

Washington State Judicial Branch

2025-2027 Biennial Budget

Simple Possession Advocacy and Representation (SPAR) Program – SB 5536

Agency: Office of Public Defense

Decision Package Code/Title: 1F – SPAR Program

Agency Recommendation Summary Text:

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.

Fiscal Summary: Funding is requested to maintain OPD assistance in misdemeanor drug possession cases, pursuant to RCW 2.70.200.

	FY 2026	FY 2027	Biennial	FY 2028	FY 2029	Biennial
Staffing						
FTEs	6.5	7.5	7.0	7.5	7.5	7.5
Operating Expenditures						
Fund 001-1	\$7,684,000	\$8,097,000	\$15,781,000	\$8,086,000	\$8,262,000	\$16,348,000
Total Expenditures						
	\$7,684,000	\$8,097,000	\$15,781,000	\$8,086,000	\$8,262,000	\$16,348,000

Package Description:

Background and current situation:

In [SB 5536](#), the 2023 Legislature in special session appropriated funding and directed OPD to assist local jurisdictions in providing public defense for newly authorized misdemeanor drug possession and public use charges (hereinafter, possession). The legislation, codified at [RCW 2.70.200](#), directs OPD to reimburse cities and counties under a certain population threshold for public defense expenses related to possession cases, or at the election of the jurisdiction, to contract directly with attorneys to represent indigent people charged in drug possession cases. In response, OPD created the Simple Possession Advocacy and Representation (SPAR) Program.

Problem:

While RCW 2.70.200 contemplates an ongoing role for OPD to assist local governments with public defense for new possession charges, and while other state agencies received ongoing funding for their duties under SB 5536, OPD's funding ends June 30, 2025. At the same time, possession charges are increasing and local jurisdictions continue to need OPD's assistance. Data from the Administrative Office of the Courts (AOC) indicates that more than 10,000 individuals were charged with possession offenses between July 2023 and July 2024, and the charges statewide have increased each month in the past year.

Proposed solution:

This decision package proposes continued funding for the SPAR program in order to implement RCW 2.70.200 and a) offer eligible local jurisdictions help with public defense in response to the growing number of drug possession cases, and b) sustain the OPD staffing levels needed to administer the program.

Description of SPAR Program

OPD is authorized to administer the SPAR program per RCW 2.70.200, which states in part that:

“The office of public defense may provide reimbursement of eligible expenses or contract directly with indigent defense providers for consultation and representation services for indigent adults facing pending charges or charged with violations of RCW [69.50.4011](#)(1) (b) or (c), [69.50.4013](#), [69.50.4014](#), or [69.41.030](#)(2) (b) or (c), or charged with offenses involving allegations of possession or public use of a controlled substance, counterfeit substance, or legend drug, in courts of limited jurisdiction in counties with a population of 500,000 or less and cities with a population of 200,000 or less. The county or city may enter into an agreement with the office of public defense for reimbursement of eligible expenses or designate the office of public defense to contract directly with indigent defense providers for consultation and representation services in their jurisdiction.”

As authorized by RCW 2.70.200, a local jurisdiction under the population threshold may access SPAR funding on a reimbursement grant basis, or designate State OPD to contract directly with indigent defense providers for consultation and representation services in their jurisdiction.

Reimbursement grants: After an initial program development period, for Fiscal Year 2024 SPAR reimbursed just over \$630,000 in defense counsel costs to 25 counties and cities. For Fiscal Year 2025 SPAR has 32 city and county grant recipients, totaling just under \$4 million in encumbered funds. For Fiscal Year 2025, grant applications from local jurisdictions encumbered all the funding earmarked by OPD for this purpose. (Grant recipients are identified on the attached map.)

Client services contracts: Additionally, in Fiscal Year 2025 SPAR is piloting the option to contract directly with indigent defense providers at the request of four jurisdictions: the City of Vancouver, the City of Kennewick, the City of Richland, and the City of West Richland. Contracted providers include individual attorneys or multi-attorney organizations, as provided in the RFQs attached to this decision package. These contracts are unique and unprecedented in Washington’s public defense history, in which State OPD partners with local jurisdictions to directly assist with the administrative burden of trial level criminal public defense.

Growing demand: SPAR expects future growth in eligible jurisdictions’ requests for reimbursement grant funding as well as their option to delegate contracting to OPD. The agency bases this assumption both on the monthly possession case data it collects from the AOC, as well as historical experience with other grant and client services contract programs that OPD administers. Anticipating this growth, as part of this decision package, OPD requests funding to continue staffing for its current team (supervisor, program analyst, program assistant, training attorney, and social services manager) as well as to hire two managing attorneys, one in each fiscal year, to assist the supervisor in managing the reimbursement grants and client services contracts.

Additional resources: In addition to the grant funding and attorney contracts, in recognition that quality legal representation requires more than just funding for attorney compensation, SPAR also offers eligible jurisdictions additional critical resources.

Training: The SPAR program promotes consistent, quality defense representation in courts of limited jurisdiction. Ongoing access to high-quality training is critical for quality representation. The law and the practice of law are ever-changing, and the criminalization of drug possession in Washington is particularly inconstant at present. A dedicated staff lawyer at OPD to stay abreast of developments in this fast-changing area of law helps busy misdemeanor attorneys ensure they are delivering constitutionally sufficient representation. Additionally, many practitioners at the misdemeanor level work as independent contractors and typically experience less access to mentorship or training opportunities, formal and informal, than staff of public defense agencies. OPD’s SPAR training attorney helps fill that gap.

Moreover, many practitioners in courts of limited jurisdiction are not used to defending drug cases. While possession charges have been around for decades, they historically have been prosecuted and defended as felonies. It will take time to grow a cadre of experienced misdemeanor lawyers in a practice area relatively new to the misdemeanor level. The SPAR attorney trainer offers local jurisdictions access to high-quality training for public defense attorneys representing clients in possession cases. Between January and July 2024, the SPAR trainer created and delivered nearly a dozen well-received trainings, including several in-person regional trainings in rural jurisdictions. The trainer also created trial improvement guides for attorneys to use when working on their drug cases, including a pre-trial advocacy manual, a trial advocacy manual, and practice checklists. The trainer also publishes a monthly newsletter for misdemeanor drug attorneys, which includes case law updates, monthly practice advisories, and contributions from others, including the Supreme Court's librarian.

Social Workers & Client Emergency Fund: In addition to attorney training, in Fiscal Year 2025, SPAR is piloting a social worker component. Headed by an experienced MSW hired in May 2024, SPAR is providing local grant recipients and contracted attorneys with access to a small pool of contracted social workers. The benefits of social workers in public defense cases are well-documented, but few local jurisdictions in Washington have the capacity to implement and administer this important resource. As part of this decision package, OPD also requests funding and authorization for a social work client emergency fund, to assist clients with emergency needs like transportation, housing, and food, the lack of which can jeopardize clients' ability to meaningfully engage in their criminal case and related treatment services. This client emergency fund would be structured similarly to an already-existing legislatively appropriated client fund at OPD, in the Parents Representation Program.

Looking Ahead: OPD is confident that the SPAR program is supplying eligible local jurisdictions with the tools to deliver quality public defense representation in misdemeanor drug possession cases, thereby increasing the Legislature's return on investment for SB 5536. The SPAR program is ready to meet the growing demand from local jurisdictions for public defense assistance in misdemeanor drug possession cases, so long as it has adequate resources to do so.

Fully describe and quantify expected impacts on state residents.

This decision package helps eligible local jurisdictions address an urgent need for public defense capacity in misdemeanor drug possession cases. It also assists Washington residents who find themselves charged with possession offenses. AOC data as of July 2024 indicates that more than 10,000 individuals have been charged with possession offenses since July 2023, and the charges statewide have increased each month in the past year.

Explain what alternatives were explored by the agency and why this was the best option.

OPD chose this option because the Legislature in SB 5536 expressed its intent for OPD to help smaller cities and counties provide public defense in misdemeanor drug possession cases and to implement the grants and direct contracts administered by the SPAR program.

What are the consequences of not funding this request?

Not funding this decision package will mean that OPD cannot implement the policy directives of RCW 2.70.200. Not funding this decision package will eliminate targeted assistance to local jurisdictions for public defense related to drug possession charges. Likewise, defendants on the receiving end of those charges may experience a negative consequence in the form of overworked, underpaid public defenders.

Is this an expansion or alteration of a current program or service?

This decision package continues and slightly expands an existing program.

Decision Package expenditure, FTE and revenue assumptions:
Staffing Assumptions

Job Title Classification	#s of FTE Round to Nearest Tenth				Workload Assumptions/Description
	FY 26	FY 27	FY 28	FY 29	
Supervising Attorney	1	1	1	1	50% Manages development of SPAR program including budget oversight; 25% supervises team; 25% contract and grant management.
Program Analyst	1	1	1	1	50% Assists with the development, preparation and dissemination of program application and funding reimbursement materials, as well as client services contract materials; 25% Obtains program data and creates, updates and maintains multiple ongoing data projects; 25% assists in the development of educational, methodological or expository materials.
Social Services Manager	1	1	1	1	50% Develops and implements a strategic social service plan and standards in providing social work services critical to the program area served; 25% Manages the recruitment and selection process of securing independent contractors to perform social work services where applicable; 25% Monitors and evaluates independent contractors to ensure contract requirements are being met and tracks overall performance.
Program Assistant	1.5	1.5	1.5	1.5	50% Performs various administrative duties such as arranging meetings, preparing agendas and supporting materials, taking minutes at meetings and preparing reports; 25% Assists the public by phone or email by providing unit specific interpretation on policies and procedures; 25% Maintains grant and/or contract records.
Fiscal Assistant	0.5	0.5	0.5	0.5	Reviews and pays invoices for simple possession reimbursement grants to

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					counties and cities, as well as monthly invoices from contracted attorneys and related expert/investigator/litigation costs.
Managing Attorney (1.0 FY26, 2.0 FY27)	1	2	2	3	By FY26, OPD anticipates that the volume of grants and contracts will require 1 FTE Managing Attorney, and by FY27, 2 FTE Managing Attorneys for the following duties: 50% Perform administrative and technical contract oversight by managing the process of initiating, negotiating, maintaining and/or terminating contracts with independent contractor attorneys and local government grant recipients; 20% Provide program specific technical assistance by responding to inquiries from independent contractors, grant recipients and applicants, staffing cases, and researching novel legal issues; 15% Manage the recruitment and selection process of securing independent contractors to perform public defense services where applicable; 15% Monitor and evaluate independent contractors to ensure contract requirements are being met and track overall performance.
Training Attorney	1	1	1	1	75% Developing, implementing, and delivering training and practice resources relevant to drug possession cases; 25% Conduct field observations of SPAR-funded local attorneys to observe how courts of limited jurisdiction handle simple drug possession cases and evaluate the training needs of practicing attorneys.

Use Standard Costs?

No.

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If No, Explain Additional Costs	Round to Nearest \$1,000				Description/Assumptions
	FY 26	FY 27	FY 28	FY 29	
Contracts	\$6,565,000	\$6,820,000	\$6,820,000	\$6,820,000	City/county reimbursement grants; client services contracts with attorneys to deliver indigent defense services in jurisdictions that have designated SPAR to contract directly for that work; client services contracts with social workers; expert/investigator/litigation expenses; and other contract management expenses.
Training	\$65,000	\$65,000	\$65,000	\$65,000	Funding to deliver training for drug possession cases to indigent defense legal professionals statewide; funding to meet training needs of OPD program staff.
Travel	\$10,000	\$10,000	\$10,000	\$10,000	Funding for statewide travel necessary for OPD program staff, such as monitoring visits to grant recipients and direct contractors or recruiting visits.
Social Work Client Emergency Assistance Fund	\$10,000	\$10,000	\$10,000	\$10,000	Funding to support SPAR social work function by supplying contracted social workers with the means to assist clients with emergency needs like transportation, housing, and food.
Supplies/Other	\$10,500	\$10,500	\$10,500	\$10,500	Office supplies and miscellaneous admin needs.
Equipment – one time	\$22,000	\$11,000			One-time start up for 3 staff 2 FY26 and 1 FY27

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How does the package relate to the Judicial Branch principal policy objectives?

Fair and Effective Administration of Justice

This decision package sustains funding to assist eligible local jurisdictions in meeting the demand for constitutionally mandated public defenders in drug possession and public use cases, as provided in RCW 2.70.200.

Access to Necessary Representation

This decision package requests funding that directly implements the constitutional guarantee of counsel, and helps support meaningful access to counsel for indigent defendants in drug possession cases.

Commitment to Effective Court Management

This decision package helps the judicial branch maintain systems and practices that enhance effective court management by encouraging quality defense counsel in courts of limited jurisdiction.

Sufficient Staffing and Support

This decision package helps the judicial branch meet its goal of sufficient staffing and support for Washington courts by supporting the presence of quality defense counsel in courts of limited jurisdiction. It also ensures sufficient OPD FTEs to administer the Simple Possession Advocacy and Representation (SPAR) program.

How does the package impact equity in the state?

Address any target populations or communities that will benefit from this proposal.

Thousands of indigent defendants facing drug possession charges benefit from this decision package, which ensures trained, effective defense counsel.

Describe the how the agency conducted community outreach and engagement.

SPAR has leveraged OPD’s existing relationships with city and county associations to advertise the availability of grants and direct contracts for representation. OPD held multiple Zoom information sessions for interested jurisdictions. In furtherance of the client services contract pilot, OPD conducted in-person information sessions in two regions of the state. SPAR maintains an FAQ on its website.

Consider which target populations or communities would be disproportionately impacted by this proposal. Explain why and how these equity impacts will be mitigated.

This program itself mitigates equity impacts by focusing on jurisdictions below a certain population threshold, as directed by SB 5536 and RCW 2.70.200

Are there impacts to other governmental entities?

This decision package benefits eligible counties and cities that receive grant funding or contracted attorney services.

Stakeholder response:

At its September 12, 2024 meeting, the OPD Advisory Committee voted to approve this decision package. In addition, municipalities in particular have noted their appreciation of this new public defense resource. Several jurisdictions have used SPAR’s training attorney to organize regional training events. Recipients have expressed excitement about the forthcoming social worker services.

Are there legal or administrative mandates that require this package to be funded?

RCW 2.70.200 directs OPD to provide the services included in this decision package subject to amounts appropriated for this purpose.

Does current law need to be changed to successfully implement this package?

No.

Are there impacts to state facilities?

No.

Are there other supporting materials that strengthen the case for this request?

- Map showing local government recipients of current SPAR resources.
See Attachment A: 1F – SPAR Program – FY 2024 SPAR Funding Map
- Drug possession and public use charges increased nearly 50% from December 2023 through June 2024, according to statewide data from the Administrative Office of the Courts.
See Attachment B: 1F – SPAR Program – Simple Possession Charge Distribution C
- SPAR training highlights.
See Attachment C: 1F – SPAR Program – SPAR Training Highlights
- SPAR update memo from March 2024
See Attachment D: 1F – SPAR Program – Program Update
- SPAR flyer regarding Fiscal Year 2025 reimbursement grants and the direct contract option.
See Attachment E: 1F – SPAR Program – SPAR Flyer for R6 and R7

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- RFQ for OPD direct contracts, as requested by four SPAR-eligible cities
See Attachment F: 1F – SPAR Program – SPAR RFQ Kennewick-Richland
See Attachment G: 1G – SPAR Program – SPAR RFQ Vancouver

Are there information technology impacts?

No.

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