

CLARK COUNTY STAFF REPORT

DEPARTMENT: Indigent Defense

[IND-04-24AD]

DATE: November 7, 2023

REQUESTED ACTION:

Approval of ARPA funding in the amount of \$3,071,031 for 10 FTE for the establishment of a county Public Defense office.

Consent

Hearing

County Manager

BACKGROUND

Currently, Clark County is the largest county in Washington State that utilizes a contractor model without attorney oversight and a population of more than 518,000. The second largest county, with a contract model, is Walla Walla with a population of 63,344. Clark County is the 5th largest county in the state of Washington, it is crucial that we look to phase into a public defense model so that our county can improve the quality of indigent services and ensure compliance with standards set forth by the Washington State Bar Association Standards for Indigent Defense Services. The additional positions will also become vital with the projected growth of Clark County.

In a June 2023 work session, council was presented with a county-staffed public defense office. The work session highlighted the growing destabilization in the current contract model of indigent defense utilized by Clark County.

The National Center for State Courts – Caseflow, Calendaring, and Operations Study recommendations regarding a Public Defender’s Office to improve quality and effectiveness.

- Devotion to the representation of indigent defendants and receiving effective training in managing those cases.
- Public defenders cooperatively interact with the Prosecutor’s office to establish regular procedures for obtaining discovery and with the Court for rules and expectations.
- Supervising attorneys would take on serious and complex cases while supervising less experienced attorneys.
- Consistent discovery and investigative processes.
- Cases resolve more efficiently and timely. This means a reduced jail population and detention costs.

Also, the Superior Court General Rule 42 (GR42)-

- The purpose of GR 42 is to safeguard the independence of public defense services from judicial interference or control.
- Adopting a public defender model would decrease the possibility that a Judge or judicial staff member would engage in any management or oversight of public defense services.

The two-year ARPA funding will be the foundation to begin the Public Defense office in the county as we transition from a contract model to a county model. After the two years, these positions will be funded from savings from indigent defense contracts in the general fund.

This request is for ARPA Funding for 2024 and 2025 to cover the initial cost of the county public defense office. The total amount requested is \$3,071,031. After the first two years, these costs will transition to the General Fund Indigent Defense budget and be covered by savings from decreased contracted services.

Salaries and Benefits for 10 New Employees = \$1,365,087 in 2024 and \$1,395,944 in 2025. These include:

- 1 Senior Public Defender
- 6 Public Defender II
- 3 Legal Assistant

Additional one-time costs included in the 2024/2025 request:

- \$50,000 for 2024 one-time cost for computers, phones, and other equipment
- \$40,000 for supplies and ongoing phone costs (\$20K per year in 2024 and 2025)
- \$220,000 for estimated Baker Tilly Wage Adjustment Contingency for 2024 and 2025.

COUNCIL POLICY IMPLICATIONS

If funding is approved, the classification and salary range will come back to council in November 2023 for approval.

ADMINISTRATIVE POLICY IMPLICATIONS

N/A

COMMUNITY OUTREACH

N/A

BUDGET IMPLICATIONS

YES	NO	
X		Operating Budget Impacts
	X	Capital Budget Impacts
	X	Action falls within existing budget capacity.
	X	Action falls within existing budget capacity but requires a change of purpose within existing appropriation. If YES, please complete the budget impact statement. If YES, please route this Staff Report through the Budget Director and then to the County Manager.
X		Additional budget capacity is necessary and will be requested at the next supplemental or annual budget. If YES, please complete the budget impact statement. If YES, please route this Staff Report through the Budget Director and then to the County Manager. This action will be referred to the county council with a recommendation from the county manager.

BUDGET DETAILS

Dollar Amount	\$3,071,031
Fund	Fund 1041; American Rescue Plan
Cost Center	CC180 Indigent Defense
BASUB	B5159100 General Indigent Defense
Program	PG0652 Indigent Defense Administration

DISTRIBUTION:

Council staff will post all Consent/Separate Business/Hearing staff reports to The Web.
<https://www.clark.wa.gov/council-meetings>

Amber Emery

Amber K. Emery
Deputy County Manager

Laura Young

Laura Young
ARPA Program Coordinator
Auditor's Office

Emily Zwetzig

Emily M. Zwetzig
Budget Director

APPROVED: _____
CLARK COUNTY, WASHINGTON
CLARK COUNTY COUNCIL

DATE: _____

SR# _____

APPROVED: _____
Kathleen Otto, County Manager

DATE: _____

BUDGET IMPACT ATTACHMENT

Part I: Narrative Explanation

I. A – Explanation of what the request does that has fiscal impact and the assumptions for developing revenue and costing information

This request is for ARPA Funding for 2024 and 2025 to cover the initial cost of the county public defense office. The total amount requested is \$3,071,031. After the first two years, these costs will transition to the General Fund Indigent Defense budget and be covered by savings from decreased contracted services.

Part II: Estimated Revenues

Fund #/Title	2024		2025		2026	
	Annual Budget		Annual Budget		Annual Budget	
	GF	Total	GF	Total	GF	Total
1041 / ARPA		1,545,087		1,525,944		
Total		1,545,087		1,525,944		

II. A – Describe the type of revenue (grant, fees, etc.)

Grant.

Part III: Estimated Expenditures

Future year increases will be budgeted via the Budget Office position costing process as part of the annual baseline budget development. This calculation includes total estimated financial impacts (i.e. retirement, payroll taxes, life/disability insurance) and may be higher or lower based on the final actual annual budget calculated and adopted for those years. These positions will be set up as 'Revenue/Grant Funded Positions' in order to track the transition of funding from ARPA to General Fund savings from current contracts in 2026 and future years. This information was reviewed by the Budget Director on 10/25/23.

Salaries and Benefits for 10 New Employees = \$1,365,087 in 2024 and \$1,395,944 in 2025.

\$50,000 for 2024 one-time cost for computers, phones, and other equipment

\$40,000 for supplies and ongoing phone costs (\$20K per year in 2024 and 2025)

\$220,000 for estimated Baker Tilly Wage Adjustment Contingency for 2024 and 2025.

III. A – Expenditures summed up

Fund #/Title	FTE's	2024		2025		2026	
		Annual Budget		Annual Budget		Annual Budget	
		GF	Total	GF	Total	GF	Total
1041 / ARPA	10		1,545,087		1,525,944		
Total			1,545,087		1,525,944		

III. B – Expenditure by object category

Fund #/Title	2024		2025		2026	
	Annual Budget		Annual Budget		Annual Budget	
	GF	Total	GF	Total	GF	Total
Salary/Benefits and contingency		1,475,087		1,505,944		
Contractual						
Supplies		70,000		20,000		
Total		1,545,087		1,525,944		