CITY OF RICHLAND
OFFICE OF THE MAYOR
625 Swift Boulevard, MS-4
Richland, WA 99352
(509) 942-7381

October 18, 2024

Sent via U.S. Mail and email to
supreme@courts.wa.gov

Washington State Supreme Court
C/O Clerk of the Supreme Court
P.O. Box 40929
Olympia, WA 98504

RE: City of Richland's Comments on Proposed Indigent Defense Standards for Misdemeanor Practice – CrRLJ 3.1

Honorable Justices,

I write on behalf of the City of Richland to urge the Court to reject the proposed indigent defense standards for misdemeanor practice that would reduce the current misdemeanor caseload from 300 cases to 120 cases a year, and would weigh misdemeanor offenses between 1 and 1.5 based on perceived complexity. Given that most cities and counties similarly oppose this concept and will express similar sentiment on this topic, I'll keep Richland's comments brief:

- The study used to support the current proposal did not include all relevant stakeholders and was not specific to Washington's system. A state-wide study that brings all of the necessary parties to the table is required to ensure that recommendations for change are appropriate.

- A lack of evidence exists to conclude that the current standards adopted in 2012 are insufficient. Labor shortages have occurred in every market sector since the pandemic, and the field of law is no exception. Correlating the public defender shortage to an inherent flaw in the indigent defense standards is an inappropriate way to determine their effectiveness. Again, a Washington-specific study is required to properly assess to what extent any problem might exist with the current standards.

- The number of attorneys needed to satisfy the reduced case caps do not exist. Cities and counties will not be able to implement reduced caseloads on the schedule proposed by the WSBA because the human resources needed to do so are not available. This means that, instead, cities and counties will be forced to make extremely limited charging decisions that will leave countless victims without justice,

and embolden criminals who will soon learn that there is a reduced likelihood of being held criminally liable for their conduct.

- The costs associated with implementation of reduced caseloads for misdemeanor indigent defense are not sustainable. City and county general fund budgets simply do not have capacity to absorb the dramatically increased cost of providing indigent defense services if the proposed reduced case caps go into effect.

Richland supports the right of all defendants to receive effective assistance of counsel. At this time, there is insufficient evidence, without a state-wide study involving all of the relevant stakeholders, to conclude that effective assistance is not being provided, or that the existing indigent defense standards are flawed. Richland respectfully requests that the Washington State Supreme Court decline to implement the proposed standards in lieu of a thoughtful state-specific process designed to ascertain the best path forward to ensure justice for all.

In addition to this letter, the City of Richland also endorses written comments submitted by the Association of Washington Cities (AWC), the Benton County Board of Commissioners, the City of Kennewick, and the City of Kent.

Sincerely,

Theresa A Richardson

Theresa Richardson
Mayor

cc: Legislative Delegations for the 8th, 14th, 15th and 16th Districts
David Arbaugh, Arbaugh & Associates
Jon Amundson, City Manager

From:	OFFICE RECEPTIONIST, CLERK
To:	Martinez, Jacquelynn
Subject:	FW: City of Richland Comments on Proposed Indigent Defense Standards for Misdemeanor Practice - CrRLJ 3.1
Date:	Friday, October 18, 2024 4:17:54 PM
Attachments:	image001.png 2024.10.18 WSSC Richland"s Comments on Updated Case Standards.pdf

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From: Kintzley, Heather <hkintzley@CI.RICHLAND.WA.US>
Sent: Friday, October 18, 2024 4:16 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Cc: Kintzley, Heather <hkintzley@CI.RICHLAND.WA.US>
Subject: City of Richland Comments on Proposed Indigent Defense Standards for Misdemeanor Practice - CrRLJ 3.1

Dear Clerk of the Court:

Please accept the attached letter from the City of Richland related to the Washington State Supreme Court's call for comments on the proposed changes to public defense standards. A printed original will follow via US Mail.

Respectfully,

Heather Kintzley
City Attorney
625 Swift Blvd., MS-07 | Richland, WA 99352
509.942.7385
