



**WASHINGTON STATE
OFFICE OF PUBLIC DEFENSE**
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Washington State Office of Public Defense AGENCY PROFILE

The Washington State Office of Public Defense (OPD) is an independent agency of the judicial branch established by the Legislature in 1996 and permanently re-authorized in 2008 at Chapter 2.70 RCW.

STATUTORY AUTHORITY

The Office of Public Defense enabling statute is Chapter 313, Laws of 2008, RCW 2.70 et. seq., which directs OPD to implement the constitutional and statutory guarantees of counsel and to ensure effective and efficient delivery of indigent defense services funded by the state.

ADVISORY COMMITTEE

An Office of Public Defense Advisory Committee includes members appointed by the Chief Justice of the Washington State Supreme Court, the Governor, the Court of Appeals, and the Washington State Bar Association, and City and County representatives, in addition to two Senators and two Representatives selected from each of the two largest caucuses by the President of the Senate and Speaker of the House of Representatives, respectively. The Committee meets quarterly and advises the OPD Director.

PRIMARY PROGRAMS

OPD administers state funds appropriated for a variety of public defense services, including:

- The Parent Representation Program, which represents indigent parents in dependency and termination cases under Chapter 13.34 RCW;
- The RCW 71.09 Program, which represents indigent respondents facing indefinite civil commitment under Chapter 71.09 RCW;
- The Appellate Program, which represents indigent clients when they have a right to counsel in the Court of Appeals and Supreme Court;
- The Youth Access to Counsel Program, which provides on-call attorney consultations for youth facing interrogation or search by law enforcement, as required by RCW 13.40.740;
- Disproportionality Legal Training to help public defense attorneys challenge bias in the justice system and reduce disproportionate impacts on clients of color;
- The Public Defense Improvement Program, which provides grant funding and technical assistance to cities and counties under Chapter 10.101 RCW;
- Coordinating the statewide public defense response to the *State v. Blake* decision, which requires resentencing and vacating convictions associated with unconstitutional drug possession charges.

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Parent Representation Program. OPD contracts for 133 FTE attorneys throughout Washington to represent parents involved in dependency cases and in cases where the state's Department of Children, Youth, and Families (DCYF) seeks to permanently terminate parental rights. The attorneys are assisted by 44 FTE OPD-contracted defense social workers, and represent approximately 10,000 parents a year. (In order to avoid legal conflicts of interest, children in these cases are represented by the state Office of Civil Legal Aid (OCLA)).

RCW 71.09 Program. OPD contracts for 20.5 FTE attorneys throughout Washington to represent respondents facing indefinite civil commitment under Chapter 71.09 RCW. The attorneys are assisted by 4 FTE OPD-contracted social workers, and represent about 235 respondents, with each case extending over many years from initial filing through release.

Appellate Program. OPD contracts for 39 FTE attorneys throughout Washington to represent indigent persons who have a right to appeal a Superior Court decision to the Washington Court of Appeals or Supreme Court. These comprise appeals in criminal and juvenile offender cases as well as certain non-criminal matters, including dependencies, parental terminations, RCW 71.09 cases, as well as other types of civil commitment cases. OPD-contracted attorneys represent about 1,000 indigent appellants a year.

Youth Access to Counsel Program. OPD contracts with 7 FTE attorneys to provide mandatory on-call telephone consultations with youth facing police interrogation or search, and to advise the youth of their legal rights. OPD began implementing the Youth Access to Counsel (YAC) Program on January 1, 2022, pursuant to HB 1140, codified at RCW 13.40.740. In its first six months, the program consulted with approximately 1,400 youth between the ages of 9 and 17. The service operates 24 hours a day, statewide.

Disproportionality Legal Training Program. Two OPD staff attorneys conduct research, identify inequities caused by structural/institutionalized racism in the legal system, explore innovations in systemic litigation practices, and provide individualized consultation to attorneys statewide seeking technical assistance on disproportionality issues in criminal defense and parent representation/child welfare cases.

Public Defense Improvement Program. Under a program established in 2005 and codified at Chapter 10.101 RCW, OPD provides grant funding, oversight, and technical assistance to counties and cities to improve local public defense representation in felony and misdemeanor cases. Ten percent of the appropriated funds are allocated to cities through a competitive grant process. Ninety percent are allocated to counties using a statutory formula based on population and felony filings. OPD currently distributes more than \$6.8 million annually.

Blake Program. In February 2021 the Washington Supreme Court issued a landmark decision, *State v. Blake*, 197 Wn.2d.170 (2021), which held that Washington's simple drug possession law violated due process. As a result, all convictions under the statute are void, with a retroactive impact dating back to 1971. Through Fiscal Year 2023 the Legislature appropriated funding to OPD to help counties provide *Blake* relief and to implement a public defense Triage Team to provide statewide support to the management and flow of resentencing hearings for individuals impacted by *Blake*.

AGENCY STRATEGIC PLAN

In consultation with agency employees and the OPD Advisory Committee, OPD engaged in a strategic mapping process and updated the agency's Strategic Plan in 2021. It is summarized below.

OPD MISSION

"Upholding the rights of all people who are facing the loss of liberty or family by providing statewide leadership, administration, and support to the multidisciplinary public defense profession."

OPD VISION

"Public defense clients, everywhere in the state, receive truly equitable and client-centered representation from fully supported professionals."

OPD VALUES

Justice ■ Service ■ Equity ■ Excellence

OPD STRATEGIC GOALS

- Be the public service agency of choice across all levels of the public defense system.
- Secure funding, support, and accountability for effective statewide multidisciplinary public defense services.

OPD STRATEGIES

- Improve internal OPD administrative infrastructure to increase organizational effectiveness.
- Define OPD presence, improve outreach, and increase engagement with the community.
- Secure funding to implement the OPD mission and vision.
- Improve recruitment and training for OPD contractors.
- Increase race equity and diversity within the agency and among OPD contractors.

OPD STAFFING

See attached organizational chart.