



King County

Public Defense Advisory Board Meeting

Thursday, November 9, 2017
9:30 am - noon

Dexter Horton Building, 2nd Floor
Conference Room 238

MINUTES

- **Welcome:** Attending - Paul Holland (Chair), Kim Ambrose (Vice Chair), Sophia Byrd McSherry (via phone), Sharon Armstrong (via phone), Tom Hillier, Matt Adams, Jeffrey Robinson, John Strait, Safia Ahmed, and Marc Boman. Jennifer Giambattista present as King Co Council Staff. Meeting called to order at 9:35 am.
- **Approval of October 5, 2017 Meeting Minutes:** unanimously approved.
- **Chair's Report:**
 - Chair Holland reports he appeared before King Co. Council Law and Justice Committee a few weeks ago. Councilmember Lambert enquired as to additional data regarding DPD's use of Assigned Counsel. Stev and Lorinda are working with Chair to provide that data.
 - Chair reports Gail Stone is preparing paperwork for the vacant PDAB seat, Chair hopes vacancy is filled ahead of December meeting.
 - Chair and M. Boman met with three individuals from the office of the King County Auditor regarding DPD performance review audit for 75 minutes to provide history of the department. Chair reports the audit is still in the very early stages. Auditors are seeking to understand the work the department does in order to design the scope of their work. Chair invited the Auditors to the December PDAB meeting to help them understand the relationship between the PDAB and DPD.
 - Board opens floor to visiting union representatives from both SEIU and Teamsters, as well as a representative union member cohort. Members share their perspective on the bargaining process. Discussion. Chair thanks all union attendees for their time.
- **Department of Public Defense Director's Report**

- Lorinda welcomes all and turns the floor over to Jennifer Haury, who shares her education and experience with facilitating strategic planning. The board in turn introduces themselves and what group they represent on the board.
- **Strategic Planning with Athena Group Consultant Jennifer Haury**
 - Haury unveils the current draft of DPD's vision statement.
 - A comment is made that the statement seems to imply that the system does harm currently.
 - A comment is made that commenter would like to see something more positive and inclusive.
 - A comment is made to the statement being beyond the scope of DPD.
 - A comment is made to the statement being indicative of a political party or social justice movement, and that the statement implies control over external elements of the process police, KCPAO, judges, etc. that DPD does not have), and that as far as a King County free of systemic oppression, it is "never going to happen". A comment is made that DPD can minimize it, but that systematic oppression will always be. DPD can advocate against it and minimize it, but as DPD did not create it, DPD cannot remove it.
 - A comment is made that if a client reading this mission statement, she would feel "doomed".
 - A comment is made asking for clarity as to the point of this specific mission statement, and asks what DPD is trying to achieve by "putting this out there".
 - Haury informs that the vision is a statement of where DPD is trying to go. Contrasts DPD's vision with King County's vision.
 - A comment is made that the duty of representing a client (ethically and constitutionally) is not blanketly applicable as social policy. Vigorous representation of a client will not always translate to the best social justice outcome, and as such, the vision statement that puts the broader policy concerns at the forefront is contrary to DPD's duty to the client.
 - A comment is made that the commenter would want to be associated with an organizational future including goals to be nationally recognized, or to be the best at what they do, well resourced, well trained, etc.

- A comment is made that the vision should ring with clients, and that currently, the vision does not, and in fact leads a client not to have any idea what DPD will actually do for them.
- Haury speaks that DPD's role is understated by the board, and that DPD does have agency with police, KCPAO, judges, etc.
- A comment is made that the mission statement does indeed point out DPD's desire to empower all clients via DPD's high powered advocacy.
- Lorinda speaks to the desire to include the other half of DPD's staff who are not lawyers, saying DPD is more than a law firm.
- A comment is made suggesting references to "teams" in general is a way to foster inclusiveness while maintaining a lawyer centric approach.
- A comment is made that offers that there are groups of attorneys advocating for incarcerated people, there are attorneys advocating for hungry people, and thinks if DPD wants to advocate for incarcerated and/or hungry people, DPD should defer to attorneys currently doing so.
- A comment is made that commenter would like to see Safia's peacemaking circles included in DPD's process.
- Haury unveils/asks for additions to client perspective.
- A comment is made to include elimination of cash bail, as 1/5 of the total US incarcerated persons on any given day are being held pretrial in local jails.
- A comment is made asking for longer bail hearings and more time to meet with clients beforehand.
- A comment is made speaking to a need for advocating for needful pretrial services.
- A comment is made speaking to need to make sure we do **not** replace cash bail system with private, for profit surveillance monitoring systems.
- Haury unveils/seek additions to Internal Process/Systems Perspective.
- A comment is made that seeing communications increased would be positive so the board can have the pulse of DPD more accurately.

- A comment is made that the current culture appears to be “if you’re not complaining, you’re not one of us” and remarks as to the lack of positivity that pervades DPD as a whole. Would like to hear more appreciation from DPD staff in any way. Speaks to a culture of non-support.
- A comment is made: would like to see more cohesiveness as to one department vs. four separate agencies.
- A comment is made to a need to take stock of what DPD is doing, and see how it impacts clients.
- A comment is made to the unique challenge of DPD to carve out its independence as relating to being vigilant to the rest of the county’s motives overall.
- Haury unveils/seeks additions to Financial Perspective.
- A comment is made asking that DPD clarify that maximizing resources to DPD clients decreases incarceration costs and overall saves the county money – helping us ultimately increases the bottom line.
- A comment is made speaking to the “hangover” the county speaks to in bargaining, and that DPD’s overriding context of being different and being at odds with the rest of the county must be emphasized and hammered home to the county at large, via leadership buying into DPD’s long term vision.
- A comment is made agreeing, wanting to see data on what cutting pretrial incarceration would save the county, and would that amount be enough to fund the SMC pretrial system that we need - possibly with an overage left over, saving the county money by doing the right thing.
- Haury unveils/seeks additions to Employee Learning and Growth Perspective.
- A comment is made asking where kudos come from – supervisor, division, department, etc.in regards to managing up vs. managing down.
- A comment is made speaking to being shocked that the county doesn’t believe that experience is valuable, referring to representations made by the union cohort earlier in the meeting.
- A comment is made echoing sentiment with shock of union members reporting that King County Office of Labor Relations [OLR] representative equated experience with “deadwood”.

- A comment is made speaking to the fact that there are long term DPD employees who do not do their jobs, and that you can't separate that "deadwood" conversation from the conversation about the true value added by experience.
- A comment is made that since this "deadwood" comment is coming up at the bargaining table, it is not aimed at individuals, and that the issue with the "deadwood" line of thinking is that it was encountered at the bargaining table, not in any DPD issued statement or policy.
- A comment is made speaking to the need to separate performance vs. experience as wholly separate and non-related traits that do not balance.
- A comment is made unveiling strategic timeline, says DPD is right where they need to be at this time, progression is normal.
- Anita Khandelwal speaks to the "does not value experience" statement as a byproduct of costing out happening on the back end. Anita wants to see OLR cost out requests out on the front end, so as to know where DPD stands with regards to requests, before they are flatly denied.
- A comment is made agreeing, and speaking to DPD's different nature negatively affecting this process that could and does work for other county departments.
- Anita speaks to the demoralizing result of costing out proposals at the end of the process leading to denial of requests that had been thought to be doable.
- Lorinda speaks to her 2015 private meeting with PSB which resulted in social workers current pay schedule, and that the "no direct dealings" provisions of the law prevent her from talking directly to staff about any issue which is the subject of bargaining.
- A comment is made asking what PDAB can do to help. Lorinda speaks to the charter – review and advise the Executive.
- Confusion abounds among members as to whether the PDAB is "allowed" at the bargaining table.
- A comment is made wondering to the appropriateness of a meeting with PDAB and union leadership to share information.
- A comment is made proposing the PDAB draft a writing to the Executive regarding employee experience.

- Lorinda feels as though the PDAB should not participate in bargaining. Suggests a conversation with DPD's OLR representative or a letter to the head of OLR and/or Dow.
- Chair will speak with Lorinda on Monday, November 12, and proceed from there.
- **Executive Session was forgone.**
- **Adjourned at 12:23 p.m.**