



Increased Funding for Trial Court Public Defense

The state’s financial contribution to the constitutional right for effective and adequate legal representation can only be described as wholly inadequate. Despite the legislature’s continued recognition of the state’s obligation that “effective legal representation must be provided for indigent persons...consistent with the constitutional requirements of fairness, equal protection, and due process,” our state has failed to make progress toward funding this obligation. *See RCW 10.101.005.*

It is important for the legislature to understand that the absence of state revenue, for such an obvious state mandate delegated to counties, leaves counties with no other option than to cut from other public health and safety services provided to our shared communities. Please support adequate state funding for public defense.

“Given the existing low level of state funding and the increased costs identified to date, the State should increase the funding levels to cities and counties for public defense.”

– House Judiciary Workgroup on Misdemeanor Public Defense Costs in Washington State, 2014

31

The number of states that provide over 50% of funding for public defense

4%

Washington State’s contribution of the total amount spent for trial court public defense

\$50M

Increase in counties’ costs for providing public defense services from 2006-2015 (56%)

Counties desperately need the state to back up its stated commitment for the constitutional right to effective legal representation with real money. Counties cannot continue to fund trial court public defense alone. In order to continue effective access to justice, the legislature must fund the full cost of trial court public defense – **an additional \$272 million in the next biennium.**

Current Funding Structure:

- **Washington counties pay 96%** of the cost of trial court public defense (\$136M /year)
- The **state pays less than 5%** (\$6M /year)
- This is **an unbalanced approach to funding our justice system**
- Washington State is the **6th lowest contributor nationally** to public defense

Growing Requirements of Counties:

- The legislature and the Supreme Court **have required counties to adopt new caseload standards for public defenders**
- Counties have worked hard to take incremental steps to reach staffing levels consistent with the new standards, but **costs have skyrocketed**
- Nationally there are **23 states that fully fund** public defense and another 8 states that fund more than 50%