



King County

Public Defense Advisory Board Meeting

**Thursday, Feb. 3, 2022
9:30am – 12:00pm**

VIRTUAL MEETING ONLY

1. Welcome

Attending virtually: Chris Carney (chair), Shoshana Kehoe (vice chair), Safia Ahmed, Adam Chromy, Nyema Clark, Lou Frantz, John Strait, Judge Ron Whitener (ret)

Not present: Shrounda Selivanoff, Judge Michael Trickey (ret), Angélica Cházaro

2. Approval of Minutes from Meeting on Dec. 2, 2021

Lou moves, John seconds. Minutes approved.

3. Remarks from SEIU Representatives (Molly Gilbert)

Molly notes that contracts are still not approved – working towards completing them.. Resignations continue; the union wants to figure out why this is – it could simply be a mirror of national trends.

Primarily, SEIU has been focused on the jails, where there's been a serious COVID outbreak. Conditions are inhumane to our clients. The union put forth some ideas to the county council at a briefing on Tuesday – booking/filing restrictions – and would like to work with everyone on the advisory board to continue to press for ways to address this situation..

4. Remarks from Teamsters Representatives (Rachael Schultz)

Rachael said that the Teamsters also spoke at the council briefing on Tuesday. DAJD is constantly saying they have staffing problems. The Teamsters are looking for more information about this. As for hiring at DPD, our pool is small. The Teamsters know that other county departments have gotten funding to hire a dedicated recruiter. It would be great if DPD could do so, as well.

5. Department of Public Defense Director's Report

Filings, caseloads, and other stats (Gordon and Stev)

- Superior Court Criminal Filings: We now have a full year of numbers for 2021. Overall, 2021 has been steady compared to past years. We heard so much about the backlog and expected a flood of filings. That flood, thankfully, has not come.

- Assignment rates, however, have been increasing steadily. Despite the lower rate of filings, our attorneys are feeling a fair amount of pressure from increased assignments. These assignments come in the form of post-sentence reviews (Blake, Monschke, etc.); probation reviews; cases where a private attorney withdraws, etc.
- Difference between Seattle and Kent: We see higher numbers of felony filings in Kent; in Seattle, relatively more constant.
- Open felony cases: We had a large increase in the early days of the pandemic; we had a nice push at closing cases earlier in 2021 and the number of open cases fell. However, we're now again seeing an increase month over month in open cases, though not to the level in 2020. The open cases are driven mostly by Class B felonies, not Class A.

Gordon adds that DPD has appreciated the opportunity to work with SEIU and the Teamsters around the issues in the jail. Coordinated letters went out. Gordon said it was great to have a relationship with labor that allowed DPD and the unions to work on these issues of common concern.

Anita notes that DPD has long sought enhanced booking restrictions. DPD has approached both the jail and the executive directly. It seems clear they're comfortable with the status quo. Chris asks Anita to let the board know if there's anything they can do to help advance this issue.

Proposal to expand the right to counsel to adults (Anita)

DPD successfully got a youth right to counsel ordinance passed by the city and county and then the state. This new ordinance would extend this right to adults, since many adults also don't understand that you can say no to law enforcement when asked for a search. This is particularly true for the BIPOC community, which has experienced a history of violence with law enforcement. This policy would require those stopped for a search to use our existing call-in service before consenting. DPD has met with various councilmembers and the interim sheriff to discuss this proposal. It should be ready to present to council in the next two to three months.

Amicus work (Katie and La Rond)

La Rond notes that DPD has a robust amicus practice area. She and Katie highlight the following ones:

- *State v. Smith*: DPD submitted a brief seeking the State Supreme Court's review on a case challenging the constitutionality of our state's youth sex offender registration law. This brief was noteworthy because DPD worked on it with two national researchers on this issue – Elizabeth Letourneau and Michael Caldwell. DPD's brief talks about the extreme harm youth experience from registration; how it does not influence recidivism, and how it disproportionately impacts BIPOC youth and homelessness.
- *State v. Meredith*: DPD wrote a brief in support of a constitutional challenge to the state statute that authorizes fare enforcement on public transportation. These are warrantless searches that disproportionately target low-income and people of color.

- *State v. Sum*: DPD wrote a brief in support of a case challenging the “objective reasonable person” standard for what constitutes a constitutional seizure because it is based on the behavior of the majority group, not the “totality of the circumstances” BIPOC individuals face.

6. Chair’s report (Chris)

Annual report: The board hopes to complete it in the next 60 days. The first wave of interviews – focused on judges and managing attorneys and the PAO – is mostly done. We’d like to interview community partners. We have some names – Chris would like to have more. Chris asks if the board should interview someone from DAJD. Board members say yes – both DAJD and the jail guild.

Chris will work with Christina to get additional interviews scheduled and will ask for help from other board members. And then the board will begin drafting. Chris says the board will also start doing some deep thinking about our reports and the impact our reports could have – how could we improve the efficacy of the report?

7. Executive session

No executive session.

8. Adjourn

The meeting adjourns at 11:15 a.m.