

Washington State Judicial Branch

2025-2027 Biennial Budget

Agency Professionalization

Agency: Office of Public Defense

Decision Package Code/Title: 1M – Agency Professionalization

Agency Recommendation Summary Text:

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.

Fiscal Summary: Funding is requested to professionalize key functions across agency operations and add 3 FTEs.

	FY 2026	FY 2027	Biennial	FY 2028	FY 2029	Biennial
Staffing						
FTEs	3.00	3.00	3.00	3.00	3.00	3.00
Operating Expenditures						
Fund-001	\$535,000	\$502,000	\$1,037,000	\$502,000	\$502,000	\$1,004,000
Total Expenditures						
	\$535,000	\$502,000	\$1,037,000	\$502,000	\$502,000	\$1,004,000

Package Description:

OPD has enthusiastically embraced recent legislative directives to administer public defense services in new practice areas, including *State v. Blake* resentencing and vacature, misdemeanor drug cases in many counties and cities, post-conviction personal restraint petitions, post-commitment representation of persons civilly committed as not guilty by reason of insanity (NGRI), and legal consultation with parents before they sign a voluntary placement agreement to put their children in out-of-home care, among others. As OPD adds these new practice areas to its legacy services and responds to ongoing statewide developments in public defense, the agency increasingly must coordinate functions across multiple discrete programs. In addition, OPD must respond to requests to collect, collate, and report data about city- and county-level public defense as well as its own statewide programs.

This expanded agency role has exposed critical internal service gaps, which OPD previously did not foresee. Addressing these gaps will help OPD continue to professionalize its leadership role to effectively serve Washington policy-makers, OPD public defense partners and stakeholders, and the general public.

This decision package requests appropriation for four internal agency professional services that currently lack designated funding:

- 1. Dedicated Contract Management.** OPD requests 1 FTE Contract Manager. Since 2012 OPD has allocated a .25 FTE of a managing attorney position to cover agency-wide contract management across all client services programs, and this approach is unsustainable. OPD currently administers public defense representation in multiple case types, including, but not limited to, indigent appeals, personal

restraint petitions, parents representation, 71.09 civil commitment, NGRI, *Blake* response, and misdemeanor drug possession in some jurisdictions. From Fiscal Year 2008 to Fiscal Year 2024, the number of annual client services contracts administered by OPD has grown from 246 to 605 – an increase of 246%. In addition to administering public defense contracts across multiple practice areas, OPD also is engaging increasing numbers of data share agreements, interagency agreements, and grant agreements.

Cumulative growth in contracts over multiple practice areas supports increasing the part-time .25 FTE to a full-time 1 FTE Contract Manager.

2. **Staff Business Training.** OPD requests \$40,000 annually for agency staff training. Ongoing and on-demand training is necessary for efficient agency administration. For example, agency supervisors are typically promoted from among staff attorneys, and professional management and leadership training helps them transition successfully to their new responsibilities. In addition, legal support staff need training to keep pace with new business tools and advancing technologies. Program managers need training in project management, effective adult learning strategies, and public presentation.

OPD does not have a dedicated budget for ongoing staff training. Currently, training costs are covered through spend-down dollars at the end of the fiscal year (which significantly limits the timely availability of appropriate training), or training is limited to only the staff whose specific program budgets were initially developed to include the specified training.

A dedicated business training budget will ensure that OPD supervisors, managers, paralegals, assistants, and fiscal staff have timely access to necessary training to improve their ability to effectively use various administrative tools and technologies.

3. **Professional Communications.** OPD requests 1 FTE Communications Manager. Interest in public defense and related justice issues is growing among traditional and emerging media. Media inquiries to OPD are increasing in volume and complexity. OPD needs a communications professional to screen requests for interviews, connect media with appropriate staff, assist staff in preparing for interviews, compile relevant media clips for partner agencies, etc. The agency currently lacks capacity to maintain a newsletter or branded social media presence to connect regularly with OPD staff, contractors, and others in the public defense and partner communities, and also lacks consistent office-wide protocols for agency reports, flyers, and other publications. A communications professional will address all these needs.

OPD seeks 1 FTE Communications Manager to professionalize and coordinate critical communications functions across agency operations. The Communications Manager will also serve as the agency expert on records retention and, as time allows, will assist the public records officer in searching for records and compiling agency responses.

4. **Specialized Data Analysis.** OPD requests 1 FTE Research Coordinator. The demand for data on public defense expenditures, costs, and performance measures has exponentially increased due to discussions around the shortage of public defense attorneys, caseloads standards, the non-unified structure and funding of public defense services. OPD has significantly grown in recent years, and each program area is responsible for capturing, analyzing, and presenting its individual data sets. However, program managers and managing attorneys are expected to carry out this function without any particularized skill or expertise on research methods or data analysis. In addition, OPD is regularly called upon to collect, collate, and report data about city and county-level public defense as well as its own statewide programs.

Moreover, many data sets are not designed to work with one another, foregoing the opportunity for deeper analysis into multi-faceted public defense services provided statewide.

One FTE Research Coordinator will establish an office-wide approach to data collection, data reporting, and data visualization. The Research Coordinator will guide data collection methodologies to maximize the utilization of collected data across different programs. The Research Coordinator will prepare comprehensive data for the OPD Advisory Committee, legislators, county and city stakeholders, judges, and other partners in public defense.

Fully describe and quantify expected impacts on state residents.

This decision package enables OPD to carry out its client service programs and other duties in a highly professional manner. OPD will develop and administer contracts consistently across multiple client services programs, ensuring best use of and accountability for state tax dollars. Agency staff at all levels will be better trained to use key government business tools and technologies. Increased focus on communication will provide greater transparency to OPD's activities, and ensure better responsiveness to media, other interested stakeholders, and the general public. Coordinated data efforts will provide policymakers and justice system partners improved and comprehensive data to help inform budgetary and public policy decisions.

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

OPD currently carries out these functions, but with limited expertise and inconsistently across different program areas. For example, managing attorneys for each client services program often develop contracts without a consistent agency-wide perspective because the current quarter-time contract management position has limited availability. In the absence of a communications manager, OPD does its best to respond to media inquiries, but the lack of coordination can result in inconsistent messages. Moreover, communication is reactive to requests, rather than proactive through interactive media. Each OPD program collects some data on its own, but current staff lack the expertise to engage in analysis or program evaluation. Professionalizing these functions with dedicated expert staff is the best option to help OPD function more effectively as state agency.

What are the consequences of not funding this request?

Not funding this decision package will limit OPD's ability to coordinate consistent practices across the agency's multiple discrete programs. Contract management, data collection, business processes, and public communication are important aspects of all OPD programs. While OPD managers and supervisors are subject-matter legal experts for their respective client services programs, they typically lack professional expertise in these other functions.

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

No.

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	
Contracts Manager	1.0	1.0	1.0	1.0	Provide agency-wide oversight of contract development and tracking and monitoring mechanisms.
Communications Manager	1.0	1.0	1.0	1.0	Coordinate media requests, distribute media clips and reports with stakeholders, improve

					community outreach and communication, and manage web and social media presence.
Research Coordinator	1.0	1.0	1.0	1.0	Professionalize data collection and analysis among OPD's current programs, and evaluation of public defense services statewide.

Use Standard Costs?

No

If No, Explain Additional Costs	Round to Nearest \$1,000				Description/Assumptions
	FY 26	FY 27	FY 28	FY 29	
Goods and Services	\$84,500	\$51,500	\$51,500	\$51,500	<ul style="list-style-type: none"> \$40,000 each fiscal year for Staff Business Training. \$4,000 each fiscal year for specialized hardware and software for the Research Coordinator. Travel \$2,500 each \$33,000 in for 1 time start-up costs for 3 FTEs, FY26 only.

Agency Professionalism Projections																				
Position	Range	Step	FY26			FY27			25-27 Biennium			FY28			FY29			27-29 Biennium		
			Salary	Bens	Total	Salary	Bens	Total	Salary	Bens	Total	Salary	Bens	Total	Salary	Bens	Total	Salary	Bens	Total
Contract Manager	74	M	\$128,676	\$37,065	\$165,741	\$128,676	\$37,065	\$165,741	\$257,352	\$74,130	\$331,482	\$128,676	\$37,065	\$165,741	\$128,676	\$37,065	\$165,741	\$257,352	\$74,130	\$331,482
Data Analyst	69	M	\$113,712	\$28,428	\$142,140	\$113,712	\$28,428	\$142,140	\$227,424	\$56,856	\$284,280	\$113,712	\$28,428	\$142,140	\$113,712	\$28,428	\$142,140	\$227,424	\$56,856	\$284,280
Communication Manager	69	M	\$113,712	\$28,428	\$142,140	\$113,712	\$28,428	\$142,140	\$227,424	\$56,856	\$284,280	\$113,712	\$28,428	\$142,140	\$113,712	\$28,428	\$142,140	\$227,424	\$56,856	\$284,280
TOTAL			\$356,100	\$93,921	\$450,021	\$356,100	\$93,921	\$450,021	\$712,200	\$187,842	\$900,042	\$356,100	\$93,921	\$450,021	\$356,100	\$93,921	\$450,021	\$712,200	\$187,842	\$900,042
Start-Up - 1 time					\$33,000			\$0			\$33,000			\$0			\$0			\$0
Specialized Research					\$4,000			\$4,000			\$8,000			\$4,000			\$4,000			\$8,000
Staff Business Training					\$40,000			\$40,000			\$80,000			\$40,000			\$40,000			\$80,000
Travel					\$7,500			\$7,500			\$15,000			\$7,500			\$7,500			\$15,000
TOTAL					\$84,500			\$51,500			\$136,000			\$51,500			\$51,500			\$103,000
Total Request			\$356,100	\$93,921	\$534,521	\$356,100	\$93,921	\$501,521	\$712,200	\$187,842	\$1,036,042	\$356,100	\$93,921	\$501,521	\$356,100	\$93,921	\$501,521	\$712,200	\$187,842	\$1,003,042

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

Fair and Effective Administration of Justice

This decision package facilitates fair and effective public defense services. A full-time Contracts Manager will develop and implement agency-wide contractual requirements that apply consistently across OPD's programs. The Communications Manager will foster greater transparency about OPD's work, and will provide information to the public and key stakeholders on developments in public defense. The Research Coordinator will improve OPD data collection and analysis, providing the agency and its justice system partners (including legislators and courts) helpful information for evaluating current services, and planning for the future.

Sufficient Staffing and Support

This decision package professionalizes and adequately staffs critical agency-wide functions across OPD's multiple discrete programs. For example, just within the past three years OPD has taken a state leadership role in areas such as: *State v. Blake* response, people civilly committed as NGRI, the on-demand Youth Access to Counsel phone line, post-conviction personal restraint petitions under SB 5046, criminal defense training, rural

internships, and statewide public defense recruitment and retention, and defense costs for simple drug possession cases in most courts of limited jurisdiction. As OPD diversifies its programmatic duties, the agency-wide expert staff identified in this decision package are needed to ensure coordinated, consistent processes across program areas.

How does the package impact equity in the state?

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

Persons receiving public defense services disproportionately represent communities of color. This decision package will indirectly benefit these communities with:

- Better accountability of OPD-contract attorneys and social workers through contracting practices that are coordinated across the multiple client service programs;
- More readily available information about the work of public defenders and clients they serve; and
- Increased access to and analysis of data reflecting the work done by defenders and case outcomes.

Describe the how the agency conducted community outreach and engagement.

N/A

Consider which target populations or communities would be disproportionately impacted by this proposal.

Explain why and how these equity impacts will be mitigated.

This decision package does not create disproportionate impacts.

Are there impacts to other governmental entities?

No.

Stakeholder response:

At its September 12, 2024 meeting, the OPD Advisory Committee voted to approve this decision package.

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

No.

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

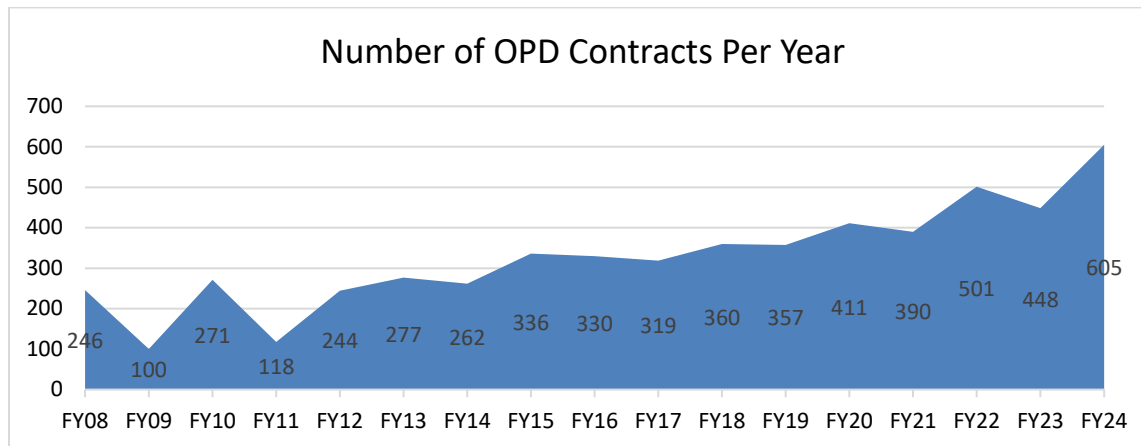
No.

Are there impacts to state facilities?

No.

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

As illustrated in the chart below, the number of client services contracts administered by OPD grew from 246 contracts in Fiscal Year 2008 to 605 contracts in Fiscal Year 2024. This growth is a result of legislative expansion of existing client services programs, and the addition of new programs.



Are there information technology impacts?

No.

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