



Expenditures	2004 Actual	2005 Actual	2006 Budget	2007 Budget
Salaries & Wages	1,123,058	1,149,356	1,345,937	1,389,187
Personnel Benefits	226,118	239,136	318,913	367,247
Supplies	21,867	22,274	38,750	38,750
Other Services & Charges	1,326,941	1,146,175	1,046,616	1,056,664
Total	2,697,984	2,556,941	2,750,216	2,851,848
Staffing / FTE	24.00	22.60	26.00	26.00

### Program Description:

The Department of Assigned Counsel provides mandated legal defense services to indigent persons charged with criminal cases or loss of personal liberty in the District and Superior Courts of Yakima County, excluding misdemeanors in municipal courts. The department maintains a centrally administered system and provides defense services through: (1) a public defender office within the Department of Assigned Counsel; (2) contracts with attorneys offering public defense services; and (3) a list of private attorneys who wish to provide defense services.

Yakima County has a significant criminal caseload disproportionate to its size and population. The Department was formed in 1989 in response to a need to meet increased caseload demands and to manage mandated defense services.

The nature of indigent defense is both reactive and constitutionally premised. The Department cannot control the number or nature of cases filed by law enforcement and prosecution and to which its attorneys are appointed. Once appointed both the Department and its attorneys must adhere to professional standards and obligations in order to provide constitutionally required 'effective assistance of counsel' and to avoid personal and professional sanctions.

Inadequate budgets for the Department means that some cases will not be serviced. In that instance, the courts must appoint and compensate counsel anyway or ultimately dismiss cases.

### Major Objectives:

**General:** The Department faces a number of accumulated and new challenges in each court of operation. Legislative enactment, growth in caseload, jail conditions, and changes in court docketing are factors that continue to affect the manner of practice and the time and difficulty involved in handling cases. Particular problem areas are dramatic increases in Superior Court adult felony cases, and the impact of new sex offender sentencing legislation that requires more case and trial work.

The general financial condition of the county has resulted in a baseline current expense budget that has not been adequate for years, resulting in substantial budget reductions in 2005 and 2006. In 2004 the voters of Yakima County approved a three-tenths of a percent sales tax dedicated to the improvement of criminal justice services and court systems, including the Department. Funds from this source will be used, as received, to improve services in all courts, with the goal of making them more fair, accurate, prompt, and efficient.

The Department will work with the Yakima County District Court to implement a court presence in the Lower Yakima Valley.

The Department will work with the State Office of Public Defense and the Juvenile Court to implement State standards using special supplemental funds provided by the State during the 2005-2006 state biennium.

## Assigned Counsel

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The Department will continue to work co-operatively with other criminal justice departments and the courts to improving the justice system in Yakima County, including docketing methods that increase efficiency without sacrificing the quality of representation. The Department will continue to work with other officials in the justice system for reform of State funding mechanisms for the justice system at the county level.

**Adult Felony:** Adult felony operations remain a major area of concern. Caseload has increased 35% over the past five years. Case filings increased to a new historical high in 2001, again in 2002, again in 2003, and again in 2004. In addition to the number of cases, other factors adversely impact the ability of counsel to provide the required level of quality representation. Many have been detailed in prior budget reports. The most problematic include: (1) An accumulation of new sentencing laws and crimes over the past decade continues to be felt. Cases are more difficult, complex, have greater severity and make client communication and case resolution much more difficult. (2) New indeterminate sentencing for most all sex offenses. (SSB 6151, Laws of Washington 2001) These cases are treated, appropriately, as life sentence cases and require more time and attention from prosecutor, defense, and courts for this case type, including increased trials. (3) Attorneys continue to have difficulty in visiting clients in the Jail. And, conditions in the Jail contribute to client unrest and communication difficulty. (4) New court rules have been adopted that requires additional time and effort in court at a quicker pace. (5) Jury trials have increased. Each of these trials represents a substantial commitment of focused and exclusive time for the prosecutors and defenders involved, impairing their ability to address other ongoing cases.

The number of sentence condition violations for adult felonies continue to decline based on laws that transfer the violation process to the Department of Corrections as an administrative proceeding.

Consistent with the Department's 'mixed system' method of delivering indigent defense services, excess and serious conflict cases have been covered with overflow panel appointments. While this is a cost effective business model that matches capacity with actual caseload only as needed, the reduction in the Department's budget requires the elimination of panel operations in its current expense budget.

**District Court:** District Court case filings are slightly increasing. This is expected to accelerate due the re-enactment of the DWLS 3 'fix' statute, an increase in the number of deputy sheriffs, and general crime trends. State and national caseload standards in this case type are 300 cases/year. Our local standard is 450 cases/year. Attorneys are experiencing caseloads of over 500/year. Caseloads and contract compensation have been problematic for years in District Court. A contract re-structure is planned for 2005 to deal with fluctuations in caseload.

The Department will continue to seek full implementation of its staff defender unit for District Court with the transfer of a third staff attorney to this unit. In 2006 the Department will eliminate a contract attorney position and replace it with a staff attorney transferred from Juvenile court where filings are down. Use of staff attorneys improves service and efficiency to the court and clients. This unit will also assist the Department in (1) docket and caseload distribution and costs in District Court, (2) the creation of a legal internship program for staff recruitment, and (3) creation of an office career track and rotation regimen for staff attorneys in the Department's defender office.

The District Court will be opening a Lower Valley court in 2006 and the Department will use sales tax funding to provide services in this court.

**Juvenile Offender:** Offender caseload remains fairly stable, decreasing slightly over time. In 2005 and 2006 the Department transferred a staff attorney to District Court to fill a vacancy there as the result of lower caseloads. The Department is participating in the Juvenile Court's "Juvenile Detention Alternative Initiative", which may result in changes in docketing and case handling. One challenge is the requirement to provide representation to in custody juveniles on the preliminary appearance and arraignment dockets.

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## **Assigned Counsel (Cont.)**

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## **Assigned Counsel (Cont.)**

**Juvenile ‘Becca’:** Docketed truancy caseload remains high. At Risk Youth petitions have increased significantly. These cases continue to take a large amount of staff time. In 2005 the Department assisted the court in planning an increased docket for ARY cases. Staffing for these dockets is being shifted in part to contract attorneys to cover conflicts of interest and to adjust for the loss of a staff attorney in the Juvenile office.

**Juvenile Dependency:** Dependency cases are generated and prosecuted by the State DSHS and AG, both of which have increased resources, leaving counties to pay for defense costs with current expense funds. This detracts from the Department’s ability to pay for criminal cases filed by our local prosecutor. Dependency has been in the Department’s budget messages for at least the past three years as an area in need of additional resources.

Changes in federal and state law now require fast track ‘permanency planning’ in most all cases of family intervention filed by the State Department of Social and Health Services. The State has added additional resources to its agencies but has contributed nothing to counties for this effort. There are more frequent court hearings on dependency cases and a sharp increase in the number of subsequent “termination” cases filed. In addition, the Juvenile Court has instituted a vigorous guardian ad litem program run in part under state grants. These changes have contributed to increased docket time and congestion. The effect of these changes has been to significantly increase contract and staff attorney time demands. This is reflected in higher costs and increased inability to handle caseloads.

Traditionally the Department has had two attorneys in this area. A third contract attorney position was created in the last few years, using funding taken from criminal operations. In 2005 the Department eliminated a dependency contract attorney due to budget reductions. A new contract was included in sales tax funding and replaced the lost contract.

In late 2005 the State Office of Public Defense notified Yakima County that they would be participating in a project to supplement County expenditures to bring dependency operations up to State standards. The Department will be working in conjunction with the Juvenile Court and the State Office of Public Defense to accomplish this goal in the 2005 –2007 state biennium. NOTE: The State money will not replace current County funds but will instead only supplement current expenditures.

**Civil:** Yakima County is a regional center for long-term outpatient residential homes for mental health programs, which generates a civil commitment caseload and docket. In early 2005 the Department was notified that the Yakima County Department of Community Services would no longer be providing funds for this docket. The loss of funding jeopardizes the Department’s ability to continue to function in this area. Service will be maintained so long as funding is available.

### **Revenue/Expenditure Comment:**

This program is financed by the general fund as part of the criminal justice system. This program provides mandated legal defense services to indigent persons and does not generate revenue. Partially indigent persons and persons convicted are required to repay all or a portion of defense costs under programs administered by the Superior and District Courts. Such revenues are collected by the courts but are reflected as revenue for the Assigned Counsel. Superior Court revenues continue to decrease. District Court revenues continue to show an increase. The Department will receive a significant amount of state funds for so called “Becca” cases in Juvenile Court. The County receives partial reimbursement from the State for representation in civil commitment for sexually violent predator petitions. In 2005 the Yakima County Department of Community Services advised that it would no longer provide the Department with ‘pass-through’ State funds to handle mental health civil commitments and the Department’s budget has been reduced by that amount in addition to general budget reductions. In 2004-2005 the Department received a small allocation of federal Local Law Enforcement Block Grant (LLEBG)

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**2007 Final Budget**  
**Revenue**  
**As of November 30, 2006**

		2004 Actual	2005 Actual	2006 Current	2006 Budget	2007 Budget
<b>Assigned Counsel</b>						
<b>REVENUES</b>						
1 40033404612	DSHS-Becca Bill	107,034	91,701	54,014	110,000	110,000
1 40033404624	DSHS-Juvenile Reimbursement	172				
1 40033815002	State OPD - Contract Service	1,600	4,825	176,780	219,996	219,996
1 40035723001	Sup Crt-Public Defense Costs	70,253	66,640	68,863	78,000	79,000
1 40035733001	Dist Crt-Public Defense Cost	60,034	54,323	50,489	60,000	60,000
1 40039700005	Operating Trans In-Comm Serv	35,000				
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Sub 400	Assigned Counsel	274,094	217,489	350,146	467,996	468,996

**2007 Final Budget  
Expenditures  
As of November 30, 2006**

		2004 Actual	2005 Actual	2006 Current	2006 Budget	2007 Budget
General Fund						
Justice Services						
Assigned Counsel						
General Indigent Defense						
Salaries						
1 4011001	Salaries & Wages	1,121,017	15,161	12,495	12,596	13,030
1 4011002	Salaries-Overtime	1,718				
1 4011003	Salaries-Extra Help					3,547-
1 4011010	Accrued Annual Leave	323	1,274	3,109		
Obj 001	Salaries	1,123,058	16,435	15,604	12,596	9,483
Personnel Benefits						
1 4012002	Benefits-Direct	226,118	4,602	3,226	3,379	4,498
Obj 002	Personnel Benefits	226,118	4,602	3,226	3,379	4,498
Supplies						
1 4013101	Office & Operating Supplies	12,112	17			
1 4013102	Library	7,545				
1 4013501	Small Tools & Minor Equipment	629				
1 4013590	Small Attrac-Tracked Invento	1,580				
Obj 003	Supplies	21,867	17			
Other Services - Charges						
1 4014101	Professional Services	2,151				
1 4014108	Prof Serv-Court Reporters	4,890				
1 4014111	Prof Serv-Interpreter	25,873				
1 4014112	Prof Serv-Investigators	7,567				
1 4014147	Contract Defend-Basic	328,822				
1 4014148	Contract Defend-Special Case	159,610				
1 4014149	Contract Defend-Excess Case	149,188				
1 4014150	Contract Defend-Sent Violati	40,200				
1 4014151	Prof Serv-Pub Def-Sent Viol	9,600				
1 4014156	Panel Attorneys	103,149	1,926	3,265	2,557	2,500
1 4014157	Panel Attorneys-Homicide	8,785				
1 4014158	Panel Attorneys-Sent Violati	27,638	6-			
1 4014159	Panel Attorneys-Appeals	59,098				
1 4014160	Panel Attorney-Appeals	3,182				
1 4014191	Prof Serv-Purchasing Serv	1,715	1,818	1,410	16	17
1 4014192	Prof Serv-Info Services	53,172	55,243	60,387	696	874
1 4014201	Communication-Telephone	3,078				
1 4014202	Communication-Postage	1,604	122	48		
1 4014301	Travel	16,645				
1 4014401	Advertising	415				
1 4014501	Operating Rentals & Leases	74,060	1,164	732	1,075	1,075
1 4014590	Rent-Facil Maint	12,730	12,730	12,730	32	32
1 4014601	Insurance	210				
1 4014690	Insurance-Interfund	7,372	8,184	10,373	120	76
1 4014801	Repairs & Maintenance	179	44			

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Expenditures  
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		2004 Actual	2005 Actual	2006 Current	2006 Budget	2007 Budget
General Fund						
Justice Services						
Assigned Counsel						
General Indigent Defense						
Other Services - Charges						
1 4014901	Miscellaneous	10,435				
Obj 004	Other Services - Charges	1,111,366	81,225	88,945	4,496	4,574
Fnc 401	General Indigent Defense	2,482,409	102,278	107,775	20,471	18,555
Adult Felony						
Salaries						
1 4021001	Salaries & Wages		671,905	686,999	706,862	743,242
1 4021002	Salaries-Overtime		1,479	714	2,500	2,500
1 4021003	Salaries-Extra Help		150			
Obj 001	Salaries		673,533	687,713	709,362	745,742
Personnel Benefits						
1 4022002	Benefits-Direct		133,095	150,627	160,460	186,685
1 4022004	Benefits-Bank Accruals					
Obj 002	Personnel Benefits		133,095	150,627	160,460	186,685
Supplies						
1 4023101	Office & Operating Supplies		12,115	18,242	22,500	22,500
1 4023102	Library		7,301	11,285	12,000	12,000
1 4023501	Small Tools & Minor Equipment		1,017	9,264	3,000	3,000
1 4023502	Computer Software		399		1,250	1,250
1 4023590	Small Attrac-Tracked Invento		959	7,239		
Obj 003	Supplies		21,791	46,031	38,750	38,750
Other Services - Charges						
1 4024101	Professional Services		2,798	3,915	3,000	3,000
1 4024108	Prof Serv-Court Reporters		5,330	5,019	6,500	7,500
1 4024109	Prof Serv-Crt Appt Atty	695				
1 4024111	Prof Serv-Interpreter		17,738	17,959	38,000	32,000
1 4024112	Prof Serv-Investigators		6,983	14,095	20,000	20,000
1 4024130	Prof Serv-Public Defenders	211,580				
1 4024147	Contract Defend-Basic		322,000	251,000	248,000	247,200
1 4024148	Contract Defend-Special Case		42,840	58,458	35,000	35,000
1 4024149	Contract Defend-Excess Case		15,290	1,700	1	1
1 4024150	Contract Defend-Sent Violati	3,300	9,600	12,000	12,000	14,400
1 4024156	Panel Attorney		11,657	41,953	1	1
1 4024157	Panel Attorney-Homicide			36,959	1	1
1 4024158	Panel Attorney-Sent Violatio		120		1	1
1 4024191	Prof Serv-Purchasing Serv				664	713
1 4024192	Prof Serv-Info Services				28,452	35,695
1 4024201	Communication-Telephone		3,467	3,303	4,000	3,500

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General Fund							
Justice Services							
Assigned Counsel							
Adult Felony							
Other Services - Charges							
1 4024202	Communication-Postage	1,466	2,576	2,000	2,750		
1 4024301	Travel	16,829	18,146	18,000	18,000		
1 4024401	Advertising	703	298	650	500		
1 4024501	Operating Rentals & Leases	51,449	48,968	50,388	50,388		
1 4024590	Rent-Facil Maint			1,305	1,319		
1 4024601	Insurance	125		250	250		
1 4024690	Insurance-Interfund			4,887	3,103		
1 4024801	Repairs & Maintenance	16	372	1,000	1,000		
1 4024901	Miscellaneous	11,412	14,775	20,000	20,500		
Obj 004	Other Services - Charges	215,575	519,824	531,496	494,100	496,822	
Fnc 402	Adult Felony	215,575	1,348,243	1,415,867	1,402,672	1,467,999	
Adult Misdemeanor							
Salaries							
1 4031001	Salaries & Benefits	173,652	227,297	239,598	247,435		
1 4031002	Salaries-Overtime	1,211	1,044				
Obj 001	Salaries			174,863	228,341	239,598	247,435
Personnel Benefits							
1 4032002	Benefits-Direct	39,520	58,144	61,931	70,606		
1 4032004	Benefits-Bank Accruals			218			
Obj 002	Personnel Benefits			39,520	58,362	61,931	70,606
Other Services - Charges							
1 4034108	Prof Ser-Court Reporters	49	73				
1 4034111	Prof Ser-Interpreters	8,470	8,340				
1 4034112	Prof Ser-Investigatiors		424				
1 4034147	Contract Defend-Basic	210,540	211,200	225,000	162,000		
1 4034148	Contract Defend-Special Case	5,640	2,400	6,000	6,000		
1 4034149	Contract Defend-Excess Case		1,320	1	1		
1 4034156	Panel Attorney	5,280	1,852	1	1		
1 4034160	Panel Attorney-Appeal		639	4,640	4,254		
1 4034191	Prof Serv-Purchasing			296	317		
1 4034192	Prof Serv-Tech Services			12,658	15,881		
1 4034401	Advertising		332				
1 4034501	Operating Rental & Leases	16,871	22,041	19,525	19,526		
1 4034590	Rent-Facilities Maint			581	587		
1 4034690	Insurance-Interfund			2,174	1,381		
Obj 004	Other Services - Charges			246,849	248,622	270,876	209,948
Fnc 403	Adult Misdemeanor			461,232	535,325	572,405	527,989

**2007 Final Budget  
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		2004 Actual	2005 Actual	2006 Current	2006 Budget	2007 Budget
General Fund						
Justice Services						
Assigned Counsel						
Juvenile Offender						
Salaries						
1 4041001	Salaries & Benefits			129,397	115,372	127,913
1 4041002	Salaries-Overtime			440	212	
Obj 001	Salaries			129,837	115,584	127,913
Personnel Benefits						
1 4042002	Benefits-Direct			27,211	26,457	29,114
Obj 002	Personnel Benefits			27,211	26,457	29,114
Supplies						
1 4043501	Small Tools & Minor Equipment			467		
Obj 003	Supplies			467		
Other Services - Charges						
1 4044108	Prof Ser-Court Reporters			153	498	
1 4044111	Prof Ser-Interpreters			150	40	
1 4044112	Prof Ser-Investigations			172	356	
1 4044147	Contract Defend-Basic			108,000	108,000	108,000
1 4044148	Contract Defend-Special Case			2,320	3,140	5,000
1 4044156	Panel Attorney			10,262	11,818	1
1 4044157	Panel Attorney-Homicide				870	1
1 4044158	Panel Attorney-Sent Violatio					1
1 4044191	Prof Serv-Purchasing					127
1 4044192	Prof Serv-Tech Services					136
1 4044201	Communications-Telephone					5,423
1 4044501	Operating Rental & Leases			1,371	1,604	4,000
1 4044590	Rent-Facilities Maint					3,595
1 4044690	Insurance-Interfund					4,797
						931
						591
Obj 004	Other Services - Charges			122,428	126,329	127,079
						171,331
Fnc 404	Juvenile Offender			279,943	268,370	284,106
						331,887
Juv Depend/Term Parent Rights						
Salaries						
1 4051001	Salaries & Benefits			36,078	144,629	151,488
1 4051002	Salaries-Overtime			251	262	
Obj 001	Salaries			36,330	144,891	151,488
						156,339
Personnel Benefits						
1 4052002	Benefits-Direct			7,532	36,687	39,288
						44,807
Obj 002	Personnel Benefits			7,532	36,687	39,288
						44,807

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		2004 Actual	2005 Actual	2006 Current	2006 Budget	2007 Budget
General Fund						
Justice Services						
Assigned Counsel						
Juv Depend/Term Parent Rights						
Supplies						
1 4053101	Office & Operating Supplies			23		
				-----		
Obj 003	Supplies			23		
				-----		
Other Services - Charges						
1 4054101	Professional Services			600	5,000	2,500
1 4054108	Prof Ser-Court Reporters		406	121	2,500	1,500
1 4054111	Prof Ser-Interpreters		820		1,000	1,000
1 4054112	Prof Ser-Investigations				5,000	2,000
1 4054147	Contract Defend-Basic		119,650	24,000	36,000	24,000
1 4054149	Contract Defend-Excess Case		12,663			
1 4054156	Panel Attorney		12,660	17,519	25,000	60,000
1 4054191	Prof Serv-Purchasing				189	203
1 4054192	Prof Serv-Tech Services				8,106	10,169
1 4054202	Communications-Postage				1,000	
1 4054301	Travel					1,000
1 4054501	Operating Rental & Leases			39		
1 4054590	Rent-Facilities Maint				5,373	7,170
1 4054690	Insurance-Interfund				1,393	884
				-----		
Obj 004	Other Services - Charges			146,199	42,279	90,561
				-----		
Fnc 405	Juv Depend/Term Parent Rights			190,061	223,879	281,337
						311,572
Truancy At-Risk-Youth						
Salaries						
1 4061001	Salaries & Benefits			60,877	44,809	56,374
1 4061002	Salaries-Overtime			236	166	
				-----		
Obj 001	Salaries			61,113	44,975	56,374
				-----		
Personnel Benefits						
1 4062002	Benefits-Direct			14,483	11,132	13,071
				-----		
Obj 002	Personnel Benefits			14,483	11,132	13,071
				-----		
Other Services - Charges						
1 4064108	Prof Ser-Court Reporters			126		
1 4064147	Contract Defend-Basic		17,900	41,613	40,000	45,000
1 4064149	Contract Defend-Excess Case		1,672	10,750		
1 4064156	Panel Attorney		2,752	1,378	5,000	2,500
1 4064191	Prof Serv-Purchasing				61	65
1 4064192	Prof Serv-Tech Services				2,613	3,278
1 4064301	Travel		272	232	360	360
1 4064401	Advertising		87			
1 4064590	Rent-Facilities Maint				1,732	2,311

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General Fund						
Justice Services						
Assigned Counsel						
Truancy At-Risk-Youth						
Other Services - Charges						
1 4064690	Insurance-Interfund				449	285
Obj 004	Other Services - Charges		22,809	53,972	50,215	53,799
Fnc 406	Truancy At-Risk-Youth		98,405	110,079	119,660	120,396
Civil Com Mental Health						
Salaries						
1 4071001	Salaries & Benefits		55,370	48,059	48,606	50,257
1 4071002	Salaries-Overtime		163	93		
Obj 001	Salaries		55,533	48,152	48,606	50,257
Personnel Benefits						
1 4072002	Benefits-Direct		12,384	11,180	11,670	13,430
Obj 002	Personnel Benefits		12,384	11,180	11,670	13,430
Other Services - Charges						
1 4074108	Prof Ser-Court Reporters			60		
1 4074111	Prof Ser-Interpreters		440	260		
1 4074156	Panel Attorney		2,358	769	2,500	2,500
1 4074191	Prof Serv-Purchasing				57	61
1 4074192	Prof Serv-Tech Services				2,439	3,060
1 4074501	Operating Rental & Leases		3,876	4,404	3,761	3,762
1 4074590	Rent-Facilities Maint				112	113
1 4074690	Insurance-Interfund				419	266
Obj 004	Other Services - Charges		6,674	5,493	9,288	9,762
Fnc 407	Civil Com Mental Health		74,592	64,824	69,564	73,449
Extraordinary Criminal Case						
Salaries						
1 4091001	Salaries & Benefits		1,713	5,472		
Obj 001	Salaries		1,713	5,472		
Personnel Benefits						
1 4092002	Benefits-Direct		309	960		
Obj 002	Personnel Benefits		309	960		
Other Services - Charges						
1 4094111	Prof Ser-Interpreters		166			
1 4094156	Panel Attorney				1	1

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**2007 Final Budget**  
**Expenditures**  
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	2004 Actual	2005 Actual	2006 Current	2006 Budget	2007 Budget
General Fund					
Justice Services					
Assigned Counsel					
Extraordinary Criminal Case					
Other Services - Charges					
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Obj 004      Other Services - Charges		166		1	1
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Fnc 409      Extraordinary Criminal Case		2,188	6,433	1	1
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Sub 400      Assigned Counsel	2,697,984	2,556,941	2,732,553	2,750,216	2,851,848