



King County

Public Defense Advisory Board Meeting

Thursday, June 4, 2020

9:30 a.m. – noon

Via Skype

MINUTES

1. Welcome

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

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

Meeting called to order by Kim Ambrose at 9:40 a.m.

2. Approval of Minutes from Meetings on April 2, 2020

Minutes approved.

3. Remarks from SEIU Representatives

Baily Mullins notes concerns about the courts reopening and the lack of guarantees from the court about social distancing. The barriers to representation and the fear of clients, staff, family members being exposed are major concerns of the membership right now. Baily also recognized Anita and DPD for some great news articles lately; her remarks were well-received and shared across social media.

4. Remarks from Teamsters Representatives

Rachael from Teamsters said they've had several good conversation with Anita and Gordon about the various issues DPD is facing

5. Department of Public Defense Director's Report

Director's report. Anita expressed gratitude to the people who work at DPD, currently doing so under extremely difficult circumstances and made more difficult by recent budget discussions. More generally, Anita said she and Gordon are very concerned about the courts' plans to ramp up – especially with out-of-custody hearings. Where a hearing is not substantive, DPD is willing to do that by video or phone – as long as our clients are willing to

do so – but does not want to do release hearings by video. She also noted that DPD is ordering disposable face coverings that we can give clients.

Interns and Training. Tara said that after considerable discussion, we decided to offer our summer internship program remotely. Since we had promised to pay them, it didn't seem right to cancel the program. It will start on June 15 with a remote training program (two weeks later than normal) and end one week earlier. As for training, we've been able to fill the calendar with excellent remote training opportunities, calling on our staff, outside trainers, and academics to discuss issues such as the history behind ICWA. Tara said she sees this as a time for our staff to lean into broader theoretical concepts. We're also using this time to offer more forensic trainings.

Youth Rights Ordinance. Katie talked about our ongoing work to develop a youth rights ordinance to protect the rights of youth under 18 when they interact with law enforcement. The ordinance would require legal representation for youth prior to police officers being able to interrogate a youth after administering Miranda warnings and prior to police officers asking a youth for consent to search. It's necessary given the research that shows young people are often unable to understand their constitutional rights and also have a hard time asserting their constitutional rights in the face of coercive police contacts. In addition, due to generations of racial violence, many Black youth fear and distrust law enforcement and we must ensure that youth do not waive their rights because they are too scared to assert them. The ordinance honors MiChance Dunlap-Gittens, who dreamed of one day going to law school and championing the rights of young people. MiChance was shot to death by law enforcement during a tragically botched sting operation in 2017 when he was 17 and a high school senior. Katie said we have lots of support from members of the Seattle City Council and King County Council and are working to address specific concerns with an eye towards introducing it as soon as both councils open up to non-COVID-related legislation. We have strong community support.

Staffing model / capacity issues. Gordon, using charts and graphs created by Stev Weidlich, discusses the dramatic increases we saw in felony filings in 2019 and the need to create a staffing model that incorporates predictions and forecasts but that also has the capacity to release additional FTE authority if a spike in filings occurs. Stev displayed a chart that shows what this would be like: As felonies go up, the hiring authority to hire more opens up. If caseloads decline, we could use attrition and not fill positions. This approach would also help the KCPAO to recognize that their filing patterns could lead to staff increases, which might encourage them to maintain a more consistent filing pattern. We also need a way to cover the excess cases that are flowing in and would do this by no longer relying on our conflict panel but contracting with firms to take DPD cases should we reach capacity. In 2019, Gordon said, we had trouble finding a sufficient number of panel members to take cases. Anita said a contractual arrangement would enable us to be more thoughtful and to screen more carefully.

A discussion followed, with board members asking questions about this approach and Gordon and Anita answering them.

6. PDAB Chair's Report

Kim discussed the fact that the board has several open seats. Gail Stone provided an update, noting that the Executive's office is close to having a solid pool of people to be nominated for the open positions. Kim also said that her seat (juvenile justice) should be filled by someone

representing the Black community, since at least 50 percent of the children incarcerated are black. She urged the Executive to make appointments to the board thinking about our communities that are currently hurting and suffering and ensuring that the board. She also told Gail that these positions should be filled as quickly as possible.

Kim thanked Marc, Sharon, and Matt (all of whom are stepping down) for their willingness to serve and for being on the board since its inception.

7. Officer Nominations

Adam said that the board put together a quick-acting nominating committee and would like to nominate **Lou as chair and Chris as co-chair**.

John Strait seconds. Motion passes.

8. Discussion of Ordinance

The board discussed proposed changes to the ordinance that created DPD. If approved, the revised ordinance would require a report on the state of public defense “at least every other year” rather than each year; allow for DPD to have its own inclement weather policy independent of the Executive and other King County policies; modify the board’s role in the recruitment of a new director; limit the use of an assigned counsel panel to cases in which DPD has a conflict; and make other changes. Some board members expressed concern about limiting the assigned counsel panel to conflict cases. Others noted that this change is consistent with both DPD and the board’s ongoing concerns about capacity issues and the current “ad hoc” process for addressing capacity.

Kim moved to accept the revisions to the ordinance and to take the next steps to get it codified. Lou seconded it. The board voted 6-2 to approve the revised ordinance.

9. Executive Session

The board went into a brief executive session.

10. Adjourn

The board adjourned around noon.