

**Washington State Judicial Branch  
2023-25 Biennial Budget  
DOJ Regional Juvenile Defense Initiative – Federal Authority**

**Agency:** Office of Public Defense

**Decision Package Title:** AT – DOJ Regional Juv Defense Initiative

**Agency Recommendation Summary Text:**

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)

**Fiscal Summary:**

	FY 2024	FY 2025	Biennial	FY 2026	FY 2027	Biennial
<b>Staffing</b>						
FTEs	0.00	0.00	0.00	0.00	0.00	0.00
<b>Operating Expenditures</b>						
Fund 001-2	\$250,000	\$50,000	\$300,000	\$0	\$0	\$0
<b>Object of Expenditure</b>						
C - Contracts	\$240,000	\$48,000	\$288,000	\$0	\$0	\$0
G - Travel	\$10,000	\$2,000	\$12,000	\$0	\$0	\$0
<b>Total Expenditures</b>						
	\$250,000	\$50,000	\$300,000	\$0	\$0	\$0

**Package Description:**

In September 2020, the Office of Juvenile Justice and Delinquency Prevention of the U.S. Department of Justice awarded OPD \$445,247 to implement a Regional Juvenile Defense Initiative (RJDI). The project was originally scheduled to begin October 1, 2020 and conclude by September 30, 2023. The RJDI expenses primarily include contracting with defense social workers, juvenile attorneys, trainers, and other professionals to improve representation for youth in juvenile offender cases in Benton and Franklin Counties, and OPD staff travel.

RJDI implementation was significantly delayed due to the COVID-19 pandemic. In Fall 2020 courts were not fully open and operational, and juvenile arrests had significantly decreased. The counties’ shared juvenile detention facility was nearly vacant. Recruiting professionals and implementing a new program was impossible when the juvenile court system was at a standstill. As the pandemic continued, court operations began to normalize online and other in-person functions became more normal. The RJDI became fully operational by Summer 2021.

OPD will extend its efforts with the RJDI for one additional calendar year, concluding the project by September 30, 2024. Unspent federal funds from the first year will be available to cover costs in the additional year. OPD requests legislative authority to expend the federal funds according to this updated schedule.

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

The grant scope includes working with judges, attorneys, and probation officers in the Benton-Franklin juvenile justice system in order to reduce recidivism and support juveniles' success.

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

There are no alternatives. Legislative authority is required to expend the federal funding.

**What are the consequences of not funding this request?**

If OPD doesn't receive authority to expend the federal grant dollars, OPD would not be able to make expenditures and would lose the federal grant funding.

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

No.

**Decision Package expenditure, FTE and revenue assumptions:**

The grant funds will be expended on client service contracts and OPD staff travel.

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

*Access to Necessary Representation:* Social work services enhance public defense representation for youth involved in the juvenile justice system.

**Are there impacts to other governmental entities?**

The RJDI impacts Benton and Franklin counties' jointly operated juvenile justice system, including Benton-Franklin Juvenile Court.

**Stakeholder response:**

Stakeholder support would include public defense attorneys, defense social workers, judges, probation officers, and youth involved in juvenile offender cases in Benton-Franklin Juvenile Court.

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

OPD must receive legislative authority to expend federal grant funding.

**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?**

The OJJDP FY2020 Enhancing Juvenile Indigent Defense Program Narrative is attached and the Project Abstract is copied/pasted below.

**Washington State Office of Public Defense  
Regional Juvenile Defense Initiative  
Project Abstract**

The Washington State Office of Public Defense (OPD) will develop a regional multi-stakeholder approach to improve juvenile defense in an underserved region of the state. In partnership with Benton and Franklin Counties, OPD will cross-train local juvenile justice stakeholders, provide social work services to address youths' rehabilitative needs, and increase resources to local contract defenders. This Initiative will help to reduce juvenile recidivism, increase resources and tools for court stakeholders, and improve services for juveniles and their families.

OPD will use grant funds to train partners (e.g. judges, attorneys, and probation officers) working in the Benton and Franklin County juvenile justice system. Each of these professional stakeholder groups share the same goal - reducing recidivism and supporting juveniles' success. Yet training opportunities occur separately within their respective professions, leading to a lack of common understanding and shared vision. OPD will bring three day-long multi-disciplinary trainings to these counties on topics applicable to the youth they serve. Sessions will combine lecture with interactive exercises to identify and develop strategies for improving local services.

Social work services will be added to juvenile public defense representation in Benton and Franklin Counties to address clients' rehabilitative needs and reduce the root causes of criminal behavior. OPD will provide contract juvenile defenders with access to two part-time independent contract social workers. The social workers will assess clients' social/chemical/behavioral needs, identify protective factors early on, connect clients and their families with culturally appropriate resources, and strategize with attorneys when crafting dispositional plans designed to eliminate or reduce future contact with the juvenile system.

Benton and Franklin Counties rely exclusively on contract counsel to represent youth in juvenile court. Obstacles to enhancing juvenile defense include lack of data to assess quality of representation, limited professional services like investigators and experts, and a lack of local juvenile defense training opportunities. The Regional Juvenile Defense Initiative will insert much needed resources to improve the quality of Sixth Amendment representation to system-involved youth.

Throughout this project OPD will report to Benton and Franklin County Commissioners, judges and the juvenile court administrator describing the accomplishments under the grant, share data and lessons learned, and develop strategies for continuation of these services after conclusion of the grant period.

**Are there information technology impacts?**

No.

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Code	Title
056	Office of Public Defense

Agency	State Fiscal Year	State Match Amounts	State Match Source [001-1, XXX-1, etc.]
<b>Agency Total</b>			
FY 2024	250,000	0	
FY 2025	50,000	0	
FY 2026	0	0	
FY 2027	0	0	
<b>2-Federal</b>			
<b>A001 - Public Defense</b>			
<b>US Department of Justice</b>			
FY 2024	250,000	-	
FY 2025	50,000	-	
FY 2026	-	-	
FY 2027	-	-	
<b>2-Federal</b>			
<b>A001 - Public Defense</b>			
<b>XXXXX</b>			
FY 2024	-	-	
FY 2025	-	-	
FY 2026	-	-	
FY 2027	-	-	

# Washington State Office of Public Defense Regional Juvenile Defense Initiative

## Project Abstract

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Benton and Franklin Counties rely exclusively on contract counsel to represent youth in juvenile court. Obstacles to enhancing juvenile defense include lack of data to assess quality of representation, limited professional services like investigators and experts, and a lack of local juvenile defense training opportunities. The Regional Juvenile Defense Initiative will insert much needed resources to improve the quality of Sixth Amendment representation to system-involved youth.

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# OJJDP FY 2020 Enhancing Juvenile Indigent Defense

## Washington State Office of Public Defense Regional Juvenile Defense Initiative

### Program Narrative

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Relevant attachments submitted separately from this Program Narrative include:

- Timeline
- Logic Model
- Job Descriptions
- Resumes
- Letters of Support
- Organizational Chart
- Addendum – High Poverty and Qualified Opportunity Zones

## I. Introduction

The Washington State Office of Public Defense (OPD) will use federal grant funds to develop a regional and multi-stakeholder approach to improve juvenile defense. In collaboration with Benton and Franklin Counties, OPD will (1) train local juvenile justice system stakeholders together as a group to minimize collateral consequences and develop a shared vision for improving juveniles' path to success; (2) provide social work services to address youths' rehabilitative needs; and (3) build the local governments' capacity to represent juveniles consistent with state and national standards.

OPD selected these two counties due to the regional challenges faced by their juvenile justice systems. Because OPD has a long history of collaborating with local governments to assist them in improving their criminal justice systems, we are familiar with the challenges faced by these courts. Benton and Franklin Counties are located in the south central region of Washington State. This is a rural community including many migrant farmworkers where Spanish is the primary language. These counties also share a large proportion of juvenile filings, and a high concentration of gang related activity. The two counties are remotely located, have limited local resources, and experience difficulty attracting attorneys to represent public defense clients on an on-going basis. This is further complicated by Washington State's decentralized system of public defense.

The purpose of this grant will be to adequately source and train juvenile defenders and their juvenile court partners to effectively work with juveniles to reduce recidivism, keep families together, and help juvenile clients access needed resources. During the grant period, the juvenile defense team will collect data to measure improvements brought by the Regional Juvenile Defense Initiative.

## II. Description of the Issues

### **Issue #1: A Partnership Approach: Juvenile Court Stakeholders Will Benefit from Consistent Training to Develop a Shared Understanding of Local Youths' Rehabilitative Needs**

Juvenile court partners need specialized training. Juvenile courts and attorneys strive to reduce recidivism and support the rehabilitative needs of system-involved youth. Effectively communicating with juvenile court stakeholders, and developing successful dispositional plans requires a clear understanding of the obstacles that youth face and proven approaches to overcoming them. Yet too often the different juvenile court stakeholder groups – defenders, prosecutors, judges, court staff, probation, and jail staff receive training in the separate silos of their respective professions. Juvenile justice stakeholders can substantially benefit when all juvenile court partners attend trainings together to develop shared understandings around the issues most applicable to the youth they serve.

In general, Washington lacks training on juvenile issues. Statewide trainings for judges, prosecutors and defenders focus more on adult criminal issues compared to juvenile delinquency topics. This lack of professional training makes it difficult for juvenile court professionals to develop expertise in the unique juvenile justice subject matter area. This problem is further exacerbated by turnover in juvenile attorneys and juvenile judges. Both prosecuting and defense attorneys typically earn comparatively higher salaries in adult criminal litigation, which tends to make juvenile litigation a stepping stone in legal career paths. In Washington judges often rotate in and out of juvenile court, without an opportunity to develop long-term expertise in the field.

In 2016, the Washington State Office of Public Defense (OPD) used OJJDP grant funds to deliver three training sessions to juvenile court stakeholders on topics specific to juvenile representation and rehabilitation. Participants included defense attorneys, prosecutors, judicial



officers, juvenile court administrators, probation officers, detention managers, and others working in or near the juvenile courts. These trainings were the first of their kind to bring different stakeholders together to better understand and work with youth. Since then, no Washington agency has had the resources to replicate the trainings.

Juvenile court stakeholders face particular challenges in Benton and Franklin Counties. The region has a higher number of juvenile crimes per capita compared to the rest of the state. Moreover, juvenile justice partners face cultural and linguistic challenges, given that a significant percentage of the local population is Latino. Many youth come from families of migrant farm workers, because the area's agricultural concentration creates a significant demand for short-term farming work. Juveniles from these families experience issues related specifically to their circumstances, yet the court system stakeholders have few training resources to better understand and address these specific needs.

**Issue #2: Juvenile Defenders Lack Access to Social Workers for Clients' Rehabilitative Needs and Reduction of Collateral Consequences**

Juveniles' involvement in the criminal justice system often stems from underlying issues in development, education, and family situations. Adjudications can trigger further collateral consequences, leading to obstacles in education, housing, employment, and health care. Nevertheless, most juvenile defenders limit their representation practices to defense of criminal charges, and confine post-dispositional representation to restitution and community supervision (probation) modification hearings. Addressing underlying issues or consequences of adjudications and rehabilitative needs are not considered by most attorneys to be within their scope of representation. Nevertheless, a growing amount of research nationally is documenting the benefits of integrating social work into public defense representation.<sup>1</sup>

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<sup>1</sup> *Criminal Defense Based Social Work*, A. Ratliff and M. Williams, New York: Routledge, 2019.

In Washington very few jurisdictions include social work within their scope of public defense services, particularly for juvenile defense. The only jurisdictions with social work involvement in juvenile defense are large urban areas with staffed county public defense agencies. No county routinely provides social work services for juvenile defense contract attorneys. Integrating social work into the scope of juvenile defense services and addressing underlying causes of juvenile crime could have a profound impact on the youth served and their families, and lead to reductions to incarceration and recidivism.

### **Issue #3: Contract Juvenile Defenders Lack the Needed Resources for Effective Representation**

In Washington juvenile defense is funded and administered at the county level. Each of Washington's counties administers unique indigent defense service systems, and the fact that "the quality of counsel a child encounters depends significantly on where he or she lives" is as true today as it was when studied in 2003.<sup>2</sup>

Many factors can impact the quality of representation such as monitoring and oversight, training, and available resources. In some jurisdictions these needs are well met within well-resourced public defense agencies. Alternatively, juvenile contract and assigned counsel attorneys are commonly paid comparatively less, lack co-workers for collaboration and consultation, and have less direct access to professional resources such as investigators. As found in one study, client outcomes in assigned counsel cases were poorer than outcomes for clients represented by public defense attorneys employed in agencies or privately retained counsel.<sup>3</sup>

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<sup>2</sup> *Washington: An Assessment of Access to Counsel and Quality Representation in Juvenile Offender Matters*, American Bar Association Juvenile Justice Center and National Juvenile Defender Center, p. 45, October 2003. Available at <https://njdc.info/our-work/juvenile-indigent-defense-assessments/washington-assessment/>

<sup>3</sup> *Who's Better at Defending Criminals? Does Type of Defense Attorney Matter in Terms of Producing Favorable Case Outcomes?* Thomas H. Cohen, 2011. "Results from this research show private attorneys and public defenders securing

This disparity between assigned counsel and public defense agency defenders is particularly acute in juvenile cases. Statewide in Washington, 39% of adult felony cases assigned to public defense representation are handled by contract counsel, while the remaining cases are handled by staff attorneys in public defense offices. Yet a higher portion of juvenile cases, 49%, are handled by contract counsel. Juvenile defense is, in large part, contracted assigned counsel attorneys.

To complicate things further, within public defense systems a common trait is an emphasis on adult criminal representation, relegating juvenile defense to lower importance. Attorney compensation is typically higher for representing adult clients. Training programs focus on adult criminal representation. Investigation and expert resources are prioritized for adult felony cases. In public defender agencies with staff attorneys, better promotional opportunities exist for attorneys representing adults in felony cases. As a result, many juvenile defense attorneys often look to the state for help and assistance to effectively represent their clients.

To ensure quality representation of youth, Washington must develop a well-resourced model system for contract juvenile defenders. This model must be adaptable to urban and rural jurisdictions, and in particular must identify steps that need to be taken to ensure that contract defenders are provided the necessary resources for effective defense.<sup>4</sup>

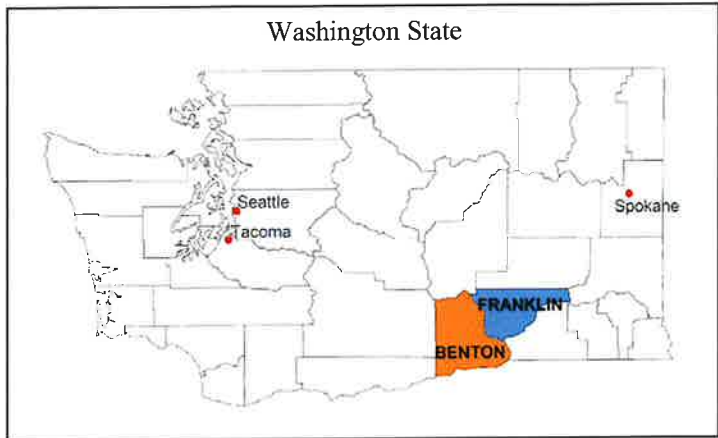
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similar adjudication and sentencing outcomes for their clients, while assigned counsel generated less favorable outcomes in terms of likelihood of conviction, state imprisonment, and sentencing length.”

<sup>4</sup> *Broken Contracts: Reimagining High-Quality Representation of Youth in Contract and Appointed Counsel Systems*, National Juvenile Defender Center, Washington D.C., 2019. Available at <https://njdc.info/contract-counsel/>

### III. Description of the Location: Benton and Franklin Counties

Benton and Franklin Counties are located in southeastern Washington. While they are separated by a river, their primary cities (Kennewick, Richland, and Pasco – commonly referred to as the Tri-Cities) are interwoven into a populated center



surrounded on all sides by vast, rural farming land. The Counties are located a far distance from the State’s primary cities – Seattle, Tacoma and Spokane. The remote location creates significant difficulties in recruiting attorneys. The nearest law school, Gonzaga University in Spokane, is 135 miles away.

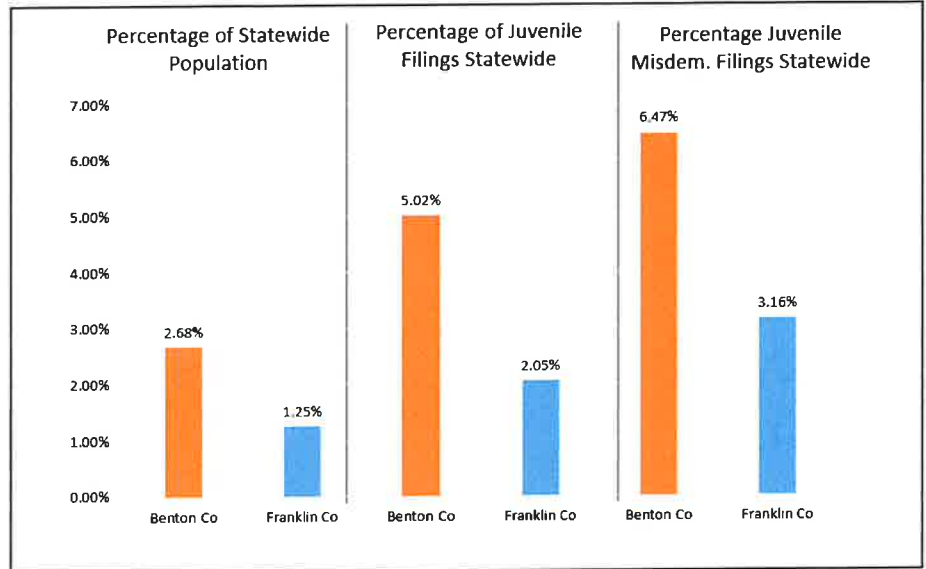
The socioeconomic disparities in Benton and Franklin Counties are significant between racial groups. In Franklin County the overall poverty rate is 15.9%. However, for African American residents the poverty rate is 29.9%, and for the Latino residents it is 23.3%. Similarly, in Benton County, the overall poverty rate is 13.4%, but the poverty rate among African Americans residing there is 21.4%, and for Latinos it is 25.1%.<sup>5</sup>

Both Benton and Franklin Counties contain census tracts that qualify as High Poverty Areas, and Qualified Opportunity Zones. These regions also correlate highly with the home residences of juvenile probations, particularly those affiliated with gangs. For further analysis on this topic

<sup>5</sup> 2013 – 2017 American Community Survey 5-Year Estimates, U.S. Census Bureau – American FactFinder <https://www.census.gov/acs/www/data/data-tables-and-tools/data-profiles/>

including maps illustrating the areas most at risk, please refer to the Attachment entitled, *Documentation of High-Poverty Area, and Enhanced Public Safety in Qualified Opportunity Zones.*

Benton and Franklin Counties have juvenile filings far in excess of their portion of the statewide population. Of the statewide general population, 2.68% of all residents live in Benton County. Yet Benton County comprised 5.02% of all



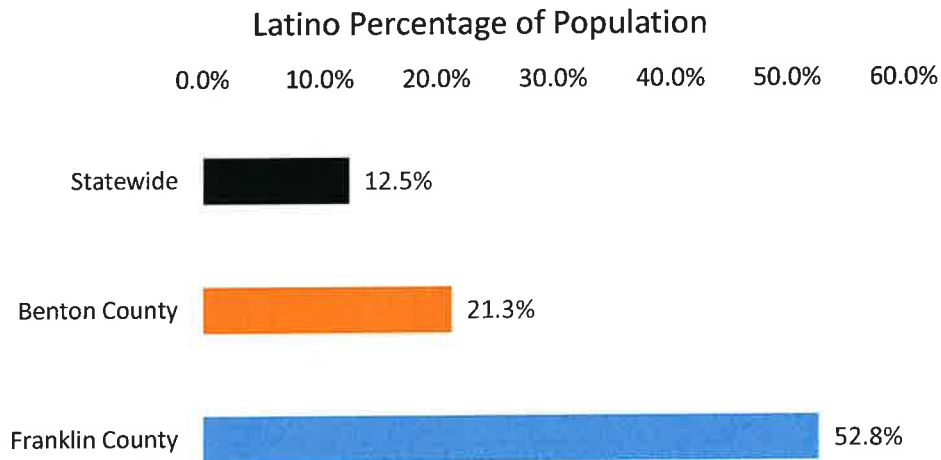
juvenile filings statewide in 2018, and 6.47% of all juvenile misdemeanor filings. Similarly, Franklin County accounted for 1.25% of the state’s population, yet 2.05% of all juvenile statewide filings, and 3.16% of all juvenile misdemeanor filings.<sup>6</sup>

Each county in Washington State organizes and funds its own public defense services. In Franklin County all public defense representation is provided by contract attorneys. In Benton County a small public defense agency handles some adult felony and adult misdemeanor cases, but all juveniles are represented by contract counsel. Each county has two primary juvenile contract defenders. The counties contract with additional private attorneys for conflict cases. While their public defense systems are separated, they share bi-county juvenile court services. The Benton

<sup>6</sup> Total county population as reported in the Washington State Office of Financial Management April 1, 2017--Population of Cities, Towns, and Counties publication, <https://www.ofm.wa.gov/washington-data-research/population-demographics/population-estimates/april-1-official-population-estimates>. Case filing data available at the Superior Court Caseloads Reports published by the Washington Administrative Office of the Courts, <http://www.courts.wa.gov/caseload/?fa=caseload.showIndex&level=s&freq=a&tab=juvOff>.

County Juvenile Court hears matters for both counties, thereby centralizing all judicial services for juvenile cases. The Juvenile Court also oversees and houses all juvenile detention and juvenile probation services.

The percentage of Latinos in the area is substantial. While Latinos comprise 12.5% of the statewide population, they are 21.3% of Benton County’s population, and 52.8% of Franklin County’s.<sup>7</sup> The presence of migrant workers presents a unique situation in the community, as the nearby agricultural sector attracts a substantial number of immigrants. A significant number of court-involved juveniles and their families require interpreter services.



<sup>7</sup> 2013 – 2017 American Community Survey 5-Year Estimates, U.S. Census Bureau – American FactFinder  
<https://www.census.gov/acs/www/data/data-tables-and-tools/data-profiles/>

## IV. Program Design and Implementation

The Regional Juvenile Defense Initiative will introduce needed resources into Benton and Franklin Counties to reduce recidivism and improve outcomes for youth. Moreover, the efforts will create a template other counties can follow for investing funds to improve local juvenile representation. All efforts will be made in collaboration with the local county governments to help foster continuity of the added services after completion of the grant period. The three components of the initiative will be:

1. Collaborative training for all court system partners on issues most pertinent to delinquency prevention in their community;
2. New social work services integrated into juvenile defense for early identification and referrals for juveniles' rehabilitative needs; and
3. Additional resources for juvenile defenders to better comply with state and national professional standards.

### Implementation #1: Training for All Benton and Franklin Juvenile Justice Stakeholders

Objective	Performance Measure
OPD will deliver three one-day training sessions for juvenile court stakeholders in Benton and Franklin Counties.	<ul style="list-style-type: none"> <li>• Three one-day training events.</li> <li>• Different categories of professionals will attend the training programs such as defenders, prosecutors, judicial officers, law enforcement, court staff, probation officers, and juvenile detention staff.</li> </ul>
The training will include topics most relevant to local juvenile delinquency prevention challenges, juveniles' rehabilitative needs, and reduction of collateral consequences.	<ul style="list-style-type: none"> <li>• Percentage of people exhibiting an increased knowledge of the subjects presented.</li> <li>• Percentage of people identifying use of the training content in the two-month period following each day of training.</li> </ul>



<p>Juvenile court stakeholders will develop strategies for improvements during the interactive portions of the training sessions. Those strategies will be carried out following the trainings.</p>	<ul style="list-style-type: none"> <li>• OPD will conduct an anonymous survey of training participants two-months following the training sessions. The survey results will identify whether the trainings contributed to improvements in the juvenile justice system.</li> </ul>
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Different key stakeholders in the juvenile justice system (defense attorneys, prosecutors, judicial officers, probation officers, and detention managers and staff) must work collaboratively to effectively address juveniles’ rehabilitative needs. This collaboration can be further strengthened when they partner in cross-training programs and share a common understanding of how to effectively work with court-involved youth. Different stakeholders obviously have different roles and unique professional training requirements. However, they share the same common need for training on how to effectively work with youth, communicate with youth in a way that is developmentally appropriate, and develop or support dispositional plans designed to steer the juvenile away from future criminal conduct.

Under the Regional Juvenile Defense Initiative, OPD will deliver three one-day trainings to juvenile court partners in the Benton/Franklin County area. Each training session will take place within each year of the three-year grant period.

Benton and Franklin Counties are neighboring jurisdictions, but while they each have distinct services for law enforcement, prosecution and public defense, they share a common juvenile court. Consequently, both counties share the same judges, court staff, probation department, and juvenile detention facility.

OPD will conduct an anonymous online survey of local juvenile court stakeholders in Benton and Franklin Counties to identify the training topics most needed. Topics could include, for example:

- Collateral consequences of court-involvement, and strategies to minimize the impact



on juveniles' future opportunities for education, military, jobs, and housing.

- Effective communication with teenagers – how to communicate complex concepts in language they can understand, and in ways they can remember; and
- Current research in juvenile chemical addiction and effective methods for treatment.

OPD will consult with the National Juvenile Defender Center (NJDC) on developing the training agendas and identifying appropriate presenters. NJDC has extensive experience in training juvenile defense attorneys and other juvenile court stakeholders in addressing the rehabilitative needs of system-involved youth. The day-long training sessions will include both lecture and small group discussion formats. In the small group discussions stakeholders will work together to identify strategies that could work within their jurisdiction. They will leave the training sessions with concrete plans for improvement. OPD will administer evaluations at each training session. In addition, OPD will conduct follow-up anonymous surveys with participants two months after each training event. These follow-up surveys will help to identify whether the concepts presented and discussed at the training sessions led to lasting improvements. Feedback from the evaluations and surveys will also inform future training sessions in the area.

There will be no charge for the facility where the training will be held, as there are multiple county and state facilities available to OPD, a state agency, at no cost. Additionally, OPD will provide in-kind all audio/visual technology needed by the presenters. No grant funds will be used to provide any food or drink the training sessions.

## Implementation #2: Social Work Services for the Benton and Franklin County Juvenile Defense Team

Objectives	Performance Measures
OPD will contract with two part-time social workers in Benton and Franklin Counties.	<ul style="list-style-type: none"> <li>• Number of social workers contracted.</li> </ul>
OPD will provide on-site training to juvenile defense attorneys and the contracted social workers on roles, responsibilities, and effective methods of collaboration.	<ul style="list-style-type: none"> <li>• Number of training participants.</li> <li>• Percentage of people exhibiting an increased knowledge of the subjects presented.</li> </ul>
The juvenile defense attorneys in the two counties will integrate the social workers into their scope of representation of juvenile clients to address juveniles' rehabilitative needs.	<ul style="list-style-type: none"> <li>• Number of times juvenile defenders request social worker services.</li> <li>• Number of connections juvenile public defense clients make with needed services.</li> </ul>

Juveniles who have been charged with crimes often have many underlying issues that contribute to criminal behavior. Social workers will be added to the scope of Benton and Franklin County public defense services to help in the early identification of these needs, and connection to needed rehabilitative resources.

OPD will follow procurement guidelines to recruit and contract with two independent, experienced social workers. Juvenile defense attorneys will be able to utilize the social workers' services for enhancing the representation of juveniles including but not be limited to:

- Researching and identifying appropriate chemical dependency treatment programs
- Connecting clients to needed mental health services
- Addressing competency and capacity issues
- Finding alternative residential placements
- Obtaining medical, educational, and other records
- Assembling mitigation materials for dispositional alternatives
- Providing support as needed for successful completion of probation

Due to the nature of juvenile cases, OPD will enter into part-time contracts with two social workers instead of a full-time contract with one social worker. A high portion of juvenile cases

involve co-defendants, as teens are more likely to commit crimes in groups. Public defense social workers are bound by the same conflict-of-interest limitations as attorneys, and therefore would be conflicted-out of providing services to multiple co-defendants. In addition, it is expected that the two social workers will collaborate and share ideas regarding available resources and effective strategies for rehabilitation. This cooperative approach is preferable to one social worker working in isolation.

OPD is uniquely situated to contract with social workers and assist attorneys in integrating social services in their representation, because OPD already has extensive experience doing this. OPD oversees and monitors all attorneys statewide who represent parents in dependency and termination cases, and within that program, OPD contracts with 55 independent contract social workers and social service providers statewide. OPD's social worker managers are licensed social workers, one of whom has more than ten years of experience in overseeing contract social services statewide.

One of OPD's social worker managers will provide in-kind services to oversee the social work component of the Regional Juvenile Defense Initiative. During the first three months of the three-year grant period, OPD will develop and advertise a Request for Qualifications per state and federal procurement guidelines, conduct the applicant interviews, and select the two finalist social workers. OPD will enter into a 30-month contract with each social worker. The social worker manager will provide technical assistance to the contract social workers, and he will check in regularly with the contract social workers and local attorneys to ensure effective services.

In almost all counties in Washington State, juvenile defense attorneys do not work with social workers as part of the public defense team. However, where they do, juvenile defense attorneys indicate that social workers' services are critical for effectively representing their clients.<sup>8</sup> OPD has

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<sup>8</sup> *Plan to Reform Public Defense Representation in Juvenile Offender Cases: Steps to Eliminate Justice by Geography*, Washington State Office of Public Defense Program Narrative

collaborated with municipalities in integrating social work into adult criminal defense services.<sup>9</sup> In these jurisdictions we have learned that it is helpful to introduce the new service by conducting an on-site training with the defense attorneys and new social workers regarding roles and responsibilities, communication strategies, spotting issues for social worker involvement, and establishing a team approach. OPD will provide this training for the juvenile defense teams in Benton and Franklin Counties.

The contract social workers will keep data on the number of requests, types of requests, and results attained. OPD will consult with the National Juvenile Defender Center (NJDC) on social worker data collection processes in other states to help identify the method and data points most helpful for analysis of local services. The local juvenile attorneys will also maintain data on cases involving social work services. Periodically throughout and at the completion of the 30-month period, the local attorneys will be surveyed to provide feedback on the impact made by integrating social services into their representation. This information will be summarized by OPD and provided in writing to the county administrators, to help them understand what benefits are derived from adding social workers to the public defense teams.

### **Implementation #3: Capacity Building for Juvenile Defense Services in Benton and Franklin Counties**

Objectives	Performance Measures
Collect data regarding juvenile public defense – clients served, activities engaged in by attorneys, use of resources, and case outcomes.	<ul style="list-style-type: none"> <li>• Non-confidential data collected by primary contract juvenile defenders and submitted to OPD on a quarterly basis.</li> <li>• Non-confidential data collected by conflict contract juvenile defenders and submitted to OPD on an annual basis.</li> </ul>
Juvenile defense attorneys in Benton/Franklin Counties will provide input on effectiveness of improvements implemented per grant program.	<ul style="list-style-type: none"> <li>• Four primary attorneys and three conflict attorneys will attend and participate in quarterly meetings convened by OPD.</li> </ul>

Washington State Office of Public Defense, 2016 at pp. 47-48.

<sup>9</sup> *Washington State Office of Public Defense 2018 Status Report*, page 7, found at: [https://www.opd.wa.gov/documents/00732-2019\\_StatusReport.pdf](https://www.opd.wa.gov/documents/00732-2019_StatusReport.pdf)

Increased training for juvenile defense attorneys on topics specific to representing youth.	<ul style="list-style-type: none"> <li>• Four primary attorneys and three conflict attorneys will attend all three stakeholder cross-training events in Pasco, WA.</li> <li>• Four primary attorneys and three conflict attorneys will attend the National Juvenile Defense Center’s Annual Summit for two years.</li> </ul>
Juvenile defense attorneys increase their use of investigator services to comply with state and national performance guidelines.	<ul style="list-style-type: none"> <li>• OPD will enter into a contract with one Spanish-speaking investigator who will be available to juvenile defense attorneys.</li> <li>• OPD will track the number of investigator requests made by juvenile defense attorneys.</li> </ul>
Juvenile defense attorneys increase their use of expert services to comply with state and national performance guidelines.	<ul style="list-style-type: none"> <li>• OPD will consult with juvenile defense attorneys on their expert witness needs, and provide information on known subject matter experts.</li> <li>• OPD will contract with expert witnesses to provide services to Benton/Franklin attorneys when local funds are insufficient and when expert witness requests are denied.</li> </ul>

Benton and Franklin Counties, like many other regions in Washington State, are in need of building the capacity of their local juvenile public defense services. First, the counties have an insufficient number of local attorneys, creating challenges in recruiting primary or conflict counsel for juvenile representation. Second, local juvenile defenders lack specialized training. Third, juvenile defenders have limited access to expert witness services and investigators. Fourth, they do not collect data reflecting their work, and thus cannot identify or analyze gaps in services. The Regional Juvenile Defense Initiative will take a targeted approach to work directly with the primary and conflict juvenile defenders in Benton and Franklin Counties to build their capacity to develop and sustain robust juvenile representation services.

## **A. OPD will Build Local Capacity by Working with Juvenile Defenders to Implement Improvements**

A crucial component to the Regional Juvenile Defense Initiative will be working directly with the local juvenile defense attorneys. Four private contract attorneys represent the majority of juvenile clients in Benton and Franklin Counties. Additional attorneys provide representation in conflict cases. Ongoing, direct communication with this group will help to identify gaps in local public defense services.

OPD will enter into contracts with the four primary juvenile defenders and three conflict attorneys in exchange for their participation in the Regional Juvenile Defense Initiative. The attorneys will be expected to (A) collect data regarding their juvenile defense cases, and submit non-confidential data to OPD for analysis; (B) attend quarterly meetings with OPD to discuss challenges and improvements to local juvenile services; and (C) attend both local and national trainings on juvenile matters. OPD will reimburse attorneys' travel expenses for attending national trainings. Conflict attorneys will also be expected to take a minimum of six misdemeanor/gross misdemeanor or four felony cases per year, to ensure that they are engaged in juvenile services. Attorneys' active involvement in the project, and financial consideration for their additional time investment, will help to build a stronger and robust local public defense program.

### **A.1. Attorney Participation - Data Collection**

Juvenile defense attorneys in Benton and Franklin County who participate in the Regional Juvenile Defense Initiative will be expected to track and report data. OPD will consult with the National Juvenile Defender Center (NJDC) on attorney data collection processes in other states to help identify the method and data points most helpful for analysis of local services. NJDC has extensive experience working with states and local units of government in developing juvenile

defense data collection plans that both (1) comply with confidentiality requirements set by local attorney ethics rules; and (2) provide insight into the type of activities performed by attorneys, and correlate with case outcomes.

Attorneys participating in the program will submit non-confidential summary data to OPD on a quarterly basis. OPD will engage in ongoing consultation with NJDC to analyze the data throughout the grant period. This analysis will identify any trends with case outcomes or gaps in representation. OPD will discuss data results with the local juvenile attorneys in case further contextual explanation is needed to understand data outcomes. Findings (along with data findings from the social workers) will also be shared with County Commissioners on an annual basis to help them understand the scope of work performed by the attorneys, the value of the added service under this grant project, and the need for ongoing support of the added services after the grant award period.

## **A.2. Attorney Participation - Training**

Defense attorneys participating in the Regional Juvenile Defense Initiative will agree to attend annual local and national trainings. As called for in the 2003 *Washington Assessment*,<sup>10</sup> the state should encourage defenders and counties to recognize that juvenile indigent defense requires specialized training and skill. Because juvenile court practice has become a productive training field for new attorneys to hone their criminal trial skills, juvenile practice is often used as a stepping-stone towards a more lucrative and prestigious career in felony representation. Moreover, in smaller jurisdictions juvenile defenders can often feel isolated and practices can become repetitive. A key strategy to helping juvenile defenders improve their own practice, identify opportunities for system improvement, and develop pride in remaining a juvenile defender is by connecting them with national

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<sup>10</sup> See footnote 2.

leaders.

Each year the National Juvenile Defender Center (NJDC) hosts a Juvenile Summit – a national conference featuring the latest trends and innovations in improving juvenile defense. Presentations range from case-level advocacy skills to strategies for system-wide improvements. Attorneys contracted to participate in the Regional Juvenile Defense Initiative will be expected to attend the NJDC Summit for two years. Their travel expenses will be reimbursed with grant funds, pursuant to state and federal travel reimbursement limits. In addition to the NJDC Summits, the participating attorneys will be required to attend the three day-long stakeholder trainings held in the Benton/Franklin County area, as described in Section IV.B. of this document.

### **A.3. Attorney Participation - Quarterly Meetings**

Throughout the three-year period of the Regional Juvenile Defense Initiative, OPD staff will visit the Benton/Franklin County region once per quarter. During each visit OPD will conduct check-in meetings with the juvenile defense attorneys and contracted social workers to discuss ongoing challenges, recent achievements, and opportunities for improvement. These check-in meetings will be instrumental for not only tracking progress on grant-funded activities, but also for fostering collaboration among the juvenile defense attorneys and social workers. Contract attorneys often work independently of one another. While such separation is needed for maintenance of client confidentiality and avoidance of conflicts of interest, it is important for local contract defenders to develop collaborative teams to support and mentor one another, and strategize about effective solutions for improvements to local juvenile justice services.

## **B. OPD will Build Capacity by Contracting with and Training a Spanish-Speaking Juvenile Case Investigator**

Professional standards require that defense attorneys utilize investigators to ensure the validity



of evidence presented to the court.<sup>11</sup> In Benton and Franklin Counties a large portion of the population are limited or non-English speakers.<sup>12</sup> Best practices call for interviewing witnesses in their native language to reduce inaccuracies in their accounts. While interpreters may be available to assist investigators, the addition of an additional personality into the interview can influence answers of the witnesses, and imposes an additional financial cost.

OPD will use funds from the Regional Juvenile Defense Initiative to provide ten hours per month of investigation services by a Spanish-speaking investigator. OPD will follow procurement guidelines to recruit and enter-into a contract with an independent, experienced investigator who can communicate effectively in Spanish. The investigator will be available to Benton and Franklin juvenile defenders for up to ten hours per month.

The Spanish-speaking juvenile investigator will also be required to attend the three day-long juvenile trainings held in the Benton and Franklin County area as described in Section IV.B. of this document. Such training will give the investigator better insight into effectively communicating with youth of different backgrounds. At the conclusion of the three-year project, we hope that the Spanish-speaking juvenile investigator will have developed an expertise in this unique legal field and will continue to work with the counties as part of the juvenile defense teams.

### **C. OPD will Build Capacity by Assisting Juvenile Defenders with their Expert Witness Needs**

State and national professional standards require that juvenile defense attorneys work with experts when representation requires unique insight into topics outside the scope of the attorney's knowledge, or when professional knowledge of a topic is needed for the fact finder to properly

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<sup>11</sup> *National Juvenile Defense Standards*, National Juvenile Defender Center, 2012, at 68-73.  
*Criminal Justice Standards for the Defense Function*, American Bar Association, Standard 4-4.1.  
*Performance Guidelines for Juvenile Offense Representation*, Washington State Bar Association, 2017, at 15.

<sup>12</sup> See Section III above.

analyze the evidence. As a result of recent Washington State Supreme court cases<sup>13</sup>, there is a growing demand to engage experts in juvenile cases. The Washington cases have expanded on the holdings of the United States Supreme Court decisions in *Roper v. Simmons* and subsequent cases<sup>14</sup> by requiring attorneys to explore all sentencing options as well as challenging jurisdictional transfers.<sup>15</sup> Experts are also essential to explaining to the court the most effective treatment regimens to reduce the likelihood of reoffending. Individualized treatment programs derived from expert evaluations will help attorneys advocate for evidenced-based programming to replace the standard treatment options dictated by Washington State's determinate sentencing law.<sup>16</sup>

OPD staff has extensive knowledge of and experience working with experts. The Juvenile Defense Manager of the Regional Justice Defense Initiative directly represented youth for many years, and he is a known statewide resource for juvenile attorneys to consult for information about expert needs. He is experienced in answering attorneys' questions about when and will address the topic during training as well.

The Juvenile Defense Manager will collaborate directly with juvenile defense attorneys in Benton and Franklin County to pinpoint whether experts may be useful in specific types of cases. Juvenile defense attorneys in Benton and Franklin County can as part of their practice seek expert funds from their local court pursuant to standard procedures. However, in cases where the court denies funding requests, an attorney may request OPD to approve grant funds for the expert services.

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<sup>13</sup> See *State v. O'Dell*, 183 Wash.2d 680 (2015). (Trial court's failure to consider whether youth diminished defendant's culpability warranted remand.); *State v. Houston-Sconiers*, 188 Wash.2d 1 (2017). (An offender's age is relevant to the Eighth Amendment, and so criminal procedure laws that fail to take defendants' youthfulness into account at all would be flawed.)

<sup>14</sup> *Roper v. Simmons*, 543 U.S. 551, 125 S.Ct. 1183, (2005); *J.D.B. v. North Carolina*, 564 U.S. 261 (2011).

<sup>15</sup> *State v. Quijas*, 457 P.3d 1241 (2020). (Juvenile court was required to rule on juvenile's claim that declination process was tainted by racial prejudice.)

<sup>16</sup> Washington is the only state that utilizes a determinate sentencing scheme for juvenile offenders. While some states do impose mandatory detention time for certain offenses, all dispositions in Washington's juvenile court are for a determinate sentence ranging from 0 to 228 weeks. RCW 13.40.0357

This non-supplanting approach will ensure that Benton and Franklin Counties continue to fund expert services as they have done in previous years, yet provides additional capacity to the juvenile defense attorneys to pursue experts in cases where funds are denied, yet the expertise is crucial to effective representation.

## V. Data Collection Plan

Traditionally in Washington, public defenders and contract counsel do not keep time records in their cases. This makes it extremely difficult to determine the workload of individual attorneys, activities performed, and case outcomes. While the Washington Supreme Court mandated caseload standards in 2014<sup>17</sup>, the standards were based on the ABA guidelines first promulgated in the last century. Utilizing case management software attorneys and social workers will report not only case results, but also workload data that can be used to more equitably allocate case appointments. The workload data could be used to develop a case weighting schedule. Keeping track of interviews, motions, negotiations, trials, and disposition in an electronic data base will benefit contractors as well as indigent defense coordinators in areas such as appointments, scheduling, identifying training needs and recruitment of new attorneys.

OPD will engage in ongoing consultation with NJDC to develop the data collection plan, and to analyze the data throughout the grant period. This analysis should identify any trends with case outcomes or gaps in representation. OPD will discuss data results with the local juvenile attorneys and social workers, in case further contextual explanation is needed to understand data outcomes. Findings (along with data findings from the social workers) will also be shared with County Commissioners on an annual basis to help them understand the scope of work performed by the

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<sup>17</sup> [\*Washington Supreme Court's Standards for Indigent Defense\*](#), The Supreme Court of Washington, Order No. 25700-A-1004 (2013).

attorneys, the value of the added service under this grant project, and the need for ongoing support of the added services after the grant award period.

All data submitted to OPD by attorneys and social workers will be summary-based data without any ability to identify particular clients. Data collection, retention, and reporting will comply with confidentiality requirements under the Washington Rules of Professional Conduct.

## VI. Plans for Sustainability

The Regional Juvenile Defense Initiative will be the catalyst leading to longstanding change in Benton and Franklin Counties. Moreover, it will provide a blueprint for short-term state involvement in an identified region to make long-term improvements to juvenile defense.

To promote long-term sustainability OPD will continually work with local stakeholders including the Benton and Franklin County Commissioners. OPD staff and local defenders will meet with the Commissioners on an annual basis to discuss the progress of the program, data collected, and impact on the community. OPD will seek the Commissioners' input and invite them to observe court to see the improvements first-hand. By engaging the Commissioners in the program, OPD will help them develop a greater understanding and appreciation for juvenile defense, and the important influence that invested resources can have in improving outcomes for youth.

OPD will also use data, demonstrated improvements, and lessons learned from this project to request additional funds from the Washington State Legislature for similar funding in future years, to replicate the initiative in more locations.

## VII. Capabilities and Competencies

The Washington State Office of Public Defense (OPD) will be responsible for project implementation. OPD is a state agency established by [RCW 2.70.005](#) to implement the

Constitutional and statutory guarantees of counsel and to ensure effective and efficient delivery of indigent defense services funded by the State of Washington. OPD does not employ or directly contract with trial-level attorneys assigned to juvenile offender cases. However, OPD has fourteen years of experience in managing a state-funded grant program to finance improvements to county-based public defense systems as authorized by [RCW 10.101.050](#). OPD therefore works closely with counties to monitor the use of state funds and assist local jurisdictions in making improvements to indigent defense.

OPD has experience in accomplishing systemic change in the provision of indigent defense services. In addition to the Juvenile Defense Pilot Project (described below), OPD sought a legislative appropriation in 2000 to create an innovative state-funded enhanced parent representation pilot program for dependency and termination. Upon the pilot program's success, the Legislature expanded the program throughout the state.

To implement this program, OPD directly manages the contracts of and provides specialized technical assistances to 200 individual attorneys and multi-attorney firms, and 55 contract social workers. The program has resulted in improved compensation for attorneys, reduced caseloads, access to independent social worker staff, expert and investigative resources, periodic attorney trainings, and oversight of attorneys' performance. It has resulted in better outcomes for children, including increased family reunifications, fewer continuances, improved case participation by parents, and better access to services, among other benefits, as proved by independent evaluations.

**George Yeannakis** is a Public Defense Services Manager in the Criminal Trial Defense unit at OPD. Mr. Yeannakis was a public defender in Seattle for more than 25 years. He established the Youth Advocacy Clinic at Seattle University School of Law, and continued to advocate for improvements in the presentation of juvenile offenders at TeamChild, a civil legal services firm in Seattle. At TeamChild he worked to enhance the quality of indigent juvenile defense through training, leadership development and technical assistance. He has served on many legislative work groups and committees examining the juvenile justice system in Washington.

When he first came to OPD Mr. Yeannakis developed and directed a Juvenile Defense Pilot Project in Grant County, Washington. Working with Judges, court staff and county commissioners, George was able to transform juvenile defense practices in the county. The Public Defense Pilot Project was successful in instituting significant changes in indigent defense practices and attitudes, including reducing caseloads, extending representation to initial appearances and arraignments, increasing the quality and quantity of client communication and improving investigation, case analysis and motion work.<sup>18</sup> The project continues to serve as a model for the provision of indigent defense services for juveniles in Washington.

**Katrin Johnson** is also a Public Defense Services Manager in the Criminal Trial Defense unit at OPD and heads the coordination of the Chapter 10.101 RCW state funding program. In this capacity she works closely with county administrators, public defense attorneys, and judicial staff by ensuring that state funds are being used for improvements to public defense services. She also provides technical assistance to city and county government administrators to help them implement best practices in administration of public defense services. Ms. Johnson also oversees implementation

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<sup>18</sup> *The Public Defense Pilot Projects, Washington State Office of Public Defense, Looking Glass Analytics Revised: June 2010.*  
Report available at: [http://www.opd.wa.gov/documents/0058-2010\\_PilotProject.pdf](http://www.opd.wa.gov/documents/0058-2010_PilotProject.pdf)

of annual continuing legal education events for public defense attorneys statewide. She has served as the primary grant administrator for two federal grants – the Bureau of Justice Assistance, Office of Justice Programs grant entitled Capital Case Litigation Initiative (BJA-2012-3128) with a budget of \$248,612, and the Office of Juvenile Justice and Delinquency Prevention, Department of Justice grant entitled *FY2015 Smart on Juvenile Justice: Enhancing Youth Access to Justice Initiative* with a budget of \$204,178.00.

**Michael Heard** is the head managing social worker with the Washington State Office of Public Defense (OPD) Parents Representation Program. In that capacity has recruited and monitored the work of independent contract social workers in dependency and termination cases in all of Washington's 39 county. Mr. Heard has close to three decades of extensive professional experience in public child welfare working with a wide variety of stakeholders, and serving parents and children from underserved communities with minimal resources. As a social worker in child welfare, his work often overlaps with the juvenile offender system. Prior to joining OPD, Mr. Heard worked at the Washington State Department of Social & Health Services, Children's Administration Division, as an area administrator responsible for overseeing the operation of four offices (Port Angeles, Port Townsend, Shelton and Forks). Mr. Heard's experience in public child welfare also includes being a statewide quality assurance program manager, CPS (child protection services) supervisor, CPS social worker and Indian child welfare social worker. He understands the requirements of a grant, having experience drafting applications for state and federal grants, as well as implementing them.