



CO00004277

SNOHOMISH COUNTY COUNCIL  
SNOHOMISH COUNTY, WASHINGTON

AMENDED ORDINANCE NO. 00-072

CREATING THE OFFICE OF PUBLIC DEFENSE; ADDING A NEW CHAPTER 2.09 TO  
TITLE 2 OF THE SNOHOMISH COUNTY CODE

BE IT ORDAINED:

New Section. Section 1. The following new chapter is added to Title 2 of the Snohomish County Code:

Chapter 2.09

**Office of Public Defense**

Sections:

- 2.09.010 Creation and Purpose
- 2.09.020 Definitions
- 2.09.030 Authority and Functions
- 2.09.040 Indigent Criminal Defense
- 2.09.050 Determinations of Indigency
- 2.09.060 Pre-Trial Release
- 2.09.070 Attorney Administrator
- 2.09.080 Standards for Public Defense Services
- 2.09.700 Sunset

2.09.010 Creation and Purpose. There is hereby created as an executive department of Snohomish county government an office of public defense. The office shall be responsible for administration of an assigned counsel program to provide indigent criminal defense services in those criminal cases in which a jail sentence is a potential sanction. The office shall also be responsible for administration of a system for providing the court with information pertaining to the setting of bail and release of offenders pending trial.

2.09.020 Definitions. The following definitions shall apply to terms used in this chapter:

- (1) "Office" means the Snohomish county office of public defense.
- (2) "Attorney administrator" means the attorney administrator of the Snohomish county office of public defense.
- (3) "Indigent" has the same meaning as that term is defined in Chapter 10.101 RCW as now or hereafter amended.
- (4) "Exempt personnel system" means the conditions of employment under the provisions of chapter 3.68 SCC and amendments thereto.
- (5) "Pre-trial release" means the setting of bail and/or other conditions of release from custody pending hearing or trial.

2.09.030 Authority and Functions. The office shall have the authority to administer the county's indigent criminal defense program, including contracts for legal services with outside counsel. Upon designation by the court, the office shall also have authority to make determinations of indigency and provide pre-trial release information in a form requested by the court.

2.09.040 Indigent Criminal Defense. The office shall administer the county's indigent defense program. In those cases in which a criminal defendant in a Snohomish County court is indigent and has a right to counsel, the office shall provide counsel for the defense. The office shall administer all contracts with private attorneys for the provision of indigent defense services in the district and superior courts, and shall make assignments of counsel who have signed contracts with the office on the basis of experience and qualifications.

2.09.050 Determination of Indigency. Upon designation by the court, the office shall make determinations of indigency for all persons wishing the appointment of counsel in cases in which the right to counsel attaches. The office shall make determinations of indigency in accordance with policies and procedures approved by the district or superior court, as applicable, and in accordance with the provisions of Ch.10.101 RCW as now or hereafter amended.

2.09.060 Pre-Trial Release. The office shall also have authority, upon request by the court, to verify to the court personal information provided by or on behalf of in-custody criminal defendants as a basis for pre-trial release. The office shall not guarantee the accuracy of any pre-trial release information provided but shall act in conformity with the approved policies and procedures of the applicable court in obtaining verification acceptable to the court.

2.09.070 Attorney Administrator. The attorney administrator shall be appointed by the executive upon consultation with the presiding judges of the district and superior courts. The attorney administrator shall serve at the pleasure of the executive and shall be subject to the county exempt personnel system.

The attorney administrator must be a member in good standing of the Washington State Bar Association. The attorney administrator must perform all attorney functions authorized by this chapter in accordance with the Rules of Professional Responsibility pertaining to attorneys licensed to practice law in the state of Washington, and in accordance with all applicable court rules.

The attorney administrator of the office shall have administrative responsibility for the office services provided herein. The attorney administrator shall not participate in individual determinations of indigency or pre-trial release but shall have oversight responsibility for the setting of policies and procedures applicable to determinations of indigency and pre-trial release, which policies and procedures shall be approved by the applicable courts.

The attorney administrator shall also have the authority to represent individual indigent criminal defendants and to appear as attorney for indigent criminal defendants at first appearance/ bail calendars, arraignments, expedited felony hearings, initial civil commitments proceedings, and fugitive hearings. In the event of a legal conflict, the attorney administrator shall have the authority to appoint separate counsel.

2.09.080 Standards for Public Defense. As standards for public defense services, Snohomish County adopts by reference the standards applied to private attorneys defending paying clients and the Standards for Public Defense Services adopted in 1989 by the Washington Defender Association and approved by the Washington State Bar Association as the standards for public defense services in Snohomish County, as required by RCW 10.101.030.

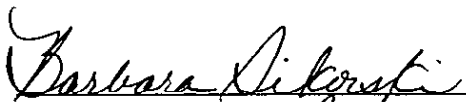
Section 2. This ordinance shall take effect on January 1, 2001.

NEW SECTION Section 3. A new section is added to chapter 2.09 as follows:

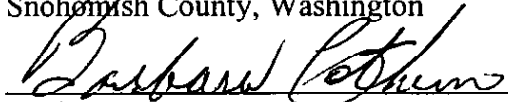
2.09.700 Sunset. This chapter is repealed on December 31, 2002 unless reenacted prior to that date.

PASSED this 13th day of November, 2000.

ATTEST:

  
Clerk of the Council, *Asst.*

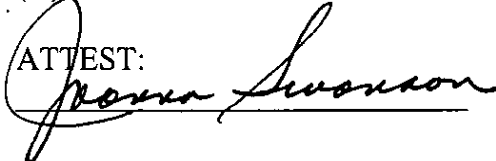
SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington

  
Chairperson

- APPROVED  
 EMERGENCY  
 VETOED

DATE: 11-16-00

ATTEST:

  
Deputy Prosecuting Attorney

  
County Executive

Approved as to form only:

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Deputy Prosecuting Attorney