



King County

1200 King County
Courthouse
516 Third Avenue
Seattle, WA 98104

Meeting Agenda Law and Justice Committee

Councilmembers:
Rhonda Lewis, Chair;
Rod Dembowski, Vice-Chair;
Claudia Balducci, Jorge L. Barón, Teresa Mosqueda

Lead Staff: Leah Krekel-Zoppi (206-477-0892)
Co-Lead Erica Newman (206-477-7543)
Committee Clerk: Gabbi Williams (206-477-7470)

9:30 AM

Wednesday, March 4, 2026

Hybrid Meeting

REVISED AGENDA

Hybrid Meetings: Attend King County Council committee meetings in person in Council Chambers (Room 1001), 516 3rd Avenue in Seattle, or through remote access. Details on how to attend and provide comment are listed below.

Pursuant to K.C.C. 1.24.035 A. and F., this meeting is also noticed as a meeting of the Metropolitan King County Council, whose agenda is limited to the committee business. In this meeting only the rules and procedures applicable to committees apply and not those applicable to full council meetings.

HOW TO PROVIDE PUBLIC COMMENT: The Law and Justice Committee values community input and looks forward to hearing from you on agenda items.

The Committee will accept public comment on items on today's agenda in writing. You may do so by submitting your written comments to kcccomitt@kingcounty.gov. If your comments are submitted before 8:00 a.m. on the day of the meeting, your comments will be distributed to the committee members and appropriate staff prior to the meeting.

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| | <p>Sign language and interpreter services can be arranged given sufficient notice (206-848-0355). TTY Number - TTY 711.</p> <p>Council Chambers is equipped with a hearing loop, which provides a wireless signal that is picked up by a hearing aid when it is set to 'T' (Telecoil) setting.</p> | |
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CONNECTING TO THE WEBINAR:

Webinar ID: 889 0017 7467

By computer using the Zoom application at <https://zoom.us/join> and the Webinar ID above.

Via phone by calling 1-253-215-8782 and entering the Webinar ID above.

HOW TO WATCH/LISTEN TO THE MEETING REMOTELY: There are three ways to watch or listen to the meeting:

- 1) Stream online via this link www.kingcounty.gov/kctv or input the link web address into your web browser.
- 2) Watch King County TV on Comcast Channel 22 and 322(HD) and Astound Broadband Channels 22 and 711(HD).
- 3) Listen to the meeting by telephone see "Connecting to the Webinar" above.

To help us manage the meeting, please use the Livestream or King County TV options listed above, if possible, to watch or listen to the meeting.

1. **Call to Order**

2. **Roll Call**

3. **Approval of Minutes p. 4**

February 4, 2026 meeting minutes

To show a PDF of the written materials for an agenda item, click on the agenda item below.

Discussion and Possible Action

4. [Proposed Ordinance No. 2026-0040](#) p. 6

AN ORDINANCE relating to the department of public defense standards for indigent defense; amending Ordinance 17588, Section 4, as amended, and K.C.C. 2.60.026 and adding a new section to K.C.C. chapter 2.60.

Sponsors: Barón

Contingent Upon Referral to the Law and Justice Committee

Leah Krekel-Zoppi, Council staff

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|  | <p>Sign language and interpreter services can be arranged given sufficient notice (206-848-0355). TTY Number - TTY 711.</p> <p>Council Chambers is equipped with a hearing loop, which provides a wireless signal that is picked up by a hearing aid when it is set to 'T' (Telecoil) setting.</p> |  |
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5. [Proposed Ordinance No. 2026-0027](#) p. 41

AN ORDINANCE limiting the use of King County-owned and controlled property; amending Ordinance 18665, Section 1, as amended, and K.C.C. 2.15.005 and adding a new section to K.C.C. chapter 2.15.

Sponsors: Mosqueda

Gene Paul, Council staff

Other Business

Adjournment



Sign language and interpreter services can be arranged given sufficient notice (206-848-0355).
TTY Number - TTY 711.
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Meeting Minutes Law and Justice Committee

Councilmembers:
Rhonda Lewis, Chair;
Rod Dembowski, Vice-Chair;
Claudia Balducci, Jorge L. Barón, Teresa Mosqueda

Lead Staff: Leah Krekel-Zoppi (206-477-0892)
Co-Lead Erica Newman (206-477-7543)
Committee Clerk: Gabbi Williams (206-477-7470)

9:30 AM

Wednesday, February 4, 2026

Hybrid Meeting

DRAFT MINUTES - REVISED AGENDA

1. Call to Order

Chair Lewis called the meeting to order at 9:31 a.m.

2. Roll Call

Present: 5 - Balducci, Barón, Dembowski, Lewis and Mosqueda

3. Approval of Minutes

Councilmember Mosqueda moved approval of the minutes of the December 3, 2025 meeting. Seeing no objections, the minutes were approved.

Discussion and Possible Action

4. [Proposed Ordinance No. 2025-0367](#)

AN ORDINANCE authorizing the King County executive to execute an interlocal agreement with the city of North Bend to provide contract municipal police services by the King County sheriff's office.

Nick Bowman, Council Staff, briefed the committee and answered questions from the members. Mary Miller, Mayor, City of North Bend, also addressed the committee.

Councilmember Barón moved Amendment 1. The Amendment was adopted.

A motion was made by Councilmember Barón that this Ordinance be Recommended Do Pass Substitute Consent. The motion carried by the following vote:

Yes: 5 - Balducci, Barón, Dembowski, Lewis and Mosqueda

Briefing

5. [Briefing No. 2026-B0021](#)

Superior Court Update

The Honorable Averil Rothrock, Presiding Judge, King County Superior Court, briefed the committee via a PowerPoint presentation and answered questions from the members.

This matter was Presented

6. [Briefing No. 2026-B0020](#)

Update on Jail Health Service Expansion Efforts

Danotra McBride, Director, Jail Health Division, Public Health—Seattle & King County, Megan Murphy, LICW, Jail Health Services Demonstration Project Manager, Public Health – Seattle & King County, and Joy Carpine-Cazzanti, Council Relations Manager, Public Health—Seattle & King County, briefed the committee via a PowerPoint presentation and answered questions from the members.

This matter was Presented

Other Business

There was no other business to come before the committee.

Adjournment

The meeting was adjourned at 11:24 a.m.

Approved this _____ day of _____

Clerk's Signature



King County

**Metropolitan King County Council
Law and Justice Committee**

STAFF REPORT

| | | | |
|----------------------|-----------|--------------|-------------------------------------|
| Agenda Item: | 4 | Name: | Melissa Bailey Leah Krekel-Zoppi |
| Proposed No.: | 2026-0040 | Date: | March 4, 2026 |

SUBJECT

Proposed Ordinance 2026-0040 would update the County's adopted standards for the delivery of public defense services.

SUMMARY

State law requires counties to adopt standards for the delivery of public defense services and lists 16 elements that must be addressed in those standards. It also notes that the standards endorsed by the Washington State Bar Association (WSBA) should serve as guidelines.

King County Code currently instructs the Public Defender to follow the "Washington State Standards for Indigent Defense Services." It is unclear, however, whether this refers to the WSBA or the Washington Supreme Court's standards. Historically, the two sets of standards have been consistent, but recent revisions have resulted in differences in the caseload standard.¹ It also directs the County Public Defender to rely on the American Bar Association (ABA) Ten Principles for a Public Defense Delivery System (approved February 2002) to guide the management of the department and development of department standards for legal defense representation.

The proposed ordinance would update the county code to specify the County's adopted standards for the delivery of public defense services by adopting the Supreme Court's Standards for Indigent Defense. Where the Supreme Court has yet to issue a standard, the county would adopt the following from the WSBA's September 2024 Standards: Standard One; Standards 4.A., paragraph 1 of 4.B., 4.C., 4.D., and 4.E.; Standards 7.A and 7.B; Standard Nine; Standard Ten; Standard Eleven; Standard Twelve; and Standard Sixteen. It would also update the code to refer to the August 2023 version of the ABA Ten Principles of a Defense Delivery System. Council staff analysis is ongoing.

¹ Both agree on a lower caseload limit but with different implementation timelines.

BACKGROUND

Standards for Public Defense. The Washington State Bar Association (WSBA) first adopted standards for indigent defense services in 1984 (WSBA Standards).² In 1989, the state legislature mandated cities and counties to adopt standards for the delivery of public defense services and included 16 elements required to be included in local standards.³ In 2005, this state statute was amended to provide that the WSBA Standards should serve as guidelines to local legislative authorities in adopting standards.⁴ In 2012, the Washington Supreme Court (the Supreme Court) adopted aspects of the WSBA Standards into court rules (the Court Rule Standards).

State Law. State law⁵ requires counties to adopt standards for the delivery of public defense services and that the adopted standards include the following 16 elements:

1. Compensation of counsel;
2. Duties and responsibilities of counsel;
3. Case load limits and types of cases;
4. Responsibility for expert witness fees and other costs associated with representation;
5. Administrative expenses;
6. Support services;
7. Reports of attorney activity and vouchers;
8. Training;
9. Supervision;
10. Monitoring and evaluation of attorneys;
11. Substitution of attorneys or assignment of contracts;
12. Limitations on private practice of contract attorneys;
13. Qualifications of attorneys;
14. Disposition of client complaints;
15. Cause for termination of contract or removal of attorney; and
16. Nondiscrimination.

And, as noted, state law also provides that the standards endorsed by the WSBA for the provision of public defense services should serve as guidelines for local legislative authorities.⁶ The WSBA Standards address all 16 elements mandated by state statute whereas the Court Rule Standards do not.

² The WSBA operates under the delegated authority of the Washington Supreme Court and exercises a governmental function authorized by the Washington Supreme Court to license and regulate the state's more than 40,000 legal professionals. The WSBA administers the bar admission process, including the bar exam, provides record-keeping and licensing functions; administers the lawyer discipline system; and provides continuing legal education for legal professionals.

³ RCW 10.101.030. Laws of 1989, Chapter 409, Section 4.

⁴ RCW 10.101.030. Laws of 2005, Chapter 157, Section 2.

⁵ RCW 10.101.030.

⁶ RCW 10.101.030. During the 2026 Legislative Session, legislation was introduced to direct local legislative authorities to align, if practicable, with the Court Rule Standards and to use WSBA Standards if

WSBA Standards and Court Rule Standards. The WSBA Standards have historically been consistent with, but more comprehensive than, the Court Rule Standards. However, in 2024, the WSBA Standards underwent a comprehensive revision, and the standard dealing with caseload limits (Standard 3) diverged from the Court Rule Standard on caseload limits.⁷ The Supreme Court ultimately issued an order updating the Court Rule Standards – agreeing with the lower caseload limits recommended by the WSBA but not mandating case weighting and providing for a longer timeline of 10 years rather than three years to achieve full implementation.⁸

King County Code. In 2013, the Department of Public Defense was established in the King County Charter and in county code.⁹ At that time, the county also codified requirements related to standards for the delivery of public defense services.¹⁰ County code directs the County Public Defender to:

- Rely on the American Bar Association (ABA) Ten Principles for a Public Defense Delivery System (as approved by the ABA House of Delegates in February 2002) to guide the management of the department and development of department standards for legal defense representation¹¹; and
- Follow the "Washington State Standards for Indigent Defense Services."¹² The County Code is unclear as to whether this refers to the WSBA Standards or the Court Rule Standards.

As part of the 2026-2027 Biennial Budget adoption process, then-County Executive Shannon Braddock transmitted an ordinance to clarify that it was the County's intent to follow the Washington Supreme Court Standards for Indigent Defense (the Court Rule Standards).^{13,14} The proposed ordinance was briefed in the Budget and Fiscal Management (BFM) Committee on October 28, 2025, however the BFM Committee decided not to act on the proposed ordinance and to wait for a final order from the Supreme Court before amending the county code. Additionally, the 2026-2027 Biennial Budget Ordinance, adopted on November 18, 2025, included the following statement of facts¹⁵:

- *In 2024, the Washington State Bar Association ("the WSBA") Board of Governors adopted revised standards for indigent defense services ("the*

desired but only if they do not conflict with the Court Rule Standards ([HB 2163](#) and [SB 5913](#)). These bills, however, have not received a hearing,

⁷ WSBA Standards for Indigent Defense Services Revised March 8, 2024 and September 7, 2024 [\[LINK\]](#)

⁸ Washington Supreme Court [Order No. 276500-A-1681](#)

⁹ King County Charter Section 350.20.60 and K.C.C. Chapter 2.60.

¹⁰ Ordinance 17588 and K.C.C. 2.60.026

¹¹ K.C.C. 2.60.026.A(4); ABA Ten Principles of a Public Defense Delivery System, Feb. 2002 [\[LINK\]](#).

Note, in August 2023, the ABA House of Delegates approved the Revised ABA Ten Principles of a Public Defense Delivery System [\[LINK\]](#).

¹² K.C.C. 2.60.026.A(5). At the time this code change went into effect, the WSBA Standards (2011) addressed all mandated elements required by state statute.

¹³ [Proposed Ordinance 2025-0305](#). See staff report for additional background information.

¹⁴ Codified as Washington State Supreme Court Rule CrR 3.1, CrRLJ 3.1, and JuCr 9.2.

¹⁵ [Ordinance 20023](#)

*WSBA Revised Standards") and recommended that the Washington state Supreme Court ("the Supreme Court") incorporate the WSBA Revised Standards into the court rules governing indigent defense standards. On June 9, 2025, the Supreme Court issued interim order *In re Standards for Indigent Defense Implementation of CrR 3.1, CrRLJ 3.1, and JuCR 9.2*, Ord. No. 25700-A-1644, adopting new attorney caseload standards for indigent defense effective January 1, 2026, and requiring full implementation no later than January 1, 2036, upon meeting certain conditions. RCW 10.101.030 requires a county to adopt standards for the delivery of public defense services and states that the standards endorsed by the WSBA for the provision of public defense services should serve as guidelines to local legislative authorities in adopting standards.*

- *The 2026-2027 biennial budget is predicated on implementing the Supreme Court's interim order regarding attorney caseload standards and to achieve the caseload standards in accordance with the conditions and timeline set forth in the interim order, continuing to use a case-weight credit policy, and following Phase 1 of Standard 3.O. in the WSBA Revised Standards; and*
- *It is the council's intent to review the county's standards for the delivery of public defense services. It is also the council's intent for the county to work with the state to address the adequacy of state funding for public defense services.*

On December 15, 2025, the Supreme Court issued Order No. 276500-A-1681 finalizing the Court Standards for Indigent Defense.¹⁶

ANALYSIS

Proposed Ordinance 2026-0040 would do the following:

- **Section 1** would add a new section to K.C.C. Chapter 2.60 clarifying that, in accordance with state law, the County adopts the Washington Supreme Court Standards for Indigent Defense (the Court Rule Standards). Where the Supreme Court has yet to issue a standard, the County would adopt the following from the WSBA's September 2024 Standards for Indigent Defense Services:
 - Standard 1(Compensation);
 - Standards 4.A. (Expert Witnesses), the first paragraph of 4.B. (Mitigation Specialists, Social Workers) 4.C (Mental Health Professionals for Evaluations)., 4.D. (Interpreters and Translators), and 4.E. (Cost of Expert Services);
 - Standards 7.A (Support Services Necessary for Legal Defense) and 7.B (Providing for Support Services in Contract and Assigned Counsel Compensation);

¹⁶ Washington Supreme Court [Order No. 276500-A-1681](#).

- Standard 9 (Training);
 - Standard 10 (Supervision);
 - Standard 11 (Monitoring and Evaluation of Attorneys);
 - Standard 12 (Substitution of Counsel); and
 - Standard 16 (Cause for Termination of Defender Services and Removal of Attorney).
- **Section 2** would amend K.C.C. 2.60.026 so it refers to the August 2023 version of the ABA Ten Principles of a Defense Delivery System rather than the February 2002 version. It would also amend K.C.C. 2.60.026 to refer to the “county’s adopted standards for the delivery of public defense services” rather than the “Washington State Standards for Indigent Defense Services.”

WSBA Standards and Court Rule Standards. State law requires counties to adopt standards for the delivery of public defense services and that the adopted standards shall include the 16 elements listed in the background section of this staff report. The state statute does not provide specific requirements for what must be included in each standard element, but states that the WSBA Standards should serve as guidelines. What elements to include within each required standard are a policy choice for counties. Public defense attorneys must certify that they comply with the Court Rule Standards and must adhere to the Washington Rules of Professional Conduct.¹⁷

Each standard element is listed below with a comparison of the relevant WSBA Standard (September 2024) and Court Rule Standard (December 2025). At the end of each comparison summary, there is a note indicating which standard the proposed ordinance would adopt (also noted by **) and discussion of impacts. Council staff analysis is ongoing. Analysis of the fiscal impacts of the proposed ordinance will be provided in the staff report at the next committee hearing of this item.

Table 1. Comparison of WSBA Standards (September 2024) and Court Rule Standards (December 2025)

| STANDARD 1: COMPENSATION OF COUNSEL | |
|---|---------------------|
| WSBA Standard** | Court Rule Standard |
| <p><i>1.A. Employees:</i> Compensation for public defense agency employees shall:</p> <ul style="list-style-type: none"> ● Be at a rate commensurate with training and experience; ● Be comparable to attorneys and staff in prosecution or other opposing party offices in the area; ● Include necessary costs for administrative expenses, support staff, training, and supervision (Standards 5, 7, 9, and 10, respectively). <p><i>1.B. Contract/Assigned Counsel:</i> List in 1.A. applies to attorneys in contract and assigned counsel systems, and compensation for these attorneys shall:</p> | Reserved |

¹⁷ [Washington State Court Rules: Rules of Professional Conduct.](#)

| | |
|---|--|
| <ul style="list-style-type: none"> • Reflect time and labor required for effective and quality representation; • Reasonable compensation shall be provided whether the work is full-time or part-time¹⁸ and reasonable compensation rates shall be set at least on a pro rata basis consistent with the attorney's percentage of a full caseload (see Standard 3); and • Contracts and government budgets shall recognize the need to provide reasonable compensation for all public defense attorneys, including but not limited to, those attorneys who are "on call," staff court calendars, or staff specialty or therapeutic courts. <p><i>1.C. Flat Fee/Per Case:</i> Attorneys shall not engage in flat fee or per case compensation contracts or agreements (to avoid conflict).</p> <p><i>1.D. Additional Compensation:</i> Contracts and policies shall provide for additional compensation over and above the base contract amount(s) for cases that require an extraordinary amount of time and preparation (consistent with RCW 10.101.060(1)(a)(iv)).¹⁹</p> <p><i>1.E. Substitute Attorney Costs:</i> Attorneys who have a conflict of interest shall not be required to bear the cost of the new, substituted attorney.</p> | |
|---|--|

PROPOSED ORDINANCE: Would adopt the WSBA Standard in full.²⁰

IMPACT: While sections A, C, D, and E align with the current practices of the Department of Public Defense (DPD), Section B would have a fiscal impact. In recent years, the rate of compensation to assigned counsel has been lower than market rate, such that it has been difficult to find assigned counsel willing to accept cases. In 2026, in anticipation of coming into compliance with this standard, DPD increased the rate of compensation for assigned counsel, using an increase in state funding. Sustaining this increased rate in the future would have a fiscal impact.

STANDARD 2: DUTIES AND RESPONSIBILITIES OF COUNSEL

| WSBA Standard | Court Rule Standard** |
|--|--|
| <p>Counsel shall be provided in all situations in which the right to counsel attaches, including first appearances, bail decisions, plea negotiations.</p> <p>Representation shall be prompt and delivered in a professional, skilled manner consistent with minimum standards set forth by these WSBA Standards, the Washington Supreme Court's Court Rule Standards (CrR 3.1, CrRLJ 3.1, JuCR 9.2, and CCR 2.1), the American Bar Association, the Washington Rules of Professional Conduct, case law and relevant court rules</p> | <p>Counsel shall be provided in all situations in which the right to counsel attaches.</p> |

¹⁸ WSBA Standards define "Reasonable Compensation" as market rate for similar legal and expert services and includes attorney wages, salary, benefits, contract payments or hourly rate payments, as well as the cost of office overhead, support staff or services, training, supervision, and other services not separately funded.

¹⁹ Situations that require additional compensation include, but are not limited to: days spent in trial, if no per diem is paid; testimonial motion hearings; interpreter cases; cases involving mental health competency and other issues (RCW 10.77); cases with extensive discovery; cases that involve a significant number of counts, alleged victims, or witnesses; cases requiring consultation with experts, including, for example, immigration legal analysis and advice or DNA testing and analysis.

²⁰ Per the proposed ordinance, if a WSBA Standard is adopted and it references other WSBA Standards, those referenced WSBA Standard are not adopted unless explicitly stated in the ordinance.

and orders defining the duties of counsel.

Applicable WSBA or ABA Performance Guidelines should serve as guidance for attorney performance. The most fundamental responsibility of jurisdictions and public defense attorneys is to promote and protect the stated interests of public defense clients.

PROPOSED ORDINANCE: Would adopt the Court Rule Standard.

IMPACT: No substantive impact. According to DPD, this standard aligns with their current practices.

STANDARD 3: CASE LOAD LIMITS AND TYPES OF CASES

| WSBA Standard | Court Rule Standard** |
|---|--|
| <ul style="list-style-type: none"> • An attorney’s ability to accept a new case must include assessment of the impact of new case on their existing open caseload. • Each criminal case is assigned a “case credit,” and public defenders will be limited to a number of case credits per year. Full-time attorneys will be limited to the following for any 12-month period, implemented in phases: <ul style="list-style-type: none"> • Phase I. Beginning on July 2, 2025: <ul style="list-style-type: none"> ○ 110 felony case credits ○ 280 misdemeanor case credits • Phase II. Beginning July 2, 2026: <ul style="list-style-type: none"> ○ 90 felony case credits ○ 225 misdemeanor cases • Phase III: Beginning July 2, 2027: <ul style="list-style-type: none"> ○ 47 felony case credits ○ 120 misdemeanor case credits. | <p>Largely mirrors WSBA Standard; however, in the Court Rule Standard:</p> <ul style="list-style-type: none"> • Case weighting is permitted and encouraged but not required. • Longer implementation timeline permitted, with full implementation required by January 2036. • Additionally: "Caseload standards must be accomplished as soon as reasonably possible, however, can be done in a phased approach with an annual reduction of a least 10% the difference between the current standard and the new standard". |

PROPOSED ORDINANCE: Would adopt the Court Rule Standard.

IMPACT: Both the WSBA and Court Rule Standards would significantly reduce case load limits, which would improve the quality of public defense services the county is able to provide, and ease the quality-of-life concerns of public defense attorneys who currently bear high caseloads. As caseloads decrease, short of a significant systemic decrease in cases, the number of defense attorneys will need to increase to comply with the standard. The Court Rule Standard, which the proposed ordinance would adopt, would provide a longer timeframe to reach the final caseload limits, requiring full compliance by 2036 with annual reductions of at least 10%. Fiscal analysis is ongoing.

STANDARD 4: RESPONSIBILITY OF EXPERT WITNESS FEES AND OTHER COSTS ASSOCIATED WITH REPRESENTATION

| WSBA Standard** | Court Rule Standard |
|--|---------------------|
| <p>4.A. Expert Witnesses. Jurisdictions shall provide reasonable compensation for expert witnesses necessary for preparation and presentation of a case. 21,22</p> <p>4.B. Mitigation Specialists and Social Workers.</p> <ul style="list-style-type: none"> • Shall be made readily available to public defense attorneys to provide support (release plans, treatment services, housing, health care and to develop dispositional and sentencing alternatives). • By July 3, 2028, a minimum of one full-time mitigation specialist or social worker shall be provided for every three full-time attorneys (with meaningful progress towards this ratio made prior). Public defense agencies that do not employ a sufficient number of mitigation specialists or social workers to meet this ratio shall enter contracts to provide the same resource level.²³ • By July 3, 2028, a minimum of one full-time family defense social worker or family defense social service worker shall be provided for every one full-time attorney representing parents in family defense proceedings, on a pro rata basis according to the size of the contract (with meaningful progress made prior). Adequate social work support services shall be made available to meet case/support needs of children/youth in family defense cases. • Public defense attorneys under contract or in assigned counsel systems should have access to mitigation specialists and social workers consistent with 4.A. <p>4.C. Mental Health Evaluations. Each public defense agency or attorney shall have access to mental health professionals to perform evaluations.</p> <p>4.D. Interpreters/Translators. All individuals providing public defense services (attorneys, investigators, experts, support staff, etc.) shall have access to translators and qualified interpreters to facilitate communication with Deaf and hearing-impaired individuals, and persons with limited English proficiency.</p> <p>4.E. Cost of Expert Services. Attorneys shall not be required to bear the costs of expert services (consistent with RPC 1.8(m)(1)(ii)).</p> | <p>Reserved</p> |

²¹ Reasonable Compensation – Market rate for similar legal and expert services. Reasonable compensation includes attorney wages, salary, benefits, contract payments or hourly rate payments, as well as the cost of office overhead, support staff or services, training, supervision, and other services not separately funded.

²² Additionally, expert witness costs should be maintained and allocated from funds separate from those provided for attorney legal representation. Jurisdictions shall adopt and publish procedures to confidentially receive, review, and grant requests for expert witness services. In jurisdictions where attorneys are required to request approval for expert witnesses or other necessary services from the court, such motions shall be ex parte and include a motion to seal. The public defense attorney should be free to retain the expert of their choosing and shall not be required to select experts from a list pre-approved by either the jurisdiction, the court, or the prosecution.

²³ Temporary reductions in agency staff because of illness, disability, or reasonable delay in filling vacancies do not constitute failure to comply with this standard.

PROPOSED ORDINANCE: Would adopt a portion of WSBA Standard (4.A., the first paragraph of 4.B., 4.C., 4.D., and 4.E.)

IMPACT: Adoption of the components of this standard included in the proposed ordinance align with current DPD practices and would have no substantive impact. The previous version of the WSBA Standards did not include recommendations for ratios of mitigation specialists and social workers, so historically, the county has not specifically budgeted for them. However, DPD has recognized the need for such work and has reallocated resources within DPD’s appropriation authority to fund mitigation specialists and social workers. By not adopting standard 4.B. in full, the intent of the proposed ordinance is to allow the number and ratio of mitigation specialists and social workers to be determined through budget appropriations and DPD management decisions.

STANDARD 5: ADMINISTRATIVE EXPENSES

| WSBA Standard | Court Rule Standard** |
|--|--|
| <p>5.A. Jurisdictions shall provide funding for administrative costs associated with legal representation (such as travel, telephones, and law library).²⁴ Providing for these costs is necessary for all public defense structures, including agency, contract, and assigned counsel systems.</p> <p>5.B. All public defense attorneys shall have access to an office that accommodates confidential meetings with clients and receipt of mail, and adequate telephone and electronic services to ensure prompt response to client contact. Public defense attorneys and clients must have prompt and consistent access to interpreter services.</p> | <p>5.1 Reserved</p> <p>5.2.A. Contracts for public defense services should provide for or include administrative costs associated with providing legal representation (such as travel, telephones, and law library).²⁵</p> <p>5.2.B. Appointed attorneys shall have access to an office that accommodates confidential meetings with clients and receipt of mail, and adequate telephone and electronic services to ensure prompt response to client contact. Appointed counsel and clients shall have prompt and consistent access to interpreter services to facilitate communication between counsel and client.</p> |

PROPOSED ORDINANCE: Would adopt the Court Rule Standard (no substantive difference between the two standards).

IMPACT: According to DPD, this standard aligns with their current practices. As Standard 3 is implemented, however, short of a significant systemic decrease in cases, the increased number of attorneys may result in additional travel, information technology, and capital costs associated with complying with this standard.

²⁴ These costs include, but are not limited to, travel, telephones, law library, including electronic legal research, electronic document filing, financial accounting, case management systems, legal system databases and programs, computers and software, equipment, office space and supplies, internet services, training, and other costs necessarily incurred for public defense representation and necessary to comply with the requirements imposed by these standards.

²⁵ These costs include the same costs listed in the WSBA Standard (see previous footnote).

STANDARD 6: INVESTIGATORS²⁶

| WSBA Standard | Court Rule Standard** |
|---|--|
| <p><i>6.A. Access to Investigation Services.</i> Public defense representation must include access to investigation services (necessary for representing clients for purposes of verifying facts, identifying and questioning witnesses, and testing the evidence presented by the opposing party).</p> <p><i>6.B. Investigation for Public Defense Agencies.</i> By July 3, 2028, a minimum of one full-time investigator shall be employed for every three full-time trial court level (adult and/or juvenile) attorneys (with meaningful progress made prior). Public defense agencies that do not employ a sufficient number of investigators to meet this ratio shall enter contracts to provide the stated resource level.²⁷</p> <p><i>6.C. Investigation for Contract and Assigned Counsel.</i> Public defense attorneys under contracts or assigned counsel systems must have the same level of access to investigators as described in 6.B.²⁸</p> <p><i>6.D. Investigation for Pro Se Litigants.</i> All jurisdictions should make conflict-free investigation services available to indigent defendants or respondents who are representing themselves in all cases in which the court has approved waiver of their right to court-appointed counsel.</p> <p><i>6.E. Cost of Investigation Services.</i> Attorneys shall not be required to bear the costs of investigation services (consistent with Washington Rule of Professional Conduct 1.8(m)(1)(ii)).</p> | <p>Public defense attorneys shall use investigation services as appropriate.</p> |

PROPOSED ORDINANCE: Would adopt the Court Rule Standard.

IMPACT: No substantive impact. According to DPD, this standard aligns with their current practices.

STANDARD 7: SUPPORT SERVICES

| WSBA Standard** | Court Rule Standard |
|--|---------------------|
| <p><i>7.A. Support Services Necessary for Legal Defense.</i> In addition to the necessary resources described in Standards 4, 5, and 6, public defense attorneys shall have adequate legal and administrative support. Legal and administrative support services include, but are not limited to, administrative assistants, legal assistants, paralegals, human resources, finance, reception services, and IT and data management administrators. These professionals are essential for effective legal defense and an operational law office.</p> | <p>Reserved</p> |

²⁶ RCW 10.101.030 does not explicitly include investigators in the 16 elements required to be in a county's adopted standards.

²⁷ Temporary reductions in agency staff because of illness, disability, or reasonable delay in filling vacancies do not constitute failure to comply with this standard. Attorneys representing clients in post-adjudication phases may require different investigation resources.

²⁸ Additionally, jurisdictions shall adopt and publish confidential procedures to receive, review, and grant requests for investigation services. In jurisdictions where attorneys are required to request court approval for investigative services, such motions shall be ex parte, consistent with the requirements of Washington Rule of Professional Conduct 1.8(m)(1)(ii) and court rules.

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| <p>Jurisdictions shall ensure all public defense attorneys have access to needed support services as provided in this Standard and as required by Washington Rule of Professional Conduct 1.4 to ensure attorney/client communication.</p> | |
| <p><i>7.B. Providing for Support Services in Contract and Assigned Counsel Compensation.</i> The support services described in 7.A. are required for all public defense attorneys, regardless of their employment, contract or assigned counsel status. Contract and assigned counsel attorneys shall receive compensation at levels that ensure these non-attorney support services are provided.</p> | |
| <p><i>7.C. Necessary Legal Assistants/Paralegals Ratio.</i> By July 3, 2028, a minimum of one full-time legal assistant or paralegal shall be employed for every four full-time attorneys (with meaningful progress made prior). Public defense agencies that do not employ a sufficient number of legal assistants or paralegals to meet this ratio should enter into contracts with qualified professionals to provide the same resource level or request authorization of such services ex parte or administratively.²⁹</p> | |

PROPOSED ORDINANCE: Would adopt a portion of WSBA Standard (7.A. and 7.B.)

IMPACT: According to DPD, 7.A and 7.B. align with their current practices. The legal assistant and paralegal ratios contained in 7.C. align with the appropriation authority provided to DPD, however, as discussed in impacts of Standard 4, resources for mitigation specialists and social workers have not historically been appropriated, and DPD has had to shift resources to fund those. As with Standard 4, intent of the proposed ordinance is to allow the number and ratio of legal assistants and paralegals to be determined through budget appropriations and DPD management decisions.

STANDARD 8: REPORTS OF ATTORNEY ACTIVITY AND VOUCHERS

| WSBA Standard | Court Rule Standard** |
|---|--|
| <p>Jurisdictions and family defense contracting agencies shall require all public defense attorneys to use a case-reporting and management information system that includes the number and types of assigned cases, attorney hours, and case dispositions.</p> <p>Data from these systems should be routinely reported to public defense administrators in a manner in which confidential, secret, and otherwise non-public information are not disclosed.</p> <p>Consistent with Standard 11, public defense administrators should review these reports on a regular basis to monitor compliance with these Standards. For attorneys under contract, payment</p> | <p>Jurisdictions should adopt a reliable means for accurate reporting of caseloads. In addition, all appointed defense attorneys should use a case-reporting and management information system that includes the number and types of assigned cases, attorney hours, and case dispositions.</p> <p>Data from these systems should be routinely reported to public defense administrators in a manner that shields confidential, secret, and otherwise nonpublic information from disclosure.</p> <p>Consistent with Standard 11 of the WSBA Standards for Indigent Defense Services, public defense administrators and the Office of Public Defense should review these reports on a regular basis to monitor compliance with these standards. Certification forms shall be filed by every appointed attorney in each trial court case</p> |

²⁹ Temporary reductions in agency staff because of illness, disability, or reasonable delay in filling vacancies do not constitute failure to comply with this standard. Attorneys representing clients in post-adjudication phases may require different resources.

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|---|---|
| should be made monthly, or at times agreed to by the parties, without regard to the number of cases closed in the period. | file in criminal and juvenile offender cases, and civil commitment proceedings under chapter 71.05 RCW. |
|---|---|

PROPOSED ORDINANCE: Would adopt the Court Rule Standard (no substantive difference between the two standards).

IMPACT: No substantive impact. According to DPD, this standard aligns with their current practices.

STANDARD 9: TRAINING

| WSBA Standard** | Court Rule Standard |
|--|---------------------|
| <p><i>9.A. Annual Training.</i> All public defense attorneys shall participate in regular training, including a minimum of seven hours of continuing legal education annually in areas relating to their public defense practice. Training should include relevant topics including training specific to certain case types as required in Standard 14, the types of cases assigned (for example, criminal, dependency, appellate), racial and ethnic disparities, elimination of bias, mental illnesses, improved and effective communication with clients, forensic sciences, and other topics that impact legal representation. Every public defense attorney should attend training that fosters trial or appellate advocacy skills and review professional publications and other media.</p> <p><i>9.B. Onboarding and Training of New and Current Attorneys.</i> Public defense agencies and contracted private law firms should develop their own practices and procedures to onboard and train new attorneys. Offices should develop written materials (e.g. manuals, checklists, hyperlinked resources) to inform new attorneys of local rules and procedures of the courts in their jurisdiction. In offices of more than seven attorneys, an orientation and training program for new attorneys and legal interns should be held to inform them of office procedures and policies. All attorneys should be required to attend regular in-house training programs on developments in their legal representation areas.</p> <p><i>9.C Continuing Education for Public Defense Non-Attorneys.</i> Funding for training for all public defense non-attorneys must be provided. A fully supported public defense attorney is one whose staff and expert service providers receive educational opportunities and up-to-date trainings to ensure they can meet their profession’s best practices.³⁰</p> | Reserved |

PROPOSED ORDINANCE: Would adopt the WSBA Standard in full.

IMPACT: According to DPD, this standard aligns with their current practices. As Standard 3 is implemented, however, short of a significant systemic decrease in cases, the increased number of attorneys may result in additional training costs.

³⁰ This may include attendance at national conferences and regular access to online trainings, such as those offered by the Washington State Office of Public Defense, Washington Defender Association, the National Association for Public Defense, the National Legal Aid and Defender Association, the National Alliance of Sentencing Advocates and Mitigation Specialists, the National Defense Investigator Association, the National Federation of Paralegal Associations, and the National Association for Legal Support Professionals.

| STANDARD 10: SUPERVISION | |
|---|----------------------------|
| WSBA Standard** | Court Rule Standard |
| <p><i>10.A. General Provisions.</i></p> <ul style="list-style-type: none"> • Requires a minimum of one full-time supervisor for every ten full-time public defense attorneys (or one half-time supervisor for every five attorneys). • Full-time supervisors should not carry caseloads, but supervisors may act as cocounsel in a limited number of cases to provide mentoring and training experience for their supervisees. Part-time supervisors should limit their caseloads on a pro-rata basis. • Supervisors should have training in personnel management and supervision. Supervisors should be qualified under Standard 14 for the practice area(s) they are supervising. <p><i>10.B. Supervision for Family Defense Representation</i></p> <ul style="list-style-type: none"> • Where a contracted provider is contracted for more than 1.0 FTE, they shall designate one full-time supervising attorney for every ten full-time family defense attorneys. Part-time supervising attorneys should limit their caseload on a pro-rata basis. • Supervisors may act as co-counsel in a limited number of cases to provide mentoring and training experience for their supervisees. • Supervisors for family defense cases must meet the criteria as set forth in Standard 14.C.4.a. • Where a contracted provider is contracted for one FTE or less, the Office of Public Defense or the Office of Civil Legal Aid shall make available programs to support co-counsel opportunities, mentoring programs, or training experiences, as set forth in Standard 14. | Reserved |
| PROPOSED ORDINANCE: Would adopt the WSBA Standard in full. | |
| <p>IMPACT: According to DPD, they exceed this standard with regard to supervisory ratios due to the structure of divisions and provisions in labor agreements. The proposed ordinance includes a statement of fact that, “This ordinance adopts the county's public defense services standards. It is the expectation of the council that the provision of public defense services will be further subject to collective bargaining agreements with employees in the department of public defense and appropriations.”</p> <p>As Standard 3 is implemented, however, short of a significant systemic decrease in cases, the increased number of attorneys may result in additional supervisory costs.</p> | |
| STANDARD 11: MONITORING AND EVALUATION OF ATTORNEYS | |
| WSBA Standard** | Court Rule Standard |
| <p>All jurisdictions shall provide a mechanism for systematic monitoring of public defense attorneys and their caseloads and ensure timely review and evaluation of public defense services.</p> <p>Monitoring and evaluation should include, but not be limited to, review of reports submitted per Standard 8, review of time and caseload assignments, in-court observations, periodic conferences, verification</p> | Reserved |

| | |
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| <p>of attorney compliance with Standard 9 training requirements, verification of compliance with Certifications of Compliance with the Supreme Court's Court Rule Standards, and management of client complaints, consistent with Standard 15.</p> <p>Attorneys should be evaluated on their skill and effectiveness as advocates, including their communication with clients.</p> | |
|--|--|

PROPOSED ORDINANCE: Would adopt the WSBA Standard in full.

IMPACT: No substantive impact. According to DPD, this standard aligns with their current practices.

STANDARD 12: SUBSTITUTION OF ATTORNEYS OR ASSIGNMENT OF CONTRACTS

| WSBA Standard** | Court Rule Standard |
|--|---------------------|
| <p><i>12.A. Availability at No Cost to Attorney.</i> Consistent with Standard 1.E, alternate or conflict public defense attorneys shall be available for substitution in conflict situations at no cost to the attorney declaring the conflict.</p> <p><i>12.B. Subcontracting.</i> Public defense contracts and assigned counsel policies should prohibit counsel from subcontracting with another firm or attorney to provide representation, absent approval of the public defense administrator.</p> <p><i>12.C. Attorney Names.</i> In contract and assigned counsel systems, the public defense administrator should receive the names and experience levels of those attorneys who will be and actually are providing the legal representation, to ensure the attorneys meet the minimum qualifications required by Standard 14.</p> <p><i>12.D. Continuing Representation and Client Files.</i> Public defense contracts and assigned counsel policies shall address the procedures for continuing representation of clients upon the conclusion of the contract or case assignment. Public defense contracts and assigned counsel policies shall include which attorney or firm or public defense office is responsible for maintaining client files confidentially when a contract terminates or case assignment ends.</p> | Reserved |

PROPOSED ORDINANCE: Would adopt the WSBA Standard in full.

IMPACT: No substantive impact. According to DPD, this standard aligns with their current practices.

STANDARD 13: LIMITATIONS ON PRIVATE PRACTICE OF CONTRACT ATTORNEYS

| WSBA Standard | Court Rule Standard** |
|--|--|
| Private attorneys who provide public defense representation shall set limits on the amount of privately retained work which can be accepted. These limits shall be based on the percentage of a full-time caseload which the public defense cases represent. | Private attorneys who provide public defense representation shall set limits on the amount of privately retained work which can be accepted. These limits shall be based on the percentage of a full-time caseload which the public defense cases represent. |

PROPOSED ORDINANCE: Would adopt the Court Rule Standard, which is identical to WSBA Standard.

IMPACT: No substantive impact. According to DPD, this standard aligns with their current practices.

STANDARD 14: QUALIFICATIONS OF ATTORNEYS

| WSBA Standard | Court Rule Standard** |
|--|---|
| <p>This standard is comprehensive with numerous details. Headings include:</p> <p>14.A. Minimum Qualifications for All Public Defense Attorneys</p> <p>14.B. Additional Information Regarding Qualifications Overall</p> <p>14.C. Attorneys' Qualifications by Category/Type of Case and Representation Type (Trial or Appellate)</p> <ol style="list-style-type: none"> 1. Overview of Adult Criminal and Juvenile Court Cases – Trial Level 2. Adult Criminal Trial Court Cases 3. Juvenile Trial Court Cases 4. Civil Cases – Trial Court Cases 5. Appellate Cases 6. Legal Interns | <p>Prior to accepting a case, appointed attorneys shall review and certify that they meet the applicable qualifications outlined in Standard 14 of the WSBA Standards for Indigent Defense Services.</p> <p>The appointed attorney shall file the Certification of Compliance Form in each trial court case file in criminal and juvenile offender cases, and civil commitment proceedings under chapter 71.05 RCW.</p> |

PROPOSED ORDINANCE: Would adopt the Court Rule Standard, which refers to the WSBA Standard.

IMPACT: No substantive impact. According to DPD, this standard aligns with their current practices.

STANDARD 15: DISPOSITION OF CLIENT COMPLAINTS

| WSBA Standard | Court Rule Standard** |
|--|---|
| <p>15.A. Jurisdictions that administer public defense services shall provide a process for receiving, investigating, and promptly responding to client complaints. Complaints should first be directed to the assigned attorney, firm, or agency that is providing or provided representation.</p> <p>15.B. Public defense agencies and contractors with multi-attorney private firms shall include investigation and disposition of client complaints in their supervisory services.</p> <p>15.C. The complaining client should be informed as to the disposition of their complaint in a timely manner</p> | <p>15.1. Jurisdictions that administer public defense services should provide a process for receiving, investigating, and promptly responding to client complaints. Complaints should first be directed to the assigned attorney, firm, or agency that is providing or provided representation.</p> <p>15.2. Public defense agencies and contractors with multi-attorney private firms should include investigation and disposition of client complaints in their supervisory services.</p> <p>15.3. The complaining client should be informed about the disposition of their complaint in a timely manner.</p> |

PROPOSED ORDINANCE: Would adopt the Court Rule Standard, which is identical to the WSBA Standard.

IMPACT: No substantive impact. According to DPD, this standard aligns with their current practices.

STANDARD 16: CAUSE FOR TERMINATION OF CONTRACT OR REMOVAL OF ATTORNEY

| WSBA Standard** | Court Rule Standard |
|---|---------------------|
| <p>Contracts for public defense services shall include the grounds for termination of the contract by the parties.</p> <p>Termination of a public defense attorney’s or private firm’s contract unilaterally by the jurisdiction should only be for good cause which shall include, but not be limited to, the failure of a contract attorney or firm to provide effective or quality representation to clients; the willful disregard of the rights and best interests of the client; and the willful disregard of these WSBA Standards or the Court Rule Standards.</p> <p>Removal by the court of an appointed attorney from representation normally should not occur over the objection of the attorney and the client.</p> | <p>Reserved</p> |

PROPOSED ORDINANCE: Would adopt the WSBA Standard in full.

IMPACT: No substantive impact. According to DPD, this standard aligns with their current practices.

STANDARD 17: NONDISCRIMINATION

| WSBA Standard | Court Rule Standard** |
|---|---|
| <p>Public defense contracts and assigned counsel policies shall include language prohibiting discrimination by the jurisdiction, contractor, contractor’s attorneys, or assigned counsel on the grounds of race, ethnicity, religion, national origin, language, age, marital status, gender identity, sexual orientation, or disability.</p> <p>The public defense administrator and all public defense attorneys and support staff shall comply with all federal, state, and local non-discrimination requirements.</p> | <p>Public defense services and appointed lawyers shall comply with all laws prohibiting discrimination on the grounds of race, ethnicity, religion, national origin, language, age, marital status, gender identity, sexual orientation, or disability.</p> |

PROPOSED ORDINANCE: Would adopt the Court Rule Standard. The protected classes listed are the same in both the WSBA Standard and the Court Rule Standard.

IMPACT: No substantive impact. According to DPD, this standard aligns with their current practices.

STANDARD 18: GUIDELINES FOR AWARDING DEFENSE CONTRACTS

| WSBA Standard | Court Rule Standard** |
|--|--|
| <p>Recruitment for public defense contracts and assigned counsel lists should include efforts to achieve a diverse public defense workforce.</p> <p>Attorneys or firms applying for contracts or placement on assigned counsel lists must demonstrate their ability to meet these [WSBA] Standards and the Supreme Court Standards for Indigent Defense. Their contracts must comply with Washington Rule of Professional Conduct 1.8(m).</p> <p>Under no circumstances should a contract be awarded on the basis of cost alone. Judges, judicial staff, city attorneys, county prosecutors, and law enforcement officers shall not select the attorneys who will be included in a contract or an assigned counsel list.</p> | <p>Judges, judicial staff, city attorneys, county prosecutors, and law enforcement offices shall not select the attorneys who will be included in a contract or an assigned counsel list. See GR 42.</p> |

PROPOSED ORDINANCE: Would adopt the Court Rule Standard.

IMPACT: No substantive impact. According to DPD, this standard aligns with their current practices.

STANDARD 19: INDEPENDENCE AND OVERSIGHT OF PUBLIC DEFENSE SERVICES

| WSBA Standard | Court Rule Standard |
|--|---------------------|
| <p>Public defense providers should not be restrained from independently advocating for the resources and reforms necessary to provide defense related services for all clients.</p> <p>Judges and judicial staff shall not manage and oversee public</p> | <p>No standard</p> |

| | |
|--|--|
| <p>defense offices, public defense contracts, or assigned counsel lists nor shall they select public defense administrators or the attorneys who provide public defense services.</p> <p>Attorneys with public defense experience insulated from judicial and political influence should manage and oversee public defense services.³¹</p> <p>Those responsible for managing and overseeing public defense services shall apply these [WSBA] Standards, the Supreme Court Standards for Indigent Defense, and the WSBA Performance Guidelines in their management and oversight duties.</p> | |
| <p>PROPOSED ORDINANCE: Would not address this standard. This is not one of the 16 elements required by state statute to be included in a county's adopted standards; however, the issue of independence is already touched on in the King County Charter Section 350.20.60.</p> | |

The American Bar Association Ten Principles of a Defense Delivery System. The American Bar Association (ABA) House of Delegates adopted the original Ten Principles of a Public Defense Delivery System in February 2002 with the intent to provide policymakers, public defense administrators, and others with a roadmap for providing effective indigent defense as required by the Sixth Amendment.^{32,33}

In 2018, the ABA's Standing Committee on Legal Aid and Indigent Defense (SCLAID) formed the Ten Principles Revision Committee, comprised of public defense leaders, academics, and other experts. Their work resulted in the revised Ten Principles, which were eventually adopted by the ABA House of Delegates in August 2023.³⁴ All the principles have been revised to provide more detail and clarity. Some of the 2002 principles were consolidated to make room for additional principles, but all topics addressed in the 2002 version are addressed in the 2023 version.

Proposed ordinance 2026-0040 would update the county code to refer to the 2023 version and the Ten Principles.

As noted in the ABA's materials, the following changes are particularly notable:

³¹ The terms "manage" and "oversee" include: drafting, awarding, renewing, and terminating public defense contracts; adding attorneys or removing them from assigned counsel lists; developing case weighting policies; monitoring attorney caseload limits and case-level qualifications; monitoring quality; monitoring compliance with contracts, policies, procedures, and standards; and recommending compensation.

³² [Report to the ABA House of Delegates \(August 2023\)](#)

³³ [ABA Ten Principles of a Public Defense Delivery System \(February 2002\)](#)

³⁴ [ABA Ten Principles of a Public Defense Delivery System \(August 2023\)](#)

- *A new principle (Principle 4) was added to reflect the importance of data collection and transparency to ensure public defense systems are receiving adequate resources and are following these Principles.*
- *The principle on training and supervision (Principle 7) reflects a deeper understanding of the need for systematic evaluation of defense lawyers, as well as the need for specialized training and cultural competency.*
- *A new principle (Principle 9) was added to reflect the importance of nonlawyer professionals, such as investigators, social workers, and experts, to the public defense function.*
- *The principle on public defense workloads (Principle 3) has been substantially revised to reflect the new information gleaned from the National Public Defense Workload Standards study and SCLAID's several state-based studies. Language has also been added on the duties of defenders who face unmanageable workloads.*
- *A new principle (Principle 10) was added to reinforce the important place public defense providers have in the legal system, especially in relation to any law or policy changes that are likely to affect their clients.³⁵*

Attachment 2 to this staff report provides a full comparison of the 2002 and 2023 versions of the Ten Principles.

INVITED

- Matthew Sanders, Director, Department of Public Defense
- Matthew Pang, Deputy Director, Department of Public Defense

ATTACHMENTS

1. Proposed Ordinance 2026-0040
2. Comparison of the 2002 and 2023 versions of the ABA's Ten Principles of a Public Defense Delivery System

³⁵ [Report to the ABA House of Delegates \(August 2023\)](#)



KING COUNTY
Signature Report

ATTACHMENT 1
1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Ordinance

Proposed No. 2026-0040.1

Sponsors Barón

1 AN ORDINANCE relating to the department of public
2 defense standards for indigent defense; amending
3 Ordinance 17588, Section 4, as amended, and K.C.C.
4 2.60.026 and adding a new section to K.C.C. chapter 2.60.

5 STATEMENT OF FACTS:

- 6 1. In January 2022, the Washington State Bar Association ("the WSBA")
7 Council on Public Defense ("the CPD") undertook a comprehensive
8 revision of the WSBA standards for indigent defense services.
- 9 2. In October 2023, following the release of a national study of public
10 defense workloads ("the RAND study"), the Washington Supreme Court
11 ("the Supreme Court") requested the CPD review the RAND study and
12 make recommendations, if any, regarding attorney caseload standards to
13 the Supreme Court.
- 14 3. In 2024, the CPD proposed and the WSBA Board of Governors
15 adopted revised standards for indigent defense services ("the WSBA
16 Revised Standards"), including new attorney caseload standards informed
17 by the RAND study, and recommended that the Supreme Court
18 incorporate the WSBA Revised Standards into the court rules governing
19 indigent defense standards.

- 20 4. On June 5, 2025, the Supreme Court issued Order No. 25700-A-1642,
21 which extended the suspension of Standard 14 of CrR 3.1, CrRLJ 3.1, and
22 JuCR 9.2 – Qualifications of Attorneys for one year, or until otherwise
23 ordered by the court. The order also modified the Certification of
24 Appointed Counsel of Compliance With Standards Required by CrR
25 3.1/CrRLJ 3.1/JuCR 9.2 during the suspension of Standard 14.
- 26 5. On June 9, 2025, the Supreme Court issued interim order In re
27 Standards for Indigent Defense Implementation of CrR 3.1, CrRLJ 3.1,
28 and JuCR 9.2, Ord. No. 25700-A-1644, adopting new attorney caseload
29 standards for indigent defense effective January 1, 2026, and requiring full
30 implementation no later than January 1, 2036, upon meeting certain
31 conditions. The order was further clarified by Order No. 25700-A-1671,
32 which was issued by the court on November 6, 2025.
- 33 6. On September 5, 2025, the Supreme Court issued Order No. 25700-A-
34 1656, which addressed caseload standards for family defense cases, as
35 well as Order No. 25700-A-1657, which addressed interim caseload
36 standards for appellate cases pending further order of the court.
- 37 7. On December 15, 2025, the Supreme Court issued an order in the
38 matter of the adoption of amendments to the standards for indigent
39 defense by Order No. 25700-A-1681, finalizing the Supreme Court's
40 revisions with an effective date of January 1, 2026. The Supreme Court
41 indigent public defense standards are codified in the court rules ("the
42 Court Rules Standards").

43 8. Included in the amendments to the Court Rule Standards are updated
44 attorney caseload levels, now referred to as case credits. The Court Rules
45 Standards require public defense attorneys to use investigation services as
46 appropriate. In addition, the King County council recognizes the vital
47 importance of legal and administrative support staff including, but not
48 limited to, paralegals, legal assistants, mitigation specialists, investigators,
49 and social workers to ensure effective delivery of public defense services.

50 9. RCW 10.101.030 requires a county to adopt standards for the delivery
51 of public defense services and names specific elements that the standards
52 must address. The statute also states that the standards endorsed by the
53 WSBA for the provision of public defense services should serve as
54 guidelines to local legislative authorities in adopting standards.

55 10. This ordinance adopts the county's public defense services standards.
56 It is the expectation of the council that the provision of public defense
57 services will be further subject to collective bargaining agreements with
58 employees in the department of public defense and appropriations.

59 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

60 NEW SECTION. SECTION 1. There is hereby added to K.C.C. chapter 2.60 a
61 new section to read as follows:

62 In accordance with RCW 10.101.030:

63 A. The county adopts the Washington Supreme Court Standards for Indigent
64 Defense, promulgated by the Supreme Court in its order No. 276500-A-1681; and

65 B. In its order No. 276500-A-1681, where the Supreme Court has yet to issue a

66 standard, as indicated by use of the term "[RESERVED]", the county adopts the following
67 from the Washington State Bar Association's September 2024 Standards for Indigent
68 Defense Services. In those Standards adopted by this section, any internal reference to
69 another Standard that is not listed in this section is not adopted:

- 70 1. Standard One (Compensation);
- 71 2. Standards 4.A. (Expert Witnesses), only the first paragraph of 4.B.
72 (Mitigation Specialists, Social Workers), 4.C. (Mental Health Professionals for
73 Evaluations), 4.D. (Interpreters and Translators), and 4.E. (Cost of Expert Services);
- 74 3. Standards 7.A (Support Services Necessary for Legal Defense) and 7.B
75 (Providing for Support Services in Contract and Assigned Counsel Compensation); and
- 76 4. Standard Nine (Training); Standard Ten (Supervision); Standard Eleven
77 (Monitoring and Evaluation of Attorneys); Standard Twelve (Substitution of Counsel);
78 and Standard Sixteen (Cause for Termination of Defender Services and Removal of
79 Attorney).

80 SECTION 2. Ordinance 17588, Section 4, as amended, and K.C.C. 2.60.026 are
81 hereby amended to read as follows:

- 82 A. The department of public defense shall be directed by the county public
83 defender, whose duties include:
 - 84 1. Managing the department of public defense;
 - 85 2. Ensuring the department employs the needed technical and public defense
86 expertise to ensure effective delivery of public defense services;
 - 87 3. Representing the executive in all city, county, state and federal forums where
88 the defense perspective is required;

89 4. Ensuring that the American Bar Association Ten Principles (~~(for)~~ of a Public
90 Defense Delivery System, as approved by the American Bar Association House of
91 Delegates in (~~February~~) August of (~~(2002)~~) 2023, guide the management of the
92 department and development of department standards for legal defense representation,
93 and filing with the clerk of the council by April 1 of at least every other year a report on
94 the results of the county public defender's efforts in that regard;

95 5. Following the (~~Washington State Standards for Indigent Defense Services~~)
96 county's adopted standards for the delivery of public defense services;

97 6. Developing and maintaining appropriate standards and guidelines for the
98 qualifications and experience level of public defense attorneys and paraprofessionals;

99 7. Working collaboratively with the public defense advisory board and
100 providing relevant nonprivileged information to the board upon its reasonable request;
101 and

102 8. Fostering and promoting system improvements, efficiencies, access to justice
103 and equity in the criminal justice system.

104 B.1. The county public defender shall be appointed by the executive, subject to
105 confirmation by the council. The executive shall appoint one of the three candidates
106 recommended by the public defense advisory board, except that the executive may
107 request three additional candidates from the public defense advisory board, and the
108 executive may then appoint the county public defender from among the six candidates,
109 subject to confirmation by motion by the council. Confirmation requires the affirmative
110 votes of at least five members of the council.

111 2. Within seven days after either a vacancy occurs in the office of the county
112 public defender or the county executive learns that a vacancy is expected to occur within
113 one hundred eighty days, including but not limited to a vacancy that will result from the
114 expiration of the term of a county public defender who the executive determines to not
115 reappoint, the executive shall provide written notice of the vacancy or expected vacancy
116 to each member of the public defense advisory board and to the clerk of the council and
117 shall commence a national recruitment for candidates to fill the vacancy. Within sixty
118 days after commencing the recruitment, the executive shall provide to each member of
119 the public defense advisory board the names, resumes and all other relevant information
120 about all candidates who meet the qualifications for office set forth in the county charter
121 and subsection C. of this section. Within ninety days after receiving the names, resumes
122 and other relevant information about the qualified candidates from the executive, the
123 public defense advisory board shall provide in writing at the same time to the executive
124 and the clerk of the county council the names of three candidates to fill the vacancy,
125 together with copies of the candidates' resumes and other relevant information, including
126 all written information upon which the board relied in choosing the three candidates. The
127 board shall not rank the candidates, but may summarize the particular strengths of each
128 candidate. If the board is unable to provide the names of three candidates within ninety
129 days, the board may request in writing additional time from the executive, not to exceed
130 sixty days, to identify candidates.

131 3. The executive may request in writing to the board chair, within fifteen days
132 after receiving the list of three candidates, that the board provide to the executive the
133 names, resumes and other relevant written information of up to three additional

134 candidates, depending on the number of qualified candidates remaining, and the board
135 shall comply with such a request within sixty days and shall at the same time provide a
136 copy of the additional materials to the clerk of the council.

137 4. Within thirty days after receiving either the original list of three candidates or
138 the list of up to three additional candidates, the executive shall appoint the county public
139 defender by providing written notice of the appointment to the clerk of the council, who
140 shall provide an electronic copy of the notice to each councilmember and to the chair of
141 the public defense advisory board. If the board fails to timely recommend in writing to
142 the executive the initial three or sufficient additional candidates, as applicable, the
143 executive may either appoint the county public defender from among the candidates who
144 have been recommended or wait until the board has recommended the requisite number
145 of candidates and make the appointment within thirty days thereafter.

146 5. The county council may confirm or reject the executive's appointment by
147 adoption of a motion with the affirmative votes of at least five members. A motion to
148 confirm or reject the appointment shall be referred for committee consideration to the
149 council's committee of the whole.

150 6. If the council rejects the executive's appointment of the county public
151 defender and the executive has not previously elected to request additional candidates
152 from the advisory board under subsection B.3. of this section, the executive may request
153 the public defense advisory board for recommendation of up to three additional
154 candidates in accordance with subsection B.3. of this section. Such a request must be
155 made in writing within seven days after the council rejects the executive's appointment,
156 to the chair of the advisory board, with a copy to the clerk of the council.

157 7. Within thirty days after receiving the additional name or names, the executive
158 shall appoint the county public defender from among the recommended candidates,
159 except that the executive may not reappoint any candidate whose appointment has been
160 rejected by the council. If the advisory board fails to recommend the additional candidate
161 or candidates required by subsection B.3. and 6. of this section and provide the required
162 written information, the executive shall proceed in the same manner as set forth in
163 subsection B.4. of this section.

164 8. At any time after the commencement of the national recruitment process
165 required by subsection B.2. of this section, except when the executive has appointed a
166 county public defender and the council has not confirmed or rejected the appointment, the
167 executive may request that the council authorize the commencement of a new national
168 recruitment and public defense advisory board review and executive appointment
169 process. Such a request must be submitted in writing to the clerk of the council with a
170 copy to the chair of the advisory board. When so requested, the council may authorize
171 commencement of a new recruitment, advisory board review, and appointment process
172 by motion adopted with the affirmative votes of at least five councilmembers.

173 9. Within seven days after appointment, the county public defender shall
174 designate an employee in the department of public defense to serve as a deputy and, in
175 the event of a vacancy in that office, as interim county public defender until a new county
176 public defender has been appointed.

177 C. The county public defender must be an attorney admitted to practice law in
178 any jurisdiction within the United States and in active status and good standing. The
179 county public defender shall, within two years after appointment, be an attorney admitted

180 to practice law in the courts of the state of Washington and an active member of the
181 Washington State Bar Association in good standing and shall, at the time of appointment,
182 have at least seven years of experience as an attorney primarily practicing criminal
183 defense, including both felonies and misdemeanors, as well as supervisory and
184 managerial experience.

185 D. The term of office of the county public defender shall end at the same time as
186 the term of the county prosecuting attorney. The county executive may reappoint the
187 county public defender to additional four-year terms, subject to confirmation by the
188 county council. The county council may confirm or reject the executive's reappointment
189 by adoption of a motion with the affirmative votes of at least five members.

190 E. The executive may remove the county public defender from office for cause,
191 which includes, but is not limited to:

- 192 1. The grounds for vacancy of elective office under Section 680 of the King
193 County Charter;
- 194 2. Failure to meet the applicable legal requirements for serving as county public
195 defender, as set forth in the county charter or the county code;
- 196 3. Conviction of a crime;
- 197 4. A finding or stipulation of misconduct under the Washington Rules of
198 Professional Conduct; and
- 199 5. Failure to manage the department effectively.

200 F. To remove the county public defender for cause, the executive shall serve a
201 written notice of removal, specifying the cause for removal, by delivering a copy of the
202 notice to the county public defender personally or by leaving a copy of the notice at the

203 office of the county public defender with a secretary or other assistant to the county
204 public defender. The executive shall contemporaneously deliver a copy of the written
205 notice of removal to the clerk of the council and to the chair of the public defense
206 advisory board.

207 G. The county public defender may appeal removal to the council by delivering a
208 written notice of appeal to the clerk of the council within ten days after service of the
209 written notice of removal. The notice of appeal shall be delivered at the same time to the
210 executive and to the chair of the public defense advisory board. The council shall review
211 de novo the grounds for removal and either affirm or reverse the removal within thirty
212 days after delivery of the notice of appeal by an affirmative vote of five members, or else
213 the removal shall stand. Removal of the county public defender is effective upon the
214 earliest of:

- 215 1. Ten days after service of notice of removal, if the county public defender
216 serves no notice of appeal;
- 217 2. Affirmation of removal by the council following an appeal;
- 218 3. Thirty days after delivery of the notice of appeal, if the council neither
219 affirms nor reverses the removal; or
- 220 4. The county public defender's delivery of a written notice of resignation to the
221 executive or the clerk of the council.

222 H. The county public defender shall receive compensation at the same rate as the
223 prosecuting attorney.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Sarah Perry, Chair

ATTEST:

Melani Pedroza, Clerk of the Council

APPROVED this ____ day of _____, ____.

Girmay Zahilay, County Executive

Attachments: None

**Comparison of the 2002 and 2023 versions of the
ABA's Ten Principles of a Public Defense Delivery System**

| Principle | 2002 Version (Original Version) | 2023 Version |
|-----------|--|--|
| 1. | The public defense function, including the selection, funding, and payment of defense counsel, is independent. | Now titled "Independence" - consistent with the 2002 Version. Calls on Public Defender Providers to have "recruitment and retention plans in place to ensure diverse staff at all levels of the organization". |
| 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. | Now titled "Funding, Structure and Oversight" - consistent with 2002 Version. Both versions call on states to provide funding for public defense; however, the 2023 Version adds "adequate" state funding. Additionally, the original Principle 8 is rolled into this principle, including language about pay parity with prosecuting attorneys. |
| 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. | Now titled "Control of Workloads" Language regarding screening for eligibility is moved to Principle 5. This revised Principle 3 is generally consistent with the original Principle 5. Language is added to state that: <i>"Workload standards should ensure compliance with recognized practice and ethical standards and should be derived from a reliable data-based methodology. Jurisdiction-specific workload standards may be employed when developed appropriately, but national workload standards should never be exceeded."</i> |
| 4. | Defense counsel is provided sufficient time and a confidential space within which to meet with the client. | Now titled "Data Collection and Transparency" Language regarding sufficient time and confidential space now covered in Principle 6. This new Principle 4 adds language about data collection: <ul style="list-style-type: none"> • States should, in a manner consistent with protecting client confidentiality, collect reliable data on public defense, regularly review such data, and implement necessary improvements; |

| Principle | 2002 Version (Original Version) | 2023 Version |
|-----------|--|--|
| | | <ul style="list-style-type: none"> Public Defense Providers should collect reliable data on: caseloads and workloads; major case events; use of investigators, experts, social workers and other support services; case outcomes; and all monetary expenditures. Public Defense Providers should also collect: demographic data on lawyers and other employees; seek to collect demographic data from their clients to ensure they are meeting the needs of a diverse clientele; and aggregated data should be shared with other relevant entities and made publicly available in accordance with best practices. |
| 5. | <p>Defense counsel’s workload is controlled to permit the rendering of quality representation.</p> | <p>Now titled "Eligibility and Fees for Public Defense"</p> <p>Language regarding workload is moved to Principle 3 and remains consistent.</p> <p>This revised Principle 5 includes language consistent with the original Principle 3 and adds new language emphasizing:</p> <ul style="list-style-type: none"> Public defense should be provided at no cost to any person who is financially unable to obtain adequate representation without substantial burden or undue hardship; Persons in custody or receiving public assistance should be deemed eligible for public defense services absent contrary evidence Screening processes should protect client confidentiality and not be complicated or burdensome; and Jurisdictions should not charge an application fee for public defense services, nor should persons who qualify for public defense services be required to contribute to or reimburse defense services. |
| 6. | <p>Defense counsel’s ability, training, and experience match the complexity of the case.</p> | <p>Now titled "Early and Confidential Access to Counsel"</p> |

| Principle | 2002 Version (Original Version) | 2023 Version |
|-----------|---|---|
| | | <p>Language regarding defense counsel's ability and training is now in Principle 7.</p> <p>The new Principle 6 is consistent with the original Principle 4. Language is added to state that:</p> <ul style="list-style-type: none"> • Prior to a client's first court appearance, counsel should confer with the client and prepare to address pretrial release and, if possible, probable cause. • Waiver of the right to counsel and waiver of the person's right to court appearance should never be coerced or encouraged. Before a person may waive counsel, they must be provided a meaningful opportunity to confer with a defense lawyer who can explain the dangers and disadvantages of proceeding without counsel and, if relevant, the implications of pleading guilty, including the direct and collateral consequences of a conviction. |
| 7. | The same attorney continuously represents the client until completion of the case. | <p>Now titled "Experience, Training, and Supervision"</p> <p>Language regarding continuous representation is now in Principle 8.</p> <p>This new Principle 7 is consistent with the original Principles 6 and 10. Language is added to state that:</p> <ul style="list-style-type: none"> • Public Defense Providers should regularly supervise and systematically evaluate lawyers to ensure delivery of effective, competent representation free from discrimination or bias; • Lawyers and staff should be required to attend continuing education programs or other training (training should be provided at no cost to staff); • Counsel should be trained in raising legal challenges based on racial and other forms of discrimination. |
| 8. | There is parity between defense counsel and the prosecution with respect to resources and | <p>Now titled "Vertical Representation"</p> <p>Parity language is now included in Principle 2.</p> |

| Principle | 2002 Version (Original Version) | 2023 Version |
|------------|--|---|
| | <p>defense counsel is included as an equal partner in the justice system.</p> | <p>This new Principle 8 reflects language in the original Principle 7 and adds language to clarify that: <i>"Representation by the defense lawyer may be supplemented by specialty counsel, such as counsel with special expertise in forensic evidence, immigration, or mental health issues, as appropriate to the case."</i></p> |
| <p>9.</p> | <p>Defense counsel is provided with and required to attend continuing legal education.</p> | <p>Now titled "Essential Components of Effective Representation"</p> <p>Language regarding continuing education is now in Principle 7.</p> <p>This new Principle 9 adds language stating that Public Defense Providers should:</p> <ul style="list-style-type: none"> • Adopt a client-centered approach to representation based around understanding a client's needs and working with them to achieve their goals; • Have the assistance of investigators, social workers, mitigation specialists, experts, and other specialized professionals necessary to meet public defense needs. It also notes that additional contingency funding should be made available to support access to these services as needed. • Address civil and non-legal issues that are relevant to their clients' cases (offering direct assistance or referrals to other providers). |
| <p>10.</p> | <p>Defense counsel is supervised and systematically reviewed for quality and efficiency according to nationally and locally adopted standards.</p> | <p>Now titled "Public Defense as Legal System Partners"</p> <p>Language about supervising and systematically reviewing defense counsel is now included in Principle 7 and is consistent with the 2002 Version.</p> <p>This new Principle 10 is consistent with the original Principle 8. Language is added to clarify that:</p> <ul style="list-style-type: none"> • Public Defense Providers are in a unique position to identify and challenge unlawful or harmful conditions adversely impacting their clients. |

| Principle | 2002 Version (Original Version) | 2023 Version |
|-----------|---------------------------------|---|
| | | <ul style="list-style-type: none"> • Legislative or organizational changes or other legal system reforms should not be considered without soliciting input from representatives of the defense function and evaluating the impact of such changes on Public Defense Providers and their clients. • To the extent any changes result in an increase in defender workload or responsibilities, adequate funding should be provided to Public Defense Providers to accommodate such changes. |



King County

**Metropolitan King County Council
Law and Justice Committee**

STAFF REPORT

| | | | |
|----------------------|-----------|--------------|---------------|
| Agenda Item: | 5 | Name: | Gene Paul |
| Proposed No.: | 2026-0027 | Date: | March 4, 2026 |

SUBJECT

Proposed Ordinance 2026-0027 would limit the use of county-owned and controlled property as a staging area, processing location, or operations base, for civil immigration enforcement operations.

SUMMARY

Proposed Ordinance 2026-0027 would codify the limitations from County Executive Order ACO-8-32-EO and restrict the use of county-owned and controlled property as a staging area, processing location, or operations base, for civil immigration enforcement operations. It would also require the Executive to develop signage templates; take steps to identify and physically secure county-owned and controlled property that could be used as a staging area, processing location or operations base; and develop reporting procedures for implementation.

BACKGROUND

King County Code Chapter 2.15. In 2009, the Council adopted an ordinance, codified as King County Code (K.C.C.) Chapter 2.15, relating to the ascertainment of a person's citizenship or immigration status.¹ Over the years, the Council has adopted several ordinances to amend and expand K.C.C. Chapter 2.15 with the most recent changes occurring in 2025 and the most comprehensive set of changes occurring in 2018.² The ordinances have noted that the enforcement of civil immigration laws are a federal responsibility, that King County is dedicated to providing all of its residents fair and equal access to services, opportunities, and protection, and that the chapter is meant to help:

- Foster trust and cooperation between law enforcement officials and immigrant communities to heighten crime prevention and public safety;
- Promote the public health of county residents; and

¹ Ordinance 16692

² In 2018, Ordinance 18665 clarified, reordered, and expanded K.C.C. Chapter 2.15. Other ordinances amending this chapter include Ordinances 17706, 17886, 18635, 19026, 19541, 19772, 19977, and 19892.

- Ensure all county residents have access to necessary services and benefits essential for upholding the county's commitment to fair and equal access for all residents.³

There are currently eight sections within the chapter:

1. K.C.C. 2.15.005 is a definitions section, defining words or phrases including those specifically related to federal civil immigration enforcement such as “administrative warrant” and “civil immigration enforcement operation”.
2. K.C.C. 2.15.010 prohibits conditioning the provision of county services on the citizenship or immigration status of any person (except where otherwise required by law). Relatedly, this section limits what information the county may request or collect regarding citizenship, immigration status, or national origin⁴; requires county employees to accept certain types of identification⁵; and prohibits employees from coercing responses, verbally abusing persons, or threatening to take immigration-related action against a person or their family members, including reporting them to U.S. Immigration and Customs Enforcement (ICE).
3. K.C.C. 2.15.015 prohibits the Sheriff's Office from doing certain things such as requesting specific documents related to a person's civil immigration status for the sole purpose of determining whether the person has violated federal civil immigration laws (these include but are not limited to passports, alien registration cards, or work permits) or using stops for minor offenses or requests for voluntary information as a pretext for discovering a person's immigration status.
4. K.C.C. 2.15.020 prohibits county employees from expending any time, moneys, or other resources on facilitating the civil enforcement of federal immigration law or participating in civil immigration enforcement operations, except where state or federal law, regulation, or court order requires it.
5. K.C.C. 2.15.030 requires King County and all its contractors to provide free interpretation and translation services to limited-English proficient (LEP) persons. It also requires county agencies to develop language assistance plans.

³ Findings Section for Ordinance 16692, Statement of Facts for Ordinances 17706 and 17886, and Preamble for Ordinance 18665.

⁴ K.C.C. 2.15.010.G. prohibits county agencies from obtaining, maintaining, or sharing information about a person's protected class (as defined in K.C.C. 3.12D), language proficiency, housing status, financial status, status as a victim of domestic violence, criminal history, release date from incarceration or confinement in a secure detention or other custody with the following exceptions: where necessary to provide county services, for performance measurement purposes to ensure services are being provided in an equitable and nondiscriminatory manner, or where otherwise required by state or federal law or regulation or directive or court order.

⁵ County agencies must accept state-issued documents marked as not valid for federal purposes or photo identity documents issued by the person's nation of origin (such as a driver's license, passport, or other consul-issued document). This subsection does not apply to documentation required to complete a federal I-9 employment eligibility verification form.

6. K.C.C. 2.15.050 extends some of the county's existing restrictions on facilitating or participating in civil immigration enforcement (K.C.C. 2.15.020) to certain contractors of King County.
7. K.C.C. 2.15.100 states that a person who has been injured or otherwise sustained damages as a result of a violation of this chapter may file a complaint with the Office of Equity and Racial and Social Justice.
8. K.C.C. 2.15.110 acknowledges the county's intent to fully comply with federal law. Federal law – specifically, 8 U.S.C. § 1373 – limits the ability of state and local governments to ban the sharing of certain types of information with federal immigration authorities. Per this section of the County Code: *"...nothing in this chapter prohibits any county agency, agent or employee from sending to, or receiving from, federal immigration authorities, the citizenship or immigration status of a person. Also, nothing in this chapter prohibits any county agency from sending to, receiving from, requesting from or exchanging with any federal, state or local government agency information regarding the immigration status of a person or from maintaining such information."*

Keep Washington Working Act. In 2019, the Washington State Legislature passed the Keep Washington Working Act (KWWA).⁶ The legislation included provisions similar to what is in K.C.C. Chapter 2.15. For example, it requires state employees to serve all Washington residents without regard to citizenship or immigration status, directs state agencies to limit the information they collect to what is minimally necessary, and prohibits state and local law enforcement agencies from providing nonpublic personal information about an individual to federal immigration authorities in noncriminal matters unless required by law.

Additionally, the legislation directed the Office of the Attorney General (AGO) to develop model policies, which it did in 2020. As required by the KWWA, the AGO published model policies for "limiting immigration enforcement to the fullest extent possible consistent with federal and state law at public schools, health facilities operated by the state or a political subdivision of the state, courthouses, and shelters, to ensure they remain safe and accessible to all Washington residents, regardless of immigration or citizenship status." The KWWA encourages "all other organizations and entities that provide services related to physical or mental health and wellness, education, or access to justice" to adopt the model policy.

The model policies can be found on the AGO's website and, according to the website, are still applicable as of March 18, 2025.⁷ The website notes that, while the federal processes or policies referenced in the AGO's 2020 guidance may have changed, the law still protects against local and state agencies from being compelled to engage in federal immigration enforcement.

County Executive Order. On February 12, 2026, Executive Zahilay signed Executive Order ACO-8-32-EO, or "the Executive Order," establishing key protections for immigrants and refugees in the county, including directives for departments and

⁶ E2SB 5497; Section 10, Chapter 440, Laws of Washington 2019. [[LINK](#)]

⁷ Washington State Attorney General's Office website [[LINK](#)]; last accessed February 24, 2026].

limitations on civil immigration enforcement in county-owned and county-controlled buildings.⁸ The Executive Order contained seven substantive sections:

1. Section 1. Established a Welcoming County Subcabinet to develop policy, budget, and administrative action proposals that support and protect residents impacted by civil immigration enforcement. The subcabinet, composed of representatives from at least 13 county departments, was also tasked to work with the Council on exploring "an ordinance to create a moratorium on development of new detention facilities in unincorporated King County and establish additional limitations on county-owned and controlled properties."⁹
2. Section 2. Allocated \$2 million to meet the emerging needs, such as rental assistance, legal aid support, or food assistance for immigrant, refugee, and asylee communities in the county.
3. Section 3. Directed the Sheriff's Office to develop guidance by March 16, 2026, about the planned response to potential unlawful action by federal law enforcement officers. This could include clear protocols for verifying law enforcement personnel who are not displaying credentials, creating documentation including body camera recordings, and how to respond to conflicts involving residents and federal law enforcement. The order also directed KCSO to produce publicly available materials about the roles and responsibilities of the Sheriff's Office and how to differentiate deputies from federal officers.
4. Section 4. Directed all departments to review policies and procedures to ensure adherence to the KWWA, the Courts Open to All Act,¹⁰ and K.C.C. 2.15. Also directed departments to support community education and "Know Your Rights" initiatives.
5. Section 5. Affirmed Executive Order PFC-7-1-1-EO and transparency at King County International Airport. The order further directed KCIA to upgrade and install additional cameras to provide greater transparency and submit a plan within 30 days to provide an improved observation space that would be available at all times during airport operations.
6. Section 6. Directed Executive departments to implement the following restriction on county-owned and county-controlled properties:
 - a. No civil immigration enforcement activities in the non-public areas of county-owned and controlled buildings or on other fixed-properties unless required by federal law. This restriction only applies to parking lots, vacant lots,

⁸ Document Code No.: ACO-8-32-EO [\[LINK\]](#)

⁹ ACO-8-32-EO, Section 1. [\[LINK\]](#)

¹⁰ The "Courts Open to All Act," found in RCW 2.28.300-2.28.340 generally prohibits warrantless civil immigration arrests inside or near courthouses. It also prohibits court staff and prosecutors from collecting immigration information and sharing immigration information to federal immigration officials except where required by state or federal law. [\[LINK\]](#)

buildings, and garages. These areas shall not be used for staging areas, processing locations, or operations bases for immigration enforcement activities.¹¹ This restriction specifically does not apply to public right-of-way used for pedestrian and vehicular traffic or the King County International Airport.

Section 6 also directed the Welcoming County Subcabinet to determine within 60 days if there are other county-owned and controlled properties where limitations on civil immigration enforcement would also be feasible.

7. Section 7. Expressed that the Executive will work with the state's federal Congressional delegation "to advocate for no additional funding for ICE until they change their current dangerous and potentially illegal policies and procedures."¹²

The Executive Order was similar to executive actions taken both locally by City of Seattle's Mayor Katie Wilson, as well as in cities across the nation like Minneapolis, Chicago, and Oakland.¹³ There have also been similar legislative actions taken by city and county legislative bodies such as the Santa Clara County (California) Board of Supervisors and the City of San Jose (California) City Council.¹⁴

ANALYSIS

Proposed Ordinance 2026-0027 would limit the use of county-owned and controlled property as a staging area, processing location, or operations base, for civil immigration enforcement operations. To do this, the proposed ordinance would add to the definitions section of K.C.C. Chapter 2.15 along with a new section to the chapter outlining the limitations and steps for implementation.

New Definitions. Section 1 of the proposed ordinance would add the following definitions to K.C.C. 2.15.005:

- "County-owned and controlled property" includes:
 1. Nonpublic areas of buildings;
 2. Parking lots;
 3. Garages; and
 4. Vacant lots.
- "Operation base" means an area that is used to plan, coordinate, and execute civil immigration enforcement activities.

¹¹ The Executive Order states "For purposes of this policy, "staging area" means an area that is used to assemble, mobilize, and deploy vehicles, equipment, or materials, and related personnel, for the purpose of carrying out civil immigration enforcement operations. ACO-8-32-EO, Section 6. [\[LINK\]](#)

¹² ACO-8-32-EO, Section 7. [\[LINK\]](#)

¹³ Seattle Executive Order 2026-03 [\[LINK\]](#), Minneapolis Executive Order 2025-02 [\[LINK\]](#), Chicago Executive Order 2025-8 [\[LINK\]](#), and Oakland Executive Order [\[LINK\]](#)

¹⁴ The Santa Clara Board of Supervisors directed the county administration on October 21, 2025, to report to the Board with a draft ordinance that restricts the use of county-owned and county-controlled properties for immigration enforcement. [\[LINK\]](#) The San Jose City Council adopted a resolution on January 13, 2026, prohibiting the use of city parking lots, vacant lots, and garages for immigration enforcement staging areas, processing locations, or operation bases. [\[LINK\]](#)

- "Processing location" means an area that is used for activities such as the identification, intake, processing of documentation, detention, arrest, or temporary holding of individuals in connection with civil immigration enforcement operations.
- "Staging area" means an area that is used to assemble, mobilize, and deploy vehicles, equipment, or materials, and related personnel, for the purpose of carrying out civil immigration enforcement operations.

Limitation on county-owned and controlled property. Section 2 of the proposed ordinance would add a new section to K.C.C. Chapter 2.15. The new section would:

- Establish that except where state or federal law require, property that is both county-owned and controlled shall not be commandeered by federal authorities for use as a staging area, processing area, or operations base for civil immigration enforcement.
- Require the Executive to design signage templates for county agencies to use stating the limitation from the above bullet.
- Require the Executive to work with county agencies to classify property that could be used as a staging area, processing location, or operations base for civil immigration enforcement and also develop strategies to increase security for use properties
- Require county agencies to use physical barriers, where appropriate and resources allow, to limit access to county-owned and controlled properties.
- Require implementation procedures within 30 days of enactment. Those procedures would provide that any county employee who becomes aware of use of county property as a staging area, processing location, or operations base shall immediately report that to the department director and that director shall report it to the Executive. The Executive shall also provide a report bi-annually to the Council of these uses of county property.
- Require the Executive to design a signage template for private property owners to use, if they choose, that states "This property is a Stand Together King County partner. No agent of the federal government, including Immigration and Customs Enforcement (ICE), may enter these premises for purposes of civil immigration enforcement, absent a valid judicial warrant or court order. This property may not be used for civil immigration enforcement operations, including as a staging area, processing location, or operations base." The ordinance further provides that the Executive will make available "know your rights" materials regarding entry of federal immigration officials but that property owners would use signage at their own risk.
- Clarify that the section does not apply to property that is subject to an existing lease.
- Clarify that nothing in the section would restrict or interfere with execution of lawful judicial warrants, court orders, or the enforcement of criminal law.

Comparison to the Executive Order. The proposed ordinance would codify the limitation on county-owned and controlled property found in Section 6 of the Executive Order. In terms of differences, the proposed ordinance would provide definitions for both

processing location and operations base, which are not contained in the Executive Order. The Executive Order does clearly state that the limitation "only applies to County-owned and County-controlled parking lots, vacant lots, buildings, and garages" and specifically excludes public right of way and the Airport. The proposed ordinance lists what county-owned and controlled includes but does not specifically exclude the public right of way or the Airport. Finally, the proposed ordinance requires implementation procedures within 30 days while the Executive Order provides 60 days for the Welcoming County Subcabinet to determine if there are additional properties where limitations on immigration enforcement would be feasible.

Legal. Legal Counsel has reviewed the proposed ordinance and will be available for an executive session, if requested.

INVITED

- Misha Werschkul, Deputy Director of Policy and Innovation, Office of the Executive
- Cristy Craig, Senior Deputy Prosecuting Attorney, Civil Division, Prosecuting Attorney's Office
- Lena Madden, Senior Deputy Prosecuting Attorney, Civil Division, Prosecuting Attorney's Office

ATTACHMENTS

1. Proposed Ordinance 2026-0027



KING COUNTY
Signature Report

ATTACHMENT 1
1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Ordinance

Proposed No. 2026-0027.1

Sponsors Mosqueda

1 AN ORDINANCE limiting the use of King County-owned
2 and controlled property; amending Ordinance 18665,
3 Section 1, as amended, and K.C.C. 2.15.005 and adding a
4 new section to K.C.C. chapter 2.15.

5 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

6 SECTION 1. Ordinance 18665, Section 1, as amended, and K.C.C. 2.15.005 are
7 hereby amended to read as follows:

8 The definitions in this section apply throughout this chapter unless the context
9 clearly requires otherwise.

10 A. "Administrative warrant" means a noncriminal immigration warrant of arrest,
11 order to detain or release aliens, notice of custody determination, notice to appear,
12 removal order, warrant of removal, or any other document, issued by ICE, CBP, USCIS,
13 or any other federal agency that can form the basis for a person's arrest or detention for a
14 civil immigration enforcement purpose. ICE administrative warrant forms include the
15 U.S. DHS form I-200 (Rev. 09/16) "Warrant for Arrest of Alien" and Form I-205
16 "Warrant Of Removal/Deportation," as well as predecessor and successor versions.
17 "Administrative warrant" does not include any criminal warrants issued upon a judicial
18 determination of probable cause and in compliance with the Fourth Amendment to the
19 United States Constitution.

20 B. "Agency" means a King County department, agency, division, commission,
21 council, committee, board, other body, or person, established by authority of an
22 ordinance, executive order, or charter.

23 C. "Agent" means a person acting within the scope of employment by or acting
24 on behalf of an agency.

25 D. "CBP" means the United States Customs and Border Protection agency of the
26 United States Department of Homeland Security and shall include any successor federal
27 agency charged with border enforcement.

28 E. "Citizenship or immigration status" means a person's recorded citizenship or
29 immigration status, as such status is defined in the Immigration and Nationality Act, at
30 the time an agent or agency receives the information.

31 F. "Civil immigration enforcement operation" means an operation that has as one
32 of its objectives the identification or apprehension of a person or persons in order to
33 investigate them for a violation of the immigration laws and subject them to one or more
34 of the following:

- 35 1. Civil immigration detention;
- 36 2. Removal proceedings; and
- 37 3. Removal from the United States.

38 G. "Coerce" means to use express or implied threats towards a person or any
39 family member of a person that attempts to put the person in immediate fear of the
40 consequences in order to compel that person to act against the person's will.

41 H. "Commitment" means confinement in secure detention for a specified amount
42 of time following a determination of guilt. "Commitment" does not include pretrial
43 detention of any persons such as those who are unable to post bail.

44 I. "Contractor" means a regional coalition or authority, state or local government,
45 tribe, person, firm, corporation, or partnership providing health, housing, or human
46 services in accordance with a contract with King County and including any
47 subcontractor, employee, and agent thereof.

48 J. "County-owned and controlled property" includes:

49 1. Nonpublic areas of buildings;

50 2. Parking lots;

51 3. Garages; and

52 4. Vacant lots.

53 K. "Employee" means a person who is appointed as an employee by the
54 appointing authority of a county agency, office, department, council, board, commission
55 or other separate unit or division of county government, however designated, acting
56 within the scope of employment by or acting on behalf of the county. "County
57 employee" also includes a county elected official and a member of a county board,
58 commission, committee or other multimember body, but does not include an official or
59 employee of the county's judicial branch, though it does include an employee of the
60 department of judicial administration.

61 ~~((K-))~~ L. "ICE" means the United States Immigration and Customs Enforcement
62 agency including Enforcement and Removal Operations and Homeland Security

63 Investigations and shall include any successor federal agency charged with the
64 enforcement of immigration laws.

65 ~~((L.))~~ M. "Immigration detainer" means a request by ICE to a federal, state or
66 local law enforcement agency, such as the King County department of adult and juvenile
67 detention, to provide notice of release or maintain custody of a person based on an
68 alleged violation of a civil immigration law. "Immigration detainer" includes a detainer
69 issued under Sections 236 or 287 of the Immigration and Nationality Act or 287.7 or
70 236.1 of Title 8 of the Code of Federal Regulations. "Immigration detainer" includes a
71 detainer issued under DHS form I-274A entitled Immigration Detainer- Notice of Action,
72 as well as predecessor and successor versions.

73 ~~((M.))~~ N. "Interpretation" means the transfer of an oral communication from one
74 language to another.

75 ~~((N.))~~ O. "Limited-English-proficient" means a person who does not speak
76 English as the person's primary language, who has a limited ability to read, speak, write,
77 or understand English.

78 ~~((O.))~~ P. "Nonpublic" means any area of a county facility, including the secure
79 detention facilities of the department of adult and juvenile detention that is not generally
80 open and accessible to the general public, but instead requires special permission for
81 admittance by a county employee on an individual basis. "Nonpublic" also means any
82 area of a contractor's facility, used to provide services under the county contract, that is
83 not generally open and accessible to the general public, but instead requires the
84 contractor's permission for admittance to that area.

85 ~~((P-))~~ Q. "Operation base" means an area that is used to plan, coordinate, and
86 execute civil immigration enforcement activities.

87 R. "Personal information" means one or more of the following, when the
88 information is linked with or is reasonably linkable, including via analytic technology, to
89 the person's first name or first initial and last name:

- 90 1. Home address;
- 91 2. Work address;
- 92 3. Telephone number;
- 93 4. Electronic mail address;
- 94 5. Social media handle or other identifying social media information;
- 95 6. Any other means of contacting a person;
- 96 7. Social security number;
- 97 8. Driver's license number or Washington identification card number;
- 98 9. Bank account number or credit or debit card number;
- 99 10. Information or data collected through the use or operation of an automated
100 license plate recognition system;
- 101 11. User name that, in combination with a password or security question and
102 answer, would permit access to an online account; and
- 103 12. Date of birth.

104 ~~((Q-))~~ S. "Processing location" means an area that is used for activities such as
105 the identification, intake, processing of documentation, detention, arrest, or temporary
106 holding of individuals in connection with civil immigration enforcement operations.

107 T. "Public communication materials" means materials that are intended for broad
108 distribution to inform or educate people served by King County. For the purpose of
109 translation, "public communication materials" refers only to printed media such as
110 brochures, posters, booklets, pamphlets, billboards, and advertisements in printed
111 publications.

112 ~~((R-))~~ U. "Staging area" means an area that is used to assemble, mobilize, and
113 deploy vehicles, equipment, or materials, and related personnel, for the purpose of
114 carrying out civil immigration enforcement operations.

115 V. "Translation" means the transfer of a written communication from one
116 language to another while preserving the intent and essential meaning of the original text.

117 ~~((S-))~~ W. "USCIS" shall mean the United States Citizenship and Immigration
118 Services and any successor agency charged with overseeing United States immigration
119 laws.

120 ~~((F-))~~ X. "Verbal abuse" means the use of a remark which is overtly insulting,
121 mocking, or belittling directed at a person based upon the actual or perceived:

- 122 1. One or more of the protected classes as defined in K.C.C. chapter 3.12D or
- 123 English proficiency; or
- 124 2. Citizenship or immigration status of the person or the person's family
- 125 member.

126 ~~((U-))~~ Y. "Vital documents" are materials that provide essential information for
127 accessing basic county services and benefits and for which serious consequences would
128 result if the information were not provided.

129 NEW SECTION. SECTION 2. There is hereby added to K.C.C. chapter 2.15 a
130 new section to read as follows:

131 A. Except where state or federal law, regulation, or court order or rule shall so
132 require, property that is both county-owned and county-controlled shall not be
133 commandeered by federal authorities for use as a staging area, processing location, or
134 operations base for civil immigration enforcement.

135 B.1. The executive shall design clear signage or templates for agencies to
136 produce and post on their applicable county properties stating: "This property is owned
137 and controlled by King County. It shall not be used for civil immigration enforcement
138 operations, including as a staging area, processing location, or operations base."

139 2. The executive shall work with county agencies to classify property that is
140 both county-owned and county-controlled that could be used as a staging area, processing
141 location, or operations base, for civil enforcement operations. The executive shall confer
142 with agencies regarding properties at high risk of improper enforcement uses and develop
143 strategies to increase security measures for such properties.

144 3. County agencies shall ensure that, wherever appropriate and as resources
145 allow, physical barriers such as locked gates are used to limit access to county-owned and
146 county-controlled properties.

147 C. Within thirty days of the date of enactment of this ordinance, county
148 departments and agencies shall develop the procedures necessary to implement this
149 ordinance. The implementing procedures shall provide that any county employee who
150 becomes aware of the attempted or actual use of a county-owned and county-controlled
151 property as a staging area, processing location, or operations base for the purpose of civil

152 immigration enforcement operations shall immediately report the attempted or actual use
153 to the department or agency director or their designee responsible for the operation of the
154 property who shall report it to the executive. The executive shall electronically transmit a
155 report bi-annually to the clerk of the council, who shall retain a copy, and provide a copy
156 to all councilmembers and the council's chief of staff.

157 D.1. The executive shall design a signage template that private property owners
158 and leaseholders, including but not limited to businesses, nonprofit organizations, and
159 faith institutions, can use, if they choose that clearly states: "This property is a Stand
160 Together King County partner. No agent of the federal government, including
161 Immigration and Customs Enforcement (ICE), may enter these premises for purposes of
162 civil immigration enforcement, absent a valid judicial warrant or court order. This
163 property may not be used for civil immigration enforcement operations, including as a
164 staging area, processing location, or operations base."

165 2. Property owners and leaseholders that use the signage do so at their own
166 discretion and assume any legal risk associated with its usage. The executive will also
167 make available to the public "know your rights" materials regarding entry by federal
168 immigration enforcement officials.

169 E. This section does not apply to property that is subject to an existing lease or
170 concession agreement to which the county is a party. This section is not intended to, and
171 shall not be interpreted to, interfere with any such lease or agreement.

172 F. Nothing in this section shall be construed as restricting or interfering with the
173 execution of lawful judicial warrants, court orders, or the enforcement of criminal law,
174 nor as limiting the rights of any person or entity under state or federal law. This section

175 does not prohibit the lawful use of county-owned and controlled property for purposes
176 other than a staging area, processing location, or operations base for civil law
177 enforcement, nor does it restrict any person or entity from carrying out functions
178 unrelated to those purposes on such property.

179 SECTION 3. Severability. If any provision of this ordinance or its application to

180 any person or circumstance is held invalid, the remainder of the ordinance or the
181 application of the provision to other persons or circumstances is not affected.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Sarah Perry, Chair

ATTEST:

Melani Pedroza, Clerk of the Council

APPROVED this ____ day of _____, _____.

Girmay Zahilay, County Executive

Attachments: None