

Resolution No. 31008

Resolution No. 31008
A Resolution relating to indigent public defense services.

Related Legislation File: _____

| | |
|---|---|
| Date Introduced and Referred: <u>8-6-07</u> | To: (committee): <u>Public Safety</u> <u>Governmental Relations</u> <u>AND ARTS</u> |
| Date Re-referred: <u>8-6-07</u> | To: (committee): |
| Date Re-referred: | To: (committee): |
| Date of Final Action: <u>8-13-07</u> | Date Presented to Mayor: |
| Date Signed by Mayor: | Date Returned to City Clerk: <u>8-14-07</u> |
| Published by Title Only <input checked="" type="checkbox"/> | Date Returned Without Concurrence: |
| Published in Full Text <input type="checkbox"/> | |

Law Department

The City of Seattle – Legislative Department

Resolution sponsored by: *Nick Lesch*

Committee Action:

| Date | Recommendation | Vote |
|-------------|----------------------|------------------------------|
| <u>pass</u> | <u>30 as amended</u> | <u>NL, PS, JG</u> |
| | <u>(E)</u> | <u>(LH)</u> <u>8/7/07</u> |

This file is complete and ready for presentation to Full Council. _____

Full Council Action:

| Date | Decision | Vote |
|----------------|---------------------------|------------|
| <u>8-13-07</u> | <u>Adopted As Amended</u> | <u>9-0</u> |

RESOLUTION 31008

1
2 A RESOLUTION relating to indigent public defense services.

3 WHEREAS, it is a constitutional requirement, a requirement of Chapter 10.101 RCW and a
4 public purpose that each person charged with a crime punishable by incarceration or
5 involved in certain other proceedings that may result in loss of liberty or loss of
6 fundamental rights, be provided with effective legal representation in order to ensure
7 equal justice under law without regard to his or her ability to pay; and

8 WHEREAS, it is the intention of The City of Seattle (the "City"), consistent with Chapter 10.101
9 RCW and other applicable law, to make such services available in an efficient manner
10 which provides effective representation at reasonable cost to the city; and

11 WHEREAS, the provision of indigent public defense services by nonprofit service providers
12 helps ensure a client focus by those entrusted with representing indigent persons; and

13 WHEREAS, the Seattle City Council wishes to contract with agencies of the highest quality, and
14 with the requisite skills; and

15 WHEREAS, ordinance 121501 requires that City agreements with indigent public defense
16 service providers permit caseloads no higher than 380 cases per-attorney per-year and
17 allows for a review of this caseload limit by the Executive, the City Council, Public
18 Defenders, Law School faculty, and King County Bar Association, and non-profit
19 community service providers; and

20 WHEREAS, ordinance 121501 also requires that selection of providers for indigent public
21 defense services and the award of contracts with those providers be made by the Director
22 of Executive Administration upon the recommendation of a proposal review panel that
23 includes community members with legal expertise as well as those who hold firm the
24 interests of low-income communities; and

25 WHEREAS, for the assignment of counsel for conflicts, the court would like to explore options
26 for administering the assigned counsel program; and

27 WHEREAS, a 2007 City of Seattle Audit will contain recommendations for improving the City's
28 public defense program and neither the Council, Executive, nor any other interested
parties have reviewed this final audit;

NOW THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE:

Section 1. The Council intends to begin a review of the case limit standard with the
Executive, the City Council, Public Defenders, Law School faculty, and King County Bar

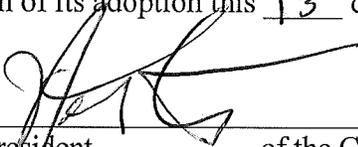
1 Association, and non-profit community service providers as allowed by Ordinance 121501, with
2 the goal of that review being concluded before the selection of the selection of public defense
3 providers under the 2007 Request for Proposals.

4 Section 2. The Council requests that prior to selection of primary and secondary defense
5 service providers, the Executive work with Council's Public Safety Committee to establish an
6 independent RFP review panel comprised of lawyers who practice in the area of criminal defense
7 including those with expertise in the Seattle Municipal Court, and law school faculty, the King
8 County Bar Association, and non-profit community service providers.

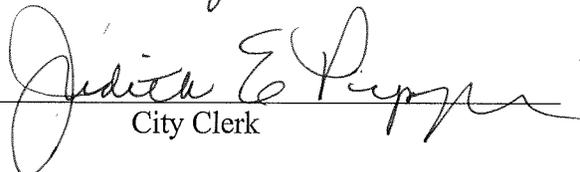
10 Section 3. The Council requests the Executive to work with Municipal Court to review
11 the Assigned Counsel Program and the proposals for improvements.

13 Section 4. The Council requests the Executive to expand the contract for the secondary
14 defense agency provider as recommended by Seattle Municipal Court and the 2007 Audit of
15 Public Defense Services Program.

16 Adopted by the City Council the 13th day of August, 2007, and signed by me
17 in open session in authentication of its adoption this 13th day of August, 2007.

18
19 
20 _____
21 President _____ of the City Council

22 Filed by me this 14 day of Aug, 2007.

23
24 
25 _____
26 City Clerk

27 (Seal)

Author's Full Name/Typist Initials

File Name – Department, Short Description, Type of Document (e.g., DOF Fourth Quarter Supplemental FISC)

Hard-coded Date

Version #

Form revised December 4, 2006

FISCAL NOTE FOR NON-CAPITAL PROJECTS

| Department: | Contact Person/Phone: | DOF Analyst/Phone: |
|--------------------|------------------------------|---------------------------|
| OPM | Lisa Herbold/4-5331 | n/a |

Legislation Title: A RESOLUTION relating to indigent public defense services.

• **Summary of the Legislation:**

Resolution relating to public defense contract for indigent services provided to defendants per Chapter 10.101 RCW.

• **Background:**

Requests Executive to 1) review case load limits per ordinance 121501; 2) to establish an independent RFP review panel to make recommendations per ordinance 121501; 3) to review Assigned Council Program; and 4) to expand the contract for the secondary defense agency provider. On these tasks, the executive is requested to work each with the Council, Municipal Court, Public Defense agencies, and the King County Bar Association.

• *Please check one of the following:*

This legislation does not have any financial implications. *(Stop here and delete the remainder of this document prior to saving and printing.)*



RESOLUTION 31008

1
2 A RESOLUTION relating to indigent public defense services.

3 WHEREAS, it is a constitutional requirement, a requirement of Chapter 10.101 RCW and a
4 public purpose that each person charged with a crime punishable by incarceration or
5 involved in certain other proceedings that may result in loss of liberty or loss of
6 fundamental rights, be provided with effective legal representation in order to ensure
7 equal justice under law without regard to his or her ability to pay; and

8 WHEREAS, it is the intention of The City of Seattle (the "City"), consistent with Chapter 10.101
9 RCW and other applicable law, to make such services available in an efficient manner
10 which provides effective representation at reasonable cost to the city; and

11 WHEREAS, the provision of indigent public defense services by nonprofit service providers
12 helps ensure a client focus by those entrusted with representing indigent persons; and

13 WHEREAS, the Seattle City Council wishes to contract with agencies of the highest quality, and
14 with the requisite skills; and

15 WHEREAS, ordinance 121501 requires that City agreements with indigent public defense
16 service providers permit caseloads no higher than 380 cases per-attorney per-year and
17 allows for a review of this caseload limit by the Executive, the City Council, Public
18 Defenders, Law School faculty, and King County Bar Association, and non-profit
19 community service providers; and

20 WHEREAS, ordinance 121501 also requires that selection of providers for indigent public
21 defense services and the award of contracts with those providers be made by the Director
22 of Executive Administration upon the recommendation of a proposal review panel that
23 includes community members with legal expertise as well as those who hold firm the
24 interests of low-income communities; and

25 WHEREAS, for the assignment of counsel for conflicts, the court would like to explore options
26 for administering the assigned counsel program; and

27 WHEREAS, a 2007 City of Seattle Audit will contain recommendations for improving the City's
28 public defense program and neither the Council, Executive, nor any other interested
parties have reviewed this final audit;

NOW THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE:

Section 1. The Council intends to begin a review of the case limit standard with the
Executive, the City Council, Public Defenders, Law School faculty, and King County Bar



1 Association, and non-profit community service providers as allowed by Ordinance 121501, with
2 the goal of that review being concluded before the selection of the selection of public defense
3 providers under the 2007 Request for Proposals.

4 Section 2. The Council requests that prior to selection of primary and secondary defense
5 service providers, the Executive work with the King County Bar to establish an independent RFP
6 review panel comprised of bar leaders with expertise in criminal defense including those with
7 expertise in the Seattle Municipal Court.
8

9 Section 3. The Council requests the Executive to work with Municipal Court to review
10 the Assigned Counsel Program and the proposals for improvements.

11 Section 4. The Council requests the Executive to expand the contract for the secondary
12 defense agency provider as recommended by Seattle Municipal Court and the 2007 Audit of
13 Public Defense Services Program.
14

15 Adopted by the City Council the 13th day of August, 2007, and signed by me
16 in open session in authentication of its adoption this 13th day of August, 2007.
17

18 _____
19 President _____ of the City Council

20
21 Filed by me this _____ day of _____, 2007.
22

23 _____
24 City Clerk
25

26
27
28 (Seal)



RESOLUTION _____

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

A RESOLUTION relating to indigent public defense services.

WHEREAS, it is a constitutional requirement, a requirement of Chapter 10.101 RCW and a public purpose that each person charged with a crime punishable by incarceration or involved in certain other proceedings that may result in loss of liberty or loss of fundamental rights, be provided with effective legal representation in order to ensure equal justice under law without regard to his or her ability to pay; and

WHEREAS, it is the intention of The City of Seattle (the "City"), consistent with Chapter 10.101 RCW and other applicable law, to make such services available in an efficient manner which provides effective representation at reasonable cost to the city; and

WHEREAS, the provision of indigent public defense services by nonprofit service providers helps ensure a client focus by those entrusted with representing indigent persons; and

WHEREAS, the Seattle City Council wishes to contract with agencies of the highest quality, and with the requisite skills; and

WHEREAS, ordinance 121501 requires that City agreements with indigent public defense service providers permit caseloads no higher than 380 cases per-attorney per-year and allows for a review of this caseload limit by the Executive, the City Council, Public Defenders, Law School faculty, and King County Bar Association, and non-profit community service providers; and

WHEREAS, ordinance 121501 also requires that selection of providers for indigent public defense services and the award of contracts with those providers be made by the Director of Executive Administration upon the recommendation of a proposal review panel that includes community members with legal expertise as well as those who hold firm the interests of low-income communities; and

WHEREAS, for the assignment of counsel for conflicts, the court would like to explore options for administering the assigned counsel program; and

WHEREAS, a 2007 City of Seattle Audit will contain recommendations for improving the City's public defense program and neither the Council, Executive, nor any other interested parties have reviewed this final audit;

NOW THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE:

Section 1. The Council intends to begin a review of the case limit standard with the Executive, the City Council, Public Defenders, Law School faculty, and King County Bar



1 Association, and non-profit community service providers as allowed by Ordinance 121501, with
2 the goal of that review being concluded before the selection of the selection of public defense
3 providers under the 2007 Request for Proposals.

4 Section 2. The Council requests the Executive to work with the King County Bar
5 Association to establish an independent RFP review panel, prior to the Executive's selection of
6 public defense providers under the 2007 Request for Proposals, for the purpose of making a
7 recommendation to the Executive consistent with Ordinance 121501.
8

9 Section 3. The Council requests the Executive to work with Municipal Court to review
10 the Assigned Counsel Program and the proposals for improvements.

11 Section 4. The Council requests the Executive to expand the contract for the secondary
12 defense agency provider as recommended by Seattle Municipal Court and the 2007 Audit of
13 Public Defense Services Program.
14

15 Adopted by the City Council the ____ day of _____, 2007, and signed by me
16 in open session in authentication of its adoption this ____ day of _____, 2007.
17

18 _____
19 President _____ of the City Council

20
21 Filed by me this ____ day of _____, 2007.
22

23 _____
24 City Clerk

25 (Seal)
26
27
28



STATE OF WASHINGTON – KING COUNTY

--SS.

214891
CITY OF SEATTLE, CLERKS OFFICE

No.

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:31004-31009 TITLE ONLY

was published on

08/27/07

The amount of the fee charged for the foregoing publication is the sum of \$ 76.73, which amount has been paid in full.

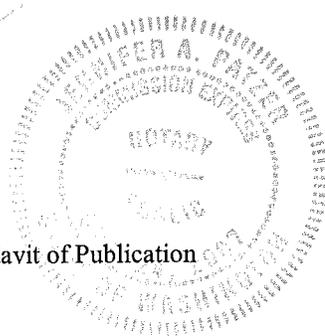
[Handwritten signature]

Subscribed and sworn to before me on

08/27/07

[Handwritten signature]

Notary public for the State of Washington,
residing in Seattle



Affidavit of Publication

State of Washington, King County

City of Seattle

TITLE-ONLY PUBLICATION

The full text of the following resolutions, passed by the City Council on August 13, 2007, and published here by title only, will be mailed upon request, or can be accessed electronically at <http://clerk.ci.seattle.wa.us>. For further information, contact the Seattle City Clerk at 684-8344.

RESOLUTION NO. 31009

A RESOLUTION concerning officer accountability in the Seattle Police Department; endorsing an expert review of the City's system of police accountability as part of a comprehensive assessment of that system; and expressing strong support for the men and women of the Seattle Police

Department and confidence in the Chief of Police.

RESOLUTION NO. 31008

A RESOLUTION relating to indigent public defense services.

RESOLUTION NO. 31006

A RESOLUTION relating to the City Light Department; documenting compliance with certain requirements under the Public Utility Regulatory Policies Act of 1978, as amended by the Energy Policy Act of 2005.

RESOLUTION NO. 31007

A RESOLUTION requesting that the Director of the Fleets and Facilities Department negotiate a Purchase and Sale Agreement, and Civic Square Agreement with Triad Civic Center LLC for the sale of the former Public Safety Building block and the development of a civic square on a portion of that site, consistent with the Civic Center Master Plan and with redevelopment objectives outlined in the City's September, 2006 Request for Proposals.

RESOLUTION NO. 31005

A RESOLUTION requesting the Executive to develop a nightlife enforcement plan consistent with City Council priorities and provide funding for staffing as part of the proposed 2008 City of Seattle Budget.

RESOLUTION NO. 31004

A RESOLUTION requesting that the Executive pursue complementary measures to maintain a vibrant and secure nightlife for the City of Seattle.

Publication ordered by JUDITH PIPPIN,
City Clerk

Date of publication in the Seattle Daily
Journal of Commerce, August 27, 2007.

8/27(214891)