

Authorizing an agreement for the King  
County Office of Public Defense to provide indigent defense services in 1980.

**Ordinance No. 108868**

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AN ORDINANCE authorizing the Mayor to enter into an agreement with King County authorizing the King County Office of Public Defense to provide indigent defense services in the Seattle Municipal Court in 1980.

*10/20/80 PSYS PASS*

COMPTROLLER  
FILE NUMBER \_\_\_\_\_

**Council Bill No. 101078**

INTRODUCED: FEB 19 1980	BY: EXECUTIVE REQUEST
REFERRED: FEB 19 1980	TO: PUB. SAFETY & JUSTICE
REFERRED:	
REFERRED:	
REPORTED: FEB 25 1980	SECOND READING: FEB 25 1980
THIRD READING: FEB 25 1980	SIGNED: FEB 25 1980
PRESENTED TO MAYOR: FEB 26 1980	APPROVED: FEB 29 1980
RETD. TO CITY CLERK: FEB 29 1980	PUBLISHED:
VETOED BY MAYOR:	VETO PUBLISHED:
PASSED OVER VETO:	VETO SUSTAINED:

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ORDINANCE 108868

AN ORDINANCE authorizing the Mayor to enter into an agreement with King County authorizing the King County Office of Public Defense to provide indigent defense services in the Seattle Municipal Court in 1980.

WHEREAS, the King County Office of Public Defense has been coordinating the City of Seattle's indigent defense services since 1978; and

WHEREAS, the City will need these services in 1980; Now, Therefore

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The Mayor is authorized to enter into an agreement, substantially in the form of the attached document, with the King County Office of Public Defense to interview clients, determine their indigency, assign and pay for the legal counsel for indigent criminal defense services in the Seattle Municipal Court, and the Office of Public Defense to monitor, evaluate, and report services being provided indigents in the Seattle Municipal Court.

Section 2. Submission and execution of the agreement authorized in Section 1 hereof, and any other act consistent with the authority and prior to the effective date of this ordinance are hereby ratified and confirmed.

(To be used for all Ordinances except Emergency.)

Section 3. This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 25 day of February, 1980  
and signed by me in open session in authentication of its passage this 25 day of  
February, 1980

*Carl Frankel*  
President of the City Council.

Approved by me this 29 day of February, 1980

*Charles Royer*  
Mayor.

Filed by me this 29 day of February, 1980

Attest: *Jim Hill*  
City Comptroller and City Clerk.

(SEAL)

Published

By *G. C. Geisert*  
Deputy Clerk.

## INDIGENT DEFENSE SERVICES AGREEMENT

THIS AGREEMENT is made and entered into the \_\_\_\_\_ day of \_\_\_\_\_, by and between KING COUNTY, a municipal corporation of the State of Washington, hereinafter referred to as "County," and the City of Seattle, a municipal corporation of the State of Washington, hereinafter referred to as "City."

WHEREAS, the County, through the Office of Public Defense (OPD), has been providing defense to indigents charged with misdemeanor offenses in the County District Courts as well as providing such services to various municipalities within King County (including the City of Seattle since 1979);

WHEREAS, the OPD has contracts with non-profit legal corporations for indigent defense services, and maintains an established list of private attorneys who also defend indigents; and

WHEREAS, the OPD has an established method of determining indigency, assigning qualified cases to attorneys where constitutionally required, and evaluating indigent defense services; and

WHEREAS, the OPD has an established method of determining indigency, assigning qualified cases to attorneys where constitutionally required, and evaluating indigent defense services; and

WHEREAS, the City continues to need appointed counsel for qualified indigents charged with violations of certain City criminal ordinances;

NOW, THEREFORE, in consideration of the mutual agreements contained herein,

### IT IS AGREED:

1. The OPD will interview defendants charged with violating City criminal ordinances who have requested counsel, obtain and pay for legal counsel to represent qualified indigents, and administer, monitor, and evaluate their legal representation.

2. The City agrees to reimburse the County a maximum of One Hundred Twenty Dollars (\$120.00) per case for each indigent charged with violating a City criminal ordinance and assigned an attorney by OPD; in addition, the City agrees to pay the County the sum of \$6,302.08 each month, throughout the term of this agreement, this sum representing one twelfth of the total \$55,625 yearly administration, monitoring, evaluation, and indigency determination costs and including one twelfth of the total \$20,000 yearly defense representation on the daily arraignment/"Gernstein" calendar.

3. The Director of OPD shall report in writing to the Mayor and City Council on the progress of the County's administration, monitoring, and evaluation of indigent defense services for the City. The reports shall be submitted in April, June, and September, 1980, and shall include updated information on the following:

- (a) The number of persons interviewed by OPD for indigency determination;
  - (b) The number of persons determined to be indigent and assigned legal counsel;
  - (c) The standards used by OPD to determine indigency;
  - (d) Possible improvements in the provision of indigent defense services;
- and

(e) Assessments and evaluations of the legal representation of indigents charged with violating City criminal ordinances.

4. The evaluations referred to in paragraph 3, above, shall include information from the following sources:

- (a) Observations of the procedures and defense methods used by attorneys defending indigents;

(b) Discussions with qualified members of the Seattle-King County Bar Association, Seattle Municipal Court and Superior Court Judges, the Seattle City Attorney, and indigent defense service providers; and

(c) Interviews with indigent defendants to investigate complaints and to obtain defendants' opinion on the quality of indigent defense services.

5. During 1980, the City may engage in a general evaluation of indigent defense service in Seattle cases. The OPD will aid in this evaluation by providing available data and other necessary information.

6. Ten days after the last working day of each month, the Director of OPD will certify to the City Comptroller the number of cases assigned to attorneys defending indigents during that month, substantially in the form of the Attachment to this agreement. Upon accepting the certification, the City shall pay the County an amount equal to the number of certified cases times One Hundred Twenty Dollars (\$120.00), or whatever lesser amount is negotiated by OPD and the City. In addition, the City shall pay the County \$6,302.08 each month, which shall cover all costs for administration, monitoring, evaluation, and indigency determination, as well as arraignment/"Gernstein" calendar representation.

7. This agreement is effective from January 1, 1980, through December 31, 1981.

KING COUNTY

By \_\_\_\_\_  
John D. Spellman, King County Executive

CITY OF SEATTLE

By \_\_\_\_\_  
Charles Royer, Mayor

Approved as to form:

\_\_\_\_\_  
P. Bruce Wilson, Director  
King County Office of Public Defense

\_\_\_\_\_  
Doug Jewett, Seattle City Attorney

## Your City, Seattle

Executive Department—Office of Management and Budget

Casey Jones, Director  
Charles Royer, Mayor



FEB 11 1980

City Council  
City of Seattle

Honorable Councilmembers:

The City of Seattle has contracted with King County's Office of Public Defense (OPD) for provision of indigent criminal defense services in the Seattle Municipal Court since 1978. In order to continue delivery of these needed services, passage of the attached ordinance is required. For your information, I have also included a copy of the agreement which the legislation authorizes. P. Bruce Wilson, Director of OPD, participated in development of the agreement and has formally approved it. Input also was obtained from the defender associations and private attorneys.

With a few exceptions, this agreement merely extends the previous one. The annual administrative fee of \$55,625 is the same as last year. Some of the more salient modifications include an increase of \$5.00 per case, from \$115 to \$120 and an increase of \$5,000 for the daily arraignment calendar (from \$15,000 to \$20,000 annually). The total cost of the agreement is \$735,625 which is based on 5,500 cases. The estimated number of cases is slightly higher than 1979 due to revised sentencing provisions of the driving while intoxicated statute. Effective January 1, 1980, the statute carries a one day mandatory jail sentence for first offenders. Based on this modification, we anticipate an increase in the number of cases requiring legal services and the number of jury trials that will be set in 1980.

The overall program was reviewed in detail by the Council and the Executive as part of the deliberations on the 1980 Budget. In order to pay the costs of our contractual obligations with the County, \$735,625 was budgeted in Finance General.

I recommend that you continue to support this agreement and urge you to pass the companion ordinance. If you have any questions concerning the agreement, please contact Suzanne Leger of my staff.

Sincerely,

Casey Jones  
Budget Director

CJ/sl/kc

Attachment

cc: Hugh Spitzer  
P. Bruce Wilson, Director, OPD

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City of Seattle-Executive Department • Office of Management and Budget • Room 402 Municipal Building • Seattle, Washington 98104 • 625-2551

