



King County

Public Defense Advisory Board Meeting

Thursday, April 2, 2020

9 – 11 a.m.

Via Skype

MINUTES

1. Welcome

Attending via Skype: Matt Adams, Kim Ambrose (chair), Sharon Armstrong, Chris Carney, Adam Chromy, Lou Frantz (vice chair), Sophia Byrd McSherry
Not present: Safia Ahmed, Marc Boman, John Strait

Meeting held via Skype because of COVID-19 and the shelter-in-place order.

Meeting called to order by Kim Ambrose at 9:10 a.m. Kim begins by noting her great appreciation to DPD staff for all that they're doing to serve clients in the midst of the pandemic.

2. Approval of Minutes from Meetings on February 6, 2020

Minutes approved.

3. Remarks from SEIU Representatives

Alison Liu notes that the paralegal/LAS class-comp study appears to be nearly completed. The union is glad for some of the TLT investigator and LAS hires that have been made, but the need is still great for additional mitigation specialists. Felony attorneys continue to feel like they're drowning, and there's ongoing frustration about some of the cases the PAO is filing.

Michael Schueler discusses the fear and concern attorneys are feeling because of lack of protective gear, insufficient hand sanitizers, and ongoing inability to fully engage in social distancing. He also talks about defendants being forced to show up for non-serious, out-of-custody charges. Lack of uniformity among the various courts on some of these issues is frustrating.

4. Remarks from Teamsters Representatives

Teamsters did not have remarks to give.

5. Department of Public Defense Director's Report

Operational issues. Anita discussed the work she, Gordon, and other members of her team have undertaken to better understand how the various courts are addressing client and staff safety in light of COVID-19, as well as their efforts to advocate for changes that will help to keep people safer. She and Gordon did the felony investigation calendar recently and were able to prove that this calendar could be done by meeting clients in the jail booths rather than the tank. She and others are also working to address the situation with KCDC and KCJ2, where they're trying to ensure the number of those present stays under 10. She talked about the dust-up in ITA Court where DPD was able to get the court to agree to meet certain conditions attorneys needed to safely do their jobs. Finally, she noted that KCSC seems to be taking social distancing in 1201 seriously. Gordon noted that it's been challenging to stay on top of operations in all the courts; the situations change almost daily. Anita and Gordon are in frequent contact with the Seattle CAO and the KCPAO about a number of issues, including revising the booking criteria for both misdemeanors and felonies. They're also working closely with DAJD on jail policies to help both staff and clients.

Felony filings. Stev Weidlich presented a chart that shows that felony filings remained high through January, February, and the first two weeks of March. Our staffing model assumes a filing rate of 293 per month; the number of filings for the last eight months has consistently exceeded that, often by quite a bit. He also displayed a chart showing the phenomenal increase in assigned counsel use. Laura Federighi said we're expecting a deficit in our assigned counsel / expert services line item due to this increase in felony filings.

Family defense. Tara Urs discussed her work with a range of partners in addressing the impact of the pandemic on parents in custody proceedings, many of whom are facing a loss of their fundamental rights because of courts' interpretation of a proclamation by Gov. Inslee. She said that DPD's family defense attorneys see it differently and are pointing to the stresses of the pandemic as another example of why families should be kept together.

Juvenile defense. Katie Hurley discussed efforts at getting youth out of detention and reducing the number of youth who could possibly face detention. She has worked with partners on a number of efforts, including an expansion of electronic home monitoring and the issuance of a court order that would require courts to quash warrants unless a youth poses a serious threat to the community.

Kim asked Anita about the presiding judge's order that we appoint counsel, and Anita said we filed a motion for reconsideration but have not heard anything more. Kim notes that the high number of felony filings and the workload impact that is having is a key issue to the board and that the board would like to help DPD in getting its message out that this is not sustainable.

6. PDAB Chair's Report

Kim left at 10:20 and Lou stepped in as chair.

Lou, filling in for Kim, discusses board recruitment. Currently, one seat is empty and at the end of June, three more seats will be empty. He asks members to encourage people who they think would be good members to apply.

7. Discussion of Ordinance

Lou notes that he, Sharon, John, and Chris have agreed to a number of revisions and would like the other board members to weigh in. Adam said that he like the language that would give the board flexibility in issuing its report, allowing the board to issue it every other year when that's appropriate. The board discussed the difficulty in filling vacant seats on the board through the current process, which requires a nonprofit to nominate someone. It creates a barrier. Is there a different framework? The board decides it would be best to discuss potential revisions to the ordinance via email.

8. Executive Session

The board goes into executive session at 10:30 a.m.

9. Adjourn

The board adjourns at 11 a.m.