



TO: T.C. Broadnax, City Manager
FROM: Elizabeth A. Pauli, City Attorney, City Attorney's Office *ebp*
COPY: City Council and City Clerk
SUBJECT: Resolution - Adopting Indigent Defense Services for the City of Tacoma – December 9, 2014
DATE: November 4, 2014

SUMMARY:

Adopting City of Tacoma Indigent Defense Standards for the provision of criminal legal services for indigent persons.

STRATEGIC POLICY PRIORITY:

- Strengthen and support public safety, human services, public education, and diverse higher learning opportunities in Tacoma.

BACKGROUND:

State law requires that all cities operating a court adopt standards for the delivery of public defense services. Since 1981, the City has contracted with the Pierce County Department of Assigned Counsel (“DAC”) to provide services for defendants appearing in Tacoma Municipal Court. On April 8, 2008, pursuant to Resolution No. 37444, the City adopted the Indigent Defense Standards used by DAC in order to provide consistency between the City and County regarding the requirements. In 2012, the Washington State Supreme Court adopted new standards for indigent defense. These new standards limit the number of cases public defenders handle each year and address guidelines for administrative costs, limitations on private practice, qualifications of attorneys, appellate representation, and the use of legal interns. While some of these standards have been implemented, the standards will take full effect on January 1, 2015. In response to the new state standards, the City Attorney’s office, through a consultant, undertook a detailed review of existing standards and practices. Working with DAC, the consultant recommended and implemented certain changes to ensure compliance with the new standards. The final recommendation was for the City to adopt its own standards that reflect the state standards.

ISSUE:

The City of Tacoma is required by state law to adopt standards for the delivery of public defense services. The standards were last updated in 2008; it is necessary to adopt new standards to ensure compliance with state law.

ALTERNATIVES:

The City could retain the current shared standards; however, they are outdated.

RECOMMENDATION:

Staff recommends that the City Council adopt the new City of Tacoma Indigent Defense Services to ensure compliance with state law.

FISCAL IMPACT:

There is no fiscal impact.