



2020 LEGISLATIVE SESSION

# 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 services.**

**“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

**4%**  
Washington State’s contribution of the total amount spent for trial court public defense services

Trial court public defense services suffer from the effects of justice by geography just as education did prior to McCleary. Having varying degrees of funding and resources for these services is inequitable.

**\$54M**  
Increase in counties’ costs for providing trial court public defense services from 2008-2017 (50%)

**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 continue effective access to justice, the Legislature must fund the full cost of trial court public defense services – **an additional \$320 million in the next biennium.**

### Current Funding Structure:

- Washington counties pay over 96% of the cost of trial court public defense services (\$160M /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:

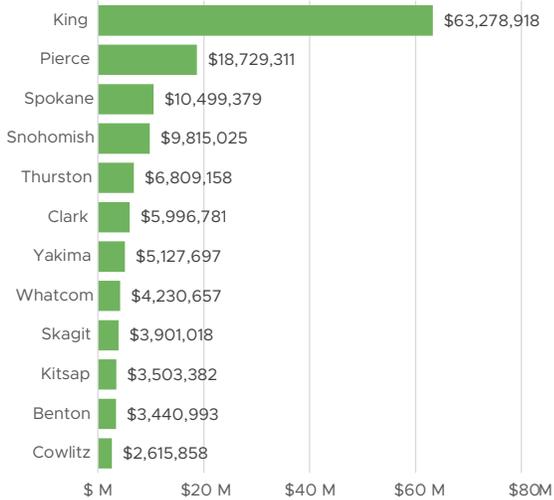
- The legislature and the Supreme Court have required counties to adopt new caseload standards for public defenders
- Counties have worked hard to take incremental steps to reach staffing levels consistent with the new standards, but costs have skyrocketed
- Nationally there are 23 states that fully fund public defense and another 9 states that fund more than 50%

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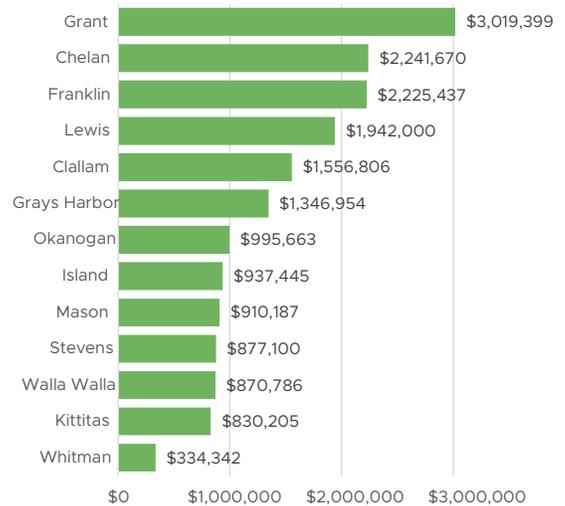


# County Public Defense Spending (2018)

## Public Defense Spending County Pop. > 100,000



## Public Defense Spending County Pop. 40,000 to 100,000



## Public Defense Spending County Pop. < 40,000

