



LACEY
City Manager's Office

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Mayor Andy Ryder
Deputy Mayor Malcolm Miller
Lenny Greenstein
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10/18/2024

CITY MANAGER

Rick Walk

Washington State Supreme Court
ATTN: Clerk of the Supreme Court
P.O. Box 40929
Olympia, Washington
Sent via email: supreme@courts.wa.gov

RE: Public Hearing - City of Lacey comments on Proposed Changes to Indigent Defense

Honorable Chief Justice Steven C. González and Honorable Washington State Supreme Court Justices:

The City of Lacey (City) would like to express our concerns about the impacts related to the Washington State Bar Association (WSBA) Recommended Revised Standards for Indigent Defense (Recommended Standards).

While we support the main objectives of the Recommended Standards, it is unclear how jurisdictions will be able to implement them both from a practical and financial perspective. This raises several serious concerns:

1. **Unfunded Mandate.** The abrupt increase in required legal support would represent a drastic, unfunded escalation for the City's costs. Over the next five years, the proposed changes would increase public defense spending by over \$3.1 million, an increase of over 125%, from what the City had projected spending during that period. Absorbing this financial burden in the existing general fund revenue structure is unreasonable and untenable without a substantial increase in state funding to support implementation. Further, it would necessitate an unknown increase in prosecution services and other direct and ancillary services as well.



2. **Availability of Public Defenders and Support Staff.** There is an existing shortage of public defenders in Washington state.¹ The current deficit poses a challenge in obtaining and retaining qualified public defenders and in the constrained market. Even if the State provided funding sufficient to hire the required number of defenders, contracted firms, like the City, would face significant challenges in finding enough qualified candidates to hire and manage in a short period of time.

This same issue extends to support staff required under the Recommended Standards, including Mental Health Professionals and Social Workers.

3. **Impacts on the Community.** The City currently provides proactive services to some of the City's most vulnerable community members to deter crime and prevent recidivism. Services include the Community Resource Unit (CRU), Mobile Outreach Team (MOT), and access to therapeutic court options.

The Recommended Standards necessitate substantial financial resources, which pose the risk of reducing or eliminating funding for various City programs. Vital preventative community assets, like these, could be at risk should the City need to reallocate resources. Loss of such programs could impact the well-being of the community and lead to increased crime, adding to the strain of resources required for public defense.

Given these very real issues, we respectfully advocate for the following:

1. **Fiscal Impact Assessment and Support with Local Government general fund revenue structure.** The State should examine the financial impacts of these proposed changes on local jurisdictions and **commit to financial support sufficient to offset these impacts** before requiring implementation.
2. **Reconsider caseload decreases and timing of phases to minimize impact.** Given the severe limitation of public defenders and support staff, it is not tenable to implement the standards as proposed without severely, and potentially irreparably, damaging the public defense and larger judicial system.

We appreciate your attention to these concerns and advocacy in support of a fair and sustainable indigent defense system.

¹ Beekman, Daniel. (2024, February 25). WA's the public defender system is breaking down? Communities reeling. The Seattle Times. <https://www.seattletimes.com/seattle-news/politics/was-public-defender-system-is-breaking-down-communities-reeling/>



Sincerely,

A handwritten signature in blue ink, appearing to read "Rick Walk", with a long horizontal flourish extending to the right.

Rick Walk
City Manager
cc: Lacey City Council



From: [OFFICE RECEPTIONIST, CLERK](#)
To: [Martinez, Jacquelynn](#)
Subject: FW: Public Hearing - City of Lacey comments on Proposed Changes to Indigent Defense
Date: Friday, October 18, 2024 11:49:11 AM
Attachments: [image002.png](#)
[image003.png](#)
[image006.png](#)
[image007.png](#)
[FINAL - City of Lacey Public Defense Letter to WA Supreme Court - Public Hearing - 10.18.2024.pdf](#)
[image004.png](#)

From: Shannon Kelley-Fong <Shannon.Kelley-Fong@cityoflacey.org>
Sent: Friday, October 18, 2024 11:44 AM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Cc: Rick Walk <Rick.Walk@cityoflacey.org>; Nicole Williams <Nicole.Williams@cityoflacey.org>
Subject: Public Hearing - City of Lacey comments on Proposed Changes to Indigent Defense

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Honorable Chief Justice Steven C. González and Honorable Washington State Supreme Court Justices:

Attached please find a comment letter from the City of Lacey for the Public Hearing on the Proposed Changes to Indigent Defense.

Please let me know if you have any questions.



Shannon Kelley-Fong

Assistant City Manager

she/her

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CityofLacey.org

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