



Dollars in Thousands

ABS024 Recommendation Summary
Office of Public Defense
2023-25 Regular Budget Session
OPD2325 - 2023-25 OPD Biennial Budget

	Average Annual FTEs	General Fund State	Other Funds	Total Funds
CB T0PL Current Biennium Base	26.6	113,057	4,299	117,356
2021-23 Current Biennium Total	26.6	113,057	4,299	117,356
Total Carry Forward Level	25.0	102,029	3,979	106,008
Percent Change from Current Biennium	(6.0)%	(9.8)%	(7.4)%	(9.7)%
	0.0	0	0	0
Total Maintenance Level	25.0	102,029	3,979	106,008
Percent Change from Current Biennium	(6.0)%	(9.8)%	(7.4)%	(9.7)%
Policy – Other Changes				
PL AA Vendor Rate Adjustment	0.0	6,738	0	6,738
PL AB Prefiling Parent Representation	1.0	3,420	0	3,420
PL AC Public Defense Innovation Grants	2.0	10,444	0	10,444
PL AD Youth Access to Counsel Program	0.0	334	0	334
PL AE Blake Response-Continuation	6.0	0	11,946	11,946
PL AF Improving Defense SW Support	0.0	872	0	872
PL AG Electronic Access to Court Docs	0.0	254	0	254
PL AH OPD Worksite Security	0.0	113	0	113
PL AJ Website Accessibility and Security	0.0	202	0	202
PL AK Legal Support Staff	5.0	791	0	791
PL AL Public Def. Recruitment Specialist	1.5	416	0	416
PL AM OPD Social Work Manager	1.0	245	0	245
PL AN Retirement Cash-Out	0.0	35	0	35
PL AP Incarcerated Parents Project	0.0	170	0	170
PL AQ Redemption Project of Washington	0.0	990	0	990
PL AR Litigation Defense-AG-Davison Case	0.0	120	0	120
PL AS IT Software and Service Update	1.0	861	0	861
PL AT DOJ Regional Juv Defense Initiative	0.0	0	300	300
PL AU Biennial Funding for State v. Blake	0.0	11,946	0	11,946
Policy – Other Total	17.5	37,951	12,246	50,197
Subtotal - Policy Level Changes	17.5	37,951	12,246	50,197
2023-25 Total Policy Level	42.5	139,980	16,225	156,205
Percent Change from Current Biennium	59.9%	23.8%	277.4%	33.1%

This report does not list decision packages in the agency's priority order. See Decision Package Prioritization Worksheet for priority.

ABS024 Recommendation Summary
Office of Public Defense
OPD2325 - 2023-25 OPD Biennial Budget
Dollars in Thousands

PL AA Vendor Rate Adjustment

OPD requests funding to adjust vendor rates for contracted attorneys who represent indigent clients on appeal, in dependency/termination cases, and in RCW 71.09 cases. The rate adjustment is critical to recruit and retain qualified attorneys for these specialized contracts. Over four years the rate adjustment would provide contracted defense attorneys with compensation and resources comparable to government attorneys who prosecute the cases, consistent with state and national public defense standards. Federal funds would partially reimburse expenditures for Parent Representation and some Appeals. (General Fund-State)

PL AB Prefiling Parent Representation

OPD requests funding to maintain and expand prefiling legal representation of parents at risk for child removal and dependency court action. As currently funded by the Legislature in three counties, prefiling parent representation is keeping infants out of foster care, preventing unnecessary family separation, avoiding lengthy court involvement, and quickly connecting parents with treatment and other critical support services. Current funding expires June 30, 2023. This request would expand capacity in the existing service area and phase in additional counties over the 2023-2025 biennium. (General Fund – State)

PL AC Public Defense Innovation Grants

OPD requests \$5.2 million and 2 FTEs to fund and administer new “Innovation Grants” for local governments to implement creative approaches to improve local public defense services. Innovation Grants would be awarded on a competitive basis and would supplement current state funding provided pursuant to Chapter 10.101 RCW. Adult criminal and juvenile public defense services are administered and funded largely by counties and cities, with current state grants covering less than 4 percent of local government public defense costs. (General Fund-State)

PL AD Youth Access to Counsel Program

OPD requests funding to adjust the vendor rate and add two contracts for mandatory attorney consultations with youth facing police interrogation or search. RCW 13.40.740 requires OPD to implement an on-demand legal consultation service for youth who are interacting with police and facing the choice of waiving constitutional rights. To carry out this directive, OPD administers the statewide Youth Access to Counsel (YAC) Program through contracts with experienced juvenile defense attorneys who provide individualized phone consultations through a centralized call center. Since the program began on January 1, 2022, the call frequency has exceeded OPD’s expectations. (General Fund-State)

PL AE Blake Response-Continuation

OPD requests a continuation of \$11.9 million and 6 FTEs for statewide defense services in response to the State v. Blake decision. This request would maintain funding appropriated to OPD in the 2021-2023 biennium. Continued funding would ensure that counties are sufficiently resourced for ongoing Blake defense, eligible individuals’ right to counsel is upheld, and coordination with statewide partners is sustained. The Blake decision made all previous convictions of simple drug possession void. As a result, up to 250,000 individuals are eligible to vacate convictions and seek reimbursement of LFOs, and several thousand incarcerated individuals must be resentenced in light of Blake’s impact on criminal history scoring. (Judicial Stabilization Trust Account-State)

PL AF Improving Defense SW Support

OPD requests funding to add six full-time contracts with defense social workers/social service workers to assist Parent Representation Program attorneys in representing parents who have a statutory or constitutional right to counsel in dependency and termination cases. These contract resources would increase OPD’s ability to provide multidisciplinary legal teams to represent parents involved in dependency cases, including parents of color who are disproportionately marginalized and impacted in the child welfare system. (General Fund-State)

ABS024 Recommendation Summary
Office of Public Defense
OPD2325 - 2023-25 OPD Biennial Budget
Dollars in Thousands

PL AG Electronic Access to Court Docs

OPD requests continued funding to maintain critical electronic access to Superior Court records. Current funding expires June 30 2023. Ongoing funding is needed to cover County Clerks' fees for the Odyssey court records system and other online document management systems in the Superior Courts. OPD-contracted attorneys and OPD managing attorneys who monitor contract compliance must be able to electronically access court records in order for OPD to ensure the right to counsel in indigent programs funded by the state, as required by RCW 2.70.005. (General Fund – State)

PL AH OPD Worksite Security

OPD requests funding to ensure the physical security of the Washington State Office of Public Defense (OPD) worksite in downtown Olympia. OPD would add modern controls to all doors accessing OPD offices in its leased building space. Updated security features would prevent unauthorized access to OPD offices, and would guard against potential harm to employees or damage and loss of sensitive agency records, equipment, and computer network. (General Fund-State)

PL AJ Website Accessibility and Security

OPD requests a mix of one-time and ongoing funding to redesign and replace OPD websites that are outdated and don't comply with current federal and state accessibility standards. OPD proposes an interagency agreement with WaTech Web Services for website redesign, user experience testing, and ongoing support and hosting. The project would utilize responsive design, enhance plain language content, comply with modern accessibility and security standards, and improve information flow and user experience. (General Fund-State)

PL AK Legal Support Staff

OPD requests funding for 2 FTE paralegals and 3 FTE legal assistants to support OPD managing attorneys, cover increasing workload in client-services programs, and better align OPD with legal support staffing models used in other state agencies. Funding this request would be consistent with the Legislature's decision to include paralegal support in OPD's State v. Blake response in the current biennium. The presence of Blake paralegals has demonstrated high value and illuminated a clear need for paralegal and legal assistant support in OPD's client-services programs. (General Fund-State)

PL AL Public Def. Recruitment Specialist

OPD requests funding for 1.0 FTE Public Defense Recruitment Specialist with a .50 FTE program assistant. The specialist and assistant would address recruitment challenges in the public defense profession, provide technical assistance to counties and cities struggling with public defense recruitment/retention, and connect interested candidates to public defense opportunities statewide. (General Fund-State)

PL AM OPD Social Work Manager

OPD requests funding to add 1 FTE Social Work Manager position. An OPD Social Work Manager is responsible for contract oversight, training, and providing technical assistance to OPD's contracted defense social workers/social service workers statewide. Current workloads exceed capacity of the two existing Social Work Managers to ensure effective and high-quality contracted social work services for OPD's Parents Representation Program and other OPD public defense programs. Federal funds would partially reimburse expenditures for the Social Work Manager position. (General Fund-State)

PL AN Retirement Cash-Out

OPD requests funding to pay the cash-out value of accrued vacation and sick leave for an OPD employee who will retire in September 2023. (General Fund-State)

ABS024 Recommendation Summary
Office of Public Defense
OPD2325 - 2023-25 OPD Biennial Budget
Dollars in Thousands

PL AP Incarcerated Parents Project

OPD requests \$170,000 for the 2023-2025 biennium to expand capacity of the Incarcerated Parents Project (IPP) to help incarcerated parents maintain and strengthen family connections. The nonprofit Washington Defender Association (WDA) would receive pass-through funds to hire paralegal support for the IPP Resource Attorney who currently staffs the statewide project without assistance. (General Fund-State)

PL AQ Redemption Project of Washington

OPD requests \$990,000 for the 2023-2025 biennium to sustain the Redemption Project of Washington, administered by the nonprofit Washington Defender Association (WDA). The Redemption Project provides training and resources for public defense attorneys statewide to develop skills and expertise in the emerging practice area of second look resentencing, and it directly provides case assistance for some clients in resentencing. The Project launched in 2021 with funding from a federal Byrne/JAG grant, which expires at the end of Fiscal Year 2023. Ongoing funding is required to implement key reforms created by the Legislature and the Courts to correct excessive criminal sentences and remedy unconstitutional convictions. (General Fund-State)

PL AR Litigation Defense-AG-Davison Case

OPD requests funding to cover agency costs for Attorney General legal services to defend an ongoing class-action lawsuit against OPD and the State of Washington. (General Fund-State)

PL AS IT Software and Service Update

OPD requests funding to update critical end-of-life software and onboard WaTech IT Services to bring OPD IT systems in alignment with modern standards and practices. One-time funding is needed for migration to WaTech Small Agency services, IT cabling upgrades, and hardware costs for the upgrade. Ongoing funding is needed to utilize WaTech Small Agency Services, other centralized services, technical support, equipment, administration, and to add 1 FTE IT Manager at OPD. These upgrades and ongoing services would allow OPD to meet current IT and cyber security needs and integrate into the state enterprise environment for better connectivity with other state and local agencies. (General Fund-State)

PL AT DOJ Regional Juv Defense Initiative

OPD requests authority to expend federal grant funds for the U.S. Department of Justice (DOJ) Regional Juvenile Defense Initiative grant in the 2023-2025 biennium. OPD was awarded the federal grant in late 2020 and received state expenditure authority in the 2021-2023 biennial budget request. The COVID-19 pandemic delayed work on the grant project, which is now scheduled to wrap up September 30, 2024. (General Fund-Federal)

PL AU Biennial Funding for State v. Blake

The Office of Public Defense requests \$5.973 million per year in General Fund-State support to fund statewide defense services in response to the State v. Blake decision. To best assist counties with public defense costs in representing people eligible for Blake relief over the course of an entire biennium, the judicial branch is requesting financial support from the General Fund as a deposit to the Judicial Stabilization Trust Account. (General Fund-State)