

Washington State Judicial Branch

2023-25 Biennial Budget

Youth Access to Counsel Program

Agency: Office of Public Defense

Decision Package Code/Title: AD – Youth Access to Counsel Program

Agency Recommendation Summary Text:

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)

Fiscal Summary:

	FY 2024	FY 2025	Biennial	FY 2026	FY 2027	Biennial
Staffing						
FTEs	0.00	0.00	0.00	0.00	0.00	0.00
Operating Expenditures						
Fund 001-1	\$166,976	\$166,976	\$333,952	\$166,976	\$166,976	\$333,152
Object of Expenditure						
EB Phone/Call Center	\$1,400	\$1,400	\$2,800	\$1,400	\$1,400	\$2,800
N Client Services	\$165,576	\$165,576	\$331,159	\$165,576	\$165,576	\$331,159
Total Expenditures						
	\$166,976	\$166,976	\$333,952	\$166,976	\$166,976	\$333,952

Package Description:

Background:

OPD began implementing the Youth Access to Counsel (YAC) Program on January 1, 2022, pursuant to HB 1140, codified at RCW 13.40.740. This program provides on-demand legal consultation services to youth faced with exercising constitutional decisions during police encounters, such as consenting to interrogations or physical searches. In its first six months, the program consulted with approximately 1,400 youth between the ages of 9 and 17.

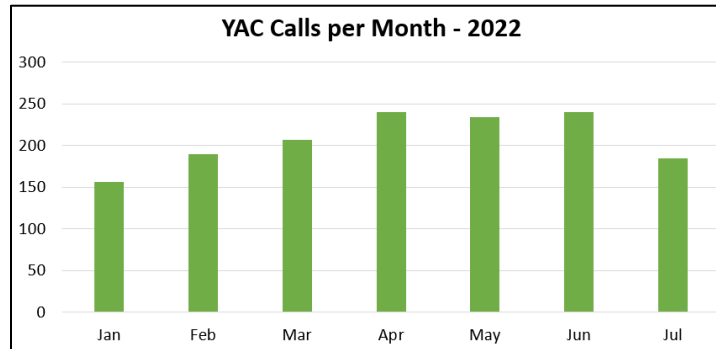
If law enforcement officers do not provide the youth with attorney access, discovered evidence may be inadmissible in court. OPD currently contracts with a small team of seven juvenile defense attorneys who provide on-call telephone coverage 24 hours per day, every day, to field these calls.

Current situation:

The YAC Program has been successful since implementation, yet the demand has been greater than anticipated. To ensure capacity, OPD needs to add two contracts for attorney call-takers.

In the development phase, OPD lacked statewide data to accurately predict call frequency or program demand. No other states had yet implemented a comparable program. In projecting demand, OPD relied on data and lessons-learned from King County, which had been operating a similar program in recent years. King County reported an average of just *three* calls per month. However, the YAC Program has experienced a call level that has far exceeded predictions, with an average of 207 calls per month statewide. The total number of calls per month are illustrated below. Call volume

increased in the first six months of implementation. While calls fell slightly in summertime, they are projected to rise again with the start of the school year.



The YAC Program must be prepared to provide timely attorney consultation at all hours, and many calls occur at night (8:00 p.m. – 8:00 a.m.). From January through July 2022, 32% of calls occurred at night. Late-night and early morning calls place strain on the contracted attorney call-takers and their families. In addition, calls often involve multiple youth, which require multiple YAC attorneys to be available in order to provide conflict-free consultation.

Proposed Solution:

Since the program began in January 2022, OPD has collected detailed data to track call demand and frequency, and with that data can now better analyze the program’s needs and costs. OPD requests funds to (1) add two contractors to our current seven-attorney staffing design, and (2) provide an 8% increase to contract amounts to help compensate for the frequent late-night hours required for this work. With additional contracts and a small increase in compensation, we hope to retain the group of highly qualified attorney call-takers in our program, and ensure rapid on-demand service for law enforcement at all hours.

Fully describe and quantify expected impacts on state residents and specific populations served:

In its first seven months of implementation, the YAC Program served approximately 1,400 youth, from 37 counties, interacting with more than 1,000 law enforcement officers. In its first six months, the program consulted with youth between the ages of 9 and 17, advising them of their constitutional rights when faced with police interrogation or search.

The program has a significant impact on both youth and law enforcement officers statewide, and staffing levels are critical to ensure that services are carried out as envisioned by RCW 13.40.740. It is anticipated that demand will continue at these levels into the foreseeable future. Statewide implementation of this service is the most cost-effective approach, because a state-level program achieves economies of scale, and guarantees consistent application and quality in legal consultation for youth of all jurisdictions.

Explain what alternatives were explored by the agency and why they were rejected as solutions:

OPD considered supplementing on-call staffing with OPD managers to provide back-up coverage. This alternative was rejected because RCW 2.70.020 prohibits OPD employees from providing direct representation.

What are the consequences of not funding this request?

Consequences of not funding this request could include:

- Longer wait times for law enforcement officers and youth to engage in the mandatory telephone consultation;
- Lack of sufficient attorneys to provide conflict-free telephone consultation to co-defendants; and
- Greater turnover in contracted attorney call-takers, due to unanticipated late-night work demands.

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

This Decision Package would expand a current mandatory program to meet higher-than-anticipated call volumes from law enforcement and youth.

Decision Package expenditure, FTE and revenue assumptions:

Contracting Assumptions:

This Decision Package would result in OPD entering into two new client services contracts for attorney call-takers, in addition to its current seven client services contracts. Contract compensation rates would be 7.6 percent (\$5,000) higher than the current rates with each contract compensated at \$65,288 per year. These would be ongoing costs.

Additional Contract Costs:

Description	Increase Per Year	Increase Per Biennium
\$5,000 annual increase to the compensation rates of seven client services contracts (current rate is \$60,288 per year)	\$35,000.00	\$70,000.00
Two additional attorney contracts at a rate of \$65,288 per year	\$130,576.00	\$261,152.00

Goods and Services:

Calls placed to the YAC Program by law enforcement officers are routed through a 1-800 call center. All contract attorneys are provided phones and specialized software to receive calls through this centralized communication hub. These would be on-going costs.

Description	Increase Per Year	Increase Per Biennium
Phone equipment and software compatible with call center services (\$700/yr per attorney, two attorneys)	\$1,400.00	\$2,800.00

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

- *Access to Necessary Representation:* RCW 13.40.740 requires law enforcement office to provide youth with access to legal consultation prior to asking the youth to waive certain constitutional rights. Funding this Decision Package would ensure that youth will receive brief attorney consultations to ensure they understand their constitutional rights.
- *Sufficient Staffing and Support:* Funding this package would ensure that OPD can deliver on-demand telephone consultation services under RCW 13.40.740 without unnecessary delays, using appropriately qualified attorney call-takers for effective legal consultation to youth.

Are there impacts to other governmental entities?

Appropriate staffing of this program is helpful to law enforcement officers statewide. Availability of on-call attorneys guards against delays in law enforcement investigation and excessive waiting periods during interactions with youth. Law enforcement should support properly staffing this program to reduce wait times and ensure compliance with RCW 13.40.740.

Stakeholder response:

It is anticipated that community groups supporting youth, including those focused on reducing the school-to-prison pipeline, will support this Decision Package.

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

RCW 13.40.740 requires OPD to carry out these services and make attorney consultations immediately available 24 hours per day, every day, whenever needed by law enforcement.

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?

RCW [13.40.740](#)

Are there information technology impacts?

No

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