

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington



CO00000587

Ordinance No. 02- 058

RELATING TO THE OFFICE OF PUBLIC DEFENSE;
REENACTING CHAPTER 2.09 SNOHOMISH COUNTY CODE

WHEREAS, the Office of Public Defense was established through the enactment of Chapter 2.09 Snohomish County Code by Ordinance 00-072 on November 13, 2000; and

WHEREAS, Ordinance 00-072, as adopted by the Snohomish County Council, contained a sunset clause; and

WHEREAS, said sunset clause repeals Chapter 2.09 SCC unless it is reenacted by December 31, 2002; and

WHEREAS, the Office of Public Defense, in meeting its mandated responsibilities, has contained attorney costs for daily jail calendars as well as developed many innovative and cost-saving programs such as Fast Track for defendants wishing to plead guilty at arraignment and Summons Plus to remind defendants of court dates; and

WHEREAS, the Snohomish County Executive recommends that Chapter 2.09 SCC be reenacted;

NOW, THEREFORE, BE IT ORDAINED:

Section 1. Snohomish County Code section 2.09.010 adopted by Ordinance 00-072 on November 13, 2000, is reenacted to read:

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.

Section 2. Snohomish County Code section 2.09.020 adopted by Ordinance 00-072 on November 13, 2000, is reenacted to read:

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.

Section 3. Snohomish County Code section 2.09.030 adopted by Ordinance 00-072 on November 13, 2000, is reenacted to read:

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.

Section 4. Snohomish County Code section 2.09.040 adopted by Ordinance 00-072 on November 13, 2000, is reenacted to read:

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.

Section 5. Snohomish County Code section 2.09.050 adopted by Ordinance 00-072 on November 13, 2000, is reenacted to read:

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.

Section 6. Snohomish County Code section 2.09.060 adopted by Ordinance 00-072 on November 13, 2000, is reenacted to read:

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.

Section 7. Snohomish County Code section 2.09.070 adopted by Ordinance 00-072 on November 13, 2000, is reenacted to read:

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.

Section 8. Snohomish County Code section 2.09.080 adopted by Ordinance 00-072 on November 13, 2000, is reenacted to read:

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 9. Snohomish County Code section 2.09.700 adopted by Ordinance 00-072 on November 13, 2000, is repealed:

PASSED this 20th day of November, 2002.

ATTEST:

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

Sheila McCallister
Asst. Clerk of the Council

Gary Nelson
Chairperson

- APPROVED
- EMERGENCY
- VETOED

DATE: 12/3/02

ATTEST:

Cynthia A. Ringstad
Executive Admin Assistant

Will Paul
County Executive

Approved as to form only:

Greg V. Sells 8/12/02
Deputy Prosecuting Attorney