



Okanogan County
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Clerk of the Supreme Court
P.O. Box 40929
Olympia, WA 98504-0929

Re: Suggested Amendments to Standards for Indigent Defense Services

To the Clerk of the Washington Supreme Court,

I write to respectfully request that the Washington Supreme Court reject the suggested Amendments to CrR 3.1/CrRU 3.1/JuCR 9.2 Standards for Indigent Defense (hereafter Amendments).

I am the prosecuting attorney for Okanogan County, a county of approximately 44,000 people located in North Central Washington State. Okanogan County is a rural county without major industry and is very reliant on tourism and agriculture. Therefore, Okanogan County is a county with a limited budget with very limited means with which to increase the budget.

The proposed Amendments are extremely problematic for Okanogan County because based on our projections the cost of indigent defense will substantially increase without any new revenue sources or State funding for this new and obvious State mandate. However, finances are not even the main concern that I have with this proposed rule change. The real problem is that the additional attorneys needed to bring the county in compliance with the Amendments *simply do not exist*.

The *current* case load standards have created the present problem, and are making communities less safe. Most out of area attorneys choose not to physically travel to Okanogan for routine hearings on account of our geographic remoteness and instead prefer to appear remotely via Zoom.

This is a problem that exists *right now* in Okanogan County due to a shortage of local legal practitioners. I anticipate the Amendments will lead to fewer out-of-area attorneys choosing to take cases in Okanogan County, which will create a representation crisis here where none presently exists - *and that is without the proposed Amendments*.

This is why I find the proposed Amendments so perplexing - the solution to a supply problem is to create more demand? This is such a counter-intuitive approach that I am left to assume that the real motivation here is to simply break the back of the system. By forcing prosecutors to charge fewer cases based on false notions that prosecutors systemically overcharge or that the State of

Washington engages in "mass incarceration." Washington has the 10th lowest incarceration rate in the United States -

<https://www.sentencingproject.org/research/us-criminal-justice-data/>. Or perhaps the proponents of the Amendments think that police are too active and refer too many cases despite the fact that Washington is the *most under policed state* in the country.

The adoption of such rule would constitute a massive overreach of the Court's constitutional authority by infringing on the executive branch's ability to enforce the law because it clearly violates the very spirit of separation of powers central to our form of government. It will leave our communities less safe and it will undermine the legal representation that criminal defendants presently receive.

I think it is fair to suggest that a rise in vigilantism is a probable, if not a highly likely natural consequence of this action. If I cannot prosecute a criminal perpetrator due to representation shortages, then it is reasonable to assume that I will not be able to prosecute someone who sought revenge against their perpetrator for the same reason. The net impact of the Amendments will potentially undermine the entire purpose of even having a criminal justice system - preventing the cycle of violence caused by people taking the law into their own hands and providing the accused a fair opportunity to contest the allegations against them.

From my perspective, it appears obvious. The purpose of this rule is to deconstruct the criminal justice system by severely curtailing the ability of prosecutors to keep their communities safe. And unfortunately, it is the small, rural, and remote communities like Okanogan County that will pay a disproportionate financial and social price as the more well-heeled communities in the state buy up all of the legal representation that is left.

The steps the Supreme Court has taken in recent years such as the first round of the caseload standards and now a second round of caseload standards have compounded the problem. The Court is not helping the situation with these actions, it is *making them far worse*.

The current problem with representational capacity will not be cured by judicial fiat via court rule. It will require a comprehensive and a common-sense based approach involving all branches of government. The proposed changes lack common sense and do nothing to serve justice for Defendants and certainly do not provide justice for crime victims. Please **REJECT** these amendments.

Sincerely,

Albert Lin



Albert H. Lin

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