



**King County**

## **Public Defense Advisory Board Meeting**

**Thursday, Oct. 7, 2021  
9:30am – 12:00pm**

**ZOOM MEETING ONLY**

### **1. Welcome**

Attending via Zoom: Lou Frantz, Chris Carney, Mike Trickey, John Strait, Adam Chromy, Ron Whitener; Safia Ahmed, Shoshana Kehoe-Ehlers

Not present: Angélica Cházaro, Shrounda Selivanoff, Nyema Clark

Meeting held via Skype because of COVID-19.

### **2. Approval of Minutes from Meeting on Aug.5, 2020**

Minutes approved.

### **3. Remarks from SEIU Representatives**

Molly Gilbert, a steward chair and investigator, said the union is concerned about the return-to-work process and whether it's needed in every practice area/unit. Conversations about this are continuing. She also notes the struggle the department is having in hiring and the high level of attrition. Members are concerned about this and the impact it is having on employees. SEIU is in the midst of contract negotiations.

### **4. Remarks from Teamsters Representatives**

Rachael Schultz, chief steward and a PPM, says they're continuing to negotiate their contract. We continue to support the DO as much as possible.

### **5. Department of Public Defense Director's Report**

**Filing trends.** Gordon and Stev discuss the latest trends in filings. Stev displays a chart of Superior Court criminal filings by month, which shows that we're starting to see an increase in filings (which we've expected because of the PAO's statements that they've got a backlog in filings). We expect this trend to continue as we go into the fall. The biggest increase is in Kent; it's not clear why – the PAO is not able to explain this disparity. Another slide shows we were close to hitting our FTE threshold. Our number of assigned counsel assignments due to capacity, meanwhile, remains low.

Stev displays a slide that shows the mix of charges we're seeing (this is something new that we're monitoring). During the height of COVID, that mix changed, and we saw more assault

charges and fewer controlled substance / theft charges. Now, the mix is comparable to the pre-COVID picture.

Stev shows another chart that highlights the number of open felony cases across the divisions. There was a large increase at the start of 2021, which is beginning to come down. We see a large drop in open cases in the past month, due largely, we believe, to an administrative clean-up (a push on our part to get attorneys to close cases). Another chart – Class A felonies – shows a significant increase in PAO filings. Gordon says this is exactly what we've feared and is alarming. The share of cases that are serious cases is growing.

**Blake:** Scott says we've reviewed about 1,300 clients (half of what DOC has sent us). So far, we've assigned 776 cases (representing 360 clients) – with many more to come. Scott says we have also identified 250 clients who have community custody obligations due to Blake. The PAO is now submitting those to a judge to get them signed and approved. It's a ton of work and helps that we have a paralegal dedicated to help carry the load.

**Attorney/intern hiring:** Anita said we're working hard to attract laterals (raising the salary cap, for instance). We're also paying for job postings. Apparently, public defense is struggling to hire across the country – especially laterals. Adam asks if DPD does exit interviews and if we know why people are leaving. Anita says we do exit interviews fairly consistently now (we didn't always), and the reasons are all over the board. She says we're also working hard to attract BIPOC applicants; number of BIPOC intern applicants is down. She says it seems we were more effective when we could show up in person at job fairs and law schools. Assuming travel resumes next year, we'll again attend job fairs, where we'll be able to discuss how much race is at the core of how we think about this work.

**Juvenile court rules:** Katie talks about SCRIPT – King County Superior Court's new online portal that allows youth records to be widely accessible online, despite guidance from the state AOC that this kind of information should not be made available. KCSC did this without any process. Katie just happened upon it. DPD is now working with partners to end this. We sent a letter to the court addressing our concerns; we had a meeting with Judges Rogers and Diaz; we also had a briefing before the County Council. We also have worked on proposing court rules to make juvenile records more protected. We helped to draft two rules, presented them to the State Minority and Justice Commission, which recommended that the Supreme Court publish them for comment on an expedited basis. The court agreed to do so. Katie says PDAB members might be able to support this advocacy.

**Legislative priorities:** Anita says this next session is a short one. It will be hard to get things done, so we plan to focus our energy. Here are our top priorities.

Two bills focused on sentencing reforms:

- HB 1169: Eliminates sentencing enhancements for drug violations in “protected” zones and allows judges discretion about whether enhancements can run concurrently
- HB1 1413: Abolishes use of juvenile points in adult sentencing. This has been a long-term effort, and support seems to be coalescing around this.

Two priorities (not yet with numbers assigned) in the child welfare arena (and in partnership with the Keeping Families Together coalition):

- Stopping the state from collecting child support if the child is in foster care.
- Prioritizing relative caregivers in placement decisions.

6. **PDAB Chair's Report:** Chris says the board still lacks a vice chair; he's soliciting volunteers. Chris also plans to get out in front of PDAB's annual report for next year; he will be sending portions of the report to board members so they can start reviewing and figuring out what sections they'd like to write.

Shoshana Kehoe-Ehlers introduces herself. She's a new board member, representing the State OPD, where she works as a managing attorney overseeing the RCW 71.09 civil commitment program. Shoshana was a public defender at SCRAP before it became a part of the county and she's happy to be involved with King County public defense again.

7. **Executive Session.** None.
8. **Adjourn.** Meeting ends at 10:35 a.m.