



## **Public Defense Advisory Board Meeting**

**Thursday, Feb. 4, 2021  
9:30am – 12:00pm**

**SKYPE MEETING ONLY**

### **1. Welcome**

Attending via Skype: Lou Frantz, Chris Carney, Mike Trickey, John Strait, Sophia Byrd McSherry, Adam Chromy, Shrounda Selivanoff, Nyema Clark

Not present: Ron Whitener, Angélica Cházaro, Safia Ahmed

Meeting held via Skype because of COVID-19.

### **2. Approval of Minutes from Meeting on Dec. 3, 2020**

Minutes approved.

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

Alix Willard, a steward chair and mitigation specialist, discusses a meeting that union reps had with CM Zahilay, followed by a briefing before his Law & Justice Committee. Michael Schueler and Kim La Fronz, DPD attorneys, talked at the briefing about what it's been like on the ground, the kinds of cases that the prosecutor has been filing, and the union's grave concerns about the county's contact tracing policies. Alix said the union's primary concern is how best to protect the safety of their members as they continue to protect the rights of clients.

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

Rachael Schultz, chief steward and a PPM, says she also spoke at the Council's Law & Justice Committee meeting. She offers to forward the board her statement. She says the union is supporting DPD's efforts to get PPE out to staff and is trying to figure out how best they can urge and encourage the courts and jail to follow COVID safety protocols and processes.

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

**Operations.** Anita thanks SEIU and Teamsters for being in communication about their concerns and needs. She says the DO has requested more N95 masks and should know by Monday if they can acquire some more. Still seeking clarity on the state's phased vaccination plan.

**Filing trends.** Gordon Hill and Stev Weidlich present filings broken down by charge type and month, which shows almost no change in the case types filed by the prosecutor over the past year. Gordon says this is troubling, because it's inconsistent with what the PAO is saying about filing trends. Gordon shares a chart that tracks Superior Court criminal filings by month from 2018-2021, which shows that our 2020 filing level, despite COVID, were very close to the 2018 numbers. Gordon and Stev also display the tachometer, which shows case filings over the last 90 days and which indicates that we're already close to red zone in Kent. Normally, there's a 60/40 split between Seattle and Kent; in recent months, closer to 50/50 split. Gordon and Stev then discuss charts that show drug filing by race, based on police officer's report of race. It shows Black people are vastly over-represented.

**Structural changes:** Brian Flaherty discusses several structural changes that are affecting client representation. Of particular note are changes to CrR 3.4, which was just amended to put an end to mandatory case-setting hearings defendants have had to attend in King County. This is having an impact on the PAO, since their staffing model is based on case-setting. Before this change, setting a case for trial put our clients in a fearful position; they paid a high price just for making that decision. By ending case-setting, this takes that tool away. Every other county does it this way, Brian adds.

**Assigned Counsel.** Scott Ketterling discusses the new assigned counsel and expert services policies, which are much more comprehensive. He also said the DO has issued an RFQ for a firm that would take some of the assignments we can't; he expects will soon begin negotiating a contract.

**Legislative update:** Katie Hurley and Tara Urs discuss a number of bills that we're tracking closely and actively supporting.

- SB 5120: Codifies *Houston-Sconiers, Ali, and Domingo-Cornelio*.
- SB 5123: Extinguishes the requirement for youth convicted of a sex offense to have to register..
- HB 1140: Establishes a statewide youth right to counsel mandate.
- HB 1413: Abolishes use of juvenile points in adult sentencing.
- HB 1227: Increases the evidentiary burden before the state could remove children from a family. Worked very closely with PDAB member Shrounda Selivanoff on this.
- HB 1134: Changes how the state provides family time to parents in a dependency proceeding.

**Training.** Tara calls out Alison Liu for her great work in supporting the training program. Moving to a purely online format has taken an enormous amount of work. This past year, DPD offered 90 trainings. Attendance was up; on average, 33 people attended, compared to 21 people to in 2019. We've recorded 77 trainings. We supported the roll out of Evidence.com with a series of trainings, continued our DPD 101 and 201 trainings, and held several COVID-specific trainings, including sessions on the history of quarantining people, the impact of COVID in prisons, and voter registration efforts in the jail. A shout-out, too, to Gordon, who did an excellent training on our staffing model, which was very well attended. Now, we're about to launch an initiative on racism, not just in the system but in the workplace, as well. The Freedom Project will lead these workshops.

## 6. PDAB Chair's Report: Discussion about the Annual Report and Budget Report

Lou says he sent out a draft of the annual report and is waiting on a couple other sections. Ron is writing the section on the 10 principles; Shrounda and Angelica are writing the ESJ section; and Chris is doing a section on community partners. Lou notes that the report is

critical of Superior Court and PAO in their response to COVID. Board members say they're OK with that.

He asks if there are any comments or concerns about the draft budget report, which board members recently received. Hearing none, Lou says he assumes it's good to go.

**7. Executive Session.** None.

**8. Adjourn.** Meeting ends at 11:30 a.m.