



King County

Public Defense Advisory Board Meeting

**Thursday, August 1, 2024
9:30am – 12:00pm**

Teams Meeting and Conference Room 245

AGENDA

1. Welcome

Attending virtually: John Strait, Kevin Hollinz, Sara Rankin, Chris Carney

Attending in Person: NONE

Not present: Shrounda Selivanoff, Nyema Clark, Shoshana Kehoe-Ehlers, Oloth Insyxiengmay

2. Approval of Minutes from Meeting on June 6, 2024

No vote taken due to lack of quorum.

3. Public Comment

None.

4. Remarks from SEIU Representatives

Molly Gilbert:

- Noted opposition to Mayor's Office and City Council proposal to contract with SCORE.
- Molly had several meetings with Mayor's Office to relay lessons learned from failed pilot with King County last year, those concerns did not cause them to change course.
- Hopeful that only 20 bed limit stays in place.
- Will mobilize staff for full Council vote next week, but not sure what else can be done to block this bad idea.
- May eventually demand to bargain with the County based on the effect of implementing the contract, but procedural posture is complicated.
- Union had filed an unfair labor practice complaint last summer, closing briefs will be submitted to PERC by mid-August.
- In frequent bi-weekly meetings with management about case weighting. All in agreement we don't have enough staff, both attorneys and non-attorneys, to implement the standards but appreciate move to test out case weighting early and bring staffing to needed levels by next July.

- Will rally members to submit public comment in favor of court rules proposal and may travel en masse to hearing on the proposals in October.
- Have also received outreach from politicians and other interested parties expressing desire to sign letters in support.
- Group of prosecutors working in collaboration to explain disparate work between their office and ours that can help County Council understand why PD standards aren't applicable to PAO.

5. Remarks from Teamsters Representatives

Rachael Schultz:

- We've also been working with DO on the new caseload standards using case weighting.

6. Department of Public Defense Director's Report

Anita Khandelwal:

New CMS rollout has been very challenging, so no data report for the board this meeting. Stev has some items to share.

Stev Weidlich:

Reports that we have been able to create pull a lot of the same data we typically review, hope to provide those visualizations at the next board meeting. Data for travel time for cases in Seattle Municipal Court will help account for impact of having clients incarcerated at SCORE should the City move forward with that contract. Stev shared a view of how the new CMS operates, including a sample of how the system tracks case credits.

Anita Khandelwal:

Anita recapped DPD's initial engagement with the Mayor's Office workgroup on the SCORE contract and our withdrawal once it became clear our concerns were not being addressed. That workgroup prevented any discussion of whether the policy was worthwhile or effective and focused exclusively on logistical concerns. Many questions remain about how this will play out in practice for arraignments, as video hearings from SCORE are unacceptable to DPD and likely violates the Supreme Court's recent holding in *Luthi*. Anita and others from SEIU testified against the proposal at Council yesterday, but they voted it out of committee regardless. Unclear why the City is in such a rush to get additional jail capacity now.

ITA update: Attorneys are hitting or exceeding even distribution of cases for annual limit of 250 cases per the court rules. DPD is following court orders to appoint attorneys in excess of the caseload limits but appealing them with assistance of outside counsel. Executive's office is also appealing the order due to findings that they have some responsibilities regarding public defense, but they are independently represented.

Litigation update vs Seattle Municipal Court: Currently suing SMC for use of in-courtroom holding cell in KCJ2 courtroom in violation of *Luthi*. Hearing in KCSC scheduled for August 9th.

Separately, we've sought sanctions against DCYF for failure to transfer our clients in juvenile court to JR and instead leaving them to languish in the youth detention center or adult jail. Assisting line attorneys with filing these motions in individual cases to get sanctions for each client, as Judge Galvan already granted sanctions of \$150/day for one client.

Katie Hurley:

Still litigating personal restraint petitions for several clients at Green Hill due to illegal use of solitary confinement. Through declarations they've filed, they demonstrate they've been chronically violating the state law against room confinement. In one unit, kids are in their cells for the entire weekend. Kids also report having to wait a long time to use the bathroom and reduced access to programming in other residential units. DCYF filed their response claiming the emergency conditions permit violation of state law in the interest of addressing the emergency, we will object. Katie will visit Green Hill next week to talk to clients and get updated information for our response due next week. We're also planning to file PRPs for clients who are adjudicated and should be committed to a JR facility pursuant to state law but who DCYF refuses to admit to one of their facilities.

DCYF found a way to admit the client who we won sanctions for as a result of being stuck in the adult jail in King County, planning to file more PRPs in individual cases.

John Strait:

Are we coordinating with the ACLU on any of the Green Hill work?

Katie Hurley:

They haven't filed anything, so we can't coordinate. Have been coordinating with Columbia Legal Services, who are challenging the violation of the settlement agreement that grants young people incarcerated at DCYF the right to a hearing before transfer to DOC.

7. PDAB Chair's Report

John raised SCORE contract for awareness. Also asked Anita if we have any insight into Seattle City Attorney's press conference today.

Anita clarified that SCAO proposal is to revive SODAs/banishment zones, which will be heard at the Public Safety committee on August 13.

8. Executive Session

None.

9. Adjourn

10:20 a.m.