



Dollars in Thousands

ABS024 Recommendation Summary
Office of Public Defense
2025-27 Regular Budget Session
OPD2527 - OPD 2025-27 Biennial Budget

	Average Annual FTEs	General Fund State	Other Funds	Total Funds
CB T0PL Current Biennium Base	44.7	146,683	16,203	162,886
2023-25 Current Biennium Total	44.7	146,683	16,203	162,886
CL 5046 Postconviction Counsel	0.0	542	0	542
CL 5415 Public Defense/Insanity	0.0	(261)	0	(261)
CL 5780 Training and Internship Programs	1.0	0	611	611
CL 6109 High-Potency Synthetic Opioids	0.5	0	1,070	1,070
CL 92J CTS Central Services	0.0	178	0	178
CL 92K DES Central Services	0.0	(1)	0	(1)
CL 92R OFM Central Services	0.0	(49)	0	(49)
CL 92W GOV Central Services	0.0	0	0	0
CL AA00 Attorney Vendor Rate Adjustment	0.0	3,138	0	3,138
CL AE00 State v. Blake	(9.0)	0	(8,863)	(8,863)
CL AH OPD Worksite Security	0.0	(111)	0	(111)
CL AJ00 OPD Website Upgrade	0.0	(178)	0	(178)
CL AN Retirement Cash-out	0.0	(35)	0	(35)
CL AQ Redemption Project of Washington	0.0	(990)	0	(990)
CL AS IT Software and Service Update	(1.0)	(861)	0	(861)
CL AT DOJ Regional Juv Defense Initiative	0.0	0	(300)	(300)
CL BB NGRI Attorney Vendor Rate	0.0	0	366	366
CL BC00 Public Defn Recruitment Specialists	1.5	0	412	412
CL BE Parents Representation Program	0.4	0	350	350
CL BF Client Emergency Funds	0.0	(50)	0	(50)
CL BG01 Office Expansion	0.0	45	0	45
CL BJ Support Staff Reclassification	0.0	61	0	61
CL BLK1 Cont. Subst. Consultation/Rep.	0.0	(9,000)	0	(9,000)
CL GL6 Non-Rep Recruitment/Retention	0.0	(33)	0	(33)
CL GL9 Non-Rep General Wage Increase	0.0	133	0	133
CL GLS Updated PEBB Rate	0.0	3	0	3
CL GLU PERS & TRS Plan 1 Benefit Increase	0.0	4	0	4
CL GLZ PEBB Rate Correction	0.0	8	0	8
CL LCVF Legal Consult. -Voluntary Placement	0.5	0	0	0
CL UAAL Plan 1 UAAL Rates	0.0	(18)	0	(18)
CL YYY Vaccine Booster Incentive	0.0	(29)	0	(29)
Total Carry Forward Level	38.6	139,179	9,849	149,028
Percent Change from Current Biennium	(13.8)%	(5.1)%	(39.2)%	(8.5)%
Maintenance – Other Changes				
ML 8L Lease Adjustments	0.0	140	0	140
ML A1 Maintain CIO Position	1.0	323	0	323
ML A2 OPD IT Modernization	2.0	1,422	0	1,422
ML A4 Agency FTE Reconciliation	24.0	0	0	0
ML A5 GF-F Appropriation Adjustment	0.0	0	(85)	(85)
Maintenance – Other Total	27.0	1,885	(85)	1,800

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Total Maintenance Level	65.5	141,064	9,764	150,828
Percent Change from Current Biennium	46.5%	(3.8)%	(39.7)%	(7.4)%
Policy – Other Changes				
PL 1A Appellate Backlog Response	1.0	5,444	0	5,444
PL 1B Atty Vendor Rate Adjustment	1.0	8,762	0	8,762
PL 1C SW Vendor Rate Adjustment	0.0	3,390	0	3,390
PL 1D Expert, Investigator, Lit. Costs	0.0	4,420	0	4,420
PL 1E Blake Response	5.8	0	8,615	8,615
PL 1F SPAR Program	7.0	15,781	0	15,781
PL 1G Client Emergency Fund	0.0	80	0	80
PL 1H Evaluation of Public Defense Svcs.	0.0	420	0	420
PL 1J Criminal Defense Training Academy	1.5	0	1,070	1,070
PL 1K Law School Practicum	0.0	0	1,500	1,500
PL 1L Reflective Practice Training	0.0	368	0	368
PL 1M Agency Professionalization	3.0	1,037	0	1,037
PL 1N Public Defense Grants	3.0	80,865	0	80,865
PL 1P Parents for Parents Statewide Ops.	0.0	2,500	0	2,500
PL 1Q Svc. Capacity-Incarcerated Parents	0.0	220	0	220
PL 1R WA Defense Assoc. Resources	0.0	810	0	810
PL 1S Redemption Project of Washington	0.0	1,145	0	1,145
PL 1T Appellate Caseload Standard Imp.	1.0	5,929	0	5,929
Policy – Other Total	23.3	131,171	11,185	142,356
Subtotal - Policy Level Changes	23.3	131,171	11,185	142,356
2025-27 Total Policy Level	88.8	272,235	20,949	293,184
Percent Change from Current Biennium	98.7%	85.6%	29.3%	80.0%

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ML 8L Lease Adjustments

The Office of Public Defense (OPD) requests ongoing funding to cover increased rent for the agency's leased office space in Olympia. The current lease expires June 30, 2025.

ML A1 Maintain CIO Position

The Office of Public Defense (OPD) requests funding to retain the agency's 1 FTE chief information officer (CIO) position. The Legislature appropriated funding in the 2023-2025 biennium to establish the CIO position at OPD, but the funding did not carry forward. The CIO performs daily duties as well as essential strategic planning to ensure stable and secure IT for effective agency operations. Ongoing funding is needed to maintain this critical position.

ML A2 OPD IT Modernization

The Office of Public Defense (OPD) requests funding to align Information Technology (IT) services with modern systems and practices. OPD currently operates with outdated technology and inadequate IT staffing. Ongoing funding is needed to join WaTech's Enterprise Shared Tenant platform for heightened security, to integrate modern software suites, and to add 1 FTE systems administrator and 1 FTE user support. This comprehensive update is essential for OPD to effectively meet the routine IT needs of more than 60 agency staff, as well as hundreds of contractors and other business partners.

ML A4 Agency FTE Reconciliation

The Office of Public Defense (OPD) presents this decision package as a technical correction to reconcile the agency's FTE count with the Expenditure Authority Schedule. This decision package requests no funding.

ML A5 GF-F Appropriation Adjustment

The Office of Public Defense is requesting a technical adjustment to eliminate \$85,000 in General Fund-Federal appropriation authority from the budget. (General Fund – Federal)

PL 1A Appellate Backlog Response

The Office of Public Defense (OPD) requests ongoing funding to retain contract attorney positions added in Fiscal Year 2025 to cover a backlog of case assignments and increased workload in the Appellate Program, as well as to backfill FMLA leave at a large contractor. In Fiscal Year 2025, OPD is adding 11 FTE contract attorneys to respond to these issues, and OPD expects that these contracts will be needed going forward to stay abreast of appellate workload. OPD requests 1 FTE attorney trainer to develop and implement appellate training for contractors.

PL 1B Atty Vendor Rate Adjustment

The Office of Public Defense (OPD) requests funding to adjust vendor rates for attorneys who provide the right to counsel for indigent clients on appeal, in dependency/termination cases (including pre-petition representation), youth access to counsel, and forensic civil commitment cases. The rate adjustment helps recruit and retain qualified attorneys, a critical step to achieve updated appellate and family defense standards. The rate adjustment provides OPD-contracted defense counsel with compensation and resources comparable to government attorneys who prosecute the cases, consistent with state and national standards. The rate adjustment also includes funding for a quarter-time support staff per 1 FTE attorney contract. The Legislature previously funded the first two years of a four-year plan.

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PL 1C SW Vendor Rate Adjustment

The Office of Public Defense (OPD) requests funding to adjust vendor rates for contracted defense social workers and social service workers who assist OPD attorneys to represent indigent clients in child welfare cases and forensic civil commitment cases. The rate adjustment provides OPD contractors with total annual compensation comparable to similarly situated social work employees at other state agencies. The rate adjustment is needed to help OPD recruit and retain qualified social work professionals for statewide contracts, and is a critical step to achieve updated public defense standards.

PL 1D Expert, Investigator, Lit. Costs

The Office of Public Defense (OPD) requests funding to cover litigation costs for indigent appeals, defense experts in dependency and termination of parental rights cases, and defense experts and investigators in civil commitment cases under Chapter 71.09 RCW.

PL 1E Blake Response

The Office of Public Defense (OPD) requests funding and 5.75 FTEs to sustain statewide public defense services in response to State v. Blake, which made simple drug possession convictions since 1971 unconstitutionally void. Correcting thousands of records is a laborious process, further complicated by Washington's decentralized court system. OPD is a leader in responding to public inquiries about Blake and in collaborating with other state agencies to respond to Blake. State funding provides attorneys for resentencing and vacature actions, ensures that eligible individuals' right to counsel is upheld, and keeps OPD's Blake Team working to correct unconstitutional drug convictions.

PL 1F SPAR Program

The Office of Public Defense (OPD) requests funding to maintain the Simple Possession Advocacy and Representation (SPAR) program, which was created pursuant to RCW 2.70.200 to help local jurisdictions provide public defense representation in newly authorized misdemeanor drug possession cases. The statute directs OPD to reimburse cities and counties under a certain population threshold for public defense expenses related to drug possession cases, or at the election of the jurisdiction, to contract directly with attorneys to represent indigent people charged in possession cases.

PL 1G Client Emergency Fund

The Office of Public Defense (OPD) requests funding to respond to emergency safety issues and other urgent needs that arise for indigent clients served by the Parents Representation Program. Examples include securing short-term safety for parent clients experiencing domestic violence, as well as covering emergency moving services, utility bills, transportation, and food assistance. Failure to quickly and effectively address these needs can adversely impact a client's dependency case and their ability to successfully reunify with their children.

PL 1H Evaluation of Public Defense Svcs.

The Office of Public Defense (OPD) requests one-time funding to contract with an independent subject-matter expert to conduct a statewide evaluation of county and city public defense services to help inform OPD and the Legislature on the most effective methods to support, monitor, and resource local public defense services, and to ensure constitutionally sufficient representation in all jurisdictions. The contracted organization will engage with "Project Advisors" comprising public defense providers, city and county government representatives, state officials from the three branches of government, and community representatives experienced with and/or impacted by city and county public defense.

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PL 1J Criminal Defense Training Academy

The Office of Public Defense (OPD) requests funding to provide advanced training to felony-level attorneys beginning in Fiscal Year 2026, as directed by SB 5780. The 2024 Legislature appropriated funding sufficient to implement the bill's requirement to train new practitioners, but further appropriation is needed to fully implement the bill's additional requirement to also serve experienced attorneys seeking advanced training.

PL 1K Law School Practicum

The Office of Public Defense (OPD) requests funding to introduce law students to the child welfare legal field and encourage them to pursue the practice. OPD will partner with Washington law schools to develop and implement a child welfare legal practicum to prepare future attorneys for OPD Parents Representation Program contracts as well as other public service attorney roles in child welfare litigation. Historically, OPD has been able to fill Parents Representation contracts quickly with well-qualified applicants but that task is increasingly difficult, and the state lacks a classroom-to-courtroom pipeline for new practitioners. Updates to family defense standards further drive the need to draw more attorneys into this unique practice area.

PL 1L Reflective Practice Training

The Office of Public Defense (OPD) requests funding to provide ongoing Reflective Practice training and support for contracted Parents Representation Program social workers and social service workers. Reflective Practice is an effective professional development tool to enhance capacity to work within high-stress situations. Continual training helps OPD-contracted social workers/social service workers mitigate the direct and vicarious trauma they experience in their daily work with families in child welfare cases.

PL 1M Agency Professionalization

The Office of Public Defense (OPD) requests funding to streamline and professionalize key functions across agency operations. Implementing recent legislative directives to add OPD practice areas exposed unforeseen internal service gaps. To address these gaps, OPD requests 1 FTE agency-wide Contracts Manager to supervise contract development and administration across multiple client services programs; 1 FTE Communications Manager to coordinate and respond to increasing media inquiries and other requests for information and education; 1 FTE Research Coordinator to design and implement data collection and dissemination; and administrative training. The current ad hoc nature of these functions is no longer sustainable.

PL 1N Public Defense Grants

The Office of Public Defense (OPD) requests funding to increase public defense improvement grants to counties and cities under Chapter 10.101 RCW, and to implement a new Innovation Grant. Trial level criminal defense is in crisis in Washington, without enough public defense attorneys to represent indigent persons facing criminal charges. In spite of steadily increasing public defense costs borne by local jurisdictions, state funding for trial level criminal public defense has remained stagnant for nearly 20 years. Washington is one of only 13 states that provide little or no state funding for criminal public defense. Cities and Counties need supplemental funding in order to provide adequate indigent defense.

PL 1P Parents for Parents Statewide Ops.

The Office of Public Defense (OPD) requests funding to maintain the legislatively created Parents for Parents (P4P) peer mentoring program and stabilize statewide operations. OPD contracts with nonprofit Akin to engage community host organizations and county coordinators, and to serve as the P4P statewide technical administrator. Hiring and retaining the P4P coordinator position in each county has become increasingly difficult as available funding significantly lags behind livable wages. The P4P program also faces challenges in locating and maintaining quality host organizations. This is the first phase of a four-year funding proposal.

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PL 1Q Svc. Capacity-Incarcerated Parents

The Office of Public Defense (OPD) requests \$220,000 to expand capacity of Incarcerated Parents Project (IPP) to help incarcerated parents maintain and strengthen family connections. The nonprofit Washington Defender Association (WDA) hosts the Incarcerated Parents Project and will hire a paralegal to assist the IPP Resource Attorney who currently implements the project without support staff.

PL 1R WA Defense Assoc. Resources

The Office of Public Defense (OPD) requests \$810,000 to sustain the nonprofit Washington Defender Association's (WDA) resource assistance and case support services to public defense attorneys throughout the state. WDA receives pass-through funding for numerous services that have not received a cost-of-business increase in more than five years. The requested funding includes a new WDA staff position to recruit, train, and provide ongoing technical assistance to investigators for public defense cases.

PL 1S Redemption Project of Washington

The Office of Public Defense (OPD) requests \$1,145,000 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 growing practice of criminal resentencing. The Legislature has appropriated funding for the Redemption Project since 2023, following an initial launch with federal Byrne/JAG funding. Ongoing funding is required to implement reforms established by the Legislature and the Courts to correct excessive criminal sentences and remedy unconstitutional convictions.

PL 1T Appellate Caseload Standard Imp.

The Office of Public Defense (OPD) requests funding to reduce caseloads for contracted attorneys who represent indigent clients on appeal to the Washington Court of Appeals and Supreme Court. The Washington State Bar Association recently updated the public defense caseload standard for indigent appeals, limiting appellate attorneys to no more than 25 cases per year, compared to the prior standard of 36 cases per attorney per year. OPD seeks to implement the updated caseload standard by Fiscal Year 2027. OPD also requests funding for 1 FTE program assistant to administer appellate contracts.

Report Number: ABS024

Input Parameters	Entered as
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