



King County

Public Defense Advisory Board Meeting

Thursday, October 5, 2023
9:30am – 12:00pm

Teams Meeting and Conference Room 245

AGENDA

1. **Welcome**

Attending virtually: Lou Frantz, Oloth Insyxiengmay, Andres Muñoz, La Rond Baker, Nyema Clark, Shoshana Kehoe-Ehlers (chair)

Attending in Person: John Strait

Not present: Shrounda Selivanoff, Sara Rankin, Chris Carney

2. **Approval of Minutes from Meeting on August 3, 2023**

Motion made by John Strait, seconded by Lou Frantz. None opposed, motion passed.

3. **Public Comment**

None.

4. **2023 Annual Report to King County**

Shoshana recapped progress made on interviews needed for PDAB's annual report. She underscored the importance of this annual report to Council in the context of the ongoing crisis regarding caseloads.

5. **Need for a Vice Chair**

Shoshana described the need for the Board to have a Vice Chair as an opportunity to learn about the organization and asked for nominations from the Board. Lou validated Shoshana's comments and urged someone to volunteer. John echoed Lou's and Shoshana's comments urging someone to take up the Vice Chair role to prepare for taking over Shoshana's position as Chair next June. Discussion ended without nomination, though Oloth and Nyema expressed interest.

6. **Remarks from SEIU Representatives**

Molly Gilbert's remarks:

- Recapped presentation to the King County Council regarding Class A attrition crisis from Adam Heyman and Elbert Aull, along with Gordon Hill.
- Will collaborate with Director's Office to attempt to implement parts of the caseload standards early as an attempt to mitigate attrition.

- Mentioned recent termination of the pilot program with incarcerating clients at SCORE.
- Discussed union's recent work to secure seats on oversight boards for jail conditions.

7. **Remarks from Teamsters Representatives**

Rachael Schultz didn't have a lot to bring to the Board's attention, mentioned that staffing remains concerning, but it goes hand-in-hand with the issues surrounding caseloads. Applauded SEIU and Director's Office advocacy efforts on that front. Mentioned lots of turnover among supervisors, seeking standardization of training for supervisors but believes it can be handled directly with the Director's Office.

8. **Department of Public Defense Director's Report**

Caseload Standards - Anita

Anita advised the Board that she and CM Zahilay co-authored an op-ed in the Seattle Times laying out the impossibility of trying to hire our way out of this crisis. Prior to writing the op-ed, CM Zahilay convened a meeting with leadership at the PAO to discuss this issue. The meeting was unproductive and several proposals from the Director's Office were not engaged with following the meeting. Dismissals sought for several egregious cases of clients with severe mental health challenges were denied.

Still developing next steps on implementation strategy locally in King County for the new caseload standards in partnership with the unions and working on this statewide through the Council on Public Defense. Moving both strategies simultaneously due to specific issues with felony caseloads in King County.

Caseloads – Gordon and Stev

Stev walked through the packet of slides covering latest trends in caseloads since August meeting. August was an increase over projected filings, while September came in slightly under projections. 446 new felony assignments came in the last thirty days. Even with decline in overall felony assignments in September, Class A cases spiked as a share of those assignments last month. Disproportionate split of cases in Seattle remains steady as it has since end of 2022. Data shows a slight dip in property-based offenses, which prompted question from John Strait about the cause. Due to lack of visibility into referrals from police, Gordon advised we can't tell if police response is driving this difference. Stev also noticed significant drop in new Superior Court criminal filings in September.

Stev noted spike in ITA filings in August caused capacity issues, though assignments dropped in September.

Board then engaged in discussion regarding the attrition among Class A attorneys and the various challenges in getting more lawyers into that role. Gordon walked the Board through the slides on this issue that he presented to the Council earlier this week. Spike in Class B felony assignments are driving the caseload burnout of Class A attorneys, as they also have to handle these cases as well.

Legislative agenda update – Katie

Katie presented an overview of DPD's legislative agenda, focusing on the department's proposal to give judges the authority to set conditions and dismiss cases once clients meet those conditions. Skeptical about prospects for passage this year, but aim to introduce this year to prepare for a stronger push in 2025. Also working on adjusting the

trigger for juvenile court jurisdiction based on the age of the client at the time of the alleged offense rather than their age on the date prosecutors file the case. Working to collaborate with the Superior Court Judges Association and key legislators to make these more technical tweaks that could pass this session without significant controversy.

Court rule proposals – Anita

One proposal that we believe will be cosponsored with WDA is removing prosecutorial control of redacting discovery and creating specific rules in each court. Anita also reviewed our proposal to end the use of private bail bonds through amending 3.2 and gave an overview of our proposal to expand the authority for judges to dismiss cases pursuant to 8.3.

9. PDAB Chair’s Report

Progress continues on annual report, on track to complete by end of the year. Identified emerging issues dependent on Seattle City Attorney’s Office enforcement of misdemeanor drug possession cases and the reception of RAND corporation study on caseloads by local government actors. Mentioned that feedback from the courts has been positive with respect to line attorney performance.

10. Executive Session

None.

11. Adjourn

11:18 a.m.