

# **Increased Funding for Trial Court Public Defense**

# **Justice by Geography**

The constitution ensures a defendant's right to counsel in misdemeanor and felony prosecutions. The state's financial contribution to the constitutional right for effective 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 crucial 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 state funding for trial court 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

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

Washington State's

costs for providing trial court public defense

## **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 \$310 million in the next biennium.

## **Current Funding Structure:**

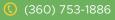
- Washington counties pay over 96% of the cost of trial court public defense (\$156M /year)
- The state pays less than 4% (\$6M /year)
- This is an unbalanced approach to funding our justice system
- Washington State is the one of the lowest contributors nationally to public defense

## **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%

Juliana Roe, Policy Director









#	State	Percentage of State Funding for ALL Public Defense	
1	Alaska		100
2	Arkansas		100
3	Colorado		100
4	Connecticut		100
5	Delaware		100
6	Florida		100
7	Hawaii		100
8	lowa		100
9	Maine		100
10	Maryland		100
11	Massachusetts		100
12	Minnesota		100
13	Missouri		100
14	Montana		100
15	New Hampshire		100
16	New Jersey		100
17	New Mexico		100
18	North Carolina		100
19	North Dakota		100
20	Oregon		100
21	Rhode Island		100
22	Vermont		100
23	Virginia		100
24	West Virginia		100
25	Wisconsin		100
26	Kentucky		95
27	Tennessee		89
28	Wyoming		85
29	Kansas		74
30	Oklahoma		68
31	Alabama		54
32	South Carolina		50
33	Ohio		40
34	Georgia		37
35	Louisiana		33
36	Mississippi		29
37	Indiana		24
38	Illinois		20
39	New York		20
40	Washington		20
41	Texas		13
42	Idaho		11
43	California		10
44	Michigan		8
45	Nebraska		5
46	Nevada		1
47	Arizona		0
48	Pennsylvania		0
49	South Dakota		0
50	Utah		0