



Ad Hoc Public Safety Committee

Public Defense Performance Metrics Presentation

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Title

Public Defense Performance Metrics Presentation

Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Receive a presentation on Public Defense Performance Metrics.

Report

Issue:

Whether to receive a presentation on Public Defense Performance Metrics.

Staff Contact:

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Presenter(s):

Diane Whaley, Community Court Executive/Public Defense Coordinator

Background and Analysis:

Olympia Municipal Court Public Defense provides services to those charged with misdemeanor and gross misdemeanor crimes in the City of Olympia. Currently, Public Defense has a budget of \$647,675. Olympia employs a Public Defense Coordinator, shared position with the Community Court Executive. The Public Defense Coordinator reviews data provided by the Public Defenders on a monthly basis. This Coordinator is responsible for budget, contracts, compliance with indigent standards, scheduling and all other administrative aspects of Public Defense.

Public Defense also employs a part time Social Services Worker for 16 hours per week, who provides social service information to defendants charged with a crime by the City of Olympia. Their services are rendered prior to the first appearance of those held at Olympia City Jail and as requested by the Public Defenders. The Social Services Worker position has been fully funded by the Washington State Office of Public Defense; the grant to fund this position will end December 31, 2021.

Currently, Olympia contracts with five different Public Defenders, each with a one-year contract, from five separate law firms. The Washington State Office of Public Defense Grant contributes to the compensation for Public Defenders; the grant ends December 31, 2021.

Defendants charged in Olympia Municipal Court are screened for indigency pursuant to RCW 10.101.010 to determine eligibility for a Public Defender; the Screening takes place in court and is administered by Judge Ahlf. Pursuant to Indigent Standards set forth by the Washington Supreme Court, individual Public Defenders can only take 400 case credits maximum per year; Olympia contracts for 1,440 case credits per year total.

Public Defenders may request investigators and other expert services upon motion to the Olympia Municipal Court and Public Defense Coordinator. Funds for these services are held separately and not included in any flat rate amounts paid to the Public Defenders each month. A portion of funding for investigative/expert services is provided by a Washington State Office of Public Defense Grant. This grant ends December 31st, 2021.

Public Defenders have a duty to investigate the facts either themselves, via investigator, and/or via expert services. All funding requests are at the discretion of the Public Defender. Public defenders also research relevant law; communicate with their clients; provide competent legal advice at all stages; review police reports and draft motions; provide advice to their client about plea options and dispositional alternatives; and advise on whether to go to trial or resolve.

If trial is chosen, Public Defenders must prepare for trial and vigorously represent their client in court. Public Defenders must uphold the Supreme Court Indigent Standards. Public Defenders are also responsible for advising defendants on how to connect to social services, how to obtain various social service evaluations, etc.

The top three crimes assigned to Public Defenders in 2020 were Assault 4, Violation of No Contact Order and Theft 3. From 2019 to present, Olympia Public Defenders have averaged 9-12 dismissals each month. Cases are resolving via reduction of charges and alternative resolutions that do not require a conviction, and after cases are set for trial. Investigator and expert funds are being requested and utilized by Olympia's Public Defenders. In 2021, 61% of new criminal case filings were assigned Public Defenders. However, the failure to appear rate at arraignment is an issue.

Looking at 2020 alone, we know that 52% of new case filings were either in warrant status or assigned to private counsel. Using community court statistics as a point of reference, 2/3 of all cases filed and eligible for community court do not appear at arraignment.

Per the Social Services Worker Statistics in 2021, we know: that there is a higher rate of males vs. females being charged with crimes in Olympia; Caucasians are charged more than any other race served by the Social Services Worker at 73%, followed by American Indian or Native Alaskan at 12%, African American at 9%, and 6% fit a biracial category. 88% are not of a Hispanic or Latino origin and 12% are of Hispanic, Latino, or Spanish origin. Olympia further sees various ages charged in Olympia anywhere from 18 to 70 years old, with the highest number in the 31 to 40-year-old category.

Various ways to eliminate inequities, bias, and racial injustice in Olympia Municipal Court include the following:

1. Risk/needs assessment screening at arraignment for all defendants charged in Olympia Municipal Court;
2. Fund court ordered evaluations and social services;
3. Increase time invested in release plans drafted by the Public Defense Social Services Worker;
4. Reduce the time gap between alleged crime date of violation and date of case filing to minimize lack of notice to defendants, with the goal of reduced warrants;
5. Bail System Reform;
6. Reduce or eliminate court costs and fees;
7. Implement pre-filing diversion programs;
8. Invest in implicit bias and trauma informed training programs;
9. Track demographics in public defense closing statistics; and
10. Provide adequate space for confidential meetings with Public Defenders and social services workers.

Neighborhood/Community Interests (if known):

The City is launching a community-wide public engagement process to re-imagine public safety in 2021.

Options:

1. Receive the presentation.
2. Do not receive the presentation.
3. Receive the presentation at another time.

Financial Impact:

The total amount of the grant that provides funding towards the Social Services Worker, Public Defender compensation, and investigative/expert services is \$69,500/year.

Attachments:

None