



Snohomish County Council

NEWS RELEASE

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County Council Approves Public Defender's Contract *Orders Performance Audit and Timely Negotiations for '05*

(Everett, Wash) The Snohomish County Council approved today the \$2.8 million contract through 2004 to provide indigent legal defense services through the public defender's association.

"It is our duty to provide legal representation to those who cannot afford it," stated Councilman Jeff Sax, chairman of the law and justice committee. "I asked that the council expedite approval of this contract so that we can ensure seamless delivery of services to those in need. I thank the public defender's association and office for their good faith and patience during this time."

The public defenders association contract (PDA) will cost the county \$2.8 million for the remainder of 2004, representing 1.75% of the county's budget. Delays in approval were the result of extended negotiations with the new administration and questions that the law and justice committee had for the executive staff.

"I replied to the Executive's transmission of the contracts with a memo outlining my concerns with the contract and delivery of services, as the Executive challenged us in his state of the county speech to provide a transparent set of benchmarks and priority base our spending," continued Sax. "The contract in question hasn't undergone a significant review in fifteen years; we need a priorities-based contract that focuses on results, not just an increase in spending over the previous year."

Council members expressed concern that despite the fact that this is an ongoing contract the late negotiations did not provide time for adequate council or public review.

"Transparency is key in everything we do, the public instilled in the council a fiduciary duty to ensure that their tax dollars are being spent wisely, not to simply rubber stamp whatever comes across our desks," added Council President John Koster. "While the Office of Public Defense has undergone reorganization to better provide service and coverage, which is an excellent start, this contract in particular has not seen significant change in 15 years."

To combat delays in next year's contract, the Council was upfront with their expectations during the negotiating phase, including timeliness of transmission and a step away from "status quo" on renewals.

"Last week, several council members spent time in Washington DC at the National Association of County Officials meeting taking a look at how other counties are coping with issues such as ours," stated Sax. "It was interesting to learn that one-half of the states do not require localities, primarily counties, to pay for some of the costs associated with public defenders."

Additionally, the council also issued a request for a performance audit of the Office of Public Defense, which manages the public defender's contract as Washington state ranks among those states that spend the most on indigent legal services. Questions for the performance auditor include:

- Is the current provision of public defense services the most efficient and cost-effective possible? Are there change the county could make to promote efficiency, cost effectiveness and cost recovery?
- What are the core responsibilities of the county to provide indigent legal representation? State law and the constitution provide that indigent defendants must be provided with adequate legal defense for felonies or misdemeanors that carry a sentence of imprisonment. However, there is question as to which misdemeanors required defense services.
- What procedure and criteria does the county use to verify indigency? For example, the Office of Public Defense reports that indigent defense interview workload has increased 48% since 1994, which is much higher than increased over the same period of the federal poverty standard. If not, are there national or state standards for indigency that we should consider as well as ways to improve cost recovery from those who can afford to pay.
- Should the contract be kept as a single contract or would it be more efficient to break it into pieces? Is competitive bidding of the contract or its parts a viable option?

The council requested the performance audit to take place as soon as possible, with results and recommendations to be transmitted to them at the end of the third quarter of this year, in time for negotiations on the 2005 contract renewal.

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