



City of Colville
Office of the Mayor
Jack Smith
Mayor

October 23, 2024

Washington State Supreme Court
Attn: Clerk of the Supreme Court
PO Box 40929
Olympia, WA 98504

RE: City of Colville comments to proposed changes to Standards for Indigent Defense
Sent via email: supreme@courts.wa.gov

Dear Honorable Justices:

The City of Colville (City) respectfully requests the Washington State Supreme Court reject the requested amendments to the Standards for Indigent Defense in CrR 3.1, CrRLJ 3.1, and JuCR 9.2.

The City supports a defendant's constitutional right to the effective assistance of counsel, and the City has sympathy for the objectives of the Recommended Standards. However, it is unclear how jurisdictions will be able to implement those standards from a practical and financial perspective. The concerns raised by this implementation are as follows:

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 the City's public defense spending costs by 100% to 300% and perhaps more. Absorbing this financial burden in the existing general fund revenue structure is unreasonable 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. **Available Staffing.** We face significant workforce challenges across the criminal justice system, especially in rural communities. There is an inadequate workforce of public defenders and support staff to meet the proposed standards. Given this reality, it is inevitable that more criminal cases will be dismissed due to a lack of defense counsel, including misdemeanor DUI and domestic violence cases. Crime victims will go without an opportunity for judicial resolution and will not have access to the victims' advocate services that would otherwise be available to them. Even if the funds were provided to support the implementation of the standards, the availability of trained Public Defenders will not be available within any reasonable time frame.
3. **Need for a Local Study.** The proposed changes to the state's Standards for Indigent Defense are predicated on a 2023 national study completed by the RAND organization. The RAND report itself says that the results of the study are "primarily applicable to locations or for purposes where jurisdictionally focused workload standards have not already been produced." Washington state currently has caseload standards in place. The report continues to state that, "the most accurate weighted caseload model is developed specifically for an individual state or jurisdiction." In response to the study, other states

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(including Colorado and Maryland) are calling for local, rigorous study and analysis. Washington can, and should, proceed along the same route with a neutral researcher. The City would also note that the Rand report states that the views expressed in the report are solely the opinions of the authors and have not been approved by the American Bar Association.

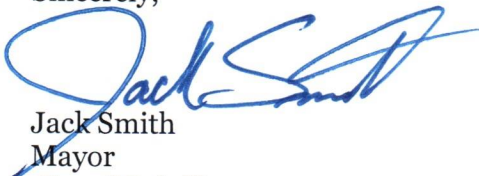
In conclusion, given these very real issues, we respectfully advocate the following:

1. **Commission a Local Study.** Complete a jurisdiction-based study that makes realistic recommendations that are feasible and achievable within current revenue and workforce limits, and which will improve public defense.
2. **Fiscal Impact Assessment.** 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.
3. **Exempt Misdemeanors.** If the Court is inclined to adopt the proposed revisions to the Standards for Indigent Defense in their entirety, we ask the Court to exempt adult misdemeanors from the revisions, or at a minimum, delay implementation for several years to allow time to build the necessary workforce and time for the legislature to appropriate the needed funding increases.

The City appreciates the work done by our public defenders, particularly in the face of resource constraints across the criminal justice system. These current recommendations will not solve the issues. At best, the recommendations are financially and logistically infeasible, and at worst, they will create harmful consequences. We ask that you do not adopt the proposed changes.

The City appreciates your attention to these concerns and advocacy in support of a fair and sustainable indigent defense system.

Sincerely,



Jack Smith
Mayor
City of Colville

CC: Colville City Council
Stevens County Commissioners

From: [OFFICE RECEPTIONIST, CLERK](#)
To: [Martinez, Jacquelynn](#)
Subject: FW: Comments to proposed changes to Standards for Indigent Defense
Date: Thursday, October 24, 2024 10:53:58 AM
Attachments: [Scan2024-10-24_104325.pdf](#)

From: Holly Pannell <hpannell@colville.wa.us>
Sent: Thursday, October 24, 2024 10:48 AM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Cc: Jack Smith <jacksmith@colville.wa.us>; Commissioners <commissioners@stevenscountywa.gov>; Jonnie R. Brown <JRBrown@stevenscountywa.gov>; Thomas Carpenter <thomascarpenter@colville.wa.us>; Ben Cosby <bencosby@colville.wa.us>; Brandon Hatch <brandonhatch@colville.wa.us>; Robin Kurowski <robinkurowski@colville.wa.us>; Ben Nielsen <BenNielsen@colville.wa.us>; Richard Nichols <richardnichols@colville.wa.us>; Vickie Strong <vickiestrong@colville.wa.us>
Subject: Comments to proposed changes to Standards for Indigent Defense

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Clerk of the Supreme Court:

Please see the attached comments from the City of Colville regarding the proposed changes to the Indigent Defense Standards.

Please let us know if you have any questions.

Thank you,



Holly Pannell, MMC, PFO
Administrative Services &
Human Resources Director/City Clerk

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