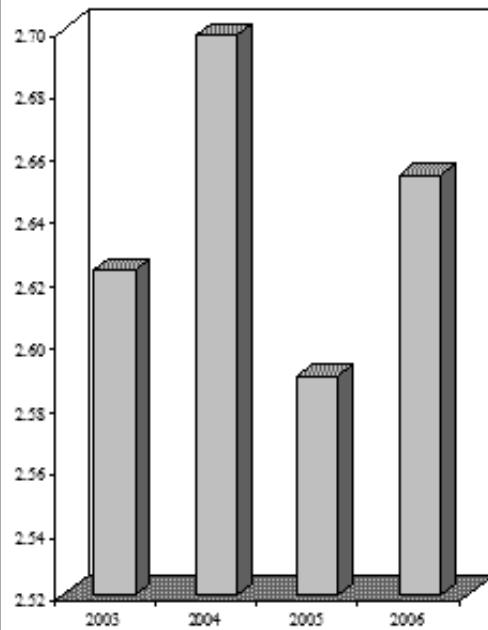


**Assigned Counsel
Expenditure History**



Assigned Counsel

Expenditures	2003 Actual	2004 Actual	2005 Budget	2006 Budget
Salaries & Wages	1,058,370	1,123,058	1,173,398	1,376,566
Personnel Benefits	209,425	226,118	253,785	322,350
Supplies	22,147	21,887	24,250	36,950
Other Services & Charges	1,332,993	1,326,941	1,138,120	917,541
Total	2,622,934	2,697,984	2,589,553	2,653,407
Staffing / FTE	24.00	24.00	22.60	26.00

[Revenues](#)
[Expenditures](#)

Program Description:

The Department of Assigned Counsel provides mandated legal defense services to indigent persons charged with criminal cases or loss of personal liberty in the District and Superior Courts of Yakima County, excluding misdemeanors in municipal courts. The department maintains a centrally administered system and provides defense services through: (1) a public defender office within the Department of Assigned Counsel; (2) contracts with attorneys offering public defense services; and (3) a list of private attorneys who wish to provide defense services.

Yakima County has a significant criminal caseload disproportionate to its size and population. The Department was formed in 1989 in response to a need to meet increased caseload demands and to manage mandated defense services.

The nature of indigent defense is both reactive and constitutionally premised. The Department cannot control the number or nature of cases filed by law enforcement and prosecution and to which its attorneys are appointed. Once appointed both the Department and its attorneys must adhere to professional standards and obligations in order to provide constitutionally required 'effective assistance of counsel' and to avoid personal and professional sanctions.

Inadequate budgets for the Department means that some cases will not be serviced. In that instance, the courts must appoint and compensate counsel anyway or ultimately dismiss cases.

Major Objectives:

General: The Department faces a number of accumulated and new challenges in each court of operation. Legislative enactment, growth in caseload, jail conditions, and changes in court docketing are factors that continue to affect the manner of practice and the time and difficulty involved in handling cases. Particular problem areas are dramatic increases in Superior Court adult felony cases, and the impact of new sex offender sentencing legislation that requires more case and trial work.

The general financial condition of the county has resulted in a baseline current expense budget that has not been adequate for years, resulting in substantial budget reductions in 2005 and 2006. In 2004 the voters of Yakima County approved a three-tenths of a percent sales tax dedicated to the improvement of criminal justice services and court systems, including the Department. Funds from this source will be used, as received, to improve services in all courts, with the goal of making them more fair, accurate, prompt, and efficient.

The Department will work with the Yakima County District Court to implement a court presence in the Lower Yakima Valley.

The Department will work with the State Office of Public Defense and the Juvenile Court to implement State standards using special supplemental funds provided by the State during the 2005-2006 state biennium.

The Department will continue to work co-operatively with other criminal justice departments and the courts to improving the justice system in Yakima County, including docketing methods that increase efficiency without sacrificing the quality of representation. The Department will continue to work with other officials in the justice system for reform of State funding mechanisms for the justice system at the county level.

Adult Felony: Adult felony operations remain a major area of concern. Caseload has increased 35% over the past five years. Case filings increased to a new historical high in 2001, again in 2002, again in 2003, and again in 2004. In addition to the number of cases, other factors adversely impact the ability of counsel to provide the required level of quality representation. Many have been detailed in prior budget reports. The most problematic include: (1) An accumulation of new sentencing laws and crimes over the past decade continues to be felt. Cases are more difficult, complex, have greater severity and make client communication and case resolution much more difficult. (2) New indeterminate sentencing for most all sex offenses. (SSB 6151, Laws of Washington 2001) These cases are treated, appropriately, as life sentence cases and require more time and attention from prosecutor, defense, and courts for this case type, including increased trials. (3) Attorneys continue to have difficulty in visiting clients in the Jail. And, conditions in the Jail contribute to client unrest and communication difficulty. (4) New court rules have been adopted that requires additional time and effort in court at a quicker pace. (5) Jury trials have increased. Each of these trials represents a substantial commitment of focused and exclusive time for the prosecutors and defenders involved, impairing their ability to address other ongoing cases.

The number of sentence condition violations for adult felonies continue to decline based on laws that transfer the violation process to the Department of Corrections as an administrative proceeding.

Consistent with the Department's 'mixed system' method of delivering indigent defense services, excess and serious conflict cases have been covered with overflow panel appointments. While this is a cost effective business model that matches capacity with actual caseload only as needed, the reduction in the Department's budget requires the elimination of panel operations in its current expense budget.

District Court: District Court case filings are slightly increasing. This is expected to accelerate due the re-enactment of the DWLS 3 'fix' statute, an increase in the number of deputy sheriffs, and general crime trends. State and national caseload standards in this case type are 300 cases/year. Our local standard is 450 cases/year. Attorneys are experiencing caseloads of over 500/year. Caseloads and contract compensation have been problematic for years in District Court. A contract re-structure is planned for 2005 to deal with fluctuations in caseload.

The Department will continue to seek full implementation of its staff defender unit for District Court with the transfer of a third staff attorney to this unit. In 2006 the Department will eliminate a contract attorney position and replace it with a staff attorney transferred from Juvenile court where filings are down. Use of staff attorneys improves service and efficiency to the court and clients. This unit will also assist the Department in (1) docket and caseload distribution and costs in District Court, (2) the creation of a legal internship program for staff recruitment, and (3) creation of an office career track and rotation regimen for staff attorneys in the Department's defender office.

The District Court will be opening a Lower Valley court in 2006 and the Department will use sales tax funding to provide services in this court.

Juvenile Offender: Offender caseload remains fairly stable, decreasing slightly over time. In 2005 and 2006 the Department transferred a staff attorney to District Court to fill a vacancy there as the result of lower caseloads. The Department is participating in the Juvenile Court's "Juvenile Detention Alternative Initiative", which may result in changes in docketing and case handling. One challenge is the requirement to provide representation to in custody juveniles on the preliminary appearance and arraignment dockets.

Juvenile 'Becca': Docketed truancy caseload remains high. At Risk Youth petitions have increased significantly. These cases continue to take a large amount of staff time. In 2005 the Department assisted the court in planning an increased docket for ARY cases. Staffing for these dockets is being shifted in part to contract attorneys to cover conflicts of interest and to adjust for the loss of a staff attorney in the Juvenile office.

Juvenile Dependency: Dependency cases are generated and prosecuted by the State DSHS and AG, both of which have increased resources, leaving counties to pay for defense costs with current expense funds. This detracts from the Department's ability to pay for criminal cases filed by our local prosecutor. Dependency has been in the Department's budget messages for at least the past three years as an area in need of additional resources.

Changes in federal and state law now require fast track 'permanency planning' in most all cases of family intervention filed by the State Department of Social and Health Services. The State has added additional resources to its agencies but has contributed nothing to counties for this effort. There are more frequent court hearings on dependency cases and a sharp increase in the number of subsequent "termination" cases filed. In addition, the Juvenile Court has instituted a vigorous guardian ad litem program run in part under state grants. These changes have contributed to increased docket time and congestion. The effect of these changes has been to significantly increase contract and staff attorney time demands. This is reflected in higher costs and increased inability to handle caseloads.

Traditionally the Department has had two attorneys in this area. A third contract attorney position was created in the last few

years, using funding taken from criminal operations. In 2005 the Department eliminated a dependency contract attorney due to budget reductions. A new contract was included in sales tax funding and replaced the lost contract.

In late 2005 the State Office of Public Defense notified Yakima County that they would be participating in a project to supplement County expenditures to bring dependency operations up to State standards. The Department will be working in conjunction with the Juvenile Court and the State Office of Public Defense to accomplish this goal in the 2005 –2007 state biennium. NOTE: The State money will not replace current County funds but will instead only supplement current expenditures.

Civil: Yakima County is a regional center for long-term outpatient residential homes for mental health programs, which generates a civil commitment caseload and docket. In early 2005 the Department was notified that the Yakima County Department of Community Services would no longer be providing funds for this docket. The loss of funding jeopardizes the Department's ability to continue to function in this area. Service will be maintained so long as funding is available.

Revenue/Expenditure Comment:

This program is financed by the general fund as part of the criminal justice system. This program provides mandated legal defense services to indigent persons and does not generate revenue. Partially indigent persons and persons convicted are required to repay all or a portion of defense costs under programs administered by the Superior and District Courts. Such revenues are collected by the courts but are reflected as revenue for the Assigned Counsel. Superior Court revenues continue to decrease. District Court revenues continue to show an increase. The Department will receive a significant amount of state funds for so called "Becca" cases in Juvenile Court. The County receives partial reimbursement from the State for representation in civil commitment for sexually violent predator petitions. In 2005 the Yakima County Department of Community Services advised that it would no longer provide the Department with 'pass-through' State funds to handle mental health civil commitments and the Department's budget has been reduced by that amount in addition to general budget reductions. In 2004-2005 the Department received a small allocation of federal Local Law Enforcement Block Grant (LLEBG) funds for use in providing interpreter services to expedite case handling for federally eligible cases. That grant has ended.