



Justice By Geography

THE CHALLENGE

Washington's reliance on counties to fully fund trial court public defense services alone is failing. To continue effective access to justice, the state must fund the full cost of public defense.

The Constitution ensures a defendant's right to counsel in misdemeanor and felony prosecutions. The State's financial contribution to this 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 services.**

THE FIX

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 services alone. In order to ensure equitable and effective representation for the most vulnerable residents of our state, **the Legislature must partner with Counties to fully fund the cost of indigent defense services.**

HB 1592/SB 5404 implements a new model that equitably shares the costs of trial court public defense between counties and the state and ensures that we meet our constitutional obligation to provide effective legal representation for those who cannot afford private counsel.





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PUBLIC DEFENSE CONTINUED

Current Funding Structure

Washington
counties pay over
96%
of the cost of
trial court public
defense services
(\$164M /year)

The state pays
less than
4% (\$6M)
per year



This unbalanced
approach to funding
makes Washington
State one of the
lowest contributors in
the nation to public
defense.

Growing Requirements of Counties



1. The legislature and the
Supreme Court have
required counties to adopt
new caseload standards for
public defenders



2. Counties have worked hard
to take incremental steps
to reach staffing levels
consistent with the new
standards, but costs have
skyrocketed, doubling since
2012

3. Nationally there are 23 states that fully
fund public defense and another 9 states
that fund more than 50%

4. New caseload standards adopted by
the Supreme Court will increase costs
2-3 times current expenditures

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