



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

June 1, 2009

Ordinance 16542

Proposed No. 2009-0176.2

Sponsors Gossett

1 AN ORDINANCE making a supplemental appropriation of
2 \$19,706,096 to the office of the public defender; to enter
3 into contracts for indigent defense services with four
4 defender agencies to begin July 1, 2009, implementing
5 recommended changes to the public defense funding
6 model; amending the 2009 Budget Ordinance, Ordinance
7 16312, Section 49, as amended.

8

9 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

10 SECTION 1. There is hereby approved and adopted an ordinance making a
11 supplemental appropriation of \$19,706,096 to the office of the public defender
12 appropriation unit of the general fund, contracts for indigent defense services with four
13 defender agencies to begin July 1, 2009, implementing recommended changes to the
14 public defense funding model.

15 SECTION 2. Ordinance 16312, Section 49, as amended, is hereby amended by
16 adding thereto and inserting therein the following:

17 OFFICE OF THE PUBLIC DEFENDER - From the general fund there is hereby
18 appropriated to:

19 Office of the public defender \$19,706,096

20 ER1 PROVIDED THAT:

21 Of this appropriation, \$250,000 shall be expended solely for the costs associated
22 with hiring an outside expert consultant to oversee a study of the county's public defense
23 payment model and to consider and make recommendations on whether the county
24 should move to a case-weighting methodology in paying for public defense services.

25 P1 PROVIDED THAT:

26 Of this appropriation, funding for contracts between the office of public defense
27 and the public defense nonprofit corporations that provide indigent defense services for
28 King County shall be expended solely on contracts that ensure that expedited gross
29 misdemeanor cases resulting from the prosecuting attorney's filing and disposition
30 standards ("FADS") continue to be reimbursed using the existing case credit, and not
31 calendar-basis, reimbursement methods and shall also ensure that clerical staffing levels
32 are reimbursed at the levels generated by the 2008 model, until the council approves by
33 motion an updated methodology for reimbursement consistent with the intent of Motion
34 12160. It is the intent of the council that the office of public defense shall work
35 collaboratively with the nonprofit defense corporations and the King County Bar
36 Association to update the reimbursement methodology as soon as possible. Further, it is
37 the intent of the council that new contracts for indigent defense to cover the period July 1,
38 2009, through June 30, 2010, be negotiated by the office of public defense and public
39 defense nonprofit corporations and submitted to the council by March 31, 2009, for

40 approval. These contracts shall be developed in accordance with the model adopted by
41 the council in Motion 12160 and shall be developed with regularly updated information
42 and input from the contract defense agencies regarding caseload, staffing and calendaring
43 of cases for felony, complex felony, juvenile, misdemeanor, involuntary treatment,
44 persistent offender and dependency cases, as well as review and input by the King
45 County Bar Association.

46 P2 PROVIDED FURTHER THAT:

47 Of this appropriation, \$1,000,000 shall not be expended or encumbered until the
48 council receives and approves by motion the components and justification for each
49 component that will be used to develop the indigent defense contracts between King
50 County and the nonprofit defense corporations. These components shall be consistent
51 with the model adopted by the council in Motion 12160. The report shall be developed
52 by the department of community and human services, in conjunction with the office of
53 management and budget, and shall include current data and input from the contract
54 defense agencies and the King County Bar Association. The data shall include, but not
55 be limited to, information on caseload, staffing and calendaring of cases for felony,
56 complex felony, juvenile, misdemeanor, involuntary treatment, persistent offender and
57 dependency cases. The report shall be submitted no later than February 1, 2009, to
58 ensure council approval of the proposed methodology prior to negotiation of the new
59 contracts between the county and the contract defense firms. It is the intent of the council
60 that the office of public defense shall work collaboratively with the nonprofit defense
61 corporations and the King County Bar Association to complete the report and transmit it
62 to the council as soon as possible.

63 The report must be filed in the form of 11 copies with the clerk of the council,
64 who shall retain the original and will forward copies to each councilmember and to the
65 lead staff of the operating budget, fiscal management and select issues committee, or its
66 successor.

67 P3 PROVIDED FURTHER THAT:

68 By June 30, 2009, the executive shall form a steering committee for the selection
69 and oversight of outside consulting work, procured for the purpose of studying the
70 county's public defense payment model and considering and making recommendations on
71 whether the county should move to a case-weighting methodology in paying for public
72 defense services.

73 The steering committee shall, at a minimum, contain a representative from the
74 office of public defense, office of management and budget, the prosecuting attorney's
75 office, the superior court, the district court, each of the four nonprofit public defense
76 contractors, assigned counsel with experience service as a public defender, the King
77 County Bar Association and the Washington Defender Association. The appointments to
78 the steering committee shall be made no later than May 31, 2009.

79 The steering committee shall prepare a work plan that includes a scope of work,
80 tasks, schedule, milestones and budget, as well as selection criteria for expert consultant
81 assistance. The scope of work shall contain, at a minimum:

82 A. A review of the current public defense caseload;

83 B. A review of caseloads at comparable jurisdictions throughout the country;

84 C. A discussion of key differences or similarities between the complexity of
85 caseloads faced by felony attorneys in King County and other jurisdictions throughout the
86 country;

87 D. A review of the advantages and disadvantages of a methodology change to a
88 case-weighting methodology for how the county pays for public defense services;

89 E. A recommendation as to whether the county would be well-advised to switch
90 to a case-weighting methodology; and

91 F. If a changed to a case-weighting methodology is recommended, the consultant
92 shall provide a recommended methodology for doing so.

93 The consultant's work shall be completed no later than April 30, 2010. The
94 consultant's final report shall be submitted to the steering committee for distribution to
95 the executive and county council.

96 The executive shall notify the council in writing of the appointments to the
97 steering committee. The notification shall be in the form of 12 copies filed with the clerk
98 of the council who will retain the original and will forward copies to each councilmember
99 and the committee coordinators for the budget and fiscal management committee and the
100 law, justice, health and human services committee, or their successors.

101 P 4 PROVIDED FURTHER THAT:

102 Until a case weighting study has been transmitted and the council has approved
103 the study by motion, none of this appropriation shall be used to support contracts for
104 public defense services that do not include the following initial payments for the
105 following charges:

106 A. 10 Credits for homicides

- 107 1. Murder 1 – RCW 9A.32.040
- 108 2. Murder 2 – RCW 9A.32.050
- 109 3. Homicide by abuse – RCW 9A.32.055
- 110 4. Manslaughter 1 – RCW 9A.32.060
- 111 5. Vehicular homicide
- 112 B. 5 Credits for indeterminate sex cases
- 113 1. Rape 1 – RCW 9A.44.040
- 114 2. Rape 2 – RCW 9A.44.050
- 115 3. Rape Child 1 – RCW 9A.44.073
- 116 4. Rape Child 2 – RCW 9A.44.076
- 117 5. Indecent liberties with forcible compulsion – RCW 9A.44.100(2)(b)
- 118 6. Child molestation 1 – RCW 9A.44.083
- 119 7. Kidnapping 1 with sexual motivation – RCW 9A.40.020
- 120 8. Kidnapping 2 with sexual motivation – RCW 9A.40.030
- 121 9. Assault 1 with sexual motivation – RCW 9A.36.011 and RCW
- 122 9A.94A.030(43)
- 123 10. Assault 2 with sexual motivation – RCW 9A.36.021(2)(b)
- 124 11. Assault of a child 1 with sexual motivation – RCW 9A.36.120
- 125 12. Burglary 1 with sexual motivation – RCW 9A.52.020
- 126 C. Additional Credits
- 127 1. Any other felony case: 3 credits for every 50 hours over the initial presumed
- 128 12.1

129 2. If A or B above exceed 220 hours of attorney time, 3 additional credits for
130 every 50 attorney hours over 200 attorney hours.

131

Ordinance 16542 was introduced on 3/9/2009 and passed by the Metropolitan King
County Council on 6/1/2009, by the following vote:

Yes: 9 - Mr. Constantine, Mr. Ferguson, Ms. Hague, Ms. Lambert, Mr. von
Reichbauer, Mr. Gossett, Mr. Phillips, Ms. Patterson and Mr. Dunn

No: 0

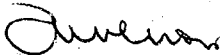
Excused: 0

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON



Dow Constantine, Chair

ATTEST:



Anne Noris, Clerk of the Council

APPROVED this 10th day of June, 2009.



Kurt Triplett, County Executive

Attachments None

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2009 JUN 10 PM 3:50
CLERK
KING COUNTY COUNCIL