these rules became more complicated when the previously independent non-profit defense agencies became part of a single county department. For example, the obligation to provide representation free of conflicts of interest imposes constraints on the manner in which cases can be assigned and attorneys deployed. Likewise, the obligation to preserve the confidentiality of case-related information limits the type and quantity of information that can pass beyond the division level. In light of these rules, the office has been relying upon a screening system which bars any interchange of confidential information outside of the division to which a case is assigned. Maintaining such ethical walls is necessary for the Department to be able to assign multi-defendant cases among the four divisions without compromising the ethical responsibilities of attorneys and supervisors. The office has a written ethical walls policy implementing these requirements currently in effect.

This has created both management and training difficulties, since only aggregate data not specific to an individual case or client can be shared outside of each division structure. It also requires that case-specific observation and training be performed at the divisional level rather than at the DPD level.

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<sup>10</sup> In its 2016 Report, the Board emphasized the need for the Department's leadership to improve the quality of its communication and consultation with employees. The results from the October 2016 County Employee Engagement Survey indicate that there remains work to do in establishing healthy and robust intra-departmental communication. To her credit, Director Youngcourt has responded to this survey with the creation of Employee Engagement Workgroups under the direction of the Department's Human Resources Director, Mary Louis, to address this and other issues identified in the survey.



The Department has retained outside counsel with expertise in legal ethics to advise the director and senior management on the appropriate implementation of the ethical requirements. This is critical to the Department's ability to deliver efficient, ethical, and constitutional defense services and to avoid liability for the Department's employees individually and the County as an entity

## **WORKFORCE**

### ***Basic Staffing Information***

The Department is budgeted through all sources for 401.8 FTEs

Attorneys:	195.60
Para-professionals:	91
Administrative:	43.4

Approximately 27 percent of the attorneys identify as other than white, as do 37 percent of the para-professionals and 52 percent of the administrative employees. Fifty-five percent of the attorneys identify as women, as do 67 percent of the para-professionals and 75 percent of the administrative employees.

The Director's Office has 38 employees: 50 percent of those employees identify as other than white, and 76 percent as women.

The Department committed itself to performing extensive and effective outreach to achieve diversity of the 2017 summer legal interns the Department hired. Of the 23 summer intern hires, 35 percent identify as non-white.

### ***Departures, Hires, and Conversions***

From January 1, 2016 through July 1, 2017, 71 employees ended their service with the Department. 15 of those were TLT employees. Of the 56 regular employees, 26 resigned, 13 retired and 17 left for other reasons including transfer to other King County jobs, medical issues, death and termination. During this same period, 51 full time employees were hired, and 41 TLT's were converted to regular employees.

The County authorized the Department to make prospective offers to interested applicants for new attorney hires. This was an essential step in enabling the Department to compete for the best candidates nationwide. Equipped with this authority, the Department secured fifteen commitments from 2017 graduates to begin work at DPD between August 2017 and May 2018. The Department will bring these individuals on as positions come open, but in a strategic fashion. Thus, six of the early hires started work together in August 2017, which enabled the Department to engage them in a -week long coordinated training program. The group will continue to meet monthly for additional instruction. This training prepared them for their assignments and created a strong sense of comradeship among attorneys who are assigned to work in the various divisions, thus advancing the process of creating a Department-wide identity. The availability of a structured introductory training program is also a significant benefit for ongoing national recruitment.

## ***Collective Bargaining Agreement***

The current contracts between DPD and its supervisors and between DPD and its line staff end in 2017. DPD is engaged in ongoing bargaining with the Teamsters (which represents the supervisors) and with SEIU (which represents the staff). Concurrently, the King County Executive is negotiating a Master Labor Agreement which will apply to a significant portion of represented staff in King County. DPD expects that its bargaining will focus on issues not covered by the MLA.

## ***Training***

From January 1, 2016 through June 30, 2017, DPD sponsored 40 in-house training programs, providing over 185 hours of CLE credit to more than 1,100 total attendees (excluding DPD interns). DPD also sent 163 staff members to 26 different training programs sponsored by other organizations in Seattle and across the country. A complete list of training programs attended by DPD personnel is attached as Appendix A.

DPD employees of all job classifications attended 28 different trainings on specialized legal topics such as homicides, civil discovery for dependency, DNA, the Indian Child Welfare Act, and therapeutic courts. In-house training included a Poverty Simulation attended by 88 participants, which included interns and attendees from other departments and agencies. The simulation challenges participants to view poverty through an equity and social justice lens.

DPD focused significant time on leadership and supervision trainings, holding a quarterly day-long Leadership Symposium for all supervisors, managing attorneys, and members of the leadership team. During this time period, DPD sent ten leaders to training sponsored by the National Association for Public Defense specifically tailored towards supervision and leadership.

The Litigation Trial Academy was offered for the second time including more than 20 local practitioners as small group coaches and presenters as well as accomplished national presenters. This training included attorneys with a broad range of experience and skill levels. The coaches included DPD personnel from each of the divisions. In addition, this year brought programs to reach out to those newer attorneys to build up core competencies, including a two-day voir dire session that included instruction on handling issues of race with prospective jurors and opportunities for participants to practice these skills.

DPD held its second two-day all-staff training, Cultivating Harmony, which provided over 60 training sessions to attorneys, administrators and support staff covering a vast array of practical topics. Presenters were drawn from talent within the Department as well as nationally recognized experts. Evaluations of the training were generally very positive.

The Department made significant strides in the last year in providing training opportunities for all positions with two half-day administrative conferences, the purchasing of an online training suite through the Institute for Paralegal Education and training on harm reduction and motivational interviewing which were approved for continuing educational units for mitigation specialists. DPD created several programs to move toward a comprehensive training strategy that serves its staff at all times in their career. With the newly-hired Assistant Training Director, the focusing of these practice area specific trainings should continue to increase.

DPD has not yet adopted training standards to guide and empower the divisions as they pursue their own training programs. This goal remains important and also provides an important opportunity to consult

with employees at all levels of the organization to design a set of standards that reflects input from the entire organization and that the entire organization can support and uphold.

The Department should ensure that training left to the divisions capitalizes on what the divisions can do that the Department cannot:

- training in the context of actual, current cases, offered in the context of supervision and linked to evaluation (ethical walls prohibit Department-level input and inter-division interaction in many such cases);
- emphasis on practical skills that complement legal doctrine (local court rules, individual court calendar management and norms, and the ability to manage a caseload).

Supervisors and leadership have worked with staff to increase the availability of time for training and the flexibility in workload to allow for both hourly and exempt staff to take advantage of training opportunities within the Department. The Staffing model has been completed and as the Department is able to hire people, the ability to provide coverage for those attending training will continue to increase allowing for a standardized foundation of knowledge for all job types.

DPD completed its first full year of the Development Review process which provided a method of assessing needs within the Department.

Supervisors and leadership have continued to be trained in skills such as difficult conversations, progressive discipline, cross-racial supervision, keeping employee files, giving meaningful praise, coaching and feedback as well as change leadership. These skills will allow a more cohesive working relationship within work units and the chance to build on the quality representation of clients that has been established in Seattle.

## **EQUITY AND SOCIAL JUSTICE**

*The report on the state of county public defense shall include an assessment of the progress of the county in promoting equity and social justice related to the criminal justice system and may include recommendations for advancing equity and social justice.*

King County Code § 2.60.031(H)

DPD staff advance equity and social justice every day as they protect the rights of indigent defendants and press for meaningful solutions to the challenges that poor and marginalized clients face. During the past year, DPD has also advanced equity and social justice by seeking to change policies and procedures both inside and outside of the Department that impact clients in unfair and unjust ways. DPD has participated in implementing the County's Equity and Social Justice Strategic Plan which emphasizes upstream solutions, community partnerships and investment in employees. In this section of the report, the Board highlights a few of DPD's accomplishments in this area and highlights pressing issues of equity and social justice facing the criminal justice system.

### **CHANGING DPD PROCEDURES TO SERVE CLIENTS EQUITABLY**

#### ***New Client Screening***

Clients served by DPD often lack resources, such as transportation. Historically, prospective clients were required to apply for public defense services by appearing in person at one of DPD's offices during limited hours. In 2017, DPD changed its procedures to provide phone screening during business hours Monday through Friday.

#### ***On-Call Attorneys***

People facing criminal investigation often need legal advice outside of regular business hours. DPD now provides on-call attorney services 24 hours a day, 7 days a week for anyone in custody in King County or under investigation. While implementing this policy has been a challenge for DPD attorneys who take turns answering calls after hours and throughout the night, it is a vital service to those who need advice when facing police and other state action and the County should allocate proper resources so that DPD can improve its ability to meet this critical need.

#### ***Language Line***

Many DPD clients do not speak English which presents a challenge for DPD attorneys who need to interview and consult with their clients without delay. A new language line has been implemented so that DPD attorneys and staff can access telephonic interpreter services on demand greatly improving meaningful access to counsel for non-English speaking clients.

### **WORKFORCE TRAINING TO UNDERSTAND CLIENT COMMUNITIES AND BIAS**

Poor and disproportionately from communities of color, DPD clients experience multiple forms of bias: explicit, implicit, and structural. During the past year, DPD staff participated in a Community Action Poverty Simulation to better understand the challenges their clients face. DPD attorneys have also had

opportunities to be trained to understand their own implicit bias and how it impacts their practice. The Department's second annual all-staff training, "Cultivating Harmony," also provided opportunities for attorneys and staff to understand how racial bias works and how it can be challenged in advocating for clients at various stages in criminal proceedings.

## **IMPLEMENTING THE COUNTY EQUITY AND SOCIAL JUSTICE STRATEGIC PLAN**

DPD actively participated in the County's ESJ work, establishing internal workgroups in the following areas:

- Leadership, operations and services;
- Plans, policies and budgets;
- Workplace and workforce diversity;
- Community partnerships; and
- Communication and evaluation.

One example of ESJ principles being embedded into the Department's work is through the newly developed Supervisor Expectations which require supervisors to demonstrate commitment to ESJ through their duties in staffing, training, communicating and other duties.

The time intensive internal ESJ work has been accomplished by DPD without designated staff support, which has been provided to other County Departments. Funding is needed for a full time ESJ employee to keep the work on track.

## **HOLISTIC REPRESENTATION**

In July 2017, DPD hired three attorneys to advise clients on the civil collateral consequences of criminal convictions. Guilty findings can have severe consequences to clients' immigration status, employment, education and housing. These new positions are funded on a temporary basis by the City of Seattle, and the focus of the representation will be on clients facing misdemeanor charges in Seattle Municipal Court or clients in King County District Court who are residents of Seattle. The Board has previously encouraged moving toward a more holistic representation model and is encouraged by this progress toward serving clients in a holistic way that will prevent recidivism, keep communities intact and potentially preserve County resources. Data is being gathered to determine how effective the model is in order to determine how it might be sustained and expanded.

## **SYSTEMIC ADVOCACY**

### ***The Juvenile Justice System***

Arrest rates, filings, and the number of children incarcerated in King County continue to decline. Over the past year, the number of youth held in detention reached the lowest in decades. Nevertheless, racial disparities continue to persist, with over 70% of the youth locked in detention being youth of color.

### ***Reducing Barriers for Youth with Juvenile Records***

The falling juvenile caseloads have allowed DPD to take a significant step to advance equity and social justice for youth suffering from lack of employment, educational and housing opportunities because of

their juvenile criminal history. In March 2017, DPD expanded their services to include assisting clients in sealing their juvenile records and moving for relief from the duty to register for eligible individuals who were adjudicated of sex offenses as children. This approach coincides with the County's commitment to ESJ through "upstream" investment by removing barriers for young people so that they can achieve their economic potential and become contributing community members.

### *Diverting Youth from the Juvenile System*

Two new programs to divert youth from the system have taken root over the past year: (1) the Family Intervention and Restorative Services (FIRS) program which has reduced the detention of youth accused of intra-family domestic violence; and (2) a community based diversion program in Tukwila focusing on diverting youth accused of shoplifting at Southcenter Mall. Both are positive and promising steps toward advancing equity and social justice for youth in King County, particularly youth of color.

In addition, the DPD director has been participating with other stakeholders, including the King County Prosecutor and community members, in a series of discussions to devise more options for diverting even more youth away from the juvenile justice system. These efforts are promising for advancing equity and social justice for young people through upstream solutions that prevent youth from entering the system in the first place.

### *Protecting the Rights of Detained Youth*

DPD worked with community groups, the Juvenile Justice Equity Steering Committee and King County Councilmember Uptegrove to ensure that youth who are held in detention have access to legal counsel before being questioned by police. Children in detention, without access to their parents or other trusted adults, are particularly vulnerable to in-custody interrogation, which can result in inaccurate and coerced statements. On April 25, 2017, the Council passed the ordinance, which prevents law enforcement from interrogating juveniles in the detention facility without having the opportunity to consult with an attorney. The Board fully supported this policy change, which advances equity and social justice.

### *Educating Youth*

This past year the former DPD Misdemeanor Practice Director Twyla Carter worked with the Kent School District to establish a new one-day civics course for high school students addressing the criminal justice system. DPD attorneys, prosecutors and judges participated in this successful course, which took place at 5 different high schools. These efforts to educate young people about how the criminal justice system works, and their rights in it is a positive upstream approach to advancing equity and social justice.

### ***Pre-trial Detention/Bail***

Poor people in King County continue to be detained because they cannot afford to post bail. This leads to loss of employment, housing and family ties while awaiting trial and results in many defendants forgoing their right to a trial even when they claim innocence just so that they can be released. This issue has been receiving national attention and DPD is participating at the state and local level to achieve reform, but intermediate steps can be taken such as allowing people accused of misdemeanors in district and municipal courts to post unsecured bonds with the court rather than secured bonds through bail bondsman who charge hefty fees.

### ***Immigrant Communities***

DPD has been participating in the Justice Advocacy Network, a group of advocates and grass roots community groups who came together after the election to respond to the needs of immigrant communities. This group has worked with King County Council Members and community groups to develop model ordinances and policies to protect immigrants who are at risk due to changes to immigration enforcement policies under the new administration. The federal government has been putting increased pressure on local law enforcement to enforce immigration laws, which many local law enforcement officials believe is antithetical to public safety as well as equity and social justice principles.

### ***People Suffering with Mental Illness***

The criminal justice system has become the default system to manage people who struggle with severe mental illness. The county and state are complicit in failing to address the needs of this vulnerable population. The number of County residents subject to involuntary treatment proceedings has been skyrocketing putting pressure on DPD, prosecutors and the courts. DPD has begun to meet with other stakeholders to begin discussing meaningful upstream solutions to this public health crisis.

### ***Efforts To Increase The Racial Diversity Of Juries In King County***

Last year, the Board reported about efforts by DPD to secure more diverse juries for DPD clients through diversifying the jury pool. Research initiated by DPD attorneys showed significant under-representation of certain minority groups in King County jury pools, particularly at Superior Court in downtown Seattle. While this problem persists, DPD attorneys continue to press for more diverse juries and achieved a victory in the Washington State Supreme Court on July 6, 2017 in *City of Seattle v. Matthew Alex Erickson*. As a result of persistent advocacy which began in Seattle Municipal Court and eventually made it to the Washington Supreme Court, DPD attorneys argued on behalf of an African American client that the government's striking of the only juror from a cognizable racial group (an African American) made a prima facie case that the juror was struck based on racial discrimination. Overturning the conviction on July 6, 2017, the Washington Supreme Court created a bright line rule, which will affect the makeup of juries throughout the state:

We hold that the trial court must recognize a prima facie case of discriminatory purpose when the sole member of a racially cognizable group has been struck from the jury. The trial court must then require an explanation from the striking party and analyze, based on the explanation and the totality of the circumstances, whether the strike was racially motivated. [citations omitted].

*City of Seattle v. Erickson*, Washington Supreme Court, No. 93408-8, Slip Op. at 15.

The *Erickson* decision is a step toward achieving equity in jury makeup for criminal defendants in King County and beyond; however, much more needs to be done to increase diversity in the jury pool itself.

# RECOMMENDATIONS

## THE DEPARTMENT'S PROGRESS IN ADDRESSING THE ADVISORY BOARD'S 2016 RECOMMENDATIONS

The recommendations made by the Advisory Board in its 2016 Annual Report follow with the Board's comments on the Department's success in addressing the issues.

1. The Department must ensure that the Legal Files case management system is capable of meeting the Department's internal and external need for reliable data and efficient case management. If the system is not adequate, it should be promptly replaced.

*Board Comment: Progress has been made in improving the Department's data capture and analysis capabilities. Legal Files is a necessary component of that capability, though it requires further customization and integration with other tools to provide high-quality information for efficient assessment and allocation of cases and workloads across all divisions. We include a separate recommendation for improved data recovery and use in the 2017 recommendations that follow.*

2. The Department must ensure that the County's budget model properly accounts for all factors necessary to ensure the Department's ability to manage caseloads effectively.

*Board Comment: As discussed in connection with Principle 2 of the ABA's Ten Principles, the County's budget model does a good job of allowing effective case management.*

3. Department management needs to enhance the processes of consultation and communication with DPD employees in the development, implementation, and assessment of new policies and procedures. This includes clear communication to all employees about the roles and responsibilities of all levels of leadership. In addition, the Department should incorporate leadership training, team-building, and avenues for all employees to feel engaged in designing the Department's future.

*Board Comment: Department management undertook steps to enhance the processes of consultation and communication, but this remains a high priority for the year ahead. The addition of Human Resources Director, Mary Louis, to the Leadership Team aids in bringing employees' perspectives forward through improvements in the quality of communication and greater transparency. The creation of Employee Engagement Workgroups under Ms. Louis' supervision is a positive development. The Advisory Board's 2017 recommendations are intended to emphasize that Department management must continue to focus on creating an environment where policies are generated in a timely manner following engagement with those involved in their implementation.*

4. The Department must continue to grow into an organization in which all employees identify with the Department as a whole and engage constructively in supporting not only their divisions but other divisions and Department leadership as well.

*Board Comment: A single year is too short to adequately measure growth toward a broader Departmental identity. Progress is noted especially as many new attorneys and staff join the Department and hope to benefit and take pride in the reputation they help create.*



5. The Department needs to continue to develop department-level training for all employees and to communicate a clear plan for effective division-level training.

**Board Comment:** *As discussed elsewhere in this Annual Report, including in the chart attached as Appendix A, the Department has made good progress in developing training programs at both the department and division levels, although greater efforts to develop programs for non-attorney staff are especially encouraged going forward. The hiring of a new Assistant Training Director promises to improve the quality of training further.*

6. The Department should take all steps necessary to ensure that it has the resources to provide adequate investigation services. This includes appropriate monitoring of caseloads for investigators, providing them with sufficient support and training, enhancing the Department's technological resources for investigation and addressing systemic practices outside the Department that unnecessarily increase the demands on investigators' time.

**Board Comment:** *While improvements have been made to provide improved training and resources for investigators, they appear to be overburdened. Our 2017 recommendations address the critical importance of setting internal caseload standards for investigators and monitoring their workloads.*

7. The Department should work with the members of the Assigned Counsel panel to ensure they receive appropriate support and feel that the Department values their contributions to the County's system of public defense. The Department should also advocate for a rate increase for Assigned Counsel work.

**Board Comment:** *The comprehensive review, application and selection process that was conducted under the leadership of the Assigned Counsel Panel Director Burns Petersen in 2017 underlined the importance that the Department assigns to the non-DPD lawyers assigned to represent indigent clients. The Department has not been successful in obtaining rate increases and this is one of the Advisory Board's highest priorities for 2017-18.*

8. The Department should ensure that the results of the process of designating senior attorneys are communicated transparently so that all employees, including the disappointed applicants, understand how the decisions were made.

**Board Comment:** *The results of the process by which senior attorneys were selected was clearly communicated. Areas for improvement in the process itself were brought forward and corrected.*

## ADVISORY BOARD'S 2017 RECOMMENDATIONS

The Board makes the following recommendations for improving representation of DPD clients and furthering the equity and social justice mission of the Department.

1. The Executive and Council should increase the rates paid to members of the Assigned Counsel Panel as recommended in this and prior Advisory Board Annual Reports. Providing fair compensation to all public defense attorneys relied upon to provide counsel to indigent clients is required by Principle 2 of the ABA's Ten Principles for Public Defense Delivery Systems and is fundamental to assuring equity and social justice within the criminal justice system.
2. The Executive must improve the process for filling vacancies on the Advisory Board. Made up entirely of volunteers, the Board has not been at full capacity for more than a year because of delays in filing the position reserved for a representative of an organization focusing on Veterans concerns.
3. The Department should develop a strategic vision and plan for the Department that is informed by three years' experience and thorough consultation with the Board, Department attorneys and staff. It should produce a full set of operational policies designed to achieve the priorities established in the strategic plan. It should design a revised leadership structure to implement the vision and strategic plan. Part of this re-structuring should include creating and/or revising job descriptions, including clarifying the descriptions and authority of the Case Area Coordinator positions if they are to continue.
4. The Department should gather the necessary information to determine how best to manage the workloads of non-attorney staff, whose assignments are not subject to external standards.
5. The Department should establish a schedule for the creation of practice manuals, including practice manuals for felony and misdemeanor practice, drawing on the expertise within the divisions for collecting and distributing this valuable practice-based knowledge.
6. Create a plan for outreach to law school deans and directors of prominent clinical programs to assist the Department in recruiting an excellent and diverse class of interns and new public defenders. The Department should investigate the possibility of obtaining stipends to assist interns who need such support in order to find housing in Seattle's inflationary market.
7. The Department should investigate methods for obtaining client feedback that may assist the Department in meeting its objectives.
8. The Department should continue to collaborate with judges and court administrators to develop practices that more efficiently utilize court and attorney time in the scheduling of readiness hearings and training programs.
9. Training programs for investigators and mitigation specialists should be expanded, made more robust and made challenging enough for all levels so that all members of the defense team have the opportunity for growth through departmental training programs.

Pursuant to our charge, the Board makes the following additional recommendations for advancing equity and social justice related to the criminal justice system.

1. ***Addressing the Needs of People Struggling with Mental Illness:*** The County must rethink and overhaul the way that the involuntary commitment process is utilized in order to meet the needs of King County residents who struggle with mentally illness. The involuntary commitment process is an expensive and ineffective way to address the significant public mental health crisis the county and state faces. Effective mental health services must be made available to community members earlier and on a more consistent basis.
2. ***Protecting Immigrant Communities:*** The County should take steps to ensure that community safety is a priority in immigrant communities and that King County resources are not spent on civil immigration enforcement to the extent permitted by law. In addition, the County should increase resources to expand defenders' abilities to counsel clients on the immigration consequences of their convictions.
3. ***Pre-Trial Detention:*** The County should work to reduce pre-trial detention through reforming bail practices and adequately resourcing alternatives to detention, such as work release. Individuals accused of misdemeanors who are not released on their own personal recognizance in District and Municipal Courts should be permitted to post unsecured bonds, which allows them to avoid the financial burden imposed by private bond companies.
4. ***Holistic Representation:*** DPD and other criminal justice system stakeholders should continue to advance equity and social justice through addressing the social and civil legal needs that bring people into or back into the criminal justice system.
5. ***Increased Diversion Alternatives and Restorative Justice Opportunities for Adults:*** Much effort is being expended to divert youth from the juvenile justice system and provide restorative alternatives. Similar efforts must be made in the adult criminal justice system where young adults, 18 and older, are also in need of more effective interventions.
6. ***Community Outreach:*** DPD should expand efforts to work with their clients' communities to both seek better outcomes for clients in their individual cases and press for meaningful criminal justice reforms. This will entail establishing objectives and a plan for a more-robust and coordinated community outreach program to address major social, equity and criminal justice issues. The plan should include a description of the additional resources that will be necessary to implement the plan and a job description of the person, an Equity and Social Justice Coordinator or other position, having responsibility for implementing the plan. The Department should also expand its well-received civics course for high school students to schools across King County. Educating students about the criminal justice system and their rights within it are critically important to enhancing equity and social justice.

**APPENDIX A**  
**Training Programs for DPD Employees**  
**(1/1/16 to 7/20/17)**

<b>Date</b>	<b>Hours</b>	<b>Title</b>	<b>Category</b>	<b>Sponsor</b>	<b>Location</b>	<b>Attendees</b>
1/1/2016	0.00	2016 Ethical Hacking	Investigation	Seattle, WA	Seattle, WA	1
1/11/2016	24.00	The Force Awakens	Leadership/Supervision	DPD	In-house	40
1/21/2016	1.00	Immigration Impacts in Civil Commitment Rulings	Specialized Legal	DPD	In-house	11
2/26/2016	5.50	Creating Harmony (All Department)	Various	DPD	In-house	350
3/7/2016	9.25	NAPD Managers & Supervisors Institute	Leadership/Supervision	NAPD	Valparaiso, IN	6
3/10/2016	21.50	Life in the Balance	Capital Punishment	NLADA	Houston, TX	2
3/17/2016	1.00	ABHS DOSA Assessment Process on Therapeutic Community Program	Mental Health	DPD	In-House	16
3/18/2016	6.25	Hitting a Home Run Through Search and Seizure	Specialized Legal	WACDL	Seattle, WA	1
3/22/2017	1.00	ABHS DOSA Assessment Process on Therapeutic Community Program	Mental Health	DPD	In-House	23
3/30/2016	0.00	Leadership Symposium	Leadership/Supervision	DPD	In-house	35
4/6/2016	0.00	National Investigator Association Conference	Investigation	NDIA	Pittsburg, PA	1
4/11/2016	1.50	Introduction to ITA Law	Specialized Legal	DPD	In-house	5
4/13/2016	18.00	2016 Community Justice International Conference	Specialized Legal	CCI	Chicago, IL	2
4/14/2016	11.00	Productive Power Point Presentations	Trial skills	DPD	In-house	8

<b>Date</b>	<b>Hours</b>	<b>Title</b>	<b>Category</b>	<b>Sponsor</b>	<b>Location</b>	<b>Attendees</b>
4/22/2016	8.25	The Price of Justice: WDA 2016 Defender Conference	General Legal	WDA	Winthrop, WA	25
5/2/2016		24th Annual Children's Justice Conference	Specialized Legal		Spokane, WA	2
5/3/2016	28.00	Attorney Litigation Talent Academy	Skills	DPD	In-house	27
5/25/2016	1.00	Drug Court Training	Specialized Legal	DPD	In-house	
5/26/2016	1.50	How to Work Effectively with the Entire Defense Team	General Legal	DPD	In-house	34
6/1/2016	0.00	Summer Intern Training	General Legal	DPD	In-house	All Interns
6/1/2016	21.25	22nd Annual Drug Court Conference	Specialized Legal	NADCP	Anaheim, CA	3
6/12/2016	~70	Trial Practice Institute	Trial skills	NCDC	Macon, GA	3
6/14/2016	0.00	Summer Intern Training	General Legal	DPD	In-house	All Interns
6/18/2016	0.00	National Organization for Forensic Social Workers	Mitigation Specialists	NOFSW	New Orleans, LA	3
6/12/2017-6/16/2017	0.00	Summer Intern Mock Trials	General Legal	DPD	In-house	All Interns
7/11/2016	1.00	Training with Cowlitz Tribal Health	Specialized Legal	DPD	In-House	2
7/14/2016	12.00	Making the Case for Life	Capital Punishment	NACDL	New Orleans, LA	3
7/15/2016	2.00	Dependency Training	Specialized Legal		Vancouver, WA	7
7/27/2016	0.00	Leadership Symposium	Leadership/Supervision	DPD	In-house	39
8/4/2016	0.00	Poverty Simulation	Equity & Social Justice	DPD	In-house	45

<b>Date</b>	<b>Hours</b>	<b>Title</b>	<b>Category</b>	<b>Sponsor</b>	<b>Location</b>	<b>Attendees</b>
8/15/2016	2.00	Indian Child Welfare Act: Background, Application, and Recent Administrative and Court Developments	Specialized Legal	BJA	Webinar	5
9/14/2016	18.00	Homicide Training (WDA handled sign in and CLE request)	Specialized Legal	DPD/WDA	Seattle, WA	approximately 40
9/19/2016	0.50	Updates on Education Laws for Public Defenders	Specialized Legal	DPD	In-House	17
9/29/2016	1.00	Safety & De-Escalation Training	General Legal	DOD	In-House	22
9/30/2016	1.00	Safety & De-Escalation Training	General Legal	DPD	In-House	16
9/30/2016	6.00	Power in the Courtroom	Trial skills	DPD	In-house	14
10/6/2016	10.00	Motivational Interviewing	Skills	DPD	In-house	9
10/14/2016	5.50	Misdemeanor Go	Specialized Legal	WACDL	Seattle, WA	9
10/14/2016	5.75	Civil Discovery for Dependency	Specialized Legal	DPD	In-house	33
10/15/2016	12.00	Mining for Gold: Assisting Your Team to be Their Very Best	Leadership/Supervision	DPD	In-house	14
10/20/2016	~24	2016 Washington BECCA Conference	Specialized Legal	BECCA	Wenatchee, WA	4
10/21/2016	1.50	Introduction to Harm Reduction Training	Specialized Legal	DPD	In-house	27
10/28/2016	8.50	Death Penalty Defense: Trying Cases in Trying Times	Capital Punishment	OCDLA	Sun river, OR	1

<b>Date</b>	<b>Hours</b>	<b>Title</b>	<b>Category</b>	<b>Sponsor</b>	<b>Location</b>	<b>Attendees</b>
10/30/2016		Drug Court Conference	Specialized Legal		Seattle, WA	4
11/9/2016	1.50	Juvenile Law Section Annual CLE - WSBA	Specialized Legal	WSBA	Seattle, WA	24
11/29/2016	7.50	Leadership Symposium	Leadership/Supervision	DPD	In-house	39
12/2/2016	6.25	Defending Clients Who Aren't Like You	Specialized Legal	WACDL	Seattle, WA	10
12/9/2016	5.50	Blood, Breath and Tears: Defending the Modern DUI Case	Specialized Legal	WFCJ	SeaTac, WA	14
12/9/2016	6.00	Ethics	Specialized Legal	WDA	Seattle, WA	2
2/13/2017	29.00	Litigation Talent Academy	Trial Skills	DPD	In-house	26
3/6/2017	1.00	Juvenile Records Sealing	Specialized Legal	DPD	In-House	9
3/15/2017	1.00	Discovery Training	Specialized Legal	DPD	In-House	38
3/20/2017	2.00	Relief from the Duty to Register	Specialized Legal	DPD	In-House	12
3/31/2017	1.50	Taking a Case to Trial	Trial Skills	DPD	In-House	31
3/31/2017	1.00	Voir Dire CLE: Jury Selection	Trial Skills	DPD	In-House	19
4/20/2017	12.00	Voir Dire College	Trial Skills	DPD	In-house	29
4/27/2017	1.50	Misdemeanor All Staff Retreat	Specialized Legal	DPD	In-House	27
4/28/2017	13.50	Communications & Negotiation Training	Legal	DPD	In-house	10
5/8/2017	1.50	Juvenile Defenders and Immigration Youth, With A Focus on Special Immigrant Juvenile Status	Specialized Legal	DPD	In-House	12
5/12/2017	2.50	Training for Intern Supervisors	Leadership/Supervision	DPD	In-house	20

<b>Date</b>	<b>Hours</b>	<b>Title</b>	<b>Category</b>	<b>Sponsor</b>	<b>Location</b>	<b>Attendees</b>
5/17/2017	1.00	Discovery Training	Specialized Legal	DPD	In-house	14
5/30/2017- 6/9/2017	0.00	Summer Interns Training	General Legal	DPD	In-house	27
6/2/2017	0.00	Poverty Simulation	Equity & Social Justice	DPD	In-house	43
6/13/2017- 6/16/2017	0.00	Interns Mock Trials	General Legal	DPD	In-house	25
6/22/2017	1.50	DNA Part I	Specialized Legal	DPD	In-house	34
7/9/2017- 7/12/2017	21.25	NADCP Annual Training Conference	Specialized Legal	NADCP	Washington, DC	6
7/13/2017 & 7/14/2017	76.75	Cultivating Harmony	General/Specialized/Trial	DPD	In-house	~386
7/16/2017- 7/29/2017	~70	Trial Practice Institute	Trial Skills	NCDC	Macon, GA	3