



**King County**

## **Public Defense Advisory Board Meeting**

**Thursday, Oct. 4, 2018  
9:30 a.m. – noon**

**Dexter Horton Building, Conference Room 245**

### **MINUTES**

#### **1. Welcome**

Attending in person – Chair Paul Holland, Vice Chair Kim Ambrose, Marc Boman, Adam Chromy, Lou Frantz, Sophia Byrd McSherry, Jeffery Robinson, John Strait.

Not Present – Matt Adams, Safia Ahmed, Sharon Armstrong

Meeting called to order by Paul Holland at 9:35 a.m.

#### **2. Approval of Aug. 2, 2018, Meeting Minutes** – approved

#### **3. Chair's Report**

Paul spoke very briefly, noting that the board has met frequently over the past few months. He thanked board members for their commitment and hard work.

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

Director Anita Khandelwal thanked them for their support and offered some quick highlights.

**Juvenile Miranda.** Anita and Katherine Hurley, juvenile and young adult practice and policy director, discussed juvenile Miranda warnings. DPD has worked with Seattle Police Department on the use of simplified Miranda warnings (similar to the warning now used by the King County Sheriff's Office), and SPD has agreed to implement them, effective 1/1/19. SPD will issue the new warnings as a policy directive this fall. The gold standard is for youth to have an attorney before the police question them, but this is a good first step.

**Run warrants.** Civil Practice and Policy Director Tara Urs discussed updates on the use of "run warrants" by the state. Washington stands alone in its practice of incarceration for status offenders – and in particular, dependent youth, where their only offense is that they ran from a foster placement. This is an area ripe for reform. Anita was able to

arrange a meeting with Ross Hunter, secretary of the Department of Children, Youth and Family Services, who agreed this is a terrible practice but did not come up with alternatives. Next step is to work with community partners to figure out the best way to advance the issue. In response to a board member question, Tara said King County issued about 80 run warrants for 40 kids last year.

**Operations.** Anita said she has asked Deputy Director Rick Lichtenstadter to make sure the managing attorneys of the four divisions are consistently following caseload standards and doing so in a way that effectively manages attorney workloads. There is a discrepancy in felony workloads, which we are trying to address, Rick noted. We are trying to bring in greater standardization. Anita said this will help us in our budget discussions with the Executive's office.

**Intern program.** Tara said that we have switched to NeoGov for intern applications and established a large window for applicants to apply. Number of applicants, however, is low. She plans to do some more aggressive outreach; we might attend some public interest job fairs. In answer to a question about paying interns, Anita said we are considering doing so.

**Auditor's Report.** Anita said the auditor's draft report raises an important question about structure but asks the wrong question. This next year, we have to figure out what the right questions are. There are also questions about the strategic planning process. We all agree that high-quality advocacy is the goal, but what does that look like? What are the metrics? Anita also notes that she has drafted a response to the draft report. The goal is to be neither too strident nor too defensive.

## 5. Budget Report

Paul discusses the budget report, which needs to get before the County Council shortly. He notes that the board has seen a rough draft of the budget report, which Marc is working on. That leads to a discussion on several budget-related matters.

Anita notes that the Executive's proposed budget does not align with ours at all. The Director's Office is currently in discussion with the County Budget Office about the issues, which include what Anita calls "lost hours of work." She said we are trying to true up the standard.

Anita also discusses the situation with DPD's three collateral consequences attorneys. She explains what they do and why they are needed. She had hoped to fund them with the state OPD grant, but the Executive's budget uses those funds to cover the costs of higher reimbursement rates for assigned counsel. Daryl Rodriguez, NDD's managing attorney, is looking into sources for grant funding.

The board discusses assigned counsel rates, noting they have been calling attention to our low reimbursement schedule year after year. Several board members express concern and frustration over this, noting that we're behind small counties such as Lewis County as well as the federal system in our hourly rates. One board member says the best argument is to point out that we are not meeting Principle No. 8 in the ABA's 10 Principles for Quality Public Defense.

Jennifer Giambattista, legislative analyst, explained how the County Council will handle the budget process this year. The intent is to adopt a budget the week before Thanksgiving.

**6. Executive Session – None**

**7. Adjourn – 11:35**