

October 5, 1987  
3059B/BD:ple

Introduced by: Audrey Gruger

Proposed No.: 87-674

ORDINANCE NO. 8257

AN ORDINANCE establishing the Public Defense Program within the department of human resources; providing for the appointment of an administrator, describing the functions and responsibilities of the program, describing the availability of legal defense services through the program, describing the criteria for eligibility to receive legal defense services through the program, amending Ordinance 383, Sections 1, 4, 5 and 6 as amended and K.C.C. 2.60.010, 2.60.040, 2.60.050 and 2.60.060, repealing Ordinance 383, Section 2, 3 and 7 as amended and K.C.C. 2.60.020, 2.60.030 and 2.60.070 and substituting new sections, and repealing Ordinance 383, Section 8 as amended and K.C.C. 2.60.080.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 383, Section 1 and K.C.C. 2.60.010 are hereby amended to read as follows:

Purpose. It is declared a public purpose that each citizen is entitled to equal justice under law without regard to his ability to pay. It is the intention of King County to make publicly financed legal services available to the indigent and the near indigent person in all matters when there may be some factual likelihood that he may be deprived of his liberty pursuant to the laws of the state of Washington or King County. It is also the intention of King County to make such services available in an efficient manner which provides adequate representation at reasonable cost to the county.

NEW SECTION. SECTION 2. Ordinance 383, Section 2 and K.C.C. 2.60.020 are each hereby repealed, and the following is substituted:

Public Defense Program established. There is hereby established within the department of human resources the public defense program. An administrator of the public defense program

1 shall be appointed by the department of human resources director  
2 and approved by the county council. To assist the director in  
3 the selection of an administrator, there shall be convened an  
4 advisory committee which shall be representative of the criminal  
5 justice system and the broader community.

6 NEW SECTION. SECTION 3. Ordinance 383, Section 3 and K.C.C.  
7 2.60.030 are each hereby repealed, and the following is  
8 substituted:

9 Public Defense Program functions. The functions of the  
10 public defense program shall include:

11 A. Negotiation and monitoring of contracts for legal defense  
12 services to persons eligible under this program with nonprofit  
13 organizations formed for the specific purpose of providing legal  
14 defense services to the indigent;

15 B. Establishment and maintenance of a list of lawyers who  
16 wish to participate in the defense of persons eligible under the  
17 public defense program;

18 C. Assignment of cases to the contracted agencies or to  
19 assigned counsel where conflicts of interest or other special  
20 circumstances exist which require use of assigned counsel as  
21 opposed to the contracted agencies;

22 D. Investigation and determination of eligibility for legal  
23 defense services through the public defense program. In  
24 addition, the public defense program shall secure reimbursement  
25 from eligible persons, including the parents of juveniles  
26 receiving legal defense service through the program, where such  
27 persons can afford to pay some or all of the cost to King County  
28 of providing them such legal defense services;

29 E. Preparation of an annual budget for the program which  
30 evaluates and forecasts service delivery levels and program  
31 expenses for contractors, assigned counsel and administration.  
32 Such evaluations and forecasts shall include an analysis of the  
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1 impact, if any, of changes in the procedures or practices of the  
2 courts, prosecutor, police, public defense contractors, or other  
3 elements of the criminal justice system.

4 SECTION 4. Ordinance 383, Section 5 and K.C.C. 2.60.050 are  
5 hereby amended to read as follows:

6 Availability of services. Legal defense services through the  
7 ((office-of)) public defense program shall be available to all  
8 eligible persons for whom counsel is constitutionally required.  
9 In addition, legal defense services through the ((office-of))  
10 public defense program will be available, when funds are  
11 available therefor to all eligible persons when there may be some  
12 factual likelihood of such person's loss of liberty by an act of  
13 King County or any of its agencies, including but not limited to  
14 a violation of any law of the state of Washington or ordinance of  
15 King County, juvenile matters, mental illness and similar  
16 commitment proceedings, revocations and habeas corpus proceedings  
17 when such arise in King County.

18 Legal defense services through the ((office-of)) public  
19 defense program may be made available, at his or her expense, to  
20 a person charged in King County with a felony of public notoriety  
21 when the court finds that the defendant is unable to employ  
22 adequate private counsel as a result of such public notoriety.  
23 The administrator of the ((office-of)) public defense program  
24 shall establish a reasonable fee for such legal defense services,  
25 subject to the approval of the court.

26 SECTION 5. Ordinance 383, Section 6 and K.C.C. 2.60.060 are  
27 each hereby amended to read as follows:

28 Eligibility for services. To be eligible to receive legal  
29 defense services through the ((office-of)) public defense program  
30 at no cost, the person must be financially unable to obtain  
31 adequate representation without substantial hardship to himself  
32 and his family and there must be some factual likelihood that he  
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1 will be deprived of his liberty. If a person has some resources  
2 available which can be used to secure representation but not  
3 sufficient resources to pay the entire costs of private legal  
4 services without substantial hardship to himself and his family,  
5 the ((administrator)) public defense program shall determine how  
6 much the person shall pay for the legal defense services provided  
7 through the ((office-of)) public defense program.

8 NEW SECTION. SECTION 6. Ordinance 383, Section 7 and K.C.C.  
9 2.60.070 are each hereby repealed and the following is  
10 substituted:

11 Funding agreements. The public defense program may provide  
12 its services to other municipalities in King County on a  
13 reimbursable basis and is authorized to negotiate appropriate  
14 contractual agreements therefore.

15 SECTION 7. Ordinance 383, Section 4 and K.C.C. 2.60.040 are  
16 heach hereby amended to read as follows:

17 Agreements for legal services. The ((administrator-is  
18 authorized-to)) county executive may enter into agreements with  
19 nonprofit corporations formed for the specific purpose of  
20 rendering legal services in behalf of indigents to provide legal  
21 services to persons eligible for representation through the  
22 ((office-of)) public defense ((and-is-authorized-to-enter-into-an  
23 agreement-with-institutions-of-higher-learning-or-other-agencies  
24 to-render-investigative-or-other-services-on-behalf-of-any-person  
25 being-represented-through-the-office-of-public-defense-or-of  
26 benefit-to-the-purpose-of-such-office)) program. All such  
27 contracts entered into by the county executive shall be subject  
28 to approval by the county council.

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SECTION 8. Ordinance 383, Section 8 and K.C.C. 2.60.080 are each hereby repealed.

INTRODUCED AND READ for the first time this 5<sup>th</sup> day of October, 1987.

PASSED this 12<sup>th</sup> day of October, 1987.

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

Bill Reams  
VICE Chairman

ATTEST:

Janet M. Owens  
Clerk of the Council

APPROVED this 22<sup>nd</sup> day of October, 1987.

Jim Hill  
King County Executive