



# King County Department of Public Defense



## 2019 ANNUAL REPORT



### OUR MISSION

The King County Department of Public Defense represents indigent adults and children facing a loss of liberty.

Our department is an independent voice that promotes justice and equity for our clients and advocates for their objectives, interests, and dignity.

## **PHOTOS**

On the cover (top to bottom): DPD employees and friends join the MLK march in Seattle in January 2020; a father who DPD represented in a dependency case gives his daughter a hug; youth from Community Passageways speak to employees during DPD's annual conference. At right: Reid Burkland and Lauren Conner, DPD attorneys, at a recruiting event in California in 2019.

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# A note from Director Anita Khandelwal

This past year has been a hard one for the Department of Public Defense. Felony filings spiked over the summer, climbing nearly 30 percent in one month alone. Many of us felt the impact — staff in our felony units, of course, but also staff elsewhere, as we shifted resources and took other measures in an effort to support our overworked felony units. Other case areas also saw increased filings, including misdemeanors in King County and civil commitment cases in the Involuntary Treatment Act court. Add to that an unrelenting push to expand the reach of the criminal legal system in a misguided effort to address homelessness and substance abuse disorders in Seattle. All in all, it was a tough year.

But what moves me deeply is another part of the story from this past year — the part that gets lost when we focus on numbers or policies — and that is the remarkable fortitude and commitment our staff showed in the face of these difficulties. It's hard to measure determination. But I saw it over and over this past year. I saw it in the excellent work of our attorneys who stood up against a system that routinely fails to see the humanity of our clients. I saw it in our paralegals who provided important case research and our administrative staff who worked hard to upload growing reams of discovery. I saw it in investigators who did amazing on-the-ground work, playing key roles in some remarkable acquittals and other case outcomes. I saw it in the work of our mitigation specialists, whose narratives told a fuller and more authentic

story about the lives of our clients and the impact of generational poverty and systemic racism. And I saw it in the Director's Office, where staff provided critical financial, human resource, policy, and administrative work in support of our mission.

This report tells both stories. It discusses the nuts and bolts of a hard-working public defense agency, showcases some of our excellent policy work, and highlights efforts we are making to address an inadequate and outdated staffing model. It also includes the words of our people, and that's the part that speaks the most to me. We asked a handful of staff a simple question: Looking back over the year, is there something that stands out for you — a moment or incident — that captures for you the meaning of your work in public defense? Their answers are moving, illuminating, and poignant. To further explore the power of our work, we included some examples of our attorneys' words in the courtroom, where they called out the racism, oppression, and harshness of a system that punishes people rather than supports them.

There is great meaning in this work. And it is very hard. I feel immensely grateful to my colleagues, who are unrelenting in their determination to support our clients and who work diligently to provide quality public defense. It is their excellence, their fortitude, and their passion that inspire me to keep fighting for what's right.



*DPD Director Anita Khandelwal during a break at the 2019 Annual Conference, with Rachaun McConico, who participated in one of the panel discussions.*



# Introduction | The work of public defense

The Department of Public Defense provides high-quality legal representation to people in King County who are charged with a crime or face a loss of liberty and cannot afford an attorney. This includes both adults and youth facing felony or misdemeanor charges, people who could lose their children in a dependency proceeding or face involuntary commitment to a psychiatric or sex offender facility, and youth facing certain civil or dependency proceedings. We also have a new unit that helps people get felony or misdemeanor convictions vacated and outstanding legal financial obligations extinguished.

DPD represents clients in King County Superior and District Courts and, by way of a contract with the City of Seattle, in Seattle Municipal Court. In 2019, the department's attorneys represented 16,244 individuals in King County courts, an increase of 10% over the previous year, and handled approximately 20,740 different assignments (criminal cases, probation reviews, and post-conviction relief), an increase of nearly 11%. In Seattle Municipal Court, DPD handled 6,924 filings, a slight increase over the previous year.

Several practice areas experienced considerable growth in 2019, including felonies, DUIs in King County District Court, and involuntary commitment (Involuntary Treatment Act) cases. (See *Staffing Model: A new approach is needed* on page 7 for a fuller discussion of filings and caseloads.)

Key to DPD's strength as a department is its staff — a workforce of 415 people who either directly or indirectly support DPD's 20,000 clients. The department employs attorneys, investigators, mitigation specialists, paralegals, legal administrative specialists, fiscal and data specialists, case coordinators, human resources specialists, and

more — all of whom form the backbone of the department. Attorneys comprise about half of DPD's staff. Two unions — SEIU Local 925 and Teamsters Local 117 — represent the majority of DPD's employees. (SEIU represents non-supervisory staff; Teamsters represents supervisors.)

Client representation is provided by four divisions, operating as separate law firms so that, consistent with our ethical walls policy, DPD can keep as many cases in-house as possible. Under the Rules of Professional Conduct, clients cannot be represented in-house if it is determined that there's a conflict of interest, meaning that the client, a co-defendant, or a witness in a case has had a prior representation by a DPD attorney. By having four separate divisions, each siloed from the other, the department is able to keep more cases in-house.

The Director's Office provides strategic and policy direction for the department, runs the department's training program, and provides budgetary oversight, human resources support, communications support,

and administrative support. Case coordinators in the Director's Office also interview clients to determine financial eligibility, assign cases to the divisions, and manage case assignments.

Director Anita Khandelwal and Deputy Director Gordon Hill work closely with the four managing attorneys in the day-to-day operations of the department. A policy team of four special counsels,

working in collaboration with DPD's caseload-carrying attorneys and community-based partners, pursues legal, legislative, and policy strategies in an effort to lessen the harmful impacts of the criminal legal system, make it less racially unjust, and provide community-based answers to system reform.

## OUR FOUR DIVISIONS

Each of DPD's four divisions is overseen by a managing attorney and has offices in both Seattle and Kent. Reflecting their rich history as nonprofits before becoming a part of the county in 2013, the divisions are called:

*Associated Counsel for the Accused Division (ACAD)*

*Northwest Defenders Division (NDD)*

*Society of Counsel Representing Accused Persons Division (SCRAPD)*

*The Defender Association Division (TDAD)*

Anita was selected to serve as the department's director by the King County Executive on Oct. 4, 2018, and was confirmed by the Metropolitan King County Council on Nov. 5, 2018. Now in her second year as director, she has put in place her management team, completed the department's first strategic plan, substantively responded to a critical audit that pre-dated her administration, initiated a range of policy and administrative reforms, and is working hard to address one of the biggest issues the department faces — a staffing model that can no longer keep pace with increased filings and fundamental changes in the practice of public defense.



### The Public Defense Advisory Board

An 11-member Public Defense Advisory Board (PDAB), established by County Ordinance 17678 and codified as part of King County Code §2.60, reviews DPD's activities and plans, advocates for high-quality public defense, and advises the Executive and the County Council on matters of equity and social justice related to public defense. The board meets several times a year. It is currently chaired by Kim Ambrose, a senior lecturer and director of Tools for Social Change: Race and Justice Clinic at the University of Washington Law School. The board's vice chair is Louis Frantz, a former public defender who previously served as the felony practice director at DPD.

The board issues two written reports a year, one reviewing the Executive's proposed budget for public defense and the other on the state of public defense in King County. Visit [this page](#) for PDAB's 2019 budget report and [this page](#) for its 2019 annual report. The 2019 annual report included a comprehensive look at DPD's compliance with the American Bar Association's Ten Principles of a Public Defense Delivery System. See Appendix 1 for its assessment.

### ENSURING OUR CLIENTS ARE HEARD

*"When I started working at DPD last year, I inherited a case that was set for trial – a woman who had been charged with DWLS 3, a low-level offense but with major implications if you're found guilty. My client knew she had been stopped because of the color of her skin but also knew the chances of winning at trial were slim. We talked about it at length, about how angry and upset she was and about how this case was affecting her life. I shared some of my own stories with her. She ended up signing a plea deal with minimal impact on her life. But what really mattered, I believe, is that she got to be heard. She walked away feeling empowered. She thanked me for that, for listening to her and believing her. I'm experiencing this again in family defense. It's not only the outcome that matters. Our clients, like every human, want to be seen and heard — and seen for the totality of their lives, not just for one bad thing that may have happened."*

**Nikki Coleman,  
Family Defense Attorney, NDD**

# Administration | Improving operations

As the department enters its second year under a new management team, the Director's Office has initiated several administrative changes to improve operations, ease pressure on staff within the divisions, and address other organizational needs.

## Completion of a strategic plan

The Director's Office developed the department's first strategic plan in 2019, a multi-year blueprint built around three high-level objectives:

- Provide consistently high-quality representation to all of DPD's clients across all divisions and all case areas, thereby becoming a national model for public defense.
- Partner with the community to dismantle the systems that oppress our clients and advocate for pathways that will allow them to succeed. Where tra-

ditional systems remain, use our community partnerships and expertise to make them less harmful and more restorative.

- Recruit, support, and retain a highly skilled and diverse workforce and develop a respectful and inclusive workplace culture.

The plan, created with input from staff and supervisors, enumerates several goals in support of the three objectives, including the development of practice area guidelines, the creation of a new case management system, the development of performance expectations for each job classification, upstream advocacy for investments in services and prevention, ongoing development of a robust training program, and much more. (See Appendix 2.)

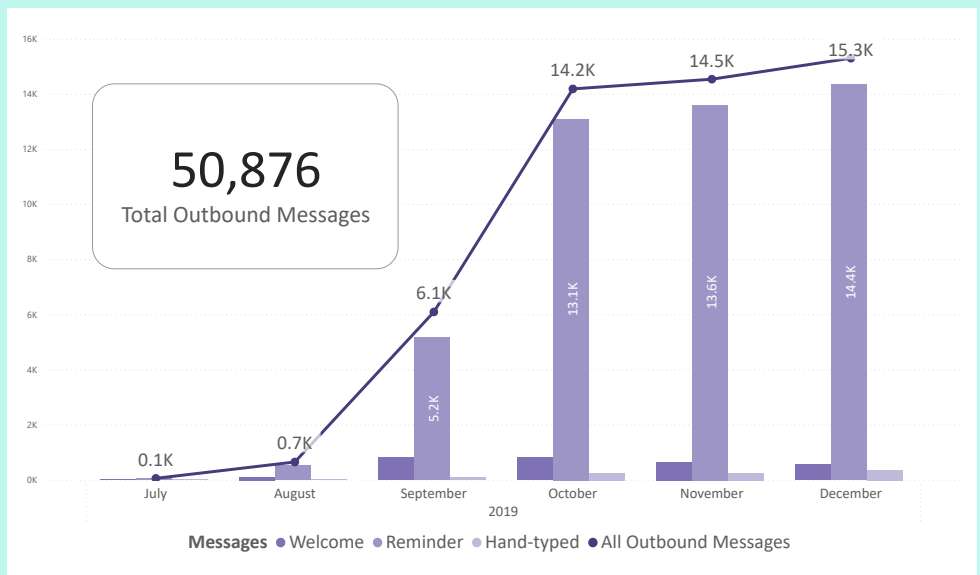
The strategic plan represents a substantive response

## Text messaging: A simple tool that enables us to better serve our clients

DPD started a new text messaging service in 2019 in an effort to better serve our clients. The service, developed by a company called Uptrust, provides clients with text message reminders of important court dates, similar to what many people receive from their health providers. Research shows that text message reminders can help clients remember and attend upcoming court dates, which means they won't face a bench warrant and potential arrest. One study showed court date notification programs increased appearance rates by 4 to 25 percent, with text messaging systems being by far the most effective means of notification.

It's also important that this service is offered by the department, rather than the courts. When courts provide this service, judges often compel clients to disclose phone numbers, creating potential Fifth Amendment problems. When public defenders provide the service, all information exchanged via text is privileged.

DPD initiated its text messaging system in July after a comprehensive training program for attorneys. Use has grown dramatically over the course of the year, with attorneys now sending on average 14,000 to 15,000 messages per month, as the chart above shows. The department plans to do an analysis later this year to determine if FTAs have gone down.



to a performance audit issued by the King County Auditor's Office in October 2018, which, among other things, faulted DPD for failing to identify its goals and establish measurements. In a follow-up report issued on Nov. 26, 2019, the Auditor's Office noted that the department "has made considerable progress" in strategic planning, has developed governance documents that will promote consistent, high-quality work, and has begun development of a new case management system. Of the 13 recommendations made in the audit, the follow-up report noted completion of two and progress on 10, with one that remains to be resolved.

### Working towards a new case management system

Considerable progress was made in 2019 towards procurement of a new case management system to replace an existing one that many at DPD find cumbersome and time-consuming. In a process led by King County Information Technology (KCIT), DPD and KCIT undertook an analysis to fully understand what staff members need and want from a new system and used that as the basis to develop an RFP. That RFP was issued in December. The selection of finalists

(currently under way) will be followed by live demos reviewed by 30 to 40 DPD staff members. A new vendor is expected to be selected this spring.

A new case management system that better meets staff needs will be a significant step forward for the department, helping to address data reliability, efficiency, consistent practices, and much more.

### Assigned counsel: Working to attract strong contract attorneys

A panel of assigned counsel — outside attorneys who have met certain qualifications — provides representation when none of the divisions can do so due to a conflict. Assigned counsel provide representation in the following case areas: adult felony, adult misdemeanor, juvenile, family defense, civil commitment, and contempt of court.

Because DPD has four separate divisions, the department assigns far fewer clients to outside counsel than other large public defense agencies. In 2019, however, DPD had to respond to a tremendous spike in felony filings, requiring a greater investment in the recruitment of additional qualified attorneys. To do so,

Scott Ketterling, the department's new assigned counsel coordinator, increased the frequency of application reviews, vetted applicants more quickly, and made other administrative changes that made the application process easier. By the end of 2019, we had 108 attorneys on the panel, up from 81 in 2018.

Ensuring quality representation by panel attor-



### WORKING IN THE COMMUNITY, WITH THE COMMUNITY

*"I love that Public Defense is getting into the community and interacting with the community more. For a long time, we just did our jobs and went home. Now, we're out in the community, and people are seeing us. We served food at FareStart. We attended the MLK march. We're on Facebook. We're attending forums, holding listening sessions, and working with community groups. I've been here 33 years, and I've never seen anything like this at Public Defense. I think it's so important to reach out to the community. It shows we're human. It shows we care about the community we're serving."*

**Stephanie Sellers,  
Project Manager, SCRAPD**



## WORKING WITH YOUTH IS THE WORK OF HOPE

*“Many of the youth I work with in Juvenile Court face significant trauma. I try to connect with my clients and give them the care and defense they need as their case winds through court. We resolve their case, say goodbye, and I later wonder how life is going for them. Usually I never know. There are some kids I know will be fine. They screwed up once, the system has recognized they aren’t high risk to re-offend, they’ll do some community service hours, and we won’t see them again. And then there are the youth who need so much — not only their legal defense, but help with school, help with housing, help dealing with trauma. I do this work because I want to help young people who society, the system, or other circumstances have let down. It’s exhausting, often emotional work but ultimately it’s the work of hope. These kids inspire me with their resilience in the face of many obstacles.”*

**Mark Bradley**  
**Juvenile Defense Attorney, TDAD**



neys continues to be a high priority. The department extended several training opportunities to assigned counsel and revised its policy governing expectations of assigned counsel. DPD also invited panel attorneys to participate in the new text-messaging service it started in 2019, enabling them to better communicate with their clients.

### **Easing the burden of the on-call attorney telephone line**

In fall 2019, the Director’s Office collaborated with labor to change the way DPD handles daytime calls to the on-call attorney (OCA) line in an effort to make the OCA duty less disruptive to attorneys in the divisions. Those daytime calls had been going to the answering service, which usually forwarded them to the on-call attorney. Now, they are answered by the receptionist and/or the coordinators in the Director’s Office, all of whom have the skill and knowledge to address many of the issues that prompt a person to call the OCA line. When the coordinators cannot address the issue at hand, they pass the call to an attorney in the Director’s Office, one of our four managing attorneys, or, occasionally, a supervisor. As a result,

daytime calls now get passed onto the OCA attorney very rarely, easing the burden of daytime OCA duty on caseload-carrying attorneys.

### **Raising DPD’s profile through social media**

DPD launched a Facebook page in 2019 and enhanced its presence on Twitter. The responses have been strong for a relatively new social media presence: To date, DPD’s posts on Facebook were viewed more than 40,000 times, with 4,000 engagements, including 502 reactions. On Twitter, we had more than 33,000 views, 813 engagements, and 231 “likes” or retweets.

DPD’s blog, For the Defense, also has gotten strong responses, with some posts viewed more than 1,000 times.

# Staffing model | A new approach is needed

This past year was particularly challenging for nearly all of DPD’s caseload-carrying attorneys, investigators, mitigation specialists, and the administrative staff who provide critical case support.

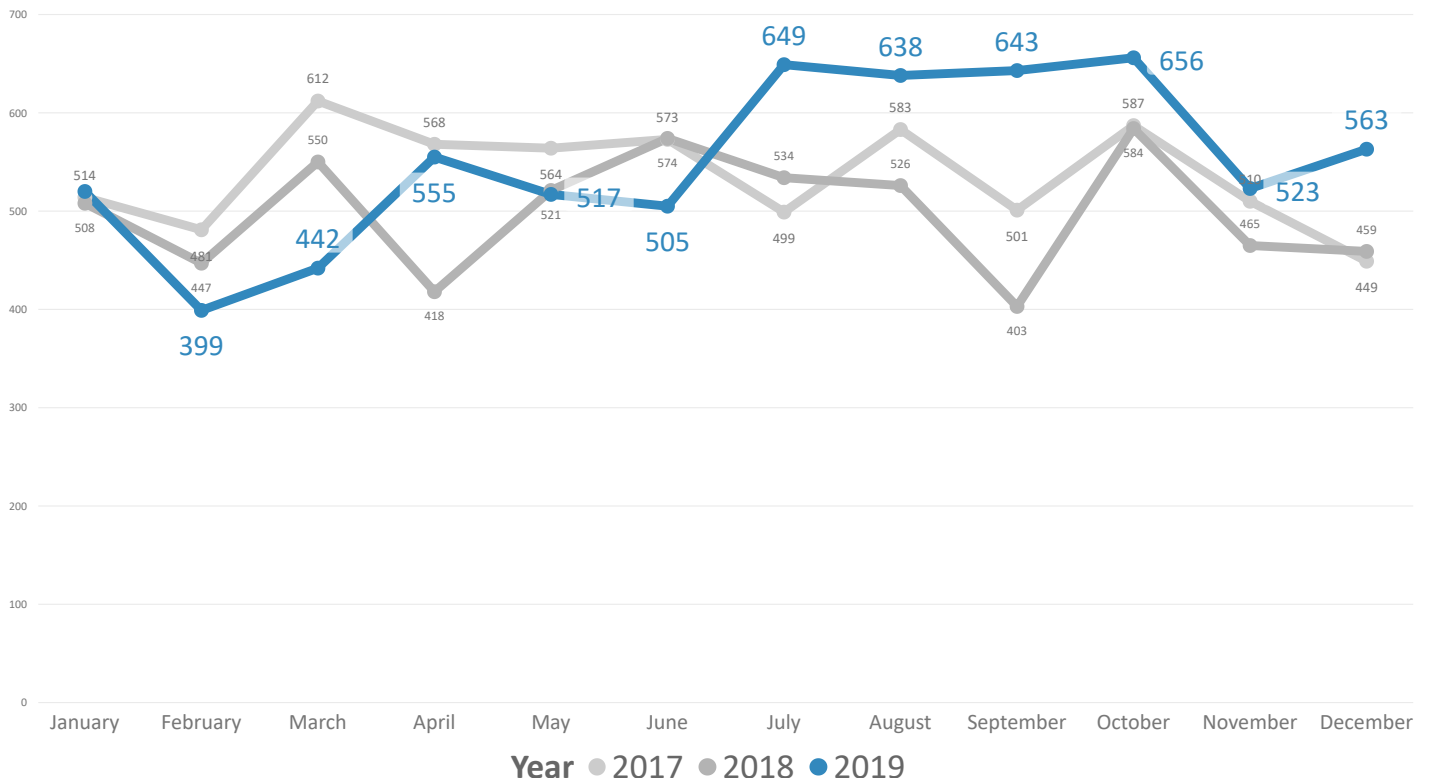
Overall, case filings were up in 2019, with some areas experiencing considerable growth. A striking example is DUI filings. DUIs are the most complex misdemeanor cases, and the number of filings in King County District Court have nearly doubled since 2017, going from 1,984 cases in 2017 to 3,851 cases last year. DPD’s civil commitment practice under the Involuntary Treatment Act has also seen a steady and constant increase in assignments: In 2019, there were 4,788 assignments, a 7 percent increase over the past two years and a 23 increase since 2015.

Felony filings also increased in 2019 — from 5,989 in 2018 to 6,610 in 2019, a 10 percent increase. Adding to the pressure was the pattern of those filings. Rather than climbing steadily, felony filings began to

spike during the summer, climbing 29 percent in one month alone. (See chart, King County felony filings, below.) DPD’s staffing model is based on annualized filing numbers, making it extremely difficult to respond to the kinds of spikes DPD saw in the latter half of 2019. The department took several measures to provide relief to its overworked staff and to ensure quality representation for our clients, including hiring TLT attorneys and paralegals, as well assigning several cases to outside counsel.

At the same time, these spikes in felony filings and the impact they’ve had on our department have underscored the shortcomings of the current staffing model, which incorporates state-mandated caseload maximums — a 50-year-old framework that fails to take into account fundamental changes that have occurred in the standards of legal practice over the past several years. The nature and scope of evidence and the application of forensic science have grown

**Felony filings in King County by year**



increasingly complex, as have the principles of public defense and the expectations on staff.

In response, the Director’s Office has begun working with the county’s Office of Performance, Strategy and Budget (PSB) on short-term solutions to bring the staffing model more in line with our clients’ needs and our day-to-day operations. For instance, rather than base staffing on annual averages, DPD is seeking additional FTE authority any time filings significantly exceed projections in a given month, as well as changes in the ratio of investigators to attorneys and the establishment of a ratio for mitigation specialists.

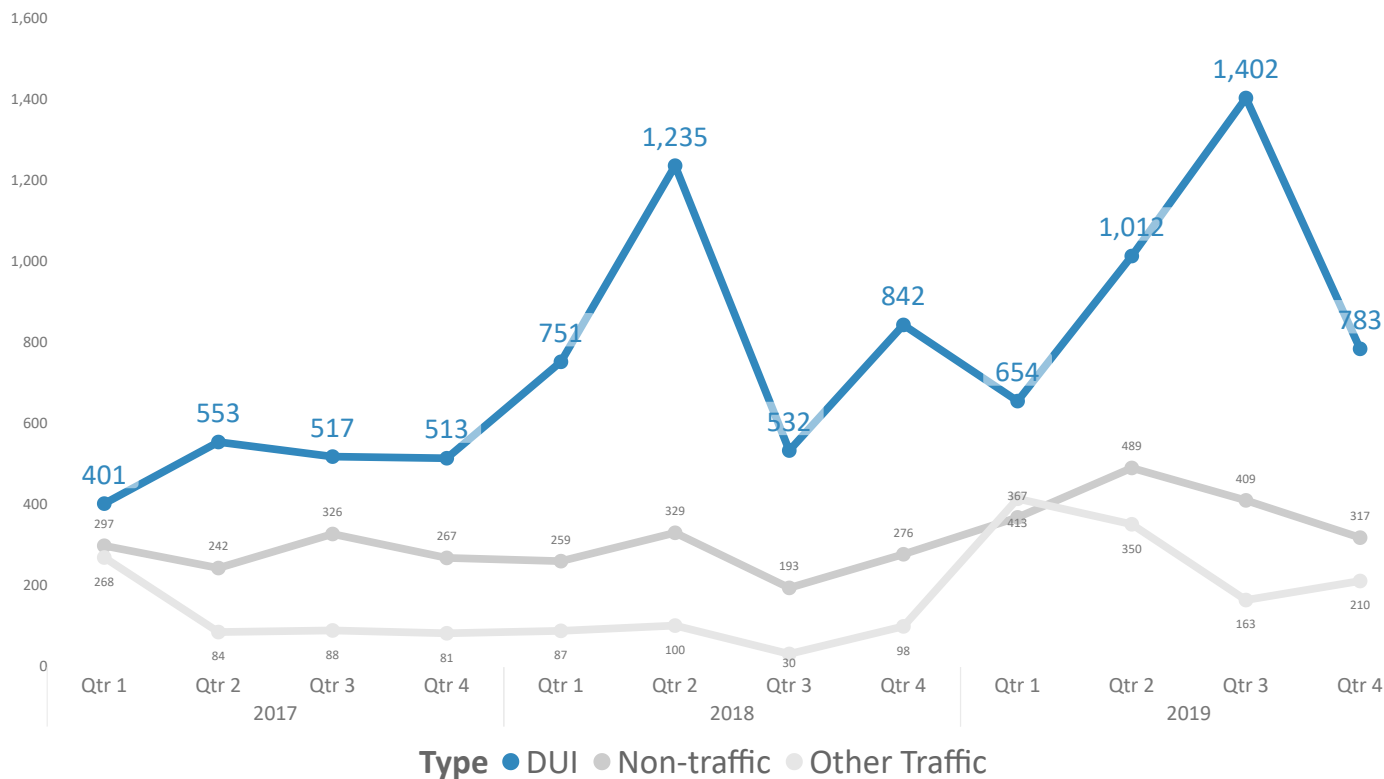
The department is also advocating for a long-term solution — the development of a more realistic staffing model that reflects the current state of indigent defense. The department believes the first step is to implement a

Delphi study, a methodology developed by the Rand Corporation that involves a panel of experts in an iterative process working together to determine realistic forecasts. Providing excellent representation in the contemporary era requires significantly lower caseloads, established by rigorous and widely accepted research. A Delphi study, already used by the ABA and other public defense groups to determine caseloads, could provide that rigorous research and enable the county to establish a staffing model that more closely reflects the realities of this important work in the 21st century.

Anita joined a national workload committee established by the National Association of Public Defense to help her understand workload issues in other parts of the country and to encourage NAPD to assist King County should it undertake a Delphi study.

*The nature and scope of evidence and the application of forensic science have grown increasingly complex, as have the principles of public defense and the expectations on staff.*

### DUI filings in King County by year



# Policy work | Supporting clients through advocacy and reform

The department's strategic plan calls on DPD to partner with the community to dismantle the systems that oppress our clients and, where traditional systems remain, to work with community partners to make those systems less harmful and more restorative. To that end, the department, in legal efforts initiated by attorneys in one of our legal divisions or by a special counsel in the Director's Office, undertook a number of initiatives in 2019 – filing briefs and petitions, advocating for several reforms, and, when needed, working to halt efforts that would further harm our clients. Most often, this work was done in close alliance with community partners.

*“The only thing a child learns in jail is that they belong in jail.”*

Anita Khandelwal,  
*Seattle Times*  
March 17, 2019

## In Olympia: Ending the use of “run warrants”

DPD worked with the Executive's Office, Mockingbird Society, TeamChild, and other partners in 2019 to convince the state's Department of Children, Youth and Families to end its troubling practice of using so-called “run warrants” to arrest foster children who flee from court-ordered placements. Washington is an outlier in this practice. Few states jail status offenders, a practice that flies in the face of evidence about the impact of incarceration on youth. As Anita Khandelwal noted in an op-ed on the issue in *The Seattle Times*, “The only thing a child learns by going to jail is that they belong in jail.”

After considerable advocacy by DPD and its partners,



## FINDING MEANING IN PUBLIC DEFENSE

*“One of my clients had been in jail for eight months on his first felony charges. He was mentally ill and insisted on going to trial because he was innocent. The prosecutor was aggressive throughout the trial. During the defense closing argument, he started crying. He felt overcome with emotion because, after being vilified by the State, his perspective was presented and he felt understood. Ultimately, he was acquitted. In another trial, my client chose not to be present after voir dire. He was being held in isolation at the jail and his mental and physical wellbeing was deteriorating. Fortunately, I was able to proceed without him and tell his story. He was released shortly after the verdict. I think for many of our clients, telling their story in open court allows them to be seen and heard in a way they have not experienced before. Being able to give a voice to clients who are often forgotten and overlooked is one of the reasons I continue to find value and motivation in public defense work.”*

Micol Serkin,  
Felony Attorney, NDD

the state Legislature in May 2019 passed SB 5290, ordering the state to phase out the practice of jailing children for status offenses. Passage was a significant win; the Superior Court Judges' Association worked hard to defeat the bill.

### **Keeping harms at bay: From pretrial risk assessment tools to enhanced probation**

In 2019, the Seattle Municipal Court entered into an agreement with Arnold Ventures, a national foundation, to bring its pretrial risk assessment tool, the Public Safety Assessment, to Seattle, where judges would use it in making pretrial release decisions. DPD, working with partners, advocated strongly against this potential development. In a letter co-signed by Community Passageways, the ACLU of Washington, Washington Defenders Association, One America, and others, DPD noted that the assessment relies on factors that are racially inflected, including prior convictions, prior FTAs, and prior sentences. DPD's letter called instead for meaningful pretrial and bail reform, from the use of least restrictive and community-based alternatives to jail to the imposition of only unsecured bonds; we also said such reforms could happen only if the community-based groups are included in the

conversation. (To date, that had not been the case). Concerns about pretrial risk assessments have been echoed across the country. In a commentary in *The New York Times* last year, two MIT research scientists and a Harvard Law School professor also forcefully called out problems with these tools.

Facing stiff opposition, Arnold Ventures ultimately decided not to bring its tool to Seattle. And in a further development, the Pretrial Justice Institute (PJI), a leading think tank on the issue of pretrial reform, issued a statement noting that it no longer supported risk assessments. Echoing DPD's concerns, PJI stated in a position paper in February 2020, "We now see that pretrial risk assessment tools, designed to predict an individual's appearance in court without a new arrest, can no longer be a part of our solution for building equitable pretrial justice systems."

In another example of DPD's work to keep harmful practices at bay, Anita Khandelwal served on a committee with other city and county leaders working to address issues surrounding people who cycle through the criminal legal system. Unfortunately, the High-Barrier Individuals Working Group came up with proposals that largely reinforced the carceral system

rather than programs that would address what DPD knows its clients need — stable, long-term housing and community-based mental health and behavioral health services. Anita issued a public statement flagging her concerns. "Mitigating the crushing effects of poverty, homelessness, past trauma, and behavioral health disorders is an enormous challenge that

### **THE IMPORTANCE OF A SUPPORTIVE TEAM**

*"While working at ACA, I have been especially inspired by the attorneys and staff who dedicate themselves to our clients not only with case-specific advice, but with care and support in many other aspects of our clients' lives. This year has been marked by an overwhelming influx of felony case filings and administrative tasks, which has shown me the importance of a supportive team. The work in our office is often a team effort, and I am glad to be able to contribute my skills to this important work."*

**Thomas Brehmer,  
Legal Administrative Specialist, ACAD**



## STANDING WITH OUR CLIENTS

*“The past year was the busiest year I’ve had at TDA and many of the days blur together. One day that stands out to me, though, is the day one of my clients was sentenced after losing at trial to many, many years of prison. It was extremely emotional, and the judge was extremely harsh. It was a difficult case for a lot of reasons, but I feel like my job as a public defender is to stand with people in those extremely difficult moments and be at their side to advocate for their humanity, even when it seems everyone else has deemed them unworthy.”*

**Kaitlyn Aitkin,  
Felony Attorney, TDAD**



does not yield to quick fixes,” she said. After ongoing advocacy by DPD and partners, the most harmful of the proposed responses were not funded, including one that was particularly troubling to public defense — greater investment in probation at Seattle Municipal Court.

### **Joining with partners to try to get King County to raise jury pay**

DPD joined partners to try to force action on King County’s low rate of jury pay, which, according to research, disproportionately keeps people of color from serving on juries. The county’s rate — \$10 a day plus mileage reimbursement — hasn’t changed in 60 years. In 2018, the department signed onto an amicus brief in support of a lawsuit seeking higher compensation for jurors in King County (*Ryan Rocha, et al, v. King County*), a case brought by two women — one who could not serve due to economic hardship and one who did. After the state Supreme Court granted review, the department, in September 2019, filed its own amicus brief.

DPD and the ACLU also joined forces in an op-ed about the need for higher jury pay, which ran in *The Seattle Times* on Oct. 29, 2019. “This is an issue that should concern us all, because juries that lack racial

diversity exacerbate the harm the criminal legal system inflicts on people and communities of color,” Anita Khandelwal and ACLU Executive Director Michele Storms wrote. “Studies have shown that all-white juries deliberate less, are less likely to consider all of the evidence presented, make decisions predicated on racial bias, and convict black defendants at higher rates than white defendants.” The case — an appeal of a Court of Appeals ruling — is pending before the state Supreme Court.

### **Working to maintain the integrity and meaning of the Indian Child Welfare Act**

The Indian Child Welfare Act (ICWA) became federal law in 1978 after Congress found that large numbers of Native children were being separated from their parents, extended families, and communities by state child welfare and private adoption agencies. ICWA sets federal requirements that apply to state child custody proceedings involving an Indian child who is a member of a federally recognized tribe or is eligible for membership.

Last year, a key part of ICWA came into play in Washington state. The federal law requires the state to follow ICWA if it has “reason to know” a child is a Native child. In one DPD’s cases, the trial court said

ICWA didn't apply because there was no proof the children met the definition of an Indian child at the time of the dependency proceeding; the attorneys for the parents, Janet Cavallo of ACAD and Daewoo Kim of SCRAPD, disagreed, arguing that the mother's testimony that the children are eligible for membership in a federally recognized tribe was enough to meet the definition.

DPD, in a brief written by Tara Urs, sought review by the Washington State Supreme Court, arguing that the lower court was wrong to uphold the state's requirement that there be proof that a child is an Indian child before invoking ICWA; the standard is not whether the state "knows" that a child is an Indian child, she wrote, but whether the state has "reason to know," which it did in this instance. The state's insistence of proof, she argued, sharply restricts the "reason to know" definition, shifts the power to make the determination of whether a child is an Indian child away from tribes and to state courts, and prevents tribes from even knowing of a pending dependency involving Indian children, rendering ICWA meaningless. If review is granted, the case would likely be argued in the spring of 2020.

### **Supporting the state in its effort to keep ICE out of our courthouses**

DPD filed a brief in January 2020 on behalf of several amici supporting the state's lawsuit against the Trump administration for its practice of arresting people at courthouses for immigration violations. The brief, written by La Rond Baker and David Montes and signed by several partners, argued that the practice of allowing immigration enforcement at state courthouses impedes access to justice for immigrants and their families, many of whom are poor, are people of color, and have limited access to the power and resources necessary to protect their rights. This targeted enforcement, they wrote, is contrary to both state and federal law, deters immigrants from accessing courts to protect their rights, and chills public defense clients' ability to defend against criminal charges. The brief was signed by Northwest Immigrant Rights Project, Northwest Justice Project, Washington Defender Association, Columbia Legal Services, the ACLU of Washington, and the Public Defender Association.

## **IN HIS OWN WORDS**

**Brandon Davis, SMC Attorney, ACAD,  
on SPD's bike bait operation**

*"Finally, there are certain charges that are just plain wrong to prosecute. Ethnographic studies of homeless people have shown that excessive policing, particularly around 'quality of life' issues, leads to distrust between homeless people and the police and puts already vulnerable people at more risk of harm. ... The Seattle police targeted this area because it is (apparently) known for property crimes. However, it is also one of the poorest in the city. SPD placed this bicycle near a Goodwill, a store that serves people with low income, and left the bike unlocked. Prosecution of such a person is befitting of Dickensian London, not 21st Century Seattle."*

From a motion to dismiss in a theft case. The Seattle Police Department used a "bike bait operation" in front of Goodwill to arrest a homeless woman. The jury acquitted Mr. Davis' client

### **Working to limit the use of sex offender registration**

Earlier this year, DPD joined partners in an amicus brief in support of an appeal before the state Supreme Court seeking, among other things, changes to sex offense registration requirements in Washington state (*Washington v. Batson*). The case was initially brought by Sam Wolf, an attorney at NDD. The brief for the appeal, written by special counsels in the Director's Office, noted the low recidivism rates of people convicted of sex offenses — rates that were low even before registration requirements were widely implemented and have not changed due to these requirements. Their brief also highlights the onerous effects of registration — requirements that make it harder for individuals to reintegrate into the community after they've served time, harder to find homes and jobs, and vulnerable to harassment, humiliation, and stigmatization.

The situation is particularly acute for DPD clients who are experiencing homelessness, the authors note. Because they don't have a stable address, they are required to show up during limited hours at the King County Administration Building every week to re-register, facing criminal charges if they fail to do so. "People with registration requirements who are houseless face a never-ending cycle of imprisonment, reconviction, and release, only to start again, not because of a new crime but because they cannot meet the requirements placed upon them by the registry," the brief argues. The Washington Association of Criminal

Defense Lawyers, the Public Defender Association, and Real Change signed onto the brief. The case is expected to be argued before the high court this spring.

### **Inquests: A new process is halted while key issues are litigated**

Community activists have long criticized deadly force inquests, quasi-judicial hearings used to review the circumstances surrounding the death of an individual at the hands of law enforcement. Inquests, many contend, have historically favored police and almost always resulted in a finding that the officer feared

## Vacating records: Giving clients a new lease on life

Criminal records hinder a person's ability to get a job, secure housing, obtain benefits, and more. With support from the Executive and the County Council and funding from the County's 2019-2020 budget, DPD launched a post-conviction relief unit in March 2019, which is helping people rebuild their lives by getting convictions vacated, records expunged, and unpaid legal financial obligations (LFOs) waived.

The unit — staffed by the equivalent of one FTE attorney (three attorneys working part-time) and one FTE paralegal — has made a profound difference since its inception last year. The three attorneys have received 435 referrals, vacated 232 convictions, and eliminated 100 LFOs totaling \$216,000 in unpaid fees and fines. Several cases are in progress, and referrals come in weekly, if not daily. There's a strong human dimension to this work. Many of the convictions that people have sought to get vacated were old and from long-closed chapters in their lives — old drug convictions, prostitution convictions, assault convictions. Some have gotten thousands of dollars in LFOs waived. People have seen their credit scores go up as a result; they've gotten housing and jobs; they've cried when they heard the news that their convictions were vacated.



Detric Johnson, one client (shown above, with his daughter), was saddled with more than \$10,000 in LFOs — a debt that seemed hopeless to him — when an old DUI and another driving charge caught up with him. Sarah Wenzel, his public defender in NDD, was able to get the charges reduced without him having to serve time in jail; she then referred him to Lou Manuta, who works in the post-conviction unit and who was able to help Detric extinguish his crippling LFOs.

"I'm like a normal American now," Detric said. "I feel I can now live."



for their life. In 2019, County Executive Dow Constantine announced a new inquest process in an effort to make it fairer and more transparent, requiring attorneys from DPD to represent family members of those killed by police encounters who request such representation. The requirement helped to level the playing field, since family members have often been the only parties involved in the process without a lawyer. It also made King County the first place in the country where families were guaranteed the ability to examine the evidence and question witnesses with the help of a public defender.

In 2019, DPD was assigned to represent four families who lost loved ones to police shootings — representation handled by Adrien Leavitt from NDD, Amy Parker and Susan Sobel from ACAD, and La Rond Baker in the Director’s Office. But before any of the inquests could begin, the process was challenged on several fronts. The Executive’s order contained many procedural problems, including allowing the officers responsible for the killing to choose whether or not they wanted to testify about the facts leading to the death. The Executive’s order not only allowed the officers to choose whether to provide critical testimony, it also allowed the officers to have their own attorneys separate from attorneys representing the agency and was unclear whether the officers must provide

testimony in order to have representation. The Executive issued a new order denying attorneys for officers involved in the death unless those officers testify — a provision that the Seattle Police Department and attorneys who represent officers involved in one of the inquests have challenged. DPD is also affirmatively challenging the process in an effort to make it fairer and more thorough and filed writs of mandamus challenging parts of the Executive’s order that bar the subpoenaing of involved officers and put limits — in conflict with statutory obligations — on the types of evidence and testimony the family can demand be presented at the inquest. Other entities, including the City of Seattle and the King County Sheriff’s Office, are also challenging the Executive’s new process. Inquests are on hold while these issues get litigated. The Superior Court is expected to hear these challenges this spring.

## SMALL MOMENTS THAT STAND OUT

*“I have had a significant number of what most would consider ‘large moments’ with clients over the past year — having children returned to their parents, getting cases dismissed, etc. But what stands out the most for me are those collective, personal, and what most would consider small moments with clients. There is nothing more special than the attorney-client relationship, than taking the time to truly get to know your client’s wishes, concerns, and dreams, and then getting to fight for them and represent them at court. It is truly a privilege. What I’ll remember the most about this past year are the opportunities I’ve had to get to know my clients as people, to know them beyond the facts of their case.”*

**Matt Bjork,  
Family Defense Attorney, ACAD**



# DPD's training program | Helping staff at all levels grow

Training is paramount at DPD, as reflected in the robust program the department offered in 2019. The department's three-person training team (Tara Urs, Abbey McMahon, and Alison Liu) offered nearly 100 training events, as well as a full-day annual conference — sessions that provided 160 CLE credits for attorneys and 39 CEU credits for mitigation specialists. Nearly half were recorded and added to an online platform for future use. The department also experimented with remote watching groups in Kent and broadcast some trainings from satellite offices in Seattle and Kent.

The 2019 training program contained a mix of sessions, a way to ensure DPD met the diverse needs of our staff and that people at every level could experience the joy of professional growth. Many sessions focused on the nuts and bolts of a strong legal practice — from the rules of evidence to coerced confessions. DPD held trainings geared towards investigators and mitigation specialists as well as ones that

supported employees' growth in administrative and office skills. This past year also saw a focus on wellness. Public defense is a challenging and exhausting profession; nearly everyone — especially those with direct client contact — experiences secondary trauma on a routine basis. To that end, DPD brought in Laura van Dernoot Lipsky, founder of The Trauma Stewardship Institute and a pioneer in the field of trauma exposure, who talked about common responses to trauma and how to “metabolize” it through laughter, exercise, sleep, and more — behaviors or practices that can lessen the toll of trauma. Yoga, mindfulness classes, and other offerings added to an emphasis on wellness. The team plans to do more to amplify these themes this year.

Another highlight in 2019 was DPD's annual conference, built around the theme of connecting with our clients and again geared towards all staff, regardless of position or years of experience. The opening, delivered by Duwamish Tribal leader Ken Workman, wel-



*DPD staff at the September 2019 Annual Conference during a session by Leigh Goodmark, a professor and author who has written extensively about the movement to decriminalize domestic violence.*

comed attendees to the Duwamish land; the keynote speech by Dr. Ben Danielson, medical director at the Odessa Brown Children's Clinic, linked the work of public defense to the broader work of dismantling systems of racism, oppression, and poverty; and individual sessions highlighted the voices of DPD's clients and deepened our shared understanding of the systems of oppression at play in the criminal legal system work. Nearly 200 people attended this non-mandatory training.

In 2020, the training team plans to strengthen the program further by developing a comprehensive list of core skills required for each job class and a corresponding training plan that will ensure all employees have the tools they need to do their work. It is a big undertaking. The team has started by researching training programs at other public defender agencies nationwide. The next step is to seek staff input as the team starts to build out a full curriculum of training for each job class. The first area of focus will be the new attorney training and revisiting the delivery of skills training to those who are new to the practice of public defense. Meanwhile, DPD will continue to offer focused trainings on specific topic areas as requested by staff, with an increased emphasis on offering ethics credits for attorneys, primers on public defense for administrative staff, and opportunities to focus on wellness. The training team plans to again offer Public Defense 101 and a new offering, PD 201 — overview sessions on the work of public defense that have proven important to DPD's administrative staff.

Finally, this year will see a greater emphasis on advanced trial skills, as requested by many of DPD's lawyers. The department launched this new effort

## THE HUMBLING NATURE OF OUR WORK

*"Every client's story is worthy. Whether you're working with them for a couple days or a year, clients just want to know that you'll be there for them. That you stand with them. That you see them. That they're worthy. It's a humbling experience, every day."*

**Dua Abudiab,  
ITA Court Attorney, TDAD**



in the first quarter of 2020, when Thomas Mauet, a professor from the University of Arizona and author of the bestselling Trial Techniques course books, gave a talk entitled "Impeachment with Prior Inconsistent Statements." The session was well-attended and well-received.

## DPD interns

DPD's 10-week internship program is a highlight of the summer. The department offers paid, full-time internships to approximately 20 students who have completed their second year of law school. Students receive courtroom experience, excellent training, and mentoring by skilled public defenders.

The department endeavors to ensure that its interns appear in court (under close supervision), representing clients at bond hearings, motion hearings, and at trial. DPD's interns work in nearly all of DPD's practice areas, including criminal defense (misdemeanor and felonies), juvenile defense, family defense, and involuntary treatment (civil commitment). The department increased its recruitment efforts in 2019, striving for a diverse class of

*In 2020, the training team plans to strengthen its program by developing a list of core skills required for each job class and a corresponding training plan to ensure all employees have the tools they need.*

students committed to a career in public defense. DPD representatives attended Equal Justice Works in Washington, D.C., the Western Region National Black Law Students Association’s Job Fair in Los Angeles, the Bay Area Minority Job Fair, the Northwest Minority Job Fair, and several specific law schools, including Yale, Columbia, NYU, University of Washington, University of Texas, UCLA, Seattle University, and Stanford. Anita Khandelwal has attended some of those job fairs and has spoken to groups of students at several of the law schools DPD visited.

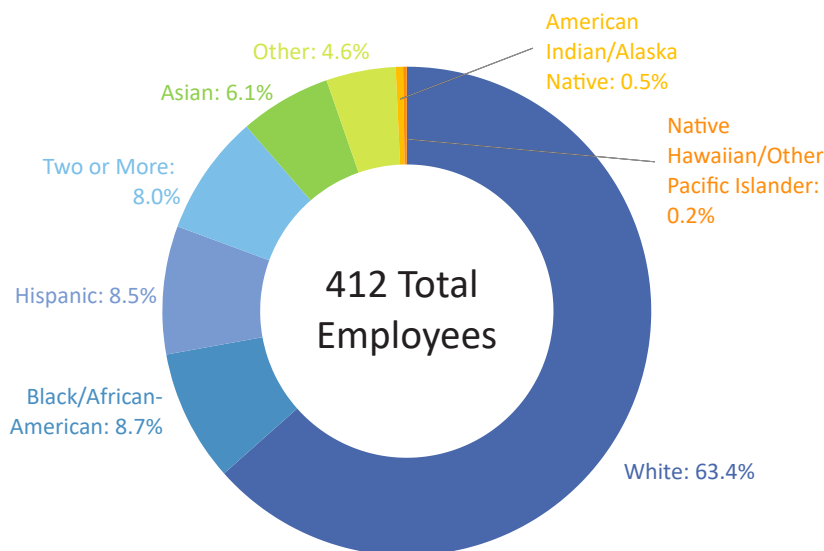


As a result of these efforts, interest in our program has increased, and DPD’s intern class reflects its commitment to diversity. Of the 20 students selected, nine identify as people of color; students will be coming from Seattle University, UW, NYU, Yale, University of Michigan, UCLA, and elsewhere.

*Madeleine Mashon, second from right, a University of Texas law student, handled four trials during her 10-week internship in 2019. “I learned what it means to be a voice for your clients,” she said. One of her clients had extensive interaction with the criminal legal system, including several convictions, but had never gone to trial until she represented him in District Court. “I think it was meaningful for him to see someone stand up for him in that way.”*

*Shown here with two other 2019 interns and Josh Andrews, NDD Supervising Attorney*

### DPD demographics





## IN HER OWN WORDS

Rose Duffy, Felony Attorney, SCRAPD, during a sentencing hearing

*“The question of just punishment has to cross everyone’s mind. Michelle Alexander in The New Jim Crow ... has a lot to say that is applicable. I won’t read multiple quotes but I will read one portion about how drug crimes are being punished at a greater rate today than they were even a few short decades ago. ‘The percentage of drug arrests that result in prison sentences rather than dismissal, community service, or probation have quadrupled, resulting in a prison-building boom the likes of which the world has never seen. In two short decades between 1980 and 2000, the number of people incarcerated in our nation’s prisons and jails soared from roughly 300,000 to more like 2 million.’ Here we are (arguing) over .21 grams of methamphetamine. ... What the State suggests today is simply not just.”*

From a sentencing hearing in King County Superior Court, where Rose Duffy sought an exceptional down and a concurrent sentence after her client was convicted of possessing .21 grams of methamphetamine. The concurrent sentence was granted.

*“Participating in the MLK march reenergized my passion for the work we do here at DPD. I think it’s easy to talk about systemic oppression and racism, but taking action when it doesn’t directly affect our paychecks is a different story. The experience gave me a chance to walk the talk while connecting with our community in solidarity.”*

Jade Weiss,  
legal administrative specialist,  
NDD, pictured center, holding  
DPD’s sign during the MLK  
March, Jan 2020

# A word from SEIU and the Teamsters

## SEIU | Representing more than 350 employees at DPD

This past year was an important year for the DPD Chapter of SEIU 925, with many successes and examples of growth. We developed our own in-house training program for union stewards, due to the unique needs of our workplace. To increase communication and engagement with our members, we placed bulletin boards at every division, making information and union news more accessible. Our leadership also established a regular presence as a standing agenda item at the Public Defense Advisory Board meetings so that the board can hear directly from our members and take their perspectives into account.

In partnership with the Director's Office, SEIU 925 members provided valuable input and support to the interview process for managing attorneys and are now working with the county on a classification and compensation (or class-comp) study for LASs and

paralegals. It is our hope that this study will lead to positive structural changes that recognize the increased workloads, changes in technology, and widespread disparate assignments of tasks that our LASs and paralegals shoulder, as well as a commensurate increase in their pay.

Early in the year, SEIU also worked with management to make important changes to the Director's Office coordinator positions. Our collaborative labor-management committees worked throughout 2019 to make needed changes to the on-call and homicide beeper duties and established a safety committee to work with management on ensuring DPD is a safe environment for all employees, and we continue to work with management to address the drastic increase in caseloads. At SEIU's request, DPD recently adopted an inclusive gender-neutral restroom policy, and worked closely with SEIU and the Teamsters to implement those changes in a thoughtful way.



### A SENSE OF PRIDE IN THE SUCCESSES OF OUR CLIENTS

*"Last year, Michael Schueler, an attorney at ACAD, and I worked with an 18-year-old charged with doing a serious crime. Thankfully, Michael was able to get him released to electronic home detention so I was able to meet with him in his home to get to know him and work on mitigation. The client bloomed after he got out of jail. He graduated from high school, worked closely with Community Passageways' mentoring program, and completed a summer internship. The prosecutor and judge recognized his hard work, young age, and incredibly traumatic history, and he was offered a gross misdemeanor with unsupervised probation. Fast forward about six months, and I see this same client in juvenile court. But this time, he was there as a peer mentor through Community Passageways with another youth! I watched as my client spoke to the judge and successfully advocated for the young person to be released from electronic home monitoring. I felt proud to see our former client use his experience to help another. Soon after his case resolved, he left for California to play football in a local college."*

**Molly Hennessy,  
Mitigation Specialist, ACAD**

Another important achievement in 2019 was a collaborative effort by our DPD chapter leadership, SEIU 925 Local, and Color of Change to urge the Washington State Investment Board to divest our employee pension money from the predatory bail bonds industry. Abbey McMahon, the 2019 chapter president, wrote a commentary that was published in regional newspapers and testified at a meeting of

the Washington State Investment Board in Olympia, describing the impact that bail bonds have on our clients and our community and the importance of removing our pension money from supporting such a toxic practice. As a result of these efforts, Endeavour Capital — a private equity firm that our state pensions are invested in — recently agreed to honor the state’s wishes and sold its financial stake in the bail bond industry.

One final accomplishment is the internal progress we made to include every job classification our chapter represents in our leadership and on our bargaining team. We recognize a need for such equity, and our recent restructuring has achieved that. We worked actively throughout 2019 to bring each classification together to identify their specific needs. Looking forward, 2020 brings in a new leadership team and a return to the bargaining table for our 2021-2023 contracts, with administrative staff, paralegals, investigators, mitigation specialists, and attorneys working together to ensure labor’s voice is heard loud and clear. We look forward to continued problem-solving and advocacy on behalf of all DPD members in 2020.

**Baily Mullins,  
President, DPD Chapter, SEIU Local 925**

## FEELING CONNECTED TO OUR CLIENTS

*“This past year, I’ve been able to attend several court proceedings, and it’s been very meaningful to me, because it has helped me feel a stronger connection to the people we serve. It’s easy, if you’re working in an office, to forget that there are real people with real stories behind each case number. Seeing our clients face the judges and other court personnel with our attorneys by their side reminds me of the importance of the work I do as a legal administrative specialist. It helps me realize I, too, am helping our clients by helping our attorneys provide quality legal representation.”*

**Andres Mendez,  
Legal Administrative Specialist, NDD**



## Teamsters | Representing supervisors at DPD

The supervisors at DPD are represented by Teamsters Local 117, which represents approximately 17,000 people at more than 200 places of employment throughout the region. DPD supervisors strive to solve problems, support our staff, and inspire others. We focus on the clients and staff, act responsibly, champion racial justice, and seek to understand the bigger context in which our members work.

We recently began attending the Public Defense Advisory Board’s meetings, sharing developments with the 11-member panel. We worked with management in the Director’s Office to improve the on-call attorney system, develop a new managing attorney preparation program, create all-gender bathrooms, and ensure ongoing contract compliance. We continue to focus on caseload issues and personal safety for our members. Our stewards meet monthly, where we discuss a range of issues, including how we can best support those we supervise in achieving a healthy work/life balance.

This spring, we will begin contract negotiations over a new two-year collective bargaining agreement. Teamsters 117 will bargain as a part of the King County Coalition of Unions, negotiating to address our collec-

tive priorities related to the Master Labor Agreement, including total compensation and employees' health care benefits. The development of a new contract will be a significant accomplishment for the union, and we look forward to working constructively with DPD

management and our labor partners to ensure our contract supports our members and the important work they do every day.

**Rachael Schultz,**  
**Chief Steward, DPD Chapter, Teamsters Local 117**



### HEARING FROM THE CLIENTS WE HELP

*“When I think about last year, what stands out for me is the annual conference and the opportunity to hear from some of our clients. As an administrator, I don’t see the faces of our clients very often. Hearing from youth on the youth panel we hosted was especially powerful. Part of the reason I see myself working here long-term is because of what I see in my colleagues – their humility, lack of judgement, and the way they see the humanity of our clients. I have a nephew who was involved in the criminal legal system. As a first-time offender, he was able to work with Choose 180, a diversion program, and received support and options he didn’t think were possible. Seeing how we work with our clients, especially young people, gives me hope.”*

**Wanzirai Pretlow,**  
**Fiscal Specialist, Director’s Office**

### IN HER OWN WORDS

**Kelli Johnson, Family Defense Supervising Attorney, ACAD, during an oral argument over whether a mother should lose custody of her three daughters**

*“I can’t start this argument without first recognizing that I am ... part of a system that is racist. The GAL’s record is a record that they’re making for termination. We have heard words of ‘we’re out of ideas.’ We have heard words of ‘why hasn’t she learned.’ This is a mother who was a King County dependent child. This is a black child that the system failed; she was in more than 100 homes. The expectation that she would heal from the trauma that she was exposed to within this system and be a middle-class white parent is ridiculous. And the standard and the pressure and the scrutiny she is under, I could never imagine. ... Ripping these children apart from their mother is going to continue another generation of trauma. ... Court report after court report and service providers have commended this mother for making progress. ... She has been told by this court you ... are doing a good job, we’re returning your kids. For us to now have this onslaught as if we’re at a termination trial today is disrespectful and makes me have zero trust in a system that I try to have faith in.”*

The judge, noting the “reverberating impact” of removing children from their parents, ruled against the guardian ad litem’s motion to remove the daughters from their mother’s care and ordered ongoing services to the mother and her family.



# Appendix 1 | Compliance with the ABA's 10 principles

Reprinted in its entirety from the Public Defense Advisory Board's 2019 Annual Report

The American Bar Association's Ten Principles of a Public Defense Delivery System "were created as a practical guide for government officials, policymakers, and other parties" to use as "fundamental criteria necessary to design a system that provides effective, efficient, high quality, ethical, conflict-free legal representation for criminal defendants who are unable to afford an attorney." King County expressly adopted these principles in 2013 by including among the county public defender's duties responsibility for "[e]nsuring that the American Bar Association Ten Principles for [sic] a Public Defense Delivery System . . . guide the management of the department and development of department standards for legal defense representation. ..." KCC §2.60.026 (4). The King County public defender is required to file an annual report on the Department's efforts to comply with the Ten Principles, and she did so in her 2019 Director's Report, dated May 21, 2019 by referencing the PDAB's 2018 Annual Report's findings.

The PDAB makes the following observations with respect to DPD's compliance with the Ten Principles:

**Principle 1: The public defense function, including the selection, funding, and payment of defense counsel, is independent.**

**Board Comment:** The Department functions independently of political and judicial supervision or interference. Overall management of the Department, including hiring of attorneys, interns and staff, and the development of departmental policies, procedures, and guidelines is conducted by the Director or the Director's designees. The Board is aware of no political or judicial interference in the day-to-day operations to either the departmental or divisional levels of the Department of Public Defense.

DPD is required to propose and advocate on social justice policies which affect its clients and the criminal justice system. DPD has taken positions on criminal

and juvenile policies, advocated for its budget, and made hiring decisions without interference by County officials. In 2018, there was a significant test of departmental independence on policy issues from the County Council and the Executive as well as the County Prosecuting Attorney's Office. In July 2018, the issue of the Department's independence came to the forefront when then-Interim, now Director Anita Khandelwal joined a coalition of community groups in calling for a moratorium on building the new Children and Family Justice Center. The position was contrary to the one held by most members of the Council and by the Executive. Interim Director Khandelwal took this position on behalf of DPD after consulting with her leadership team and with juvenile practice experts on her staff — those who have extensive direct experience working with the children and families impacted by the new building. The Board approves Director Khandelwal doing what an independent defender must do — speaking out on an issue relating to equity and social justice that affects the Department's clients — even when doing so goes against the position of other County officials.

There is no evidence the Executive or Council took any budgetary or other action against DPD or the Director as a consequence of DPD taking a public policy position with which they disagree. In fact, Acting Director Khandelwal was appointed and confirmed as Director by the Executive and County Council after she took the position in opposition to the Children and Family Justice Center. This episode serves to highlight the importance and challenge of protecting the independent role of the Public Defender. The King County Prosecuting Attorney is indisputably — and appropriately — a prominent voice on a wide range of policy issues affecting the justice system. In taking these positions, he advances the priorities of his office and enhances its ability to achieve its objectives on a daily basis. Although not a separately elected

official, the Director of the Department of Public Defense must have the ability to serve as an equally strong and clear voice on important issues that affect the Department's clients and their communities. The current County Prosecuting Attorney agrees, as does the current County Executive and the majority of the current County Council, that the DPD Director properly asserts independent policy positions.

**Principle 2: Where the caseload is sufficiently high, the public defense delivery system consists of both a defender office and the active participation of the private bar.**

**Board Comment:** Principle 2 addresses the need for a coordinated plan for the active participation of the private bar where caseloads are sufficiently high, as is the case in King County to require outside appointment of counsel. Public defense work inevitably creates many conflicts of interest which require assignment of cases to outside private counsel. The range of repetitive conflict problems require an active and competent outside private counsel assignment panel. Beginning in 2016-17, DPD has included outside counsel in training, supervision of caseloads, and setting standards for outside assigned counsel. That supervision, according to judicial comments, has substantially improved panel representation standards. The assigned counsel panel in King County handles cases when conflicts of interest prevent the divisions from representing the client or when DPD attorneys are at capacity and additional assignments would violate caseload standards. Comments from judges interviewed for this report suggest that the quality of representation by the assigned counsel panel is generally consistent with that provided by DPD staff attorneys and has improved.

In our 2017 Annual Report, we found the County did not comply with Principle 2 because it failed to adequately fund the assigned counsel panel. The 2019-2020 County budget provided for a much-needed and long-neglected increase in the rates paid to assigned counsel; however, as outlined in the board's 2019 Budget Report, more must be done to attract and retain quality conflict counsel.

**Principle 3: Clients are screened for eligibility and defense counsel is assigned and notified of appoint-**



**A GROUP OF HIGHLY DEDICATED PEOPLE**

*“What stands out to me is our dedication – how much we put into this work, mentally, physically and emotionally. I’ve never experienced any other job quite like it or any group of people who works this hard. Everyone at DPD, it seems, is dedicated to public service. I know we all struggle to find work / life balance, and that’s important. It’s something I’m working on in my own life. But this is not the kind of job you can just put away at the end of the day. And the fact is, I really wouldn’t want it any other way. This work is too important.”*

**Mahkaea Jackson-Sams, Investigator, TDAD**

**ment, as soon as feasible after clients’ arrest, detention, or request for counsel.**

Board Comment: Although the former, not-for-profit corporations that preceded the creation of the Department of Public of Defense had differing policies

about face-to-face contact with clients at the earliest possible opportunity, the Department has set a requirement that face-to-face contact, particularly for in-custody clients, take place prior to arraignment and/or first appearance. That standard complies with national standards. New procedures that became effective in January 2017 added telephone financial screening to in-person screening of applicants for appointed counsel. This enhancement provides a more efficient, expedited process, but the quality of the process and the extent to which it has shortened the time from arrest to assignment of counsel and to a face-to-face meeting between attorney and client remain to be assessed. The Department's data collection mechanisms specifically will be analyzed to document compliance. This is a positive development in achieving greater compliance with Principle 3.

**Principle 4: Defense counsel is provided sufficient time and a confidential space within which to meet with the client.**

**Board Comment:** Department policy requires counsel to meet with clients within 24 hours of their detention and well before any court appearances. Private meeting space is available at jails and courthouses where defense counsel, paralegals, investigators, and mitigation specialists can meet with clients in confidential settings — but there is a critical exception.

There is a structural issue in first appearance calen-

## HELPING CLIENTS OVER HURDLES

*“During the past year, I’ve realized the importance of being well-informed and equipped to better assist our clients and attorneys. Our clients often face the challenging task of having to navigate numerous hurdles within the criminal justice system – hurdles that, if not properly navigated, can result in them having to remain within the system longer or having to live with the burdensome consequences their entire lives. Therefore, I take my job very seriously and do my best to be as helpful as can be – from reminding clients of their court hearings in order to avoid the issuance of bench warrants to looking for discrepancies while reviewing discovery that our attorneys can then use in court. Overall, the work that we do is crucial. And at the end of the day, all the work comes together to remove some of those hurdles that our clients were initially faced with. Seeing some of these hurdles disappear has felt deeply rewarding to me.”*

**Corina Covarrubias, Felony Paralegal, SCRAPD**



dars that are held under time constraints which do not allow for adequate critical-stage client consultation and advice. Currently, court time allocation for these calendars does not take into account the changes in competent preparation and advice constitutionally required. Washington Appellate Courts addressed the Sixth Amendment failure of inadequately investigated and advised pleas at arraignment. See, *In Re PRP of Burlingame*, Washington Court of Appeals Slip Opinion filed May 17, 2018. The speed of first appearance calendars and scheduled available time for individual first appearance calendar consultations prevent full compliance with this policy sufficient to satisfy current Sixth Amendment constitutional standards.

The King County Jail courtrooms, where in-custody arraignments for those charged with misdemeanors and initial appearances take place, have limited space to allow for confidential meetings between DPD attorneys and their clients. DPD has collaborated with

the Department of Adult and Juvenile Detention to ensure that attorneys representing clients on the King County Court first appearance calendar in KCJ 1 have adequate privacy to consult with their clients.

The King County Jail Court Two (“KCJ 2”), where Seattle Municipal Court in-custody arraignments are held, presents more significant Sixth Amendment challenges. Calendars are created the morning of arraignment. DPD attorneys meet in a hallway, where jail staff are within hearing distance and other attorneys are also meeting with clients. It is not private or confidential. These meetings take place right before arraignments and initial appearances – where judges make critical pre-trial release decisions. The decision to set bail or release a defendant pre-trial will have a significant influence over the outcome. Not providing adequate time or space for misdemeanor attorneys to meet with their clients at a critical stage in the proceedings demonstrates that, at least with respect to Seattle Municipal Court cases, Principle 2 is not being met.

There continues to be little office space at the Involuntary Treatment Court for attorneys and staff; however, video hearings have resulted in less need for attorneys to be at the court. ITA attorneys have access to office space at the various hospitals where they practice. Interviews with the Involuntary Treatment Court Lead Judge indicate that there is little privacy in negotiations because of the physical layout of the Court, which results in the judge often overhearing discussions between prosecution and defense about pending matters. While not perfect, there is generally space to speak confidentially with clients in the various hospital units.

**Principle 5: Defense counsel’s workload is controlled to permit the rendering of quality representation.**

**Board Comment:** DPD has been complying with the State Supreme Court-mandated caseload standards (developed in 1973) through a staffing model that was developed in 2015 by a task force led by the Director of the County’s Office of Performance, Strategy, and Budget and that included representatives of the Department and the PDAB. The Board believes that applying this staffing model and the supplemental credit system resulted in compliance with 1973 case-

load standards. However, after a number of years of applying the model, it is also clear that adjustments to that staffing model may be required, particularly in light of the recent spike in felony filings that resulted in an increase in cases going to conflict counsel for capacity reasons and the changing workload created by huge amounts of video discovery produced through body-worn cameras. This increased discovery impacts attorneys, investigators, mitigation specialists, and administrative staff. Also comments from judges highlighted that there may be a lack of investigative and mitigation resources for defenders.

The Board is concerned that caseload standards alone, to the exclusion of complex case credits, case allocation issues arising from family release, vacations, and fluctuating case filings from the Prosecuting Attorney’s Office, have a negative impact on proper case management and allocation which cannot be measured solely by numbers of cases assigned per lawyer. This will be a matter of continuing concern and discussion.

**Principle 6: Defense Counsel’s ability, training, and experience match the complexity of the case.**

**Board Comment:** In addition to certifying compliance with the basic professional qualifications in Standard 14.1 of the Washington Supreme Court Standards, an attorney representing a defendant accused of a Class A felony must also certify that he/she meets the experience requirements set forth in Standard 14.2. Managing attorneys in each of the four divisions are responsible for ensuring these standards are met. More interviews with Judges and the Prosecuting Attorney’s Office confirm that the quality of representation provided by Department attorneys is good and, while individual concerns have been expressed as to *specific* lawyers, most concerns have been addressed.

Despite the generally very positive reports as to the quality of defense services provided by Department lawyers, significant changes have been made to the training program. Major changes focus on staffing. A list of trainings provided to the Board as an attachment to the Director’s 2019 Report shows that the current training process is extensive, robust, and reflected in the judicial and adversarial evaluations.

**Principle 7: The same attorney continuously represents the client until the completion of the case.**

**Board Comment:** DPD attorneys are assigned to represent each client at all stages of his/her case through trial with the exception of the initial appearance (e.g., arraignment calendar) at which a calendar lawyer may represent the client. It has been DPD's policy for quite some time to do "vertical" representation other than the initial calendar appearance. That standard continues to be fully met.

**Principle 8: There is parity between defense counsel and the prosecution with respect to resources and defense counsel is included as an equal partner in the justice system.**

**Board Comment:** Parity with the Prosecuting Attorney's Office is an issue that was raised while negotiating the most recent collective bargaining agreement signed by SEIU and the County in March 2018. Salary parity has largely been reached between similar job classifications. Identifying other criteria to determine parity with the Prosecutor's Office has proven quite difficult to define and implement. A recent King County Office of Performance, Strategy, and Budget report about parity between the Prosecuting Attorney's Office and the Department of Public Defense, dated July 8, 2019, recognizes that no common definition of office function can be easily established. Each office has substantially different functions from the other. More nuanced definitions of parity, other than salary-by-position parity, which has largely been achieved, still need to be developed. There appears to be substantially greater supervisory and support staff in the Prosecutor's Office than in comparable DPD divisions other than ITA. Issues which remain to be resolved are the number of senior attorney slots between the two offices and whether or not they should be relatively equal in number; how to reach parity for defense investigators either in number or salary when compared to the police agencies available to the prosecution, etc. The Board has undertaken a project to determine a definition of "parity" other than salary parity which may be useful in future budgeting decisions.

To the extent "parity" means "equal partner" in the

justice system, the Department through its Director and designees participates regularly in criminal justice initiatives and reform efforts. The King County Prosecutor's Office has emphasized its desire to further partner and collaborate with the Department on systemic reforms. The Board encourages such cooperation and joint presentation where feasible.

**Principle 9: Defense counsel is provided with and required to attend continuing legal education.**

**Board Comment:** Professional training is a high priority for the Department, and substantial resources, both human and financial, are devoted to providing opportunities for attorneys and non-attorney staff alike. Many in-house CLEs took place in 2018 and 2019, as documented in the 2019 Director's Report. Training is a priority for Director Khandelwal, who has encouraged higher utilization of in-house expertise. DPD attorneys and staff are encouraged to also attend Washington Defender Association and Washington Association of Criminal Defense Lawyer trainings as well.

**Principle 10: Defense counsel is supervised and systematically reviewed for quality and efficiency according to nationally and locally adopted standards.**

**Board Comment:** In the past year, DPD has increased the use and dissemination of data to supervisors and managing attorneys to assist them in reviewing attorneys' work.

DPDs collective bargaining agreements, as well as the Washington State Bar Association standards, set forth a requirement that each agency providing public defense services provide one full-time supervisor for every 10 staff lawyers. This results in supervisors often carrying cases in addition to their supervisory duties. Comments from judges as well as managing attorneys suggest that the formulas for supervising attorneys and staff should be reviewed.

# Appendix 2 | DPD's strategic plan

## DPD's Mission Statement

The King County Department of Public Defense represents indigent adults and children facing a loss of liberty. Our department is an independent voice that promotes justice and equity for our clients and advocates for their objectives, interests, and dignity.

<b>Strategic Objective 1:</b> Provide consistently high-quality representation to all of DPD's clients across all divisions and all case areas, thereby becoming a national model for public defense.					
Goals	Alignment with Management System			Initiatives/tactics	Milestones/targets
	Results Oriented	Organizational Alignment	Continuous Improvement		
<b>1) Guidelines, developed in collaboration with staff, are in place for each practice area; the guidelines are flexible, in recognition of the fact that every client is unique, and sufficiently specific to allow for measurement and comparison.</b>	<ul style="list-style-type: none"> <li>Delivers results: Organizational ability to achieve goals that meet customer (client) and community needs.</li> <li>Leader standard work: Leader routines and habits that influence organizational culture and the ability to achieve results.</li> </ul>	<ul style="list-style-type: none"> <li>Shared Vision: Understanding of the vision and mission throughout the organization.</li> <li>Values: Organization's ability to translate values into behavior, culture and decision making.</li> </ul>	<ul style="list-style-type: none"> <li>Continuous Improvement: Organization's ability to produce ongoing measurable improvement in products, services and outcomes.</li> </ul>	a. Gather information and input from staff and outside experts about practice area guidelines.	i. Conduct ongoing meetings with supervisors and line staff in each practice area for input through 5/1/2021  ii. Research and evaluate practice area guidelines from other jurisdictions and bar associations by 5/1/2020
					b. Write/publish guidelines for each practice area at DPD.

					<ul style="list-style-type: none"> <li>ii. Publish misdemeanor and felony practice guidelines by 8/1/2020</li> <li>iii. Publish ITA practice guidelines by 2/1/2021</li> <li>iv. Establish timelines for other case areas by 2/1/2021</li> </ul>
				<ul style="list-style-type: none"> <li>c. Train on guidelines. Implement guidelines after training has been completed.</li> </ul>	<ul style="list-style-type: none"> <li>i. Train on misdemeanor and felony guidelines from 9/1/2020 to 5/31/2021</li> <li>ii. Train on family defense practice guidelines from 5/1/2020 to 11/30/2020</li> <li>iii. Train on ITA guidelines from 3/1/2021 to 9/1/2021</li> </ul>

					iv. Establish timelines for trainings in other case areas by 3/1/2021.
				d. Develop and roll out staff performance evaluation criteria that reinforce best practice guidelines and support equity and social justice in leadership and practice.	i. By 10/1/2021, propose annual evaluations that incorporate practice guidelines. ii. By 11/15/2021, implement these annual evaluations.
				e. Conduct regular meetings with managing attorneys, supervisors, and line staff to address issues with practice guidelines.	i. Incorporate issues of practice guidelines into weekly meetings with managing attorneys. ii. Meet monthly with supervisors to discuss guidelines. iii. Address and refine practice area guidelines as needed.



<p><b>2) A case management system is in place that is efficient for all users and facilitates high-quality representation.</b></p>	<ul style="list-style-type: none"> <li>✚ Delivers results: Organizational ability to achieve goals that meet customer (client) and community needs.</li> <li>✚ Performance measures: Organization's development of performance measures</li> </ul>	<ul style="list-style-type: none"> <li>✚ Shared Vision: Understanding of the vision and mission throughout the organization.</li> <li>✚ Strategic Deployment: Organization's ability to plan, prioritize, and mobilize resources toward shared goals.</li> <li>✚ Values: Organization's ability to translate values into behavior, culture and decision making.</li> </ul>	<ul style="list-style-type: none"> <li>✚ Continuous Improvement: Organization's ability to produce ongoing measurable improvement in products, services and outcomes.</li> <li>✚ Standard work: Extent to which standard work is developed, updated and used to drive results.</li> <li>Employee engagement: The extent to which employees are respected, engaged and recognized to perform and improve.</li> </ul>	<p>a. Collaborate with staff and KCIT to identify system requirements and develop / issue RFP to procure new case management system.</p> <p>b. Develop training program for new system. Implement new system after training is completed.</p>	<ul style="list-style-type: none"> <li>i. Develop RFP by 12/2019.</li> <li>ii. Issue RFP and procure new case management system by 6/2020.</li> <li>i. New training program developed by 1/2021</li> <li>ii. Training program launched by 2/2021.</li> <li>iii. Implement new case management system by 3/2021.</li> </ul>
<p><b>3) DPD's ongoing training program</b></p>	<ul style="list-style-type: none"> <li>✚ Delivers results: Organizational ability to achieve</li> </ul>	<ul style="list-style-type: none"> <li>✚ Shared Vision: Understanding of the vision and</li> </ul>	<ul style="list-style-type: none"> <li>✚ Continuous Improvement: Organization's</li> </ul>	<p>a. Develop infrastructure for strong training</p>	<ul style="list-style-type: none"> <li>i. Hire training coordinator by 3/15/2019.</li> </ul>

<p><b>reinforces best practice guidelines, strengthens our team-based approach, and promotes innovation. It provides all staff with a solid base of consistent, high-level practice skills.</b></p>	<p>goals that meet customer (client) and community needs.</p> <ul style="list-style-type: none"> <li>✚ Performance measures: Organization’s development of performance measures.</li> <li>✚ Leader standard work: Leader routines and habits that influence organizational culture and the ability to achieve results.</li> </ul>	<p>mission throughout the organization.</p> <ul style="list-style-type: none"> <li>✚ Strategic Deployment: Organization’s ability to plan, prioritize, and mobilize resources toward shared goals.</li> <li>✚ Values: Organization’s ability to translate values into behavior, culture and decision making.</li> </ul>	<p>ability to produce ongoing measurable improvement in products, services and outcomes.</p> <ul style="list-style-type: none"> <li>✚ Standard work: Extent to which standard work is developed, updated and used to drive results.</li> <li>✚ Employee engagement: The extent to which employees are respected, engaged and recognized to perform and improve.</li> </ul>	<p>program that meets the stated objective and is responsive to staff needs.</p>	<ul style="list-style-type: none"> <li>ii. Obtain ongoing input from staff on training topics to ensure relevance and quality. Have process in place by 10/15/2019.</li> <li>iii. Ensure policy area directors regularly attend trainings to ensure the trainings are high-quality and relevant.</li> <li>iv. Ensure policy area directors identify one experts per year to provide in-house CLEs beginning June 1, 2019.</li> </ul>
				<p>b. Create annual training curricula for each practice area.</p>	<ul style="list-style-type: none"> <li>i. Training curricula to be completed by 3/15/2021.</li> </ul>
				<p>c. Refine new attorney training program.</p>	<ul style="list-style-type: none"> <li>i. Complete program by 11/15/2020.</li> <li>ii. Make space available for limited number of attendees and small</li> </ul>

					<p>group leaders chosen by WDA</p> <p>iii. Supervisors from each division attend so that they can reinforce skills learned</p>
				<p>d. Develop Rule 9 summer intern training program and establish continuing trainings throughout internship period.</p>	<p>i. Complete by 6/5/2020.</p>
				<p>e. Provide coordination and funding to bring local and national subject matter experts in-house to provide training.</p>	<p>i. Create budget to pay for expert CLEs by 3/1/2020.</p> <p>ii. Develop process for attorneys to recommend experts to provide CLE presentations by 7/1/2019. (Done)</p>
				<p>f. Coordinate with WDA and other public defense organizations to leverage resources.</p>	<p>i. Meet monthly with WDA to schedule WDA provided CLEs at DPD.</p> <p>ii. Meet with WACDL to coordinate CLE presentations at DPD.</p>

<p><b>4) Key performance expectations for each job classification are in place that ensure high-quality client representation and that provide clarity to staff.</b></p>	<ul style="list-style-type: none"> <li>✚ Delivers results: Organizational ability to achieve goals that meet customer (client) and community needs.</li> <li>✚ Performance measures: Organization’s development of performance measures.</li> </ul>	<ul style="list-style-type: none"> <li>✚ Shared Vision: Understanding of the vision and mission throughout the organization.</li> <li>✚ Strategic Deployment: Organization’s ability to plan, prioritize, and mobilize resources toward shared goals.</li> <li>✚ Values: Organization’s ability to translate values into behavior, culture and decision making.</li> </ul>	<ul style="list-style-type: none"> <li>✚ Continuous Improvement: Organization’s ability to produce ongoing measurable improvement in products, services and outcomes.</li> <li>✚ Standard work: Extent to which standard work is developed, updated and used to drive results.</li> <li>✚ Visual Management: Extent to which visual systems are used to monitor performance and drive results</li> <li>✚ Employee engagement:</li> </ul>	<ul style="list-style-type: none"> <li>a. Collaborate with administrative staff to identify clear performance expectations for each admin job classification.</li> <li>b. Provide supervisor support and training so supervisors can better support their employees.</li> </ul>	<ul style="list-style-type: none"> <li>i. Pilot classification study for all administrative job classifications. Engage relevant staff and supervisors in the study. Complete by 5/31/2020.</li> <li>ii. Assess applicability of the classification study for other job classifications, and launch, if appropriate. 8/2020</li> <li>iii. Hold monthly lunch-hour discussions with new supervisors to explore supervisory issues/challenges. Begin 4/2019.</li> <li>iv. Establish and roll out plan for the Director's Office to provide supervisors with data regarding these measures. Target date: 11/1/2021.</li> </ul>
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			The extent to which employees are respected, engaged and recognized to perform and improve.		v. Meet annually with managing attorneys and supervisors to discuss whether division has met performance measures and what support is needed to help division meet those measures. Target date: 10/2021.
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**Strategic Objective 2:** Partner with the community to dismantle the systems that oppress our clients and advocate for pathways that will allow them to succeed. Where traditional systems remain, use our community partnerships and expertise to make them less harmful and more restorative.

Goals	Alignment with Management System			Initiative/tactics	Milestones/targets
	Results Oriented	Organizational Alignment	Continuous Improvement		
1. DPD identifies issues and policies that harm DPD clients.	<ul style="list-style-type: none"> <li>✚ Delivers results: Organizational ability to achieve goals that meet customer (client) and community needs.</li> <li>✚ Leader standard work: Leader routines and habits that influence organizational</li> </ul>	<ul style="list-style-type: none"> <li>✚ Shared Vision: Understanding of the vision and mission throughout the organization.</li> <li>✚ Strategic Deployment: Organization's ability to plan, prioritize, and mobilize resources</li> </ul>	<ul style="list-style-type: none"> <li>✚ Continuous Improvement: Organization's ability to produce ongoing measurable improvement in products, services and outcomes.</li> <li>✚ Standard work: Extent to</li> </ul>	a. Collaborate with staff and partners to develop protocols for determining DPD positions on policy issues.	i. Complete protocol by 3/1/2020. Protocol must: <ul style="list-style-type: none"> <li>○ Develop a procedure for prioritizing issues.</li> <li>○ Recognize the importance of being nimble enough to respond to developing opportunities.</li> </ul>

	<p>culture and the ability to achieve results.</p>	<p>toward shared goals.</p> <ul style="list-style-type: none"> <li>Values: Organization’s ability to translate values into behavior, culture and decision making.</li> </ul>	<p>which standard work is developed, updated and used to drive results.</p> <ul style="list-style-type: none"> <li>Client (Customer) Engagement: Extent to which clients (customers) are engaged consistently and meaningfully.</li> </ul>		<ul style="list-style-type: none"> <li>Engage regularly with staff to identify recurring issues and issues otherwise difficult to litigate on behalf of individual clients.</li> </ul> <p>ii. Develop protocols for ensuring community input by 10/1/2020. Plan quarterly meetings.</p>
<p><b>2. DPD fights systemic issues in court that oppress our clients.</b></p>	<ul style="list-style-type: none"> <li>Delivers results: Organizational ability to achieve goals that meet customer (client) and community needs.</li> <li>Leader standard work: Leader routines and habits that influence organizational culture and the ability to achieve results.</li> </ul>	<ul style="list-style-type: none"> <li>Shared Vision: Understanding of the vision and mission throughout the organization.</li> <li>Strategic Deployment: Organization’s ability to plan, prioritize, and mobilize resources toward shared goals.</li> </ul>	<ul style="list-style-type: none"> <li>Continuous Improvement: Organization’s ability to produce ongoing measurable improvement in products, services and outcomes.</li> <li>Standard work: Extent to which standard work is developed,</li> </ul>	<p>a. Litigate issues that harm DPD clients.</p> <p>b. File representative writs, appeals, motions for discretionary review, and other relevant litigation.</p>	<p>i. Develop a process for staff to request the DO to pursue representative writs and appeals that present significant policy or legal issues in-house. By 8/1/2020.</p>

		<ul style="list-style-type: none"> <li>Values: Organization's ability to translate values into behavior, culture and decision making.</li> </ul>	<ul style="list-style-type: none"> <li>updated and used to drive results.</li> <li>Client (Customer) Engagement: Extent to which clients (customers) are engaged consistently and meaningfully.</li> </ul>		
<p><b>3. DPD works with community partners to reshape public debate and affect public policy on issues impacting clients.</b></p>	<ul style="list-style-type: none"> <li>Delivers results: Organizational ability to achieve goals that meet customer (client) and community needs.</li> <li>Leader standard work: Leader routines and habits that influence organizational culture and the ability to achieve results.</li> </ul>	<ul style="list-style-type: none"> <li>Shared Vision: Understanding of the vision and mission throughout the organization.</li> <li>Strategic Deployment: Organization's ability to plan, prioritize, and mobilize resources toward shared goals.</li> <li>Values: Organization's ability to translate values into</li> </ul>	<ul style="list-style-type: none"> <li>Continuous Improvement: Organization's ability to produce ongoing measurable improvement in products, services and outcomes.</li> <li>Standard work: Extent to which standard work is developed, updated and used to drive results.</li> </ul>	<ul style="list-style-type: none"> <li>a. Use media strategies and social media platforms to shape public debate and advocate on behalf of policy reforms.</li> <li>b. Work with partners to develop commentaries, videos, and podcasts that advance important issues for DPD's clients.</li> <li>c. Redesign website, making it visually</li> </ul>	<ul style="list-style-type: none"> <li>i. Develop and publish a commentary every six months, co-authoring with partners as frequently as possible.</li> <li>ii. Complete one video or podcast that advances important issues for DPD's clients at least once in 2019.</li> <li>iii. Redesign website by 10/1/2019.</li> </ul>

		behavior, culture and decision making.	<ul style="list-style-type: none"> <li>Client (Customer) Engagement: Extent to which clients (customers) are engaged consistently and meaningfully.</li> </ul>	<p>stronger and more consistent with DPD’s goals, advocacy, and interests.</p> <p>d. As needed, counter public statements, news stories, or editorials that advocate positions that are hurtful to DPD’s client – via letters to the editor, DPD’s blog, DPD’s website, Twitter, or other platforms.</p>	
<p><b>4. DPD advocates for upstream investments in services and prevention and advocates for divestment from the criminal legal system and other systems that harm our clients.</b></p>	<ul style="list-style-type: none"> <li>Delivers results: Organizational ability to achieve goals that meet customer (client) and community needs.</li> <li>Performance measures: Organization’s development of performance measures.</li> </ul>	<ul style="list-style-type: none"> <li>Shared Vision: Understanding of the vision and mission throughout the organization.</li> <li>Strategic Deployment: Organization’s ability to plan, prioritize, and mobilize resources toward shared goals.</li> </ul>	<ul style="list-style-type: none"> <li>Continuous Improvement: Organization’s ability to produce ongoing measurable improvement in products, services and outcomes.</li> <li>Standard work: Extent to which standard work</li> </ul>	<p>a. Support and partner with community-owned and/or community-based organizations to develop and implement divestment or diversion program proposals.</p> <p>b. Work to transfer funding from the criminal legal</p>	<p>i. During 2021-2022 budget processes, staff will testify in city and county budget hearings.</p> <p>ii. During 2020 session, staff will take positions on legislation and travel to Olympia to testify.</p> <p>iii. In 2019, DPD will demand that</p>






	<ul style="list-style-type: none"> <li>Leader standard work: Leader routines and habits that influence organizational culture and the ability to achieve results.</li> </ul>	<ul style="list-style-type: none"> <li>Values: Organization's ability to translate values into behavior, culture and decision making.</li> </ul>	<ul style="list-style-type: none"> <li>is developed, updated and used to drive results.</li> <li>Client (Customer) Engagement: Extent to which clients (customers) are engaged consistently and meaningfully.</li> <li>Employee engagement: The extent to which employees are respected, engaged and recognized to perform and improve.</li> </ul>	<ul style="list-style-type: none"> <li>system to community organizations.</li> <li>c. Support initiatives that promote community alternatives and eliminate the use of incarceration.</li> <li>d. Support programs that invest in preventive services and allow children to remain at home, rather than legal interventions that separate families.</li> </ul>	<ul style="list-style-type: none"> <li>community-based organizations are invited to participate as equals in city and county task forces and other initiatives in which DPD participates.</li> </ul>
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**Strategic Objective 3:** Recruit, support, and retain a highly skilled and diverse workforce and develop a respectful and inclusive workplace culture.

Goals	Alignment with Management System			Initiative/tactics	Milestones/targets
	Results Oriented	Organizational Alignment	Continuous Improvement		








<b>1. DPD's staff reflect a diversity of backgrounds, including education, race, gender, class, and life experience.</b>	<ul style="list-style-type: none"> <li>✚ Delivers results: Organizational ability to achieve goals that meet customer (client) and community needs.</li> <li>✚ Leader standard work: Leader routines and habits that influence organizational culture and the ability to achieve results.</li> </ul>	<ul style="list-style-type: none"> <li>✚ Shared Vision: Understanding of the vision and mission throughout the organization.</li> <li>✚ Strategic Deployment: Organization's ability to plan, prioritize, and mobilize resources toward shared goals.</li> <li>✚ Values: Organization's ability to translate values into behavior, culture and decision making.</li> </ul>	<ul style="list-style-type: none"> <li>✚ Continuous Improvement: Organization's ability to produce ongoing measurable improvement in products, services and outcomes.</li> <li>✚ Visual Management: Extent to which visual systems are used to monitor performance and drive results</li> <li>✚ Employee engagement: The extent to which employees are respected, engaged and recognized to perform and improve.</li> </ul>	For all staff: a. Identify and eliminate barriers to employment in the recruitment and selection process that have disparate/adverse impact for communities of color and women.	i. Strive for greater diversity by race, gender, and age on all interview panels.
				For attorney staff: a. Develop a predictable and standard annual recruitment plan that targets students committed to public defense from both local and national law schools.  b. Cultivate relationships with minority bar associations and law student associations.  c. Develop relationships with local educational	i. Finalize recruitment plan by 10/1/2019.  ii. Hire training coordinator who will develop relationships with geographically diverse law schools and minority bar associations.  iii. Attend at least three minority bar events each year, starting in 2019-2020.  iv. Training Coordinator will facilitate DPD participation in know your rights

				<p>programs, enhancing students' familiarity with public defense.</p> <p>programs, starting in 2019-2020.</p>	
				<p>For professional (non-attorney) staff:</p> <p>a. Build relationships with local educational institutions that have programs consistent with DPD's required skill base and mission. Focus on educational institutions that train paralegals, investigators, and social workers.</p> <p>b. Develop relationships with local educational programs, enhancing students' familiarity with public defense.</p>	<p>i. Identify area educational institutions that have such programs. Meet with at least three such program leads by 2/1/2020.</p> <p>ii. Develop externship program for investigators and paralegals by 1/1/2021.</p> <p>iii. Identify areas of growth and development for DPD's existing social work externship program, starting in 2019-2020.</p>
<p><b>2. A culture of mutual respect and support</b></p>	<p> Delivers results: Organizational ability to achieve</p>	<p> Shared Vision: Understanding of the vision and</p>	<p> Continuous Improvement: Organization's</p>	<p>a. Organize opportunities for staff members to</p>	<p>i. Create one department-wide</p>

<p><b>exists throughout the department, increasing retention.</b></p>	<p>goals that meet customer (client) and community needs.</p> <ul style="list-style-type: none"> <li>✚ Leader standard work: Leader routines and habits that influence organizational culture and the ability to achieve results.</li> </ul>	<p>mission throughout the organization.</p> <ul style="list-style-type: none"> <li>✚ Strategic Deployment: Organization’s ability to plan, prioritize, and mobilize resources toward shared goals.</li> <li>✚ Values: Organization’s ability to translate values into behavior, culture and decision making.</li> </ul>	<p>ability to produce ongoing measurable improvement in products, services and outcomes.</p> <ul style="list-style-type: none"> <li>✚ Visual Management: Extent to which visual systems are used to monitor performance and drive results</li> <li>✚ Employee engagement: The extent to which employees are respected, engaged and recognized to perform and improve.</li> </ul>	<p>engage with one another in work, training, and development arenas to develop networks of support and relationship and team building.</p> <p>b. Identify and promote activities and opportunities that will promote employee wellness.</p>	<p>social event in 2019.</p> <ul style="list-style-type: none"> <li>ii. Create optional/mandatory meetings for each job classification to share workplace experiences and strategies.</li> <li>iii. Survey staff about next Balanced You grant and apply for grant in 2019; develop a program accordingly.</li> <li>iv. Continue work on secondary trauma; develop resources to help staff cope with secondary trauma.</li> <li>v. Provide in-house sessions on other issues identified by staff as important to health and well-being.</li> <li>vi. Facilitate discussions to talk</li> </ul>
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					<p>about and address inequities in the workplace.</p> <p>vii. Continue monthly newsletter, with profiles on staff and bios on new employees.</p>
<p><b>3. The Director's Office is organized in a way that best supports DPD staff in providing high-quality client representation.</b></p>	<ul style="list-style-type: none"> <li>✚ Delivers results: Organizational ability to achieve goals that meet customer (client) and community needs.</li> <li>✚ Performance measures: Organization's development of performance measures.</li> <li>✚ Leader standard work: Leader routines and habits that influence organizational culture and the ability to achieve results.</li> </ul>	<ul style="list-style-type: none"> <li>✚ Shared Vision: Understanding of the vision and mission throughout the organization.</li> <li>✚ Strategic Deployment: Organization's ability to plan, prioritize, and mobilize resources toward shared goals.</li> <li>✚ Values: Organization's ability to translate values into behavior, culture and decision making.</li> </ul>	<ul style="list-style-type: none"> <li>✚ Continuous Improvement: Organization's ability to produce ongoing measurable improvement in products, services and outcomes.</li> <li>✚ Standard work: Extent to which standard work is developed, updated and used to drive results.</li> <li>✚ Visual Management: Extent to which visual systems are used to</li> </ul>	<ul style="list-style-type: none"> <li>a. Director to propose a management team structure by May 1.</li> <li>b. Staff to provide feedback by June 1. Recruitment begins by late summer.</li> </ul>	<ul style="list-style-type: none"> <li>i. By 12/2019, all management positions are filled.</li> </ul>

			<p>monitor performance and drive results</p> <p>🚩 Employee engagement: The extent to which employees are respected, engaged and recognized to perform and improve.</p>		
<p><b>4. With support from Performance, Strategy &amp; Budget, DPD examines and confirms that it is properly structured to minimize conflicts and maintain operational viability.</b></p>	<p>🚩 Delivers results: Organizational ability to achieve goals that meet customer (client) and community needs.</p> <p>🚩 Performance measures: Organization's development of performance measures.</p> <p>🚩 Leader standard work: Leader routines and habits that</p>	<p>🚩 Shared Vision: Understanding of the vision and mission throughout the organization.</p> <p>🚩 Strategic Deployment: Organization's ability to plan, prioritize, and mobilize resources toward shared goals.</p> <p>🚩 Values: Organization's ability to translate</p>	<p>🚩 Continuous Improvement: Organization's ability to produce ongoing measurable improvement in products, services and outcomes.</p> <p>🚩 Standard work: Extent to which standard work is developed, updated and</p>	<p>a. Review caseloads and conflicts to determine optimal sizes of the case area units.</p>	<p>i. By late-2020, make a decision about the size/number of ITA units.</p> <p>ii. By late-2020, make a decision about the size/number of FD units.</p> <p>iii. By 2022, make a decision about the size/number of felony units.</p> <p>iv. By 2022, make decision about size/number of misdemeanor units.</p>

	influence organizational culture and the ability to achieve results.	values into behavior, culture and decision making.	used to drive results. <ul style="list-style-type: none"> <li> Visual Management: Extent to which visual systems are used to monitor performance and drive results</li> <li> Employee engagement: The extent to which employees are respected, engaged and recognized to perform and improve.</li> </ul>		
<b>5. The department advocates for a budget that provides for adequate staffing and more manageable workloads.</b>	<ul style="list-style-type: none"> <li> Delivers results: Organizational ability to achieve goals that meet customer (client) and community needs.</li> <li> Performance measures:</li> </ul>	<ul style="list-style-type: none"> <li> Shared Vision: Understanding of the vision and mission throughout the organization.</li> <li> Strategic Deployment: Organization's</li> </ul>	<ul style="list-style-type: none"> <li> Continuous Improvement: Organization's ability to produce ongoing measurable improvement in products,</li> </ul>	<ul style="list-style-type: none"> <li>a. Work with PSB and PDAB on staffing model that reflects workloads.</li> <li>b. Advocate for a budget that does not presume that attorneys will carry</li> </ul>	<ul style="list-style-type: none"> <li>i. Research alternative staffing models by 11/2020.</li> <li>ii. Data is continuously reviewed and updated to ensure quality.</li> </ul>

	<p>Organization's development of performance measures.</p> <ul style="list-style-type: none"> <li>✚ Leader standard work: Leader routines and habits that influence organizational culture and the ability to achieve results.</li> </ul>	<p>ability to plan, prioritize, and mobilize resources toward shared goals.</p> <ul style="list-style-type: none"> <li>✚ Values: Organization's ability to translate values into behavior, culture and decision making.</li> </ul>	<p>services and outcomes.</p> <ul style="list-style-type: none"> <li>✚ Standard work: Extent to which standard work is developed, updated and used to drive results.</li> <li>✚ Visual Management: Extent to which visual systems are used to monitor performance and drive results</li> <li>✚ Employee engagement: The extent to which employees are respected, engaged and recognized to perform and improve.</li> </ul>	<p>the maximum caseload.</p> <p>c. Examine data to determine if higher staffing levels are needed and advocate as appropriate.</p>	<p>iii. Pilot new misdemeanor credit policy by 10/1/2019 (ongoing)</p>
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